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L.20/03/867 M
Land South Of The A513
Orgreave
Alrewas
Burton Upon Trent
Staffordshire

Drawing Details:

Scale 1:5,500
Date: 18/08/2020

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
False Easting: 400,000.0000
False Northing: -100,000.0000
Central Meridian: -2.0000
Scale Factor: 0.9996
Latitude Of Origin: 49.0000
Units: Meter



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24 August 2020

Agenda Item C

Contact Officer: Vanessa Morgan

Telephone: 01543 308151

Report of the Head of Economic Growth and Development

Staffordshire County Council Consultation (L.20/03/867 M)

Our ref: 20/00722/SCC

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

Land South Of the A513, Orgreave, Alrewas, Burton Upon Trent, Staffordshire

1. Purpose of Report

- 1.1 To seek members comments regarding an application L.20/03/867 M submitted to Staffordshire County Council as the determining body and noting an extension of the consultation period until the 31st August 2020 to receive further comments.
- 1.2 The application documents can be viewed on the County Council's website here;
<https://apps2.staffordshire.gov.uk/scc/cpland/Details.aspx?applicationID=137688>

2. Site

- 2.1 The application relates to land to the south of the A513 (Kings Bromley Road), west of Alrewas Hayes and north of the Trent and Mersey Canal, within Alrewas Parish. The southern boundary of the site is Pyford Brook, this is also the boundary with Fradley and Streethay Parish. The site is currently agricultural fields with boundary hedgerows and trees. The hamlets of Orgreave and Overley are less than 1km to the north, Alrewas 1km to the east, Fradley 1.2km to the south and Kings Bromley 1.8km to the west.

3. Determination, consultation & notification process

- 3.1 Staffordshire County Council is the determining authority for this application in accordance with Paragraph 1 of Schedule 1 of the 1990 Act which states that "*county matter*" means in relation to any application, order or notice –
 - (a) the winning and working of minerals in, on or under land (whether by surface or underground working) or the erection of any building, plant or machinery
 - (i) which it is proposed to use in connection with the winning and working of minerals or with their treatment or disposal in or on land adjoining the site of the working;
 - And
 - (f) the erection of any building, plant or machinery which it is proposed to use for the coating of roadstone or the production of concrete or of concrete products or artificial aggregates, where the building, plant or machinery is to be erected in or on land which forms part of or adjoins a site used or proposed to be used
 - (i) for the winning and working of minerals.

- 3.2 Lichfield District Council are consulted on this application under the County Council's statutory requirements. The District Council received a consultation notification for the above application on the 1st June 2020, the consultation period was for 30 days. Notification was sent to the Councillors of Alrewas and Fradley Ward on 5th June (**Appendix A**). Officers did not however receive a request for this application to be discussed at the District Council's Planning Committee.
- 3.3 Subsequently, Council's officers reviewed the application and sent a response to the consultation on the 30th June within the stated deadline. The comments submitted are attached at **Appendix B**. Staffordshire County Council subsequently requested detailed comments from Lichfield District Council's Conservation Officer. As such further comments were submitted on the 7th July, these are attached at **Appendix C**.
- 3.4 Staffordshire County Council has extended the consultation period on this application until the 31st August 2020 to receive further comments.

4. Planning Policy

Minerals Local Plan

- 4.1 The site is located within the 'mineral consultation area' for sand and gravel drift on Lichfield District Council's mapping system. The Staffordshire County Council's 'Minerals Local Plan for Staffordshire 2015 to 2030' is the key planning policy document for this application. The site is within an allocated area of search within the Minerals Local Plan, 'Sand & Gravel Area of Search West of A38'.
- 4.2 Policy 1 of the Minerals Local Plan states that;
"1.4 Proposals for new sites within the area of search to the west of the A38 shown on the Policies and Proposals Map will only be supported where it has been demonstrated that permitted reserves or allocated extensions to existing sites listed above cannot meet the required level of provision stated in paragraph 1.1.
- 1.5 Any proposals to develop new sites within the area of search to the west of the A38 will only be supported where it has been demonstrated that they accord with the Plan policies, including Policy 4 and address the development considerations listed in appendix 1."*
- 4.3 Policy 4 of the Minerals Local Plan states the environmental considerations that must be taken into account when determining proposals for mineral development. Appendix 1 of the Minerals Local Plan sets out the development considerations for the area of search west of the A38. Staffordshire County Council as the determining authority will determine the application against the Minerals Local Plan.

Local development plan

- 4.4 The local development plan comprises the Lichfield District Local Plan Strategy, Local Plan Allocations and the Alrewas Neighbourhood Plan.
- 4.5 The Lichfield District Local Plan Strategy states in Core Policy 3 (Delivering Sustainable Development) and Core Policy 13 (Natural Resources) that development should avoid sterilisation of mineral resources. The local development plan contains policies with regards to design, residential amenity, highway safety, ecology, arboriculture, and heritage. Staffordshire County Council will have regard to the local development plan when determining the application.

5. Recommendation

- 5.1 That the Committee review the comments already submitted by the District Council and determine whether members wish to endorse this or provide a revised response. Any revised response should be based on material planning considerations.

Appendix A

SCC ref	L.20/03/867M
SCC Officer	Matthew Griffith
SCC Email	Planningplanning@staffordshire.gov.uk
Our ref	20/00722/SCC
LDC Officer	Vanessa Morgan
LDC Email	vanessa.morgan@lichfielddc.gov.uk



District Council House, Frog Lane Lichfield,
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Letter emailed to Councillors within Alrewas And Fradley ward.

LDC Direct Line: 01543 308151
Customer Services: 01543 3080174

5 June 2020

Dear Councillors,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SCC CONSULTATION - SCC
REF: L.20/03/867M
AT: Proposed Site, Kings Bromley Road, Alrewas, Burton Upon Trent**

We are in receipt of the attached notification from Staffordshire County Council in respect of an application that has been submitted to them for consideration and determination. The County Council will be carrying out the necessary consultation with the Parish Council and other parties and will notify local residents regarding the application also.

This email is to highlight the fact that we have received this consultation, so you are aware of the application, as Ward Councillor. The application details may be viewed on the County Council's web-site <https://apps2.staffordshire.gov.uk/scc/cpland/Search.aspx> using the SCC reference above and any queries or representations regarding this should be made to the relevant Officer at the County; as per the details given.

If you wish that this County Council application be reported to the Lichfield Planning Committee for observations, I would be grateful if you could advise me of this fact immediately, with your reasons for this. You will appreciate that there are tight timescales for responding to such consultations from the County (21- days), hence why I need to be made aware of your request to report to Planning Committee as early as possible.

Yours faithfully,

Claire Billings
Development Control Manager
Tel: 01543 308171
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Appendix B

Comments submitted to SCC on 30/6/20:

In response to your recent consultation with Lichfield District Council with regards to application L.20/03/867 M we raise concerns in respect of the proposals. We request that these concerns are fully assessed as part of your determination of the application.

Whilst there are no objections in principle, as the proposals appear to generally comply with Staffordshire County Council's Minerals Local Plan for Staffordshire (2015-2030) in that it is within a designated area for sand and gravel search. Whilst there are benefits to the proposal with regards to the local provision of materials for HS2 and the creation of new jobs. We ask that SCC be satisfied that permitted reserves or allocated extensions to existing sites cannot meet the required level of provision.

However, we have concerns with regards to the impact the proposals will have upon local residents and traffic, due to potential increased HGV movement on local roads and general disturbance caused by the concrete works. Also, we have concerns about the impact of the development upon trees/hedgerows, biodiversity, local watercourses and existing gas pipelines. SCC should be satisfied that the proposal complies with Policy 4 of the Minerals Local Plan in these regards.

Further to the above the following comments are provided by specialists within Lichfield DC:

Lichfield District Council's Ecology Officer states that;

"Based on the sites location, the habitats apparently there present or adjacent and due to the high amount of protect/priority species records with 2km (as shown by SER) it is recommended that a Full Ecological Assessment (extended phase 1 habitat survey) for the site is secured. It is recommended that the assessment identifies and describes potential development impacts likely to harm designated sites, priority species or other listed biodiversity features (including direct and indirect effects during construction and operation). Where protected or priority species are to be impacted the mitigation hierarchy must be adhered to.

It is recommended that a net gain to biodiversity is secured. This could be demonstrated via a quantitative assessment such as a Biodiversity Unit Metric or Biodiversity Impact Calculator."

Lichfield District Council's Arboricultural Officer states that;

"In large part there is no objection to the proposals. There are however a small number of details on which clarification is sought or suggestions for amendments are made.

The first query is with regard to the line of trees along an existing track identified within the tree survey as G2/G13 etc. Concern has been raised that if the existing track was used as a temporary access by construction vehicles during the creation of the site that these trees may be damaged. Therefore it is suggested that this track is closed to construction traffic and a condition of the consent is that all access/egress to the site is via the designated new access and haul road.

Secondly, it is appreciated that protective fencing is proposed for the trees retained within and adjacent to the proposed workings. The specification for a post and wire fence is unlikely to be substantial enough to provide reasonable protection to the protected zones unless site management is particularly focused. A revised and more robust specification is likely to be required unless assurances can be given regarding the management of the site or supported by examples from other CEMEX sites.

The restoration scheme appears adequate and should result in a net gain of tree planting to the area and the recruitment of additional hedgerow standards if carried out correctly. Although the

Dewatering Assessment and Drainage Assessments have been examined they do not appear to take into account the potential effect of dewatering the site on the vegetation within or adjacent to the site. At present it is not possible to make an assessment of the likely impacts of the local lowering of the water table might be on the retained trees other than to say that such lowering is likely to be harmful. It is recommended that some further work in assessing this potential impact will be required and, if impacts are proven, relevant proposals for mitigation measures will be necessary."

I trust that the above comments and concerns of the Council will be taken into account in the determination of the planning application.

Appendix C

Additional Conservation Officer comments submitted to SCC on 7/7/20:

As requested the Council's Conservation Officer has reviewed the application and provided the following comments;

Having reviewed the submission I consider that the application has failed to adequately assess and address the impact of the proposals on the nearby designated heritage assets. The supporting information has not followed the guidance contained in the Historic England Good Practise in Planning Note 3: The Setting of Heritage Assets.

I have looked at Chapter 11 of the ES and I am unsure where they have measured the application site from as I measure the designated heritage assets as being much closer to the red line of the site than they state. The extent of the study area is also unclear as in para 11.2.1 of the ES states it that the study area is a 500m radius centred on the application site, but then it states in para 11.4.2 that there is a Scheduled Monument (not as they call it a Scheduled Ancient Monument) within the study area which is 780m to the south-east of the application site. There is no mention of Alrewas Hayes Farm which is approx. 770m from the application site and so should fall within their study area. I have measured the Trent and Mersey Canal Conservation Area as being around 205m away from the application site and their closest points and Fradley Junction Conservation Area as being around 450m away. This is considerably closer than the 450m and 780m respectively as stated in paragraph 11.4.3 of the ES. While this may not affect the eventual conclusions, it leads to concerns that the impacts have not been adequately assessed and that the impacts may have been under-represented in the documents.

The ES states dismisses the impact on two listed buildings with the statement that 'it is not visible from the extraction area or plant site' which entirely misses the point of setting which is not purely derived from inter-visibility. Setting is how a heritage asset is experienced and an assessment of setting should include an assessment of the impact of noise and odour among other factors outlined in the guidance.

It is appreciated that there are medium-term impacts during the working life of the quarry and that these will be temporary but they still need to be assessed, as do the permanent impact of the restoration proposals as these will alter the landscape that currently surrounds and provides the setting to these designated heritage assets.