

Spencer Warren
Heaton Planning
9a The Square
Keyworth
Nottingham
NG12 5 JT

Postal Address: Planning, Policy & Development Control
Staffordshire County Council
2 Staffordshire Place, Tipping Street, Stafford ST16 2DH
Telephone: (01785) 277297

Email: planning@staffordshire.gov.uk
Web site: www.staffordshire.gov.uk/planning
Please ask for: Mike Grundy

SENT BY EMAIL

Our Ref: [SCO.85/501 MW](#)

6 July 2020

Dear Mr Warren,

SCO.85/501 MW: Request for EIA Scoping Opinion in connection with proposals for a northern extension to Newbold Quarry.

[The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017: Regulation 15 - Scoping Opinion](#)

I refer to your email received on 8 May 2020 sent on behalf of Aggregate Industries UK Ltd in connection with the above proposals and the request for a “scoping opinion” in accordance with the above regulations.

When asked, the County Council is required in accordance with Regulation 15, to give an opinion in writing about the scope and content of an Environmental Statement (ES) to accompany the planning application. Therefore, in accordance with the powers contained in the ‘Scheme of Delegation to Officers’, this letter and the accompanying report represents Staffordshire County Council’s “scoping opinion”.

I trust this information will be of assistance to you.

Yours sincerely

Mike Grundy

Planning, Policy and Development Control Manager.

Please note that a copy of this letter and the document referred to herein should be retained and will be published on the internet via the County Council’s on-line Applications Register.





Staffordshire County Council's EIA Scoping Opinion report in connection with proposals for a northern extension to Newbold Quarry

Date: July 2020

the knot unites



Contents

Background.....	1
Summary of Proposals	1
Observations	3
Introduction	3
Operational details	3
Planning Policy Context	4
Potential Environmental Effects	4
Landscape and Visual Effects	4
Ecology and nature conservation effects.....	5
Effects of transport and access	8
Noise and vibration effects	9
Air quality and dust effects	10
Effects on archaeology and cultural heritage.....	10
Impact on water environment	11
Effects on public rights of way	12
Effects on soil resources and land use	13
Other Matters.....	13
Mineral Development Statement.....	13
Utilities	13
Environmental Permitting Regulations (EPR)	13
Section 106 Legal Agreement.....	14
National Air Traffic Safeguarding (NATS)	14
Additional topics.....	14
Carbon Management and Climate Change.....	14
Potential benefits to local environmental initiatives and priorities.....	14
Alternatives and Need.....	14
Cumulative Impacts.....	14
Conclusions	15
A Non-Technical Summary	15
Design and Access Statement (DAS)	15
Concluding remarks.....	16
Appendix 1 The relevant development plan policies and proposals, and the other material planning considerations:	17

Background

Newbold Quarry has operated for in excess of 50 years. In August 2014 planning permission was granted for a 160 hectare extension to Newbold (and Tucklesholme) Quarries (ref. [ES.12/03/501 MW](#)). The planning permission allowed the extraction of 13.5 million tonnes of sand and gravel up to 31 December 2029. The land should be progressively restored no later than 31 December 2031 involving backfilling with solid inert waste (and pulverised fuel ash). The land should then be fit for agriculture, woodland and wetland for nature conservation, recreation and amenity uses. The statutory 5-year aftercare period was extended to 15 years by a Section 106 Legal Agreement.

The land subject to the proposed northern extension lies within an area allocated for sand and gravel working in the Staffordshire and Stoke on Trent Minerals Local Plan (see 'Policy Context' and Appendix 1 below).

Summary of Proposals

This scoping opinion has been prepared in response to the scoping report prepared by Heaton Planning on behalf of Aggregate Industries UK Ltd.

This scoping opinion relates to proposals for a northern extension to Newbold Quarry.

The proposals involve the following elements:

- 26 hectares of agricultural land to the north east of Newbold Quarry
- The phased extraction of 2.7 million tonnes of sand and gravel
- Working contiguously with the existing site at a rate of 0.3 to 0.4 million tonnes per annum
- An operational life of up to 9 years
- The retention and use of the existing processing plant
- Internal transport of the mineral to the processing plant by conveyor
- Temporary storage of minerals
- Retention and use of the existing quarry access
- Restoration of the land predominantly to a lake (detailed design options are still being developed but could involve the importation and deposit of inert waste).

The submitted scoping report indicates that the potential effects on the environment that could result from the proposed development are:

- Landscape and visual effects;
- Ecology and nature conservation effects;
- Effects of transport and access;
- Noise and vibration effects;
- Air quality and dust effects;
- Effects on archaeology and cultural heritage;
- Impact on water environment;
- Effects on public rights of way; and
- Effects on soil resources and land use.

Other considerations to be addressed include:

- Socio-economics

- Need / Supply
- Alternatives
- Cumulative Impacts
- Community Engagement

The following internal and external consultees were contacted in order to seek their views on the scope of the ES (a tick (√) indicates where a response has been received).

Internal consultees:

- Environmental Advice Team √
- Flood Risk Management Team √
- Highways Development Control √
- Noise Engineer √
- Planning Regulation Team √
- Strategic Property

External Consultees:

- East Staffordshire Borough Council (Planning)
- East Staffordshire Borough Council (Leisure)
- East Staffordshire Borough Council (Environmental Health)
- Branston Parish Council
- Dunstall Parish Council
- Tatenhill Parish Council
- Environment Agency √
- Highways England √
- Historic England √
- Natural England √
- Forestry Commission
- National Air Transport Service (NATS) √
- National Forest
- Sport England √
- Canal and River Trust √
- Central Rivers Authority c/o Staffordshire Wildlife Trust √ (no comments)
- Ramblers Association
- Cadent Energy and National Grid √
- ESP Utilities Group Plant √
- Fulcrum Pipelines √
- Western Power Distribution √

Neighbours:

- Branston Water Park c/o East Staffordshire Borough Council (Leisure)
- Burton Rugby Club √
- Cameron Homes
- John Taylor Free School
- Nurton Developments
- Taylor Wimpey Homes √ (c/o agents - Barton Willmore)

Observations

Staffordshire County Council welcomes this opportunity to comment on the scope of the Environmental Statement (ES). Each topic should include an assessment of the baseline conditions, predicted direct and indirect impacts, mitigation measures (where necessary), residual impacts and conclusions in accordance with the guidance in [Schedule 4 to the 2017 EIA Regulations](#) and in [Planning Practice Guidance – Preparing an Environmental Statement](#). The relevant topics will include those mentioned in Planning Practice Guidance - [Assessing environmental impacts from mineral extraction](#)

To begin I wish to draw your attention to comments from Barton Willmore on behalf of Taylor Wimpey. They have questioned the category under which the EIA is required. You suggest it is [Schedule 1](#) Part 19 to the 2017 EIA Regulations as the quarry exceeds 25 hectares. Whereas they contend that it should be Schedule 1 Part 24 as it is a change to an EIA development listed in Schedule 1. They also contend that this distinction is important to ensure that the combined effects of traffic and other environmental activities of the quarrying activity as a whole are considered, not just assessment of effects resulting from the extension on the existing baseline. I believe their interpretation to be correct. The EIA should also update and extend the EIA carried out in connection with the extension permission granted in 2014 (ref. [ES.12/03/501 MW](#)).

The following comments are made regarding the proposed topics and content of the ES and incorporate a brief summary of the consultee comments where relevant. *

[* Note: The consultee and neighbour comments, where relevant, have been published on-line to accompany this Scoping Opinion report and should be taken into account when preparing the Environmental Statement. Where relevant we will notify you of any additional comments received and publish them on-line. The additional comments should also be taken into account when preparing the planning application and Environmental Statement.]

Introduction

You are advised to incorporate an introduction section to the ES which should provide an overview of the submission and ES. It should outline the submission package and its structure and introduce the site and its surroundings, the applicant, the proposed development and rationale. The ES should include a description of the site and its surroundings and details of the planning history of the site. This section should also include a section which describes the various elements of the proposed development including the extent and duration of the operations and the restoration works. This section should also explain where copies of the ES can be obtained and the cost of copies which may be purchased as this is a requirement of the 2017 EIA regulations (Regulations 23 and 24) *.

[* Note the Government has introduced [temporary publicity arrangements due to Covid-19](#)]

Operational details

A section relating to operations should describe the development proposals. A clear description of the existing and proposed operations is required, including the operating hours, working practices, and the measures to protect the environment and amenity of local residents and nearby users of land / property.

It is recommended that a consolidating planning application is submitted and as such the accompanying plans should include details of the progress of the existing operations as well

as the proposed operations (including mineral extraction areas and phasing, the access to the highway, the conveyor(s), any plant and equipment, areas used for the disposal of mineral processing wastes and the areas restored and in aftercare, the areas undergoing restoration and the areas still to be restored (see 'Concluding remarks' about our pre-application advice service).

Planning Policy Context

A specific section (or a separate Planning Statement) should describe the planning history (i.e. the current planning permissions and other current proposals) together with an explanation of how the proposals have been developed having regard to the relevant planning policies and government guidance which will be used to determine the planning application. Particular regard should be given to the policies and guidance listed in [Appendix 1](#).

Potential Environmental Effects

Landscape and Visual Effects

Natural England (NE) provided generic advice about the scope of the EIA, including advice on landscape character.

More detailed comments from NE included:

- The mapping of local landscape character areas at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area.
- The full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#) and reference to the Landscape Character Assessment (LCA) based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013.
- The use of the [Guidelines for Landscape and Visual Impact Assessment](#) (3rd edition), produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013.
- The importance of assessing the cumulative effect of the development with other relevant existing or proposed developments in the area.
- Consideration of [National Character Areas](#) which can be found on their website and Local Landscape Character Assessment which is also available on the same web page.
- Heritage landscapes and whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list is available at www.hmrc.gov.uk/heritage/lbsearch.htm.

Historic England (HE) noted that a zone of theoretical visibility has been submitted. However, they request that further clarification is provided as to how this has been derived as the topography of the surrounding area is such that the proposals could affect the

significance of heritage assets and their settings, some considerable distance away from the site.

The **County Council's Environmental Advice Team (EAT)** commented that the proposed Landscape and Visual Impact Assessment (LVIA) is appropriate.

More detailed comments from the EAT included:

- The use of the same Guidelines for Landscape and Visual Assessment, Third Edition, 2013 mentioned by Natural England above.
- 'Transforming the Trent Valley' (TTTV) which is administered and managed through the Staffordshire Wildlife Trust and follows on from the Central Rivers Initiative.
- The Zone of Theoretical Visibility drawing and should make particular reference in the LVIA to:
 - VP 26,27 Sinai Park.
 - VP 18,25 the permissive routes through Bass Millennium Wood
 - VP 10-12 the National Forest Way
 - VP 07,31, 04-06 the views from the new homes facing the extension on the Lawns Farm development.
- The importance of carrying out a tree survey at an early stage to inform the design process.
- The detailed landscape mitigation measures which should be fully integrated with opportunities for ecological enhancement and restoration to compensate for losses of mature vegetation and hedgerows

The Canal and River Trust commented that the Landscape and Visual Impact Assessment (LVIA) appears appropriate and a number of locations along the canal are identified as visual receptor points to be used in identifying the extent of any visual impacts on the character and setting of the canal corridor.

Taylor Wimpey (c/o Barton Willmore) commented that the northern boundary treatment with Burton Rugby Club will need to be assessed.

Ecology and nature conservation effects

Natural England (NE) provided generic advice about the scope of the EIA, including advice on ecology.

More detailed comments from NE included:

- The potential for the proposal to affect features of nature conservation interest and the opportunities for habitat creation/enhancement (ref. the Guidelines for Ecological Impact Assessment (EclA) developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website; the National Planning Policy Framework ([section 15](#) paragraphs 174 to 177))
- The potential for the proposal to affect designated sites (ref. Conservation of Habitats and Species Regulations 2017 (as amended); the National Planning Policy

Framework ([section 15](#) paragraph 176); and, the Conservation of Habitats and Species Regulations 2017 (as amended) (Regulation 63)).

- The potential for the proposal to affect protected species (ref. Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System; and their [standing advice](#) for protected species which includes links to guidance on surveys and mitigation.
- The potential for the proposal to affect habitats and species of principal importance (ref. 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006; the Biodiversity Action Plan (BAP) species and habitats (see <http://www.sbap.org.uk/>). Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:
 - Any historical data for the site affected by the proposal (e.g. from previous surveys);
 - Additional surveys carried out as part of this proposal;
 - The habitats and species present;
 - The status of these habitats and species (e.g. whether priority species or habitat);
 - The direct and indirect effects of the development upon those habitats and species;
 - Full details of any mitigation or compensation that might be required.
 - Local records - Staffordshire Wildlife Trust, info@staffs-ecology.org.uk, local geo-conservation group or other recording society and the Staffordshire landscape characterisation document <https://www.staffordshire.gov.uk/environment/Environment-and-countryside/NaturalEnvironmentLandscape.aspx>

The **County Council's Environmental Advice Team (EAT)** commented overall that the consideration of the ecology and nature conservation effects and the impact on water environment in the EIA is welcomed.

More detailed comments from the EAT included:

- The use of the latest guidelines “produced by IEEM ‘Guidelines for Ecological Impact Assessment’. IEEM became Chartered (CIEEM) which were updated in 2019
- Tree and hedgerow surveys and protection, including surveys of veteran trees which can provide habitats in their own right
- The effects on nationally and internationally designated sites to assist the Mineral Planning Authority to screen the development in accordance with the requirements of the Habitats Regulations Assessment
- The protected species surveys are acceptable, offered advice about great crested newts if found and the inclusion of bat surveys of any trees that will be removed and

advised that where any veteran tree, wetland or water-based habitats will be affected, further surveys of invertebrates may be needed.

- Net gain to biodiversity and the use of a biodiversity metric such as the DEFRA metric.
- The use local green hay or harvested seed when sowing the species-rich grassland.

The Environment Agency (EA) also commented on the potential effects on ecology.

Specifically, the EA comments included:

- The list of species to be assessed may need to include the Brown Trout and the European Eel.
- The habitat considerations:
 - mature trees lost to the development should be reused within the existing area to provide dead wood habitat and hedgerows should be translocated wherever possible to preserve some of the ground flora, invertebrate and soil ecology as well as the hedgerow
 - overall net gain in trees and hedgerows from the proposed development.
 - There should be an overall net gain in scrub & ruderal habitat from the proposed development.
- Tatenhill Brook - see EA comments below. Opportunities to enhance the brook may mean it is possible to extract gravel closer than the standard 10m standoff.
- Biodiversity net gain – the EA consider that the current proposal to allow the quarry to fill with water to become an open water habitat is unlikely to meet the required biodiversity net gain requirements. Furthermore, as there are already significant open water habitats nearby, the EA envisage that other habitats would provide better biodiversity gains and a more varied habitats range on the landscape scale.
- The EIA should consider the implications of dewatering in the new quarry on the biodiversity of nearby open water habitats.

The Canal and River Trust commented that the mechanisms for achieving biodiversity net gain should include consideration of measures to help enhance the role the canal corridor plays as a wildlife habitat.

Taylor Wimpey (c/o Barton Willmore) commented on the connectivity of the Tatenhill Brook to the River Mease SAC/SSSI mentioned in the scoping report and the potential need to coordinate a Habitats Regulation Assessment with the EIA. The need for further assessments/ surveys work to be carried out (at an appropriate time of the year) was also noted as the information would be required prior to determination of the planning application.

Effects of transport and access

Highways England (HE) provided general and specific areas of concern that would need to be considered as part of an Environmental Statement due to the proximity to the A38 Trunk Road which is part of the Strategic Road Network (SRN) in England

HE general and specific comments included:

- The document mentioned in paragraph 4.4.3 of the scoping report - '[Guidance on Transport Assessment](#)' (Department for Transport, 2007) was withdrawn in 2014, but still provides a good practice guide to preparing a Transport Assessment (TA).
- There is also MHCLG guidance on preparing a Transport Assessment (TA) (reference: National Planning Policy Framework ([Section 9](#)), [Planning Practice Guidance \(Transport evidence bases in plan making and decision taking, Travel Plans, Transport Assessments and Statements\)](#)).
- The scope of the Traffic Impact Assessment proposed in the scoping report (the slip road and three roundabouts on the local highway network leading to the A38 north and southbound slip roads) is appropriate. However, should the demands here be significant, it may be necessary to widen the scope to include additional junctions. This will need to be informed through the investigation of traffic generation and distribution exercise.
- Trip generation for the proposed development will be forecasted using current and proposed number of HGVs arriving at the site, leaving the site, staff numbers and shift or operational hours. This method is considered suitable, due to the latest version of the TRICS Database (7.7.1) having now moved 'Quarry' into the Archive Land Use Category due to no recent surveys being undertaken.
- To avoid any abortive work, HE recommends that the TA is agreed in a staged approach, with the overall methodology and elements such as assessment years, trip generation and distribution being agreed prior to further assessment work being carried out.

The **County Council's Highways Development Control Team** commented that they are content that the Traffic Impact Assessment as described in the scoping report should be prepared in accordance with best practice and guidance.

Taylor Wimpey (c/o Barton Willmore) commented that the EIA will need to assess the effects of the development as a whole, not just the proposed extension, in combination with identified cumulative schemes. Barton Willmore also comment that it is unclear whether traffic count data exists for roads affected by the proposed development. If it does not, then the impact of COVID-19 would influence the results of new data collection.

The effects of traffic and disruption due to the construction of HS2, and any proposals to increase output from the quarry or other quarries in the area to supply material for HS2 should also be considered.

Noise and vibration effects

The **County Council's Noise Engineer** commented that the method of assessing noise described in the scoping report meets the requirements for assessing the potential noise and vibration impacts required by the National Planning Policy Framework ([section 15](#)) and Planning Practice Guidance ([Noise](#)).

More detailed comments from the Noise Engineer included:

- The assessment will need to:
 - Identify noise sensitive receptors;
 - Undertake monitoring to establish noise baseline;
 - Determine appropriate noise criteria/limits;
 - Predict noise levels at noise sensitive receptors;
 - Assess the predicted noise levels against noise criteria/limits;
 - Identify any mitigation requirements.
- There is a commitment to provide mitigation where appropriate to reduce the impact to within acceptable levels at the noise sensitive receptors.
- Other than the canal, specific noise sensitive receptors have not been identified. The noise sensitive receptors should include the nearest receptors at Tatenhill and Branston, the John Taylor Free School and the new residential development to the north of Branston Road.
- All monitoring locations should be agreed in advance with the County Council's Environmental Noise Engineer and East Staffordshire Borough Council's Environmental Protection Officer.

Highways England commented that the potential effects of traffic noise generated by the development should also be considered.

The Canal and River Trust commented that they note that the effects of noise on canal users has been addressed. However, the potential risk of harmful effects on the canal structure from vibration should also be considered.

Taylor Wimpey (c/o Barton Willmore) commented that as with the traffic data, noise data collected in the current circumstances with the effects of Covid-19 would invalidate the surveys. The noise receptors should also include the future residents of The Coopers residential development to the north of Branston Road. The proposals should confirm the operating hours and if they are to change then the effects should be assessed. The assessment scenarios should include as a minimum:

- Baseline 2020/21
- Operational phase 2025
- Operational phase 2025? with cumulative development
- Completion 2032?

If there are any changes to the current operating hours e.g. to supply HS2 or as a consequence of the construction of HS2 then they should also be considered.

Air quality and dust effects

East Staffordshire Borough Council's Environmental Health Officer has not responded to the consultation. It is therefore advised that you contact the Borough Council direct to discuss and agree the dust and air quality assessment and the modelling of the potential impact on air quality of emissions arising from the proposed operations and traffic associated with the existing and proposed development.

Highways England commented that the potential effects of traffic generated by the development on air quality should also be considered.

The Canal and River Trust commented that the canal and canal users should be included in the list of potential receptors.

Taylor Wimpey (c/o Barton Willmore) commented that as with the noise and vibration scope, the sensitive receptors were not identified.

Effects on archaeology and cultural heritage

Historic England (HE) commented that the proposal could impact on the settings of a number of designated heritage assets around the site, as well as physically impacting the historic environment within the site itself. As before the assessment should consider the effects of the development as a whole as well as other cumulative schemes.

More detailed comments from HE included:

- The identification and description of the significance of any heritage assets affected, including the contribution made by their setting, with a level of detail proportionate to the assets' importance and sufficient to understand the impact of the proposal on their significance (ref. the National Planning Policy Framework ([section 16](#))).
- The assessment of heritage assets should use appropriate expertise and the relevant standards, guidance and advice, including:
 - [Advice Note 13: Mineral Extraction and Archaeology](#);
 - [Advice Note 12: Statements of Heritage Significance](#); and,
 - [Good Practice in Planning: 3: The Setting of Heritage Assets Historic Environment \(Second Edition\)](#).
- The study area should be sufficiently extensive and the analysis sufficiently detailed to enable a full understanding of all direct, indirect and cumulative effects of the proposals (working and restoration) including the effects on Tatenhill, Barton under Needwood and Trent and Mersey Canal conservation areas, and the numerous listed buildings and structures they encompass. Also, including the Sinai Park moated site and the Barrow Cemetery south-west of Tucklesholme Farm scheduled monuments. (see HE comments on the landscape assessment - zone of theoretical visibility earlier).
- The direct and indirect effects of hydrological changes should be considered (ref. the HE guidance on [Preserving Archaeological Remains](#) and guidance on [Deposit Modelling and Archaeology, and Geoarchaeology](#)).

- Palaeolithic material, which can be of national significance, may be present in Pleistocene sediments or within the mineral body itself. Desk-based assessment for archaeology should take account of sources appropriate for providing baseline information on the Palaeolithic (ref. HEs new guidance 'Curating the Palaeolithic' (forthcoming) and [Advice Note 13 Mineral Extraction and Archaeology](#)).
- The assessment should also consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest. HE recommends that the local Conservation Officer and Staffordshire County Council's Archaeologist be involved in the development of this assessment, including any requirements for on-site archaeological works (see below).

The **County Council Environmental Advice Team (EAT)** welcomes the proposed scope of the assessment described in the scoping report.

More detailed comments from EAT included:

- The need for a Historic Environment Desk-based Assessment produced in line with the relevant Chartered Institute for Archaeologists' standards and guidance.
- Consideration of heritage assets including Tatenhill Conservation Area.
- The use of Historic England's latest guidance on the assessment of the setting of heritage assets (GPA3 Setting and Views).
- Consideration of the historic landscape.

Impact on water environment

The **Environment Agency (EA)** welcomed the opportunity to comment on the scope of the EIA and has no objections in principle.

More detailed comments from the EA included:

- Flood Risk:
 - All drawings, including the Restoration Plan, should show Tatenhill Brook.
 - Prior to formal submission of the Restoration Plan consideration should be given to the potential improvements to Tatenhill Brook such as re-meandering/lengthening of its course and opportunities to incorporate flood storage with the management of out of bank flows during extreme flood events from the watercourse.
 - A stand-off of at least 10 metres should be provided from Tatenhill Brook (see EA comments on ecology earlier)
 - The permanent retention of a continuous unobstructed area along watercourses.
 - A review of any local flood schemes and an assessment of the effects they may have on the proposal and vice versa e.g. The Burton Flood Risk Management Scheme which is currently upgrading existing flood defences in Burton upon Trent.
 - An appropriate method of management of de-watering during periods of flood risk.
 - An appropriate method of flood warning and evacuation during periods of flood risk.

- A site-specific Flood Risk Assessment including: evidence of the sequential test being applied; existing and proposed topographical plans; and, the use of the latest climate change allowances for this type of development (ref. [the EAs updated guidance on climate change](#) - February 2016)
- Vulnerable parts of the site should be located where the risk of flooding is lowest

The Canal and River Trust commented that as the Trent & Mersey Canal is designated as a conservation area it should be considered and measures identified where necessary to avoid or mitigate any potentially harmful effects.

- Groundwater and Contaminated land:

Detailed comments from the EA included:

- The proposal to restore the extension area to open water would avoid the need to source suitable inert backfill.
- The Scoping Report is very short on the actual environmental protection measures.
- The need to obtain appropriate permits for water abstraction and discharge from them.
- Two recent off-site dewatering impacts from the quarry are being mitigated, however there will be a need to carefully consider the risk of further derogation of other nearby surface waters and/or existing protected abstraction rights (see EA comments on ecology – the potential dewatering impacts on biodiversity of nearby open water habitats earlier).
- The recent installation of a comprehensive surface and groundwater monitoring system, with daily readings may need to be expanded as part of the planning permission.
- A hydrological risk assessment should be carried out incorporating a monitoring scheme, mitigation options and contingency measures, as well as confirmation of the restoration proposals and any waste / material re-use implications to restore the extension. The assessment should also consider the potential pollution mitigation measures (e.g. in relation to the storage of fuel and re-fuelling operations) to demonstrate that there is no possibility of contaminated water entering and polluting surface or groundwater as a result of the works or operations on the site.

The **County Council's Flood Risk Management Team** commented that the scoping report has identified the matters that they would wish to see addressed.

Burton Rugby Club specifically asked that any flood risk implications for them should be addressed.

The Canal and River Trust commented that the proposed Hydrogeological Risk Assessment should consider whether the canal is at risk as there is the potential for some hydraulic connectivity with the canal, such as via surface water drains.

[Effects on public rights of way](#)

The **County Council's Environmental Advice Team (EAT)** confirmed that the proposal would affect public rights of way.

More detailed comments from the EAT included:

- The applicant should be made aware of the timescales and legislative requirements for reorganising public rights of way (ref. [Public Rights of Way - Legal information overview](#)).
- Users of the path network should still be able to exercise their public rights safely and paths should be reinstated if any damage to the surface occurs as a result of the proposed development.
- The footpath must be kept in a state of repair such that it can always be used safely.
- Heavy vehicular use can cause rights of way to become unsuitable for use and in some instances dangerous. The County Council is only responsible for the surface of the footpath network for pedestrians not vehicles.

Taylor Wimpey (c/o Barton Willmore) commented that no mention has been made of potential risks to health with regard to accidents/disasters of the proposed retention of the bridleway under the conveyor.

Effects on soil resources and land use

Taylor Wimpey (c/o Barton Willmore) commented that no methodology or assessment information is provided, and best practice advice is that a loss of 20 hectares or more of Best and Most Versatile Agricultural Land would be a significant effect.

Other Matters

Mineral Development Statement

In accordance with the validation requirements described in our [‘A to Z Guide to Planning Applications’](#) all mineral applications should be accompanied by a Mineral Development Statement (MDS) (see ‘M’ for ‘Mineral Development Statement’). In this case however most if not all of the matters normally addressed in a MDS may be addressed in the ES. If that is not the case, then a MDS should accompany the planning application.

Utilities

Cadent Energy and National Grid, ESP Utilities Group Ltd and Fulcrum Pipelines Limited were unable to comment specifically due to the size of the consultation area. You are therefore advised to contact them direct for information about the presence of their utilities in the vicinity of the proposed development.

Western Power Distribution (WPD) Electricity / WPD Surf Telecom did provide information about their apparatus located in the vicinity of the proposal. Contact WPD via their [Western Power Distribution website](#) for more details and to discuss the proposed development.

Environmental Permitting Regulations (EPR)

The EA has advised that the applicant should contact them to discuss permitting matters which would include the need for an Environmental Permit to regulate the use of a conveyor

across Tatenhill Brook (ref. <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>).

Section 106 Legal Agreement

The Section 106 Legal Agreement dated 15 August 2014 includes planning obligations related to: vehicle routing; extended aftercare; the periodic review of the restoration plan; and, the establishment and terms of reference for the quarry liaison committee. It is likely that a replacement for the current S106 would be necessary.

National Air Traffic Safeguarding (NATS)

NATS has confirmed that from a technical safeguarding point of view the proposal does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, the comments are based on the current proposal and do not reflect the position of an airport, airspace user or otherwise. The views of the Civil Aviation Authority should therefore be sought (ref. bird strike hazard for the Marchington Airfield and the Tatenhill / Needwood Forest Airfield).

Additional topics

Carbon Management and Climate Change

The implications of Carbon Management and Climate Change should be considered either as individual topics, jointly, or as part of the appraisal of the other topics. The ES should therefore address energy consumption and carbon emissions from the existing and proposed operations and any potential to mitigate the impacts of climate change e.g. measures to reduce carbon emissions through transportation.

Potential benefits to local environmental initiatives and priorities

The ES should consider any potential benefits of the proposal to local environmental initiatives and priorities, particularly given the location in the open countryside, near to Burton Rugby Club, the John Taylor Free School, the housing development to the north of Branston Road, the Branston Water Park, Marley Fishing Lake, the Trent and Mersey Canal and within the National Forest and the Transforming the Trent Valley area.

Alternatives and Need

Explain alternative options considered in developing the proposals and the main reasons for the choices made.

Cumulative Impacts

The potential cumulative impacts with any existing or approved development should be considered in accordance with [Paragraph 024](#) of the Planning Practice Guidance and Policy 4.1 (p) of the [Staffordshire and Stoke on Trent Minerals Local Plan](#).

Natural England commented specifically that:

- Full consideration of the implications of the whole scheme should be included in the ES.
- All supporting infrastructure should be included within the assessment.

- The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):
 - a) existing completed projects [projects will include the John Taylor Free School and the Burton Rugby Club];
 - b) approved but uncompleted projects [projects will include the housing development to the north of Branston Road];
 - c) ongoing activities [activities including the existing residential development, the Branston Water Park, Marley Fishing Lake, the Trent and Mersey Canal, and the National Forest and the Transforming the Trent Valley initiatives];
 - d) plans or projects for which an application has been made and which are under consideration by the consenting authorities [check the East Staffordshire Borough Council Planning Register]; and
 - e) plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects [for example HS2. Also proposals in the East Staffordshire Borough Council Local Plan and emerging proposals subject to the plan review timetable].

Sport England commented that the proposal, including the restoration plan, should have regard to the full extent of the Burton Rugby Club site (East Staffordshire Borough Council planning permission (ref. P/2017/00826)) in terms of land take, noise, dust and air quality.

Burton Rugby Club concurred with the views of Sport England and added that any flood risk implications should be addressed.

Taylor Wimpey (c/o Barton Willmore) commented that the combined effects of traffic and other environmental activities of the quarrying activity as a whole should be considered, not just an assessment of the effects resulting from the extension on the existing baseline (see comments above on ecology, traffic, noise and vibration and air quality).

Conclusions

The conclusions for each topic should summarise and grade the significance of the impacts and provide an assessment of the proposed mitigation in order to assess the overall net costs or benefits of the proposals.

A Non-Technical Summary

The EIA regulations require the ES to be accompanied by a non-technical summary which will enable non-experts to understand its findings.

Design and Access Statement (DAS)

It is not necessary to provide a DAS to accompany a planning application for mineral or waste development. Notwithstanding, the design of the working, restoration, aftercare and afteruse will be important considerations given the location in the open countryside, near to Burton Rugby Club, the John Taylor Free School, the housing development to the north of

Branston Road, the Branston Water Park, Marley Fishing Lake, the Trent and Mersey Canal and within the National Forest and the Transforming the Trent Valley area.

Concluding remarks

This is an EIA development as it falls under Schedule 1 Part 24 to the 2017 EIA Regulations and is a change to an EIA development listed in Schedule 1.

In accordance with the 2017 EIA Regulations ([Regulation 18](#)) the Environmental Statement must be based on the most recent scoping opinion and be prepared by competent experts.

The key topics/environmental issues to be assessed as part of the EIA must therefore include those mentioned in your scoping report and mentioned here, including the additional topics. The topics largely reflect those referred to in Planning Practice Guidance - [Assessing environmental impacts from mineral extraction](#).

The EIA should also update and extend the EIA carried out in connection with the extension permission granted in 2014 (ref. [ES.12/03/501 MW](#)).

The latest government guidance should be followed when preparing the Environmental Statement. This can be found on the Government website, in particular the guidance in [Schedule 4 to the 2017 EIA Regulations](#) and in [Planning Practice Guidance – Preparing an Environmental Statement](#). The Government has also introduced [temporary publicity arrangements due to Covid-19](#).

Having regard to the validation requirements in our [‘A to Z Guide to Planning Applications’](#) you are also advised to consider the following, either as part of the ES or as separate supporting statements:

1. Economic Statement
2. Statement of Community Involvement
3. Planning Statement
4. Minerals Development Statement
5. Waste Development Statement
6. Planning obligations
7. Sustainability Statement.

Finally, I wish to remind you that we offer a [pre-application advice service](#) and our [‘A to Z Guide to Planning Applications’](#) contains a wider range of information related to the topics referred to above. The Guide also includes advice on submitting a valid application (for example ‘E’ for ‘Electronic Applications’, ‘M’ for Mineral Development Statement, ‘P’ for Plans, Photographs and Drawings and ‘V’ for Validation).

Appendix 1 The relevant development plan policies and proposals, and the other material planning considerations:

[Staffordshire and Stoke on Trent Minerals Local Plan](#) (2015 - 2030) (adopted 16 February 2017). A [partial review of the Minerals Local Plan for Staffordshire](#), completed in February 2019, to check conformity with the revised National Planning Policy Framework concluded that the policies in the Minerals Local Plan continue to conform with the revised NPPF and therefore continue to carry weight in the determination of planning applications for mineral development.

- Policy 1 Provision of Sand and Gravel
Extensions to sand and gravel sites
 - Policy 1.1 (d) - Newbold (Inset Map 4) *
- Policy 4: Minimising the impact of mineral development
- Policy 6: Restoration of Mineral Sites

* See [Appendices to the Minerals Local Plan](#) - Inset Map 4 - Newbold North East, Tatenhill and the accompanying development considerations.

[Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (2010 – 2026) (adopted 22 March 2013). A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there was no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

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

- Principle 1 - Presumption in Favour of Sustainable Development;
- Strategic Policy 1 - Approach to Sustainable Development;
- Strategic Policy 23 - Green Infrastructure;
- Strategic Policy 24 - High Quality Design;
- Detailed Policy 7 - Pollution and Contamination.

[Tatenhill and Rangemore Neighbourhood Plan](#) (Update October 2019)

[Branston Neighbourhood Plan](#) (Update March 2020)

[Planning for Landscape Change](#). Staffordshire County Council Supplementary planning guidance.

[National Planning Policy Framework](#) (updated February 2019):

- Section 1: Introduction
- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change;
- Section 15: Conserving and enhancing the natural environment;
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals.

[Planning Practice Guidance](#)

- [Conserving and enhancing the historic environment](#)
- [Design](#)
- [Environmental Impact Assessment](#)
- [Flood risk and coastal change](#)
- [Light pollution](#)
- [Minerals](#)
- [Natural environment](#)
- [Noise](#)
- [Open space, sports and recreation facilities, public rights of way and local green space](#)
- [Planning obligations](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Tree Preservation Orders and trees in conservation areas](#)
- [Use of planning conditions](#)
- [Waste](#)
- [Water supply, wastewater and water quality](#)

[Return to Policy Context section of the report.](#)