AGGREGATES LOCAL PLAN 1989-2001
REVISED DRAFT WRITTEN STATEMENT
PUBLIC LOCAL INQUIRY
10 NOVEMBER 1992

REBUTTAL EVIDENCE
SITE 30 : WYCHNOR

OBJECTION NO:  44(c)
Name of Objector: Western Aggregates Ltd. (Wyn Thomas and Partners)
Objection to: Non-inclusion of Site 30 Wychnor

JOHN SHRYANE
Director of Planning and Economic Development
STAFFORDSHIRE COUNTY COUNCIL

AGGREGATES LOCAL PLAN

PROOF OF EVIDENCE

Evidence by Paul Wilcox on behalf of Staffordshire County Council

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1. Summary of Objections

1.1 This is an objection to the non-inclusion of Site 30 Wychnor.

2. County Council's Response

2.1 This site was one of the original 81 sites considered by the County Council but was not included in the consultation draft.

2.2 An objection was lodged to the consultation draft by Wyn Thomas and Partners on 25 May 1990 and this was considered by the County Council on 25 July 1991 following a site visit on 21 May 1991 and on 12 December 1991 (CD10, CD11, CD12, CD13 and CD14). The Council resolved that the site should not be included in the Local Plan.

2.3 In April 1990 the Company submitted a planning application for the extraction of sand and gravel on the same site. An appeal was lodged against the non-determination of that application and that Appeal was heard in June 1991. The Secretary of State for the Environment dismissed the Appeal in January 1992.

2.4 Wyn Thomas and Partners lodged an objection to the non-inclusion of the whole site on 3 March 1992 and that objection was considered by the County Council on 23 July 1992 (CD17, CD18 and CD19).

2.5 Prior to the consideration of the Company's objection Western Aggregates in May 1992 submitted an amended application for the same site which purported to overcome the concern raised in the previous Appeal. An appeal was lodged in July 1992 by the Company against the non-determination of the revised application. However, the County Council subsequently considered the planning application and resolved on 15 October 1992 that had it been in a position to determine the application then the application would have been refused for the reasons set out in the report attached as Appendix 5 in Mr. Tomlin's Proof.
2.6 The County Council wrote to Wyn Thomas and Partners on 30 July 1992 inviting them to reconsider their position in the light of the County Council's decision on 23 July 1992 not to include the site in the Local Plan. The Company responded on 4 September 1992 to the effect that "The substance of our objection is accurately recorded. The County Council will be aware that the site is the subject of an appeal against the non-determination of a recent planning application for extraction at the site. The County Council will have received separate correspondence from RMC Group's Solicitor regarding the possible timing of a public inquiry." The County Council confirmed its view that the site should not be included in the Local Plan at a Joint Meeting of its Planning Committee and Strategy Sub-Committee on 13 October 1992 (CD21).

2.7 The purpose of setting out these facts is to make it clear that the County Council have considered this site on a number of occasions and have taken a consistent view on its suitability.

2.8 At Paragraph 2.10 in his Proof Mr. Tomlin identifies the differences between the Company's original proposals and the application. The Inspector's report on the Appeal (CD52) stated (Paragraphs 10.28 and 10.29):

"... there are significant and substantial objections to the proposals in terms of the loss of agricultural land and more importantly the impact of the introduction of working into this relatively tranquil area of countryside.

... Whilst there is no established policy to prohibit workings in this area, the reality is that this attractive rural and open area is currently free of workings. The introduction of working to this area should not be undertaken lightly."

The slight changes made in the Company's revised proposals in no way get over this fundamental objection.

2.9 Whilst in highway capacity terms the reduction in vehicle movements is acceptable, 7 vehicle movements per hour i.e. 77 per day for 10 years is environmentally unacceptable along what is effectively a country lane leading to the Fradley Junction Conservation Area.

2.10 With regard to the issue of infill, in his Proof at 2.10(iii) Mr. Tomlin claims as one of the benefits of the revised proposals for the site that "inert material is now to be imported for restoration purposes". In Paragraph 2.14 he also claims that "Given the appropriate circumstances it is also probable that the lake areas will be filled in future". This, of course, would necessitate additional lorry movements to the site. In any event, I consider that Mr. Tomlin (Paragraph 2.14 of his Proof) is being somewhat optimistic in terms of the level of infill likely to be available for future restoration of the site. The suggestion that some material may be removed from Rugeley to aid restoration is alarming since that material will be required to restore the Rugeley site and its removal would not be supported by the County Council. From the restoration plan attached to the current planning application it would appear that following restoration of the site to recreational use, only 20% of the site could reasonably be converted to agricultural use without substantial remodelling of the site.
2.11 In Paragraph 3.2 of his Proof Mr. Tomlin comments on the issue of Environment and Landscape.

Environment and Landscape

Comments (a), (b) and (c)

2.12 The County Council accepts that there is no specific policy either in the approved Structure Plan or the deposit draft of the Local Plan, prohibiting working west of the A38. However, Appendix 4 of the DALP quite clearly identifies the locational criteria taken into account in the site selection process, and this includes specific reference to the advantages of continuing to locate new allocations in the Trent/Tame Valley between Burton and Tamworth, rather than in the area between Alrewas and Kings Bromley which is currently free of mineral workings.

The County Council have made quite clear what its position on workings west of the A38 between Fradley, Alrewas and Kings Bromley and that it is opposed to such developments.

Comments (d)

2.13 The County Council's approach to landbanks is to use the County as a whole. It has however taken account of existing market areas in determining its allocations. The County Council do not support the view that the needs of the north can necessarily be supplied by sites in the south because of the transportation implications and effects on the environment.

In the Trent/Tame Valley the traffic implications of all proposed allocations have been taken into account. Five allocations are extensions to existing sites at Newbold, Newbold North West, Barton, Alrewas, Alrewas South. Tucklesholme involves no direct access to the A38; vehicles travelling westwards to an existing site. Whitemoor Haye is the only site requiring a new access and this would be onto the A513.

Comments (e)

2.14 The Inspector concluded that "there are significant and substantial objections to the proposals ...". There are direct views of the site from the A513, and in particular the plant and the stockpiles, which will not be fully screened from view. There will also be views of the site from the Trent and Mersey Canal towpath.

Agriculture

2.15 I do not agree with Mr. Tomlin's comments in Paragraph 3.3. The Committee were informed of the agricultural issues of which agricultural quality was one. It is quite appropriate for the Authority to make views on the effects of the proposals on agricultural land purely on planning grounds.

Comments (a) and (b)

2.16 The irreversible loss of 51% of agricultural land is not acceptable and this view is supported by MAFF (see Appendix 1). No view was taken on the likelihood of fill material because it is not predictable and because there are already existing and proposed outlets for any materials likely to become available.
The industry has not been able to sustain any convincing or compelling reasons to set aside the strategy for the south.

2.17 3.4 Development Plan Proposals and Minerals Supply

Comments (a) and (b)

I cannot agree with Mr. Tomlin's comments on this matter which are an attempt to reintroduce arguments already debated on the merits of Policy 1.

The County Council remains firmly of the opinion that it has sufficient flexibility in its allocations and has provided sufficient sites to meet the Local Plan requirements.

2.18 In Paragraph 10.29 the Inspector states that whilst there is no specific policy the area is free from working and no new workings should be introduced unless in the context of the deliberations of the Local Plan the County Council is preparing. Since the Public Inquiry into the original application was held, the County Council has considered the issues affecting the location of working in this area and produced the deposit draft in which Appendix 4 specifically refers to the locational criteria taken into account in the site selection process. The deposit draft and Appendix 4 was not therefore available to the Inspector in the preparation of his Report. This site does not meet the locational criteria set out in Appendix 4. These criteria have been long established and consistently expressed in individual development control decisions and is reaffirmed in the Local Plan.

4.0 : Comments upon the Strategy for the South, The Site Selection Process and Criteria

Comments on Paragraph 4.1

2.19 The invitation to the industry and landowners to put forward sites for consideration in the preparation of the Local Plan was a general invitation to put forward any appropriate sites not just sites under a particular company's control. It is not surprising that a site selection criteria was not available during the 1980's, as the Local Plan was not started in earnest until March 1989.

Comments on Paragraphs 4.2-4.8

2.20 The Strategy for the South is quite clearly set out in Appendix 4 to the Draft Aggregates Plan. My observations in Paragraphs 2.14 and 2.20 of this Rebuttal Evidence explain the approach taken by the County Council.

2.21 The Sand and Gravel Review 1975 was an amendment to the approved County Development Plan. The County Development Plan provided the policy context. The County Council believes that the general approach of the Review to locate allocations in the Trent/Tame Valley area is still relevant. That approach has been followed through by the Authority in its development control decisions, since that time, and in the Local Plan.
Comments on Paragraph 4.9: Environmental Assessment Criteria

2.22
(i) 50% of the site will be lost to agriculture permanently. The availability of fill is speculative. It does not take into consideration existing and proposed demands for fill which will more than cater for future arisings in this area or the impact on the requirement for fill to other restoration schemes.

(ii) I would suggest that this site will set a precedent for future workings both to the north and west. That in itself will have an adverse effect on adjacent agricultural land some of very high quality.

(iii) The nearest properties to the site are Alrewas Hayes Cottage and the Lodge which are 300 m from the site to the south east and north respectively.

(iv) There are no highway capacity objections.

(v) Lorry routing, if it is enforceable, will be required to route traffic away from Kings Bromley towards the A38(T). The Department of Transport may, in context of Policy 10 in the Local Plan and their stated views on traffic levels on the A38 in this locality at this Inquiry, wish to comment on the proposals. The impact of 77 HGV movements per day on this country lane is a substantial environmental concern.

(vi) The County Council are convinced that this site will if allocated, set a major precedent for future working in the Trent Valley all the way to Kings Bromley.

(vii) Mr. Tomlin makes no reference to the impact on the Conservation Area. I feel that this aspect has been underestimated and a 10 year proposal will ultimately have adverse impact on the setting of this important area.

(viii) Any planting will take time to establish assuming a 100% establishment rate. Such planting will have little screening effect during the 10 year life of the site.

(ix) Views of the site from the A513 will be significant and intrusive. It will also be visible from Hay End Lane and from the canal towpath.

(x) This is accepted as a matter of fact. But people do use the area for quiet recreation along the canal particularly in association with the Fradley Junction Conservation Area, which experience is likely to be substantially impaired by quarry development.

The County Council does not accept that this site meets the selection criteria set out in Appendix 4 to the Local Plan.

Conclusions

Comments

2.23 The key words in Mr. Tomlin's Paragraph 5.1 are "at that time" in Line 2. I would suggest that this is now not the case.
2.24 It is not clear how value judgements made by the Company on this site can be described as objective comparisons.

2.25 This site lies in a tranquil area where there are no workings. This was quite clearly an issue which strongly influenced the Inspector. The County Council have pursued a policy of concentrating quarry workings east of the A38, which remains valid and appropriate, particularly in environmental terms.

2.26 The Company have provided no justification to set aside that policy other than to argue there is no "numbered" policy to support it and there are insufficient allocations. The latter has been fully discussed earlier on in the Inquiry and the former is a matter which I have dealt with thoroughly in this Evidence.

2.27 I remain firmly convinced that the development of this site will set a precedent. One only has to look at the areas covered by the Company's own previous proposals, together with others to give an indication of the likely impact. Fill will be available but there are sufficient existing and proposed sites to deal with any arisings. This site will only increase pressure on other sites for restoration materials.

2.28 The development of this site will lead to a loss of agricultural land which the County Council has strenuously tried to avoid in putting forward its allocations. That loss will have an impact locally and is unlikely to be reversed.

2.29 There will be a significant loss of visual amenity despite the minor changes proposed and the proposed mitigation measures. The effects on the setting of the conservation area is also a serious consideration.

2.30 The evidence submitted on landbank has already been debated elsewhere at the Inquiry. In my opinion the arguments made by the industry could not be sustained and were not compelling or convincing to warrant change to the Local Plan.
Dear Sir

I refer to your letter of 29 May 1992 consulting this Department in accordance with Article 18(1) of the Town and Country Planning General Development Order 1988, as amended, concerning a proposal by Western Aggregates Limited to develop 24.46 hectares (60.46 acres) of land to the east of Hay End Lane, Alrewas for mineral extraction purposes.

This Department has considered this proposal in the light of the Government's policy for safeguarding agricultural need as set out in Planning Policy Guidance Note No 7 (January 1992) "The Countryside and the Rural Economy" and draws your Authority's attention to the following agricultural consideration:

1. The development would result in the irreversible loss of a significant area of best and most versatile agricultural land.

For the reason given above and in the long term national agricultural interest, this Department objects to this proposal.

If your Authority includes this objection in the grounds for refusal of permission, then MAFF will be prepared, if requested, in accordance with Rule 12(1) of the Town and Country Planning (Inquiries Procedure) Rules 1988 to be represented at any appeal inquiry which may result.

In addition, the Department will be prepared to submit to your Authority a statement of evidence based on the schedule of objections listed above to assist your Authority in the preparation of the written statement required of it in accordance with Rule 6(1) of the Town and Country Planning (Inquiries Procedure) Rules 1988.

Should your Authority consider that there is a case for granting permission despite this objection, this Department would expect the matter to be discussed further with them and, failing agreement being reached, the Department might ask the Department of the Environment to consider the case for call-in.
I should be grateful if you would let me know the outcome of this case.

Yours faithfully

G A FORD
for Regional Planning Adviser