Schedule of Representations on the Proposed Modifications and Staffordshire County Council’s Response

(September 2016)

Introduction

1. This schedule provides a summary of representations received on proposed modifications that were published by the Council on 1 July 2016 and subject to consultation up to 19 August 2016.

2. The modifications relate to the new Minerals Local Plan for Staffordshire (2015 – 2030) Final Draft June 2015 and associated Appendices and were listed in two schedules relating to:

   - **Main modifications** involving issues of soundness (refer to the National Planning Policy Framework – Plan-making – Local Plans – Examining Local Plans (paragraph 182)); and

   - **Additional modifications** setting out improvements to the new Plan e.g. to provide further clarification or to update the new Plan.

3. Each representation is listed with reference to the modification to which it relates as well as with a note to which part of the Plan (policy/ paragraph) the modification relates. The representations relating to proposed main modifications are prefixed with ‘MM’ and proposed additional modifications are prefixed with ‘AM’.

4. The schedule of representations together with the Council’s responses will be forwarded to the Inspector for his consideration when finalising his report and recommendations.
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<th>Modification Reference (relates to..)</th>
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<tr>
<td>MM6 (paragraph 7.8)</td>
<td>Crestwood Environmental Ltd on behalf of JPE Holdings Limited</td>
<td>The representation relates to modifications to paragraph 7.8 and to the monitoring of policy 1 as set out under table 1. Further modifications are sought to indicate that the MPA will be proactive in monitoring the Plan through annual preparation of reports; and by reviewing the Plan if there is a shortfall in the landbank.</td>
<td>Not accepted</td>
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<td>It is not considered necessary to change paragraph 7.8 as table 1 sets out the specific detail for monitoring landbanks. Similarly, changes to table 1 are not considered necessary (refer to comments under ‘monitoring method' and 'corrective action' headings in table 1).</td>
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<td>There is a requirement to monitor and review the Plan and future reviews would take account of the circumstances at the time of review.</td>
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<td>MM12 (Policy 4)</td>
<td>Alrewas and Kings Bromley Quarry Action Group</td>
<td>Additional wording is recommended at the end of clause 4.1p) &quot;or other significant non-quarry related developments&quot;</td>
<td>Not accepted</td>
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<td>The wording as stated is consistent with paragraphs 143 and 144 of the NPPF and the suggested further modification is considered to be an issue of clarification specific to the area of search west of the A38 rather than an issue related to the soundness of Policy 4. However refer to MM22 below.</td>
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<tr>
<td>MM12 (Policy 4)</td>
<td>Natural England</td>
<td>Natural England notes the reasoning for the proposed main modification and, in relation to those themes within our remit, they agree that it is sound.</td>
<td>No further comment</td>
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<tr>
<td>MM13 (paragraph 7.42)</td>
<td>Alrewas and Kings Bromley Quarry Action Group</td>
<td>Additional wording is recommended to paragraph 7.42 so that it reads &quot;National policy recognises that it is important to take account of the cumulative effects of mineral and other development. When assessing proposals account will be taken of the multiple impacts of the development and the impacts of concurrent and / or consecutive working or other developments in an area.....&quot;</td>
<td>Not accepted</td>
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</table>

The wording as stated is consistent with paragraphs 143 and 144 of the NPPF and the suggested further modification is considered to be an issue of clarification specific to the area of search west of the A38 rather than an issue related to the soundness of Policy 4 and paragraph 7.42. However refer to MM22 below.

To provide clarification the following further additional modification is proposed to the Footnote below paragraph 7.42.

"91 Refer to paragraph 120, 143 and 144 of the NPPF." (Hyperlinks to be inserted)
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<tr>
<td>MM22 (profile for inset map 14 - area of search in Appendix 1)</td>
<td>Alrewas and Kings Bromley Quarry Action Group</td>
<td>Additional wording is recommended relating to the development considerations associated with inset map 14 relating to the area of search west of the A38. The proposed changes relate to managing the cumulative effects of mineral working and taking into account the additional effects that would be associated with constructing the HS2 railway line. The Plan should also be limited to one mineral working site and plant being operated at any one time within the area of search.</td>
<td>Accepted as an additional modification</td>
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</tbody>
</table>

The suggested further modification to bullet points 5 and 9 are not accepted. However to provide further clarification to Appendix 1- Inset Map 14 Area of search – west of the A38, along the Trent Valley– the development considerations – the following additional modification to beginning of bullet point 11 is proposed:

"Proposals for mineral operations including operations associated with the processing of sand and gravel and quarry restoration should take into account the cumulative effect of other mineral operations within the area and other significant non-mineral related development in the area such as the proposed HS2 railway."

It is not accepted that the Plan should set a limit to the number of sites being developed within the area of search at any one time. Policy 4 (p) and the additional modification referred to above would ensure that the cumulative effects of mineral and non-mineral related development would be taken into account.
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<tr>
<td>MM22 (profile for inset map 14-area of search in Appendix 1)</td>
<td>Alrewas and Kings Bromley Quarry Action Group</td>
<td>Development considerations relating to proposals for working north of the A513 should be deleted.</td>
<td>Not accepted</td>
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<td>During the current Plan period it is anticipated that sufficient additional reserves can be derived from the resource south of the A513 which is preferred in terms of environmental impact and managing extent of impacts within the area of search. Nevertheless, at this stage when there is an opportunity for &quot;preferred areas&quot; to be defined within the area of search west of the A38 at the next Plan review, it is a reasonable precaution to highlight development considerations relevant to working north of the A513.</td>
</tr>
<tr>
<td>MM22 (profile for inset map 14-area of search in Appendix 1)</td>
<td>Alrewas and Kings Bromley Quarry Action Group</td>
<td>Additional wording is recommended to bullet point 5 so that the first sentence states: &quot;Careful consideration should be given to screening around Kings Bromley, Alrewas, Orgreave and Overley to ensure satisfactory visual mitigation.&quot;</td>
<td>Accepted as an additional modification</td>
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<td>To provide further clarification to Appendix 1-Inset Map 14 Area of search – west of the A38, along the Trent Valley – the development considerations, the following additional modification to bullet point 5 is proposed: &quot;Careful consideration should be given to screening of the villages near to the Area of Search including Kings Bromley, Alrewas, Fradley, Orgreave, and Overley to ensure satisfactory visual mitigation.&quot;</td>
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<td>MM22 (profile for inset map 14 -area of search in Appendix 1)</td>
<td>Alrewas and Kings Bromley Quarry Action Group</td>
<td>Additional wording is recommended to bullet point 13 so that the consideration refers to safeguarding the short term potential of agricultural land.</td>
<td>Not accepted</td>
</tr>
<tr>
<td>MM22 (profile for inset map 14 -area of search in Appendix 1)</td>
<td>Kings Bromley Parish Council</td>
<td>Concerns relate to the overall strategy of developing sand and gravel resources in the area and to the evaluation of impacts on the land potentially affected by mineral working.</td>
<td>No further comment</td>
</tr>
<tr>
<td>MM22 (profile for inset map 14 -area of search in Appendix 1)</td>
<td>Kings Bromley Parish Council</td>
<td>The area of search should be modified to account for environmental protection relevant to sensitive properties and to the preference for working land south of the A513 within the area of search west of the A38.</td>
<td>Not accepted</td>
</tr>
</tbody>
</table>

At this stage, it remains uncertain about the timing and scale of development required within the sand and gravel resource area west of the A38. In these circumstances, an area of search is proposed at this stage with the expectation that at the next review of the plan there will be an opportunity to define ‘preferred areas’. The ‘development considerations’ highlight the measures required to protect sensitive properties and environmental assets.
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<td>MM22 (profile for inset map 14 -area of search in Appendix 1)</td>
<td>Chris Geldard</td>
<td>It is proposed that in relation to the fourth bullet point there should be no deletion of the words &quot;will need detailed assessment&quot;.</td>
<td>Not accepted</td>
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<td>The deletion does not diminish the extent of assessment required for the development considerations relating to safeguarding the setting of Wychnor Park and the associated historic field patterns.</td>
</tr>
<tr>
<td>MM22 (profile for inset map 14 -area of search in Appendix 1)</td>
<td>Wardell Armstrong on behalf of the Leavesley Group</td>
<td>The modifications fall short of setting clear direction, clarity and setting a timeframe for how the Area of Search will be effectively dealt with in a sound manner in the future beyond any adoption of this Plan. The proposed modifications are therefore considered to leave this Plan unsound. Comments are made in relation to specific bullet points (1-4, 9, 13, 15 &amp;16). Bullet point 13 is the fundamental and overriding consideration and should be strengthened beyond the proposed ‘should be considered’ to the more effective and clear wording of being ‘an overriding principle’ as a policy consideration. Reference to ‘high risk’ is better dealt with by making clear that where ‘best and most versatile’ agricultural land is involved it will be restored to equivalent status post mineral</td>
<td>Not accepted</td>
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<td>The Plan is considered sound in relation to the allocation of an area of search west of the A38 which serves to establish principles for mineral development that will provide the basis for assessing detailed proposals to provide additional sand and gravel from this resource area as required from 2025 onwards. In view of this timescale, there is an opportunity to review the area of search to define preferred areas and these development considerations would assist the future review. In relation to the specific concern about restoration of ‘best and most versatile’ agricultural land, the Plan provides strong support for safeguarding such land (refer to policy 4.1 (l) and paragraph 7.38; and policy 6.2 (d) and paragraph 7.57 which are consistent with paragraphs 112 and 143 of the NPPF.</td>
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<tr>
<td>MM22 (profile for inset map 14-area of search in Appendix 1)</td>
<td>Thursfield Solicitors on behalf of Mr and Mrs Stevenson</td>
<td>The representation raises concerns about potential mineral working within the area of search west of the A38 in relation to the enjoyment of a residential property on the western boundary of that area of search. These concerns include the effect of quarrying on the value of the property; subsidence; pollution; flood risk; impact on wildlife/habitat; traffic; and the creation of water hazard.</td>
<td>At this stage, the issue is listed as a development consideration in relation to inset map 14. This is consistent with the general approach taken towards safeguarding best and most versatile land in relation to allocated extensions to existing sites in the Plan. Not accepted</td>
</tr>
<tr>
<td>MM22 (profile for inset map 14-area of search in Appendix 1)</td>
<td>G Baskerville and Co.</td>
<td>The representation raises concerns about potential mineral working within the area of search west of the A38 in relation to the impact of proposals on farming operations at Common Lane Farm and Woodgate Farm. Need to safeguard best and most versatile land is highlighted.</td>
<td>Not accepted</td>
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See response to Alrewas and Kings Bromley Quarry Action Group and to Wardell Armstrong on behalf of the Leavesley Group (MM22).
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<td>MM23 (Appendix 6)</td>
<td>Cannock Chase Council</td>
<td>The Council would welcome on-going guidance and support from the County Council to enable the effective implementation of the policy in relation to coal and fireclay safeguarding areas which cover a significant proportion of Cannock Chase District (including large urban areas).</td>
<td>Noted</td>
</tr>
<tr>
<td>AM2 (adding new paragraph 1.3)</td>
<td>Natural England</td>
<td>Natural England welcomes this additional modification as it provides clarity on this environmental theme.</td>
<td>No further comment</td>
</tr>
<tr>
<td>AM10 (paragraph 2.21)</td>
<td>Birmingham City Council</td>
<td>Clarification would be helpful as to whether the proposed 5.0 million tonnes of sand and gravel would be the maximum or minimum annual provision (see para 2.19)? Would this exclude the provision being raised upwards towards 6.8 million tonnes annually in a plan review if demand increased?</td>
<td>Not accepted</td>
</tr>
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</table>

The County Council acknowledges the request for further guidance on the implementation of the policy and will liaise with District planners in providing safeguard mapping and further guidance at the earliest opportunity.

As stated in response to Crestwood Environmental Ltd on behalf of JPE Holdings Limited (MM6), table 1 sets out the requirement to monitor and review the Plan and future reviews would take account of the circumstances at the time of review.
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<td>AM25 (paragraph 6.12)</td>
<td>Natural England</td>
<td>Natural England welcomes this modification for adding clarity on international, national and local initiatives together with an explanation of how the Minerals Planning Authority proposes to pursue this (continued partnership working).</td>
<td>No further comment</td>
</tr>
<tr>
<td>AM28 (paragraph 6.13)</td>
<td>Natural England</td>
<td>Natural England welcomes this modification which emphasises that the benefits of the ongoing partnership work include mitigation of impacts on visual amenity as well as positive biodiversity outcomes.</td>
<td>No further comment</td>
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<tr>
<td>AM29 (paragraph 6.13)</td>
<td>Natural England</td>
<td>Natural England welcomes this modification which emphasises that the benefits of the agreed restoration proposals include mitigation of impacts on visual amenity and landscape character in the Cannock Chase Area of Outstanding Natural Beauty (AONB) as well as safeguarding the Cannock Chase Special Area of Conservation.</td>
<td>No further comment</td>
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<td>AM54 (Policy 6.2)</td>
<td>Natural England</td>
<td>Natural England welcomes this modification which indicates the fundamental interrelationship between biodiversity and a range of other themes which collectively make up the natural environment.</td>
<td>No further comment</td>
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<tr>
<td>AM55 (Policy 6.2)</td>
<td>Natural England</td>
<td>Natural England welcomes this modification which clarifies the role of restoration in proactively enhancing valued landscapes.</td>
<td>No further comment</td>
</tr>
<tr>
<td>AM63 (Chapter 3 and Policy 2 - Table 1)</td>
<td>Derbyshire County Council</td>
<td>It is suggested to modify the Plan and add a paragraph about the supply of shale / marl to Tunstead cement works from two quarries in Staffordshire after paragraph 3.18 confirming that permission has been granted for a second cement kiln at Tunstead which would double the demand for shale and marl. Currently the date of its construction and subsequent increased requirements are unknown. The level of exports and reserves used to support cement manufacture at Tunstead will be monitored and, where necessary, reviews made to the Plan to ensure that appropriate levels of supply can be maintained.</td>
<td>Accepted as an additional modification</td>
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<td>To provide further clarification the following additional modification to Chapter 3 – the end of paragraph 3.4 is proposed:</td>
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<td>&quot;The supply and reserves used to support cement manufacture at Tunstead will be monitored and, if necessary, that supply will be subject to review.&quot;</td>
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<td>To provide further clarification the following additional modification to Policy 2 – Table 1 is proposed:</td>
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<td>&quot;Sales/ reserves of shale/ marl at Kingsley/ Keele Quarries to supply Tunstead Cement Works in Derbyshire&quot;</td>
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<td>AM67 (profile for inset map 3: Uttoxeter Northern Extension)</td>
<td>Andrew Griffiths MP</td>
<td>The modifications do not justify the new extension for Uttoxeter Quarry. No further site or commitment should be approved until the outstanding obligations for quarrying are met. The expectation was that the existing quarry was to be converted into a community asset including a lake and wildlife haven in addition to the sports facilities. I am also still concerned about the real risks to road safety this development poses.</td>
<td>No change</td>
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<td>With regard to Policy 2 - Table 1 a proposed modification makes reference to the sales/reserves of mineral used to supply Tunstead cement works in Derbyshire under the column heading ‘Performance Indicator’; however no further reference is made to this matter under the following columns and no reference is made to Tunstead in Policy 2. It is suggested that a new row is added to Table 1 separate to Policy 2 to add clarity to this matter.</td>
<td>At this stage, it is considered that stated trigger points and corrective actions should remain unaltered until more is known about development of the cement works at Tunstead and mineral supply options.</td>
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<td>AM69 (relates to profile for inset map 5: Barton Wychnor)</td>
<td>Wardell Armstrong on behalf of Mallaber Partners Limited</td>
<td>Objection is raised in relation to the wording at the end of second bullet point of development considerations associated with inset map 5 relating to Barton (Wychnor) i.e. &quot;which might be best achieved by restoring the land to agriculture.&quot; Firstly it is not a proposal which comes from neither any consultee nor any person making a representation. It is unnecessary and its origin is unclear. b) Secondly it is unhelpful in its lack of precision by use of the phrase &quot;might be best&quot;. This phrase could be interpreted in a variety of ways in a spectrum between a requirement and just an idea. c) Thirdly, and most significantly, we are advised that the plan would be stepping clearly beyond its statutory remit by use of such language. The plan is concerned with County Matters, namely mineral operations. We make it clear that we expect 1) the text &quot;which might be best achieved by restoring the land to agriculture&quot; to be removed; 2) failing which, the examination to be re-opened so that we have a proper opportunity to be heard on the point.</td>
<td>Accepted as an additional modification</td>
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</table>

Having regard to the comments received from Historic England (AM69)(see below), and to provide further clarification, the following additional modification to Appendix 1- Inset Map 5 – development considerations – bullet point 5 is proposed:

“Restoration should include enhancement of heritage assets and their setting, and interpretation of their context within the wider historic environment which might be best achieved by restoring the land to agriculture.”
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<tr>
<td>AM69 (relates to profile for inset map 5: Barton Wychnor)</td>
<td>Historic England</td>
<td>Historic England welcomes the outcome of the discussions in relation to the Barton Quarry site (Inset Map 5) set out in AM69 but notes that additional text has been added in relation to the restoration sentence text. The additional text which was not suggested by Historic England states ‘…which might best be achieved by restoring the land to agriculture’. On the basis that the rest of AM69 remains as set out in the AM document, Historic England would not have concerns if this particular text was omitted from the final document. This is due to the revised policy, as set out in the rest of AM69, requiring the Scheduled Monument (SM) and its setting to be considered as part of a Management Plan, along with other historic environment information that may be required in this policy and elsewhere in the plan, and that separate legislation would afford adequate protection to the SM and its setting and would need to be taken account of in any application submission.</td>
<td>See County Council’s response above to representation made by Wardell Armstrong on behalf of Mallaber Partners Limited (AM69).</td>
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<td>Uttoxeter Rural Parish council</td>
<td>No further comment to make.</td>
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<td>Noted</td>
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<td>Public Health England</td>
<td>No further comment to make.</td>
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<td>Noted</td>
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<td>The Coal Authority</td>
<td>No further comment to make.</td>
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<td>Noted</td>
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