Staffordshire County Council's Statement

Day 2:

MINIMISING THE IMPACT OF MINERAL DEVELOPMENT

Issue: Whether the plan strikes the appropriate balance between the protection of the environment whilst providing for maintaining a steady supply of minerals
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1. Considering that minerals can only be worked where they are found and that geological deposits are limited, should the Plan be more explicit in how cumulative impact should be assessed?

1.1 In accordance with the NPPF\(^1\), cumulative impacts are listed under Policy 4 as one of the considerations to be taken into account when assessing the impacts associated with a mineral proposal on people, local communities and the environment. This serves to highlight the need to assess the combined effect of impacts associated with a single quarry or multiple quarrying operations.

1.2 The characteristics of geology and the preference for extending existing sites can lead to cumulative impacts. In Staffordshire, concentrated areas of mineral working can be found with sand and gravel workings along the Trent/ Tame Valleys and in the vicinity of Cheadle; with limestone/ shale quarrying near Waterhouses; and clay workings in the Cheslyn Hay/ Essington area. In these areas impacts can be contemporary or successive.

1.3 Previous national guidance\(^2\) advised on the “need for long-term planning to avoid unnecessary sterilisation of resources, and how the combined impacts at individual sites and the cumulative impacts of further working of the mineral in a particular area can be reconciled with the need to protect localities and communities from unacceptable consequences of that working (e.g. by the number and timing of permissions, the phasing of workings and restoration, and the attachment of conditions to mitigate impacts)”. This guidance is relevant to planning for mineral development in the county and justifies Policy 6.2 a) of the new Plan that requires restoration proposals to demonstrate that land affected at any one time would be minimised by including phased working and restoration.

1.4 With regard to the strategy for developing additional sand and gravel resources, the phasing of extensions to existing sites is managed under the requirements of policy 1.3 and the completion of progressive restoration is referred to specifically under the development considerations for the Uttoxeter allocation (inset map 2). Similarly, in relation to the area of search west of the A38, the phasing of development within the area is managed under policy 1.4 and a requirement for the restoration of nearby sites before commencement of

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\(^1\) Refer to paragraph 143 of the NPPF
\(^2\) Refer to paragraph 29 of Mineral Policy Statements 2: Controlling and mitigating the environmental effects of mineral extraction in England. (2005)
quarrying within the area of search is listed as a development consideration. Proposed changes to the development considerations also aim to manage the number of permissions within the area of search over the Plan period.

2. **Should the policy follow the mitigation hierarchy expressed in NPPF Paragraph 118? And how should it be expressed in the Plan? Does the phrase “as a last resort” offer sufficient clarity?**

2.1 Yes. Policy 4 is consistent with the approach for assessment of environmental impacts adopted in the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026 and sets criteria in accordance with national minerals planning policy. Policy 4 uses the mitigation hierarchy as applied in the NPPF to biodiversity interests. It is accepted that compensatory measures to mitigate unacceptable adverse impacts are not possible in relation to each of the environmental consideration as listed but it is a principle that can be applied to more than biodiversity interests.

2.2 There may be scope with the loss of other environmental assets due to the impact of mineral proposals, to compensate that loss e.g. provision of alternative public rights of way, landscape regeneration, and the provision of agricultural land improvements.

2.3 It is proposed to change the order of the paragraphs of the policy in response to representations made by Natural England. The changes would confirm at the start of the policy that proposals for mineral development will be supported where it has been demonstrated that there are no unacceptable adverse impacts. The policy would then set out the mitigation hierarchy and the list of environmental considerations.

2.4 The policy indicates a preference for mitigation of unacceptable adverse impacts over and above compensatory measures consistent with paragraph 118 of the NPPF.

3. **Does Policy 4 accurately reflect the importance of AONBs?**

3.1 National policy affords significant protection for AONBs and in relation to minerals, requires that planning authorities provide for the maintenance of landbanks of non-energy minerals from outside these areas.

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3 This Plan that was adopted in 2013.
4 Refer to paragraph 143 of the NPPF.
3.2 There are two existing sand and gravel sites\(^5\) within the Cannock Chase AONB but the plan does not propose allocations within AONB to meet any shortfall for sand and gravel.

3.3 Policy 4 highlights the AONB and in response to representations made by the Cannock Chase AONB Partnership, changes are proposed to the supporting paragraph 7.35 to highlight the AONB as a national designation.

4. *Does Policy 4 reflect the significance of the impact on transport infrastructure of mineral development, especially for vehicular movements across the boundary of Staffordshire?*

4.1 Policy 4 requires the assessment of proposals in terms of associated traffic on the highway network and the supporting paragraph refers to national requirements for producing transport assessments.

4.2 The strategy of the Plan is significantly associated with the maintenance of supply from existing sites and consequently, traffic impacts will relate to road traffic associated with the continued use of existing highway infrastructure. Phasing of the proposed extensions to commence when permitted reserves are exhausted provides for maintenance of output from existing sites rather than increases in output leading to a consequent increase in traffic.

4.3 In relation to developing sites within the area of search west of the A38, the extent of the area has been defined so that access can be achieved onto the strategic road network without the need for access through Kings Bromley village. The phasing of development within this area should also ensure that there is no adverse intensification of use of the Alrewas junction onto the A38.

4.4 Concerns have been raised by the Black Country Authorities in relation to potential traffic impacts within the Black Country associated with quarry development in Staffordshire. Site options have been considered during the preparation of the Plan that are located close to the county boundary but these options have not been selected. In the event that proposals are made for sites in the vicinity of the county boundary, there would be a requirement to consult adjoining Local Planning Authorities in accordance with the Council’s Statement of Community Involvement and to notify local residents who may be directly affected by proposals.

\(^{5}\) Pottal Pool and Rugeley Quarries
5. **Are the clauses in Policy 4 dealing with the natural environment, the historic environment and the water environment consistent with the NPPF and the Water Framework Directive Regulations?**

5.1 Yes. In response to representations made by the Environment Agency, Historic England and Natural England, changes are proposed to ensure that environmental considerations for the natural environment, the historic environment and the water environment are listed together with the aims of national policy for their protection. These changes have been discussed with representatives of the Environment Agency, Historic England and Natural England.

6. **Is the reference to material benefits in Policy 4.3 consistent with NPPF Paragraph 14?**

6.1 Paragraph 14 of the NPPF refers to benefits when assessed against the policies in the NPPF taken as a whole.

6.2 Representations made by the Quarry Fighting Fund which is an action group formed to object to proposals for quarrying at Mile Flat near Kingswinford, suggest that policy 4.3 should be revised recognising that there must be *significant and demonstrable* benefits, rather than material benefits.

6.3 Paragraph 4.3 refers to material benefits consistent with the terminology used in the adopted Waste Local Plan. The adjective “material” is used to mean relevant or important with the same significance as when reference is made too material considerations.⁶

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⁶ Refer to paragraph 11 of the NPPF, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.