



The Planning Inspectorate

Report to Staffordshire County Council

by Andrew Mead BSc(Hons) MRTPI MIQ

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 25 November 2016

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Minerals Local Plan for Staffordshire (2015 to 2030)

The Plan was submitted for examination on 8th January 2016

The examination hearings were held between 30th March and 13th April 2016

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Abbreviations used in this report

Documents prefixed by SUB, WS or HS are found in the Minerals Local Plan Examination Document Library

AA	Appropriate Assessment
AM	Annual Monitoring
AMRI	Annual Minerals Raised Inquiry
CD&E	Construction, Demolition and Excavation
DCLG	Department for Communities and Local Government
DtC	Duty to Co-operate
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
MSA	Mineral Safeguarding Area
NCG	National Co-ordinating Group
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PSED	Public Sector Equality Duty
SA	Sustainability Appraisal
SAM	Scheduled Ancient Monument
SCC	Staffordshire County Council
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
WMAWP	West Midlands Aggregates Working Party
WMTAB	West Midlands Technical Advisory Body

Non-Technical Summary

This report concludes that the Minerals Local Plan for Staffordshire provides an appropriate basis for the planning of the County providing a number of main modifications (MMs) are made to it. The Staffordshire County Council (SCC) has specifically requested me to recommend any MMs necessary to enable the plan to be adopted.

All of the MMs were proposed by SCC and were subject to public consultation over a seven week period. I have recommended their inclusion after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Recognising in Strategic Objective 1 the need for a steady and adequate supply of minerals;
- Ensuring that Policy 1 states that there is a steady and adequate supply of sand and gravel during the Plan period;
- Providing for at least a 7 year landbank of permitted reserves of sand and gravel;
- Ensuring the monitoring processes are able to confirm that there is at least a 7 year landbank of sand and gravel and there are at least 15 years of permitted reserves for cement minerals;
- Clarifying the safeguarding process and the list of exemptions from the application of the safeguarding policy;
- Explaining that financial provision to fulfil restoration and after care requirements would only be sought in exceptional circumstances;
- Indicating that in the Area of Search West of the A38 (Inset Map 14) proposals should first be developed on land south of the A513.

Introduction

1. This report contains my assessment of the Minerals Local Plan for Staffordshire in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Minerals Local Plan for Staffordshire 2015 to 2030 Final Draft June 2015, submitted in January 2016, is the basis for my examination. It is the same document as was published for consultation in June 2015.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, SCC requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3**, etc, and are set out in full in the Appendix.
4. Following the examination hearings, SCC prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them. The MM schedule was subject to public consultation for seven weeks. I have taken account of the consultation responses in coming to my conclusions in this report. I have also made an amendment to the detailed wording of MM22. The amendment does not significantly alter the content of the modification as published for consultation or undermine the participatory processes and SA that has been undertaken. I have highlighted the amendment in the Appendix.

Consultation

5. The Statement of Community Involvement (SCI)¹ adopted by SCC in February 2014 described how consultation on the Plan would be carried out. Consultation and engagement on the Plan was explained further in the Consultation Statement² and the Schedule of Representations³. Notwithstanding the explanations of SCC, representations suggested a failure to consult properly in the case of the Area of Search West of A38 which is allocated in the Plan as an area of search for the extraction of sand and gravel.

¹ SUB9 Revised Statement of Community Involvement (February 2014)

² SUB8 Consultation Statement (June 2015)

³ SUB5 Schedule of Representations (June 2015)

6. Consultation first began on the then Minerals Core Strategy in 2008 which included a draft site option for an allocation described as Wychnor South. The Core Strategy did not identify the Area of Search, but Wychnor South was located within what the Area of Search then became in the later Plan.
7. Following a delay to enable the Waste Local Plan to be completed, work resumed on what was then described as the new Minerals Local Plan for Staffordshire 2015 to 2030. A first draft was the subject of consultation in the early summer of 2014. This included the Area of Search West of A38. Emails were sent out to notify general and specific consultees and registered interested individuals in relation to all proposed allocations, including the Area of Search. Parish councils were notified, including five affected by the Area of Search.
8. Letters were also sent out to notify local residents who lived within and around all the proposed allocations, including the Area of Search. In the case of the Area of Search 879 properties were notified⁴. The notification letters were supplemented by site notices and press releases. 20 representations were received in relation to the Area of Search, including from three parish councils.
9. The final draft plan was the subject of consultation for 6 weeks in June and July 2015 with similar notification procedures to those at the first draft stage. The only differences were that site notices were not displayed, but additional letters were sent to include those who made representations on the first draft. Furthermore, a plan of the proposed allocation was enclosed with the neighbour notification letter. 222 representations were received from external parties in relation to the Area of Search. At both stages of publication of the first draft plan and the final draft, officers of SCC attended parish council meetings in the Area of Search in order to explain the allocation and the consultation process.
10. I note that a letter was sent by the then Deputy Chief Executive of SCC in June 2011 to campaigners opposing gravel extraction from sites within what is now the Area of Search. She commented that "... we will not include sites west of the A38 between Alrewas and Kings Bromley in the MCS⁵ currently being prepared." However, the subsequent publication of the new Minerals Local Plan in 2014 superseded that statement and I conclude that the Minerals Plan has conformed with the revised SCI. In any event, although the then Deputy Chief Executive was a senior officer within SCC, the decision by members of SCC to include the Area of Search West of A38 within the Plan would have overridden her previous statement. Accordingly, I find that the Plan was prepared in accordance with the SCI in relation to this allocation and others within the Plan.

Assessment of Duty to Co-operate

11. Section 20(5)(c) of the 2004 Act requires that I consider whether SCC complied with any duty imposed on it by section 33A in respect of the Plan's preparation.

⁴ HS9 Appendix 2

⁵ Minerals Core Strategy

12. The Duty to Cooperate (DtC) Statement prepared by SCC indicates that the strategic priorities of the Plan comprise the provision of aggregate minerals, cement and clay, safeguarding important mineral resources and infrastructure together with site restoration⁶.
13. Staffordshire's proximity to the West Midlands conurbation and its location within central England provides access to significant markets for construction minerals and associated industries e.g. cement manufacturing plant. Therefore, key issues that have cross border implications are the supplies of aggregate minerals, in particular sand and gravel, and industrial minerals.
14. The DtC Statement and the Addendum (June 2015 and January 2016 respectively)⁷ demonstrate the steps taken by SCC to fulfil the legal requirement. SCC is a member of the West Midlands Aggregates Working Party (WMAWP) and the West Midlands Technical Advisory Body (WMTAB). Dialogue between the WMAWP and SCC and subsequent discussion at a Working Party meeting resulted in the preparation of a second Local Aggregate Assessment (LAA)⁸ published in June 2015 additional to the first one published in May 2014⁹.
15. The LAAs recognised shortfalls in sand and gravel landbanks in Warwickshire, Worcestershire and Cheshire East, but that those mineral planning authorities were in the process of updating their Minerals Local Plans and there was no evidence to suggest that shortfalls would require additional provision to be made in Staffordshire. Representations from Derbyshire County and East Cheshire Councils did not include any adverse comments on the level of provision of aggregates. SCC has commented recently on modifications to the Birmingham Development Plan, Walsall's Site Allocations Document and the first draft of the Warwickshire Minerals Local Plan.
16. Representations received from operators in relation to making up possible shortfalls of shale minerals from Staffordshire to supply the Tunstead cement works in Derbyshire and the possible shortages of brick clay to supply brick works in Walsall, have resulted in dialogue and cooperation with respective mineral planning authorities about monitoring the need for future supplies.
17. The remaining strategic issues of safeguarding and restoration have been the subject of consultation and cooperation with bodies such as neighbouring mineral planning authorities, the Local Nature Partnership and the Central Rivers Initiative.
18. Overall I am satisfied that, where necessary, SCC has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

⁶ CD7

⁷ CD31

⁸ CD6

⁹ CD22

Public Sector Equality Duty (PSED)

19. A Community Impact Assessment was prepared in accordance with SCC’s standard template which includes an assessment of equality considerations to demonstrate how the PSED was taken into account. No negative impacts were identified specific to protected groups. There were no claims in representations received about the Plan that SCC had failed its PSED.

Assessment of Legal Compliance

20. My examination of the compliance of the Plan with the legal requirements is summarised in the table below and derives in part from the Statement of Procedural and Conformity Matters submitted by SCC¹⁰. I conclude that the Plan meets all the legal requirements.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Minerals Local Plan for Staffordshire has been prepared in accordance with the Council’s Minerals and Waste Development Scheme approved in January 2014 and which was updated and approved in January 2016.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2014. Consultation on the Local Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Council carried out a scoping exercise published in June 2015 which identified two sites where an Appropriate Assessment may be required should a planning application for mineral extraction be submitted. One site at Barton (Wychnor) is allocated in the Plan and the Council stated that it was reasonable to anticipate the findings of such an assessment would not unduly constrain the development within the allocation. At the other site, Weavers Hill, which was not allocated in the Plan, no such conclusion could be drawn. Natural England raised no objection to the overall approach of the scoping exercise.
National Policy	The Minerals Local Plan for Staffordshire complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Minerals Local Plan for Staffordshire complies with the Act and the Regulations.

¹⁰ WS.10a

Assessment of Soundness

Main Issues

21. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified eleven main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the need for a steady supply of minerals of local and national importance is recognised in the Plan?

22. The strategy of the Plan has been developed from a comprehensive evidence base and has evolved through several stages of consultation during which alternative policy options were considered and appraised. Strategic guidance and spatial direction is set out for the production of specific mineral resources in Staffordshire taking account of appropriate constraints and, with Strategic Environmental Assessment (SEA) and SA carried out at the key stages, the chosen option is balanced and justified.
23. Key questions were identified which focussed on the most significant minerals worked in Staffordshire, namely, sand and gravel and industrial minerals for cement manufacture, together with development management, restoration and safeguarding. The Plan's vision and strategic objectives respond well to those key questions with the objectives adequately designed to implement the vision by acting as a bridge to the more focussed planning policies.
24. A presumption in favour of sustainable development is recorded in Chapter 7 of the plan¹¹. Under the presumption, planning applications that accord with the policies of the plan will be approved unless material considerations indicate otherwise. The policies in the plan are expressed in positive terms and I find that the Staffordshire Minerals Plan has been positively prepared and is sound in that regard.
25. However, the Framework states that "*minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs*"¹². The Framework further states that mineral planning authorities should plan for supplies of aggregates and industrial minerals which are "... steady ..." and "... adequate..."¹³.

¹¹ Paragraph 7.2: 5th bullet point

¹² NPPF Paragraph 142

¹³ NPPF Paragraphs 145 & 146

26. Paragraphs 6.1 to 6.4 of the Plan explain its vision which indicates that, by 2030, Staffordshire will be producing minerals to support sustainable development consistent with the need to minimise or mitigate local impact with subsequent restoration and aftercare. The vision is then translated into four strategic objectives of which two relate to locating mineral sites in acceptable locations and operating sites to high environmental standards, both being highly desirable.
27. However, the first strategic objective stated in the Plan deals with the provision of minerals to support sustainable economic development. It is correct that mineral extraction should achieve an acceptable balance with the impact of the operations on local communities and the environment. Nevertheless, I consider that there is insufficient emphasis on the need for minerals supplies to be steady and adequate as advised in the Framework. Raw materials are required by the construction industry in order to build and maintain infrastructure and buildings and manufacture certain products.
28. Therefore, in order to be consistent with national policy, SSC has proposed **MM1** so that the need to provide a steady and adequate supply of minerals is recognised in Strategic Objective 1. **MM2** is also proposed so that the supporting text in paragraph 6.6 would be consistent with the modification to Strategic Objective 1. For the same reasons, I shall recommend the modifications.

Issue 2 – Whether the overall provision in the Plan for land won sand and gravel is acceptable

29. Sand and gravel is the main source of aggregate in Staffordshire. In 2013, there were 23 permitted quarries of which 17 were operational, 6 were non-operational, including 3 which were dormant¹⁴. Sales of sand and gravel for aggregate purposes in 2013 were 4.09 million tonnes¹⁵. Crushed rock for aggregate purposes was only produced from one limestone quarry in Staffordshire in 2013, although two others which are inactive had permitted reserves available¹⁶. Sales of crushed rock in Staffordshire are confidential due to there being only a single producer, but when amalgamated with sales data from Warwickshire, Worcestershire and Herefordshire 0.8 million tonnes were sold in 2013¹⁷.
30. The Framework indicates that mineral planning authorities should plan for a steady and adequate supply of aggregates, including sand and gravel, by preparing a LAA based on a rolling average of 10 years sales data and other relevant local information. Advice from Aggregate Working Parties and the National Aggregate Co-ordinating Group (NCG) should be taken into account as appropriate.
31. Policy 1.1 provides for 5 million tonnes per annum of sand and gravel to be produced over the Plan period which is the 10 year sales average based on the

¹⁴ SUB1 MLP Paragraph 2.2

¹⁵ CD6 Local Aggregate Assessment (LAA) 2015 Paragraph 7

¹⁶ SUB1 MLP Paragraph 2.4

¹⁷ CD6 LAA 2015 Paragraph 9

period 2004 – 2013, the most up to date survey information available. However, representations suggested that the Plan should be modified so that the level of provision for sand and gravel would be 6.71 million tonnes per annum based on the apportionment of the 2009 guidelines as recommended by the West Midlands Regional Aggregates Working Party in 2010.

32. I note that the apportionment was not accepted by the West Midlands Regional Assembly, the body which determined the apportionment of the guidelines, who substituted a figure of 5.662 million tonnes per annum for provision of sand and gravel in Staffordshire up to 2020¹⁸. Moreover, the guidelines published in 2009 were based on an economic model using consumption data from the Aggregate Monitoring (AM) 2005 survey and aggregate sales from the Annual Minerals Raised Inquiry (AMRI) survey of 2007, a period which preceded the economic downturn.
33. Representations from the minerals industry referred to possible shortages of sand and gravel resources in some adjoining counties which may lead to increased demands in Staffordshire. However, any such shortfall has not been reflected in any representations from those areas in dialogue with SCC about the Plan. I accept that adjustments to take into account any shortages might take place in subsequent reviews of this Plan and also in consideration of Plans in adjoining mineral planning authority areas. Nevertheless, I see no convincing reason to depart from the advice that 10 years sales data should be the basis of future aggregates supplies to be provided for in the Plan.
34. The most recent 3 year sales data for sand and gravel in Staffordshire (2012 – 2014) showed an increase from 3.69 million tonnes to 4.18 million tonnes¹⁹. In addition, comments were made about the likelihood of increased economic growth in the region connected to housing and employment land. However, again, without dismissing the possibility, I consider that the LAAs should be able to identify the consequences and impact there might be on sand and gravel resources, reserves and landbanks and whether a review of the Plan would be triggered earlier than might otherwise be the case.
35. So far as the use of substitute, secondary and recycled materials and mineral waste is concerned, substantive evidence to show the possible increase in their use at the expense of land won aggregate is virtually non-existent. It was submitted that data released from Defra data shows a recovery rate from construction, demolition and excavation (CD&E) waste of about 89%, but with a caveat that accurately quantifying CD&E waste is challenging. Much is already used in the projects where the material arose.
36. Secondary material is declining in Staffordshire and will continue to decline with the closure of Rugeley Power Station which is a significant source of power station ash. There are indications that secondary and recycled aggregates account for 29% of the aggregates market. I have not read or heard any evidence to suggest that these alternative sources of construction materials will significantly substitute for land won aggregates in the short term

¹⁸ WS10b Paragraph 1.7

¹⁹ West Midlands Aggregates Working Party

and result in a need to revise downwards the amount of sand and gravel provided for in the Plan.

37. Therefore, I see no reason to consider that the annual provision of 5 million tonnes of sand and gravel is unsound. Nevertheless in order to comply with national policy as expressed in the Framework and to reflect the MM to Strategic Objective 1, SCC has proposed modifications **MM3, MM4 and MM5** to Policy 1.1 and the supporting text which will now include the phrase “... *at least a 7 year landbank ...*”. I shall recommend those modifications for the same reasons. The MMs to Policy 1 also have repercussions for monitoring and I shall recommend **MM6** so that the LAA includes the need to monitor the steady and adequate supply of aggregates.

Issue 3 – Whether the specific locations identified for future sand and gravel extraction are appropriate

38. The Plan explains that there is no reason to indicate that the existing pattern of supply and demand for sand and gravel will change in Staffordshire over the next 15 years. I have read no evidence that persuades me otherwise. Therefore, the Plan continues the strategy of favouring extensions to existing sites until 2025 when a new site or sites would be needed. The extensions and the Area of Search West of the A38 will maintain the pattern of supply and I have no reason to challenge the logic of the Plan.
39. Policy 1 demonstrates a sequential approach whereby provision should first be met from the allocated extensions, then from the Area of Search and thereafter from other sites. Nevertheless, the Plan accepts that there may be circumstances when sites not allocated in the Plan could be permitted in order to secure significant material planning benefits which outweigh the possible harm. I consider that such a commendably flexible approach should enable the development plan policies to be implemented whilst providing for sustainable mineral extraction where appropriate, a strategy which is consistent with the Vision and Strategic Objectives of the Plan.
40. Policy 1 identifies 11 sites for the extraction of sand and gravel each shown in detail on an Inset Map. Each site was assessed along with other potential sites and considered in the SA²⁰. The sites included those which were put forward by mineral operators, landowners or their agents and those which had been proposed during the preparation of previous plans²¹. The assessment process examined how impacts on the seventeen SA objectives might vary over the lifetime of a potential mineral site, considering not only the environmental effects of working the minerals at each location, but also the possibilities for mitigation and the restoration and afteruse of the sites, subject to the limitation of the information available. The results were summarised in Table 5 of the SA and in more detail in the SA appendices²².
41. The environmental information assessed in the SA included factors such as transport impacts, flood management, biodiversity, air quality, the historic

²⁰ SUB6 Sustainability Appraisal: Environmental Report June 2015

²¹ SUB6 Table 4

²² SUB6 Appendix A

environment, landscape and tranquillity, together with positive benefits such as maintaining the supply of sand and gravel. The various considerations were compared in a form of traffic light assessment. There are shortcomings over such a comparison, but these are inevitable where factors cannot be precisely quantified and objectively weighed against each other without inviting a claim of spurious accuracy. Nevertheless, the general assessment process provided a rational and transparent method for concluding which sites should be allocated in the plan. Overall, I found the assessment was convincing.

42. Representations suggested that certain allocations in the Plan should be deleted, of which Uttoxeter (Inset Map 3) and the Area of Search West of the A38 (Inset Map 14) were the most controversial. Many representations sought changes to the development considerations affecting the allocations, some of which have been accommodated by the Council by minor modifications to the Plan which do not impinge on soundness. Therefore, I have no comments on either the issues raised in the representation or the modification. However, having concluded that the SA process is sound, I do not accept that the Plan should be modified by the exclusion of any of the allocated sites which were the subject of representations to delete them.
43. At Uttoxeter (Inset Map 3), the very attractive landscape includes a significant mineral working to which the plan proposes an extension. I consider that, when any planning application is made, landscaping proposals could overcome much of the harm to the appearance of the countryside which might be caused. In addition, any application would be expected to include details of restoration which would consider safeguarding the best and most versatile agricultural land and also nature conservation interests. In addition, noise attenuation measures would be examined to overcome any possible disturbance to local residents. There is no substantive evidence from the highways authority to suggest that danger from traffic would be significantly increased.
44. I can understand the concern expressed by local residents about the longevity of mineral working at the site. Nevertheless, as the Council indicates, this is a key site for supplying aggregates both to the north and south of the county and, if it were to be excluded from the Plan, the demand would have to be met from elsewhere at a greater environmental cost
45. Representations about Newbold (Inset Map 4) included concern about possible conflicts with a sport hub which it is hoped will be developed on land on and adjacent to the allocation. I have read no substantive evidence to support a potential conflict of use and I agree with the Council that extended workings might even offer the possibility to create a larger hub. Any proposals affecting public rights of way would be dealt with in the detailed considerations of a planning application.
46. Key considerations at Barton (Inset Map 5) are the presence of a Scheduled Ancient Monument (SAM) which has been the subject of discussion between Historic England and the Council and the details of restoration. The balance to be struck between the extent of mineral extraction, the protection of the setting of the SAM and the degree of restoration by backfilling in order to favour a specific after use should be dealt with when considering the details of a planning application.

47. Similarly at Alrewas (Inset Map 6), Saredon (Inset Map 8) and Weeford (Camp) (Inset Map 11), consideration of how mineral extraction might affect any SAM or other nearby heritage assets is best dealt with, alongside possible harm from factors which are capable of mitigation such as HGV traffic, noise, dust and adverse impact on the landscape and rights of way, when any planning application is submitted.
48. The proposed Area of Search West of the A38 (Inset Map 14) evolved through the various stages of the preparation of the Plan where alternative options were considered, culminating in its allocation in the Draft which was the subject of consultation²³. I have concluded that the SA process was carried out effectively and I do not dispute its findings. A shortcoming of identifying the Area of Search is the lack of certainty and precision compared to the allocation of a delineated preferred site. However, the Plan anticipates that preferred areas may be defined in greater detail when it is reviewed. Wide ranging development considerations have been included in the Plan which I consider appropriate and should enable mineral extraction to be permitted with due regard to balancing the protection of the environment with planning for a steady and adequate supply of sand and gravel.
49. I have noted in paragraph 10 above the indication from the Council in 2011 that mineral working would not be supported in this area and the plan being prepared then would not favour working west of the A38. However, this is a new plan and, in any event, the statement was made by an officer of the Council to which I give little weight compared to decisions by elected members on the relevant Committee.
50. Representations also sought the allocation of further areas for sand and gravel extraction which had been omitted from the Plan (Shire Oak quarry extension, Croxden South, Moddershall Grange, Netherset Hay and Swindon Golf Club). The SA has shown that those areas were judged to have performed less well in the overall assessment than the sites which were allocated, including the Area of Search. Nothing I read in the representations, heard in discussions at the examination hearings or saw on inspections of the sites and their surroundings has persuaded me that the SA assessment with regard to those sites was materially flawed such that they should be allocated in preference to those within the Plan.

Issue 4 – Whether there should be a separate landbank and allocations for building sand

51. National policy requires calculating and maintaining separate landbanks for any aggregate minerals of a specific type or quality which have a distinct and separate market²⁴. This is because materials of different physical properties and quality are often needed to meet different end uses, and the scope to substitute one aggregate material for another can be limited.
52. However, in the case of Staffordshire, building sand is derived from wet and dry screening from superficial deposits and bedrock. About 4.2 million tonnes

²³ CD21 SA/SEA Interim Report – Testing Alternatives

²⁴ NPPF Paragraph 145 & PPG Paragraph 085

of sand and gravel were sold for aggregate use in 2014, of which about only 174,000 tonnes (4%) were building sand²⁵. Most of the building sand is wet screened from deposits which are capable of producing both building and concreting sand.

53. Only two quarries produce exclusively building sand. In addition, with the flexibility offered by wet workings being able to vary their product between building and concreting sand and the inability to readily distinguish between building sand and concreting sand in most deposits, I agree with SCC that it is not practicable to have a separate land back for building sand. The Plan would remain sound without such a modification.
54. Representations sought the allocation of two areas for building sand extraction (Weavers Hill and Lodge Farm). The SA process revealed significant issues with both sites. Weavers Hill is a small site capable of supplying building sand. However, the suggested allocation is immediately adjacent to a Ramsar site and therefore, together with the significant impact on the landscape which could be caused by mineral extraction, means that it is questionable that sand supplies from the site could be delivered with any confidence. Similarly, sand extraction from the suggested allocation at Lodge Farm would have particular negative impacts due to transport, ground and surface water and landscape.
55. Acceptable schemes for mineral working might be able to be designed at each location, but that is a matter for the detailed consideration of a planning application and not for the strategic approach of the Local Plan. Accordingly, I do not accept that the lack of an allocation for building sand makes the plan unsound.

Issue 5 – Whether adequate provision has been made for other minerals of significance in Staffordshire

Clay (shale)

56. Shale from Keele and Kingsley Quarries in Staffordshire supplies Tunstead cement works in Derbyshire. SCC have commented that, although permission has been granted for a second kiln at Tunstead which would more than double the operational capacity, no current proposals for additional reserves have been identified. However, **MM7** is proposed to ensure that at least 15 years of permitted reserves will be maintained during the Plan period. **MM8** is proposed to provide consistency with the modifications to Strategic Objective 1. In addition, **MM9**, **MM20** and **MM21** are proposed to enable the monitoring provided by the Plan to enable a review of shale supplies from Staffordshire and which would be carried out in conjunction with supplies to the cement works monitored by Derbyshire County Council. I shall recommend the MMs in order to enable the Plan to meet national policy on planning for supplies of cement raw materials.

Brick Clay

²⁵ WMAWP survey

57. Brick clay is used for the manufacture of bricks, tiles and other clay products. In 2013, there were 8 operational clay quarries supplying five brick and tile works in the county which are located near to Newcastle under Lyme, Cannock and Tamworth. There are also works in Walsall and Warwickshire which use Staffordshire clay.
58. Analysis by SCC indicates that there is no requirement for identifying additional resources in the Plan to meet the need of clay product works within or outside the county based on current evidence²⁶. Therefore, I consider that the Plan is sound in the way it has dealt with brick clay.

Dimension stone

59. Dimension stone or building stone is used as a traditional building material and, although the deposits are found widely across the county, they are now only worked from five quarries and, overall, at a relatively small scale. In preparing the Plan, no site options were submitted to SCC for consideration by interested parties and no evidence has been provided by building conservation interests to demonstrate a need for additional building stone resources for the repair of heritage assets.
60. Therefore, I consider that the Plan is sound in the way it has dealt with dimension stone.

Issue 6 – Whether the objectives of and procedures for Mineral Safeguarding Areas (MSAs) in the Plan will be effective.

61. Strategic Objective 1 includes ensuring that important mineral resources are not needlessly sterilised which is consistent with national policy²⁷. Policy 3 puts that objective into practice.
62. Policy 3 defines MSAs which cover known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development. The MSAs are shown on the Policies and Proposals Map and can be viewed in more detail using the Council's online mapping facility. I consider that the objectives of the policy are consistent with national policy.
63. I also consider that the Plan effectively outlines the procedural steps which the respective Councils would take to implement the policy. The policy has been drafted with the co-operation of the District Planning Officers in Staffordshire and I consider that, in general, the policy should be effective.
64. Nevertheless, if all non-mineral development proposals were to be subject to the policy, it would become unwieldy, seem overly officious and run the risk of not being treated seriously. Therefore, a list of development exemptions has been included to ensure that the implementation of the policy remains practicable. Accordingly, Appendix 6 of the Plan lists the types of non- mineral development which, within a MSA, would not be subject to the safeguarding

²⁶ MLP Chapter 3 paragraphs 3.11 – 3.13

²⁷ NPPF paragraph 143

policy. For example, householder development, applications for works to trees and applications for temporary development would fall into that category. In order to clarify that these exemptions from the safeguarding policy should also apply to mineral infrastructure sites, as outlined in national policy, the Council has proposed **MM10** to modify Policy 3.5 and **MM11** to modify paragraph 7.24 of the supporting text.

65. **MM11** also explains in more detail that the relevant sites together with a 250m consultation zone around them will be publically available on the Council's internet based mapping service. **MM23** is proposed by the Council in order to modify Appendix 6 in line with alterations to the Town and Country Planning (General Development Management Procedure)(England) Order 2015 and to clarify how the policy and exemptions apply to coal and fireclay safeguarding areas. I consider that the modifications will make the Plan effective and consistent with national policy on safeguarding and shall recommend them. Within MM23, I have also corrected Table 7 so that item 4 (b) refers to "... (see 13 below);" as shown in bold font in the Appendix.

Issue 7 – Whether the Plan strikes the appropriate balance between protecting the environment and providing for a steady and adequate supply of minerals.

66. The Vision of the Plan envisages that all mineral workings operate to high environmental standards and are acceptably located consistent with Strategic Objective 2. Policy 4 sets out environmental considerations to be taken into account when assessing the impacts associated with mineral development on people, local communities and the natural and historic environment.
67. Many of the considerations listed in Policy 4 are derived from national guidance as expressed in the Framework and Planning Practice Guidance (PPG) and in Regulations. It is important that the Policy is not expressed in terms contrary to that guidance. Therefore, to ensure compatibility between Policy 4 and national guidance, the Council has proposed **MM12** which has the effect of aligning the considerations applying to the natural environment, agricultural land, the water environment and cumulative effects with such guidance. Similarly, **MM13** would modify paragraph 7.42 of the supporting text to make the consideration of cumulative effects consistent with the Framework and to clarify how potential cumulative effects would be dealt with.
68. At the same time, the Council has proposed additional modifications to the considerations which apply to landscape and the historic environment by the introduction of additional local factors to be taken into account. I do not consider that the additional modifications affect the soundness of the policy and so have no comment to make.

Issue 8 – Whether Policy 5 will provide an effective means of managing hydrocarbon development with reference to the Framework and PPG.

69. The development of hydrocarbons is at a relatively early stage in Staffordshire with three planning permissions: one for natural gas extraction from a

conventional gas reservoir which has yet to be implemented; the extraction of methane from an abandoned coal mine; and coal bed methane exploration²⁸.

70. National guidance sets out an expectation that local plans should include criteria based policies for each of exploration, appraisal and production phases of hydrocarbon extraction. These policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within Petroleum Licence Areas²⁹
71. Policy 5 sets out the specific requirements for the assessment of hydrocarbon proposals under three headings: Exploration and Appraisal; Production and Overall Assessment. Representations have resulted in SCC proposing some additional modifications to improve the policy to be consistent with other Local Plans. These modifications do not impact on the soundness of the Plan and I have no comment, although they have been subject to the same publicity as the MMs.
72. Nevertheless, proposed **MM14** would amend Policy 5.4 in order for that policy to be consistent with MMs to Policy 4 and also with paragraph 14 of the Framework. Accordingly, I agree that this MM would enable Policy 5.4 to be sound.

Issue 9 – Whether the Plan provides for effective restoration of mineral sites consistent with national policy

73. Policy 6 sets out requirements for the assessment of restoration proposals and assurances about the financial provisions to secure them. The policy aims to minimise the land affected by mineral working by seeking phased working and restoration. It seeks to minimise the amount of backfilling and to safeguard agricultural land. The policy would also seek to ensure that restoration would enhance the natural environment, valued landscapes, heritage assets and public access.
74. A number of additional modifications have been proposed by the Council to clarify the policy. These include alterations to phrases affecting considerations of the natural environment, landscape, heritage assets, river geomorphology and wetland habitat complexity. I see no reason to prioritise the environmental aims within the restoration policy. The aims do not necessarily conflict and it is appropriate that the Council retains flexibility in order to deal with the merits of each case as it arises. I do not consider the additional modifications affect the soundness of the Plan.
75. The Plan states that restoration proposals should be comprehensive, practicable and achievable, and if there is a risk of delivery of proposals, there should be contingencies in terms of a review process and adequate financial provision. I agree. Representations suggest that the requirement in the policy for developers to review their restoration plans at least every 10 years is unnecessary and unduly onerous bearing in mind the provisions of the Environment Act.

²⁸ WS.10f paragraph 1.1

²⁹ PPG paragraph 106

76. However, as the Council points out, factors affecting restoration can include changes in the availability of backfill material, the recovery of groundwater levels, unforeseen changes in geology, changes in working practices and new opportunities for a sustainable after use. Whereas these restoration details can be reviewed under the Environment Act every 15 years, I agree with the Council that it might be beneficial to review restoration proposals more frequently and therefore Policy 6.3 provides that discretion. Accordingly, I do not consider that the policy is unsound in that regard.
77. The policy seeks to ensure that adequate financial provision is made to fulfil restoration and aftercare requirements. In order not to conflict with national advice, the Council has proposed **MM15** to modify Policy 6.4. The policy would then be consistent with the Framework and PPG³⁰ which states that Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. In addition, the Council has proposed **MM16** in order to bring the supporting text that supports the policy in line with PPG by including reference to a restoration strategy for long term proposals³¹. The Council has also proposed **MM17** to ensure that restoration proposals contribute, where appropriate, to the objectives of the Water Framework Directive.
78. Therefore, subject to MM15, MM16 and MM17, I consider that Policy 6 and its accompanying text would be sufficiently clear and robust to ensure that restoration proposals would be implemented effectively and at the earliest opportunity.

Issue 10 – Whether the implementation and monitoring of the Plan will be effective

79. Table 1 of the Plan lists the key outcomes, performance indicator, monitoring method, target, trigger point and corrective action for each policy. The key outcomes are described in terms of the appropriate Strategic Objective. The performance indicators for the provision of sand and gravel (Policy 1) and industrial minerals (Policy 2) include sales, reserves and planning permissions granted. The targets for Policies 1 and 2 include maintaining a landbank appropriate to the relevant mineral; 7 years for sand and gravel and 15 years for cement minerals. The Council has proposed modifications **MM18**, **MM19**, **MM20** and **MM21** to Table 1 in order to make the key outcomes and targets described for Policies 1 and 2 consistent with changes proposed earlier in the report for sand and gravel and industrial minerals.
80. Subject to those modifications, I consider that that the plan provides for a practicable approach and co-operation and participation involving appropriate parties. The indicators provide for flexibility so that if circumstances change relating to the provision of minerals or the determination of minerals planning applications, there is an opportunity to trigger a review of the plan. Therefore, I conclude that the Plan should be effectively monitored and is sound.

³⁰ Framework paragraph 144 and PPG paragraph 048

³¹ PPG paragraph 040

Issue 11 – Whether the constraints shown on the Inset Maps are fully reflective of the development considerations

81. The Inset Maps delineate on an Ordnance Survey Base the sites or areas which have been identified in Policies 1 and 2 for the provision of sand and gravel and the provision of industrial minerals used in the manufacture of cement. The Inset Maps include data on the location, size, developer, geology, resource, the anticipated output and the duration of extraction.
82. Accompanying each Inset Map is a description of the “development considerations” which should be taken into account when preparing planning applications for possible mineral extraction from within the delineated area. The development considerations are aimed at mitigating any adverse impacts in developing the preferred sites whilst at the same time maximising the potential benefits.
83. Various representations received have resulted in the Council proposing additional modifications to the development considerations in order to improve them. I do not consider that these are modifications which affect the soundness of the Plan and therefore have no comments to make.
84. However, one exception to this conclusion is in regards to Inset Map 14: The Area of Search West of the A38. This is an extensive and complex area of mostly farmland between Kings Bromley, Alrewas, Yoxall and Fradley which includes the small settlement of Orgreave and housing at Overley. The Area of Search is bisected in a roughly north west to south east direction by the A513 which connects Kings Bromley and Alrewas.
85. The Council has proposed **MM22** which would have the effect of phasing any mineral extraction so that land south (west) of the A513 should be developed before land to the north (east). I consider that this would be a rational means of preventing extraction becoming too widespread and uncoordinated within the Area of Search which could result in unacceptable cumulative harm. Therefore it is a modification which makes the Plan effective and one which I shall recommend. The text of MM22 which has been the subject of consultation includes phrases within the sentence dealing with phasing which appear to exclude applying the development considerations from land to the south of the A513, contrary to the evident intentions of the Plan. Therefore, as foreshadowed in paragraph 4 above, I have used my discretion to vary the sentence to make more sense, as shown in Appendix 1³².
86. MM22 also includes many other detailed development considerations. In my opinion, subsequent alterations to those would only constitute additional modifications which would not affect the soundness of the Plan.

Overall Conclusion and Recommendation

³² See MM22: 4th bullet point

87. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
88. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that, with the recommended MMs set out in Appendix 1, the Minerals Local Plan for Staffordshire (2015 – 2030) would satisfy the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

A Mead

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix 1

Note: This Schedule sets out proposed main modifications (MM) in *blue italics* and underlined (with strikethroughs where appropriate) and are referenced to the relevant paragraph, strategic objective or policy together with an indication of the page number on which the paragraph, objective or policy is found in the Final Draft of the new Plan which was published in June 2015. The MMs deal with the soundness of the Plan. However, in this particular case, in order to put the MMs into context and avoid misinterpretation, other additional (minor) modifications which have been made by the Council are shown in *black italics*. The Council has also proposed further additional modifications following the consultation on the MMs and these are shown in *red italics*. Whereas the additional modifications may improve the Plan, they do not affect its soundness and therefore I have no comments on them.

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
MM1	26	Strategic objective 1	Amend first bullet point so it states " <i>aim to achieve an acceptable balance <u>between the steady and adequate supply of minerals and with</u> the impact of mineral operations on local communities and the environment</i> ".
MM2	26	Para 6.6	Amend text so it states 'This objective is consistent with the Government's National Planning Policy Framework which requires <i>us to plan for a sufficient steady and adequate</i> supply of <i>aggregate and industrial</i> minerals to <i>be maintained to</i> support sustainable economic growth but at the same time <i>we</i> recognises the importance of minimising the impact on local communities and the need to ensure that economically recoverable mineral resources are not needlessly sterilised. ³³ This approach is also consistent with the County Council's Strategic Plan for growth in Staffordshire's economy and the desired outcome for the people of Staffordshire to "be able to access more good jobs and feel the benefits of economic growth.
MM3	33	Policy 1.1	Amend text to read ' During the Plan period <i>To ensure that there is a steady and adequate supply of sand and gravel during the Plan period,</i> P provision will be made to

³³Refer to paragraphs [142 to 146](#) and [143](#) of the NPPF

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			maintain <i>at least a 7 year landbank of permitted reserves with based on production capacity of up to</i> 5.0 million tonnes of sand and gravel per annum. This <i>production capacity</i> will be <i>provided achieved</i> initially from existing permitted reserves and by granting planning permissions to extend the following sand and gravel sites:
MM4	35	Para 7.4	Amend text to read 'Our Vision and Strategic Objective 1, recognise the importance of aggregate minerals to support sustainable economic development taking into account the need to achieve an acceptable balance <i>between the supply of minerals and with</i> the impact of mineral operations on local communities and the environment.
MM5	35	Para 7.6	Amend text to read 'Policy 1.1 provides for <i>at least a 7 year landbank of permitted reserves based on a production capacity of</i> 5.0 million tonnes per annum <i>of sand and gravel to be produced</i> over the Plan period which is the 10 year sales average based on the most up to date survey information available i.e. data for the period 2004 – 2013. The 10 year rolling supply has been considered in the context of other relevant information in our latest Local Aggregate Assessment (June 2015) and is considered to be a sound basis on which to plan for sand and gravel provision. No separate provision is made for building sands (as distinct from concreting sands) as it is considered to be impractical to plan for this specific product. Policy 1.6 provides an opportunity for the needs of specific products such as building sands to be considered.'
MM6	35	Para 7.8	Amend text to read 'Based on maintaining provision of 5.0 million tonnes per annum, it is anticipated that at least an additional 22 million tonnes of reserves will be required during the Plan period and we are confident that this level of provision is deliverable from the allocated extensions and area of search which were put forward

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			by mineral operators and have been subject to our Sustainability Appraisal. <i>To ensure a steady and adequate supply we will monitor Policy 1 as described in Chapter 8, Table 1. For example, as part of the annual Local Aggregates Assessment we will monitor the Plan to confirm that there is at least a 7 year landbank of sand and gravel reserves.</i>
MM7	37	Policy 2.1	Amend text to read ' <i>During the Plan period</i> provision will be made to maintain at least 15 years of permitted reserves of:
MM8	37	Para 7.13	Amend text to read 'Our Vision and Strategic Objective 1, recognise the importance of industrial minerals to support sustainable economic development taking into account the need to achieve an acceptable balance <i>between the supply of minerals and with</i> the impact of mineral operations on local communities and the environment.
MM9	38	Para 7.15	Amend text to read: The NPPF defines either <i>at least a</i> 15 or 25 year <i>landbanks stock of permitted reserves of for</i> industrial minerals to <i>support plant</i> used <i>in-the</i> to manufacture cement. ³⁴ <i>To ensure a steady and adequate supply we will monitor Policy 2 as described in Chapter 8, Table 1. For example, as part of our Annual Monitoring Report we will monitor the Plan to confirm that there are at least 15 years of permitted reserves for cement minerals.</i>
MM10	40	Policy 3.5	Amend text to read 'Where there are mineral infrastructure sites used for mineral processing, handling, and transportation, <i>except for those types of development set out in appendix 6,</i> non-mineral development should not be permitted unless it has been demonstrated that:
MM11	41	Para 7.24	Amend text to read 'Policy 3 also aims to safeguard: <i>mineral sites and mineral site allocations (Policy 3.2 (b)); and,</i> mineral

³⁴ Refer to paragraph [146](#) of the NPPF.

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p>infrastructure sites used for mineral processing, handling, and transportation (<i>Policy 3.5</i>); from non-mineral development which would unduly restrict the use of those sites. <i><u>A list of the list of the existing mineral infrastructure sites associated with existing quarries is provided in appendix 6 Responsibility for safeguarding other mineral infrastructure sites rests with the district planning authorities and</u></i> <i><u>To assist developers and district planning authorities in applying this policy relevant sites permitted by the County Council, together with a 250 metre consultation zone drawn around each site, will be made publically available via our internet based mapping service and the data will be shared with the district planning authorities for their use. We will also expect the district planning authorities to apply this policy to mineral infrastructure sites that they permit in their areas e.g. stand alone concrete batching plants and coating plants.</u></i>³⁵ In relation to the disused railway that connects with the Caudon quarries, the district local plan safeguards the route and supports the reuse for commercial purposes.³⁶</p>
MM12	41	Policy 4	<p>Amend text to read: 4.1 In assessing the impact of proposals for mineral development on people, local communities and the environment, where relevant, the following environmental considerations will be taken in to account:</p> <ul style="list-style-type: none"> a) Noise; b) Air quality; c) Visual amenity, including the effects of light pollution; d) Vibration from blasting operations;

³⁵ Refer to [paragraph 006](#) Reference ID: 27-006-20140306 of the PPG

³⁶ Refer to Policy T2 of the Staffordshire Moorlands Core Strategy – March 2014

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p>e) Traffic on the highway network;</p> <p>f) Public rights of way and public open space;</p> <p>g) Green Belt;</p> <p>h) The countryside;</p> <p>i) Landscape, having regard to the relative importance of the Cannock Chase Area of Outstanding Natural Beauty, the Peak District National Park together with their settings, and any locally designated areas; and having regard to the <i>County Council’s landscape character assessment ‘Planning for Landscape Change’</i> local landscape character assessment; <i>to ensure that proposals protect and enhance valued landscapes and are informed by and sympathetic to landscape character.</i></p> <p>j) Natural environment, including sites, habitats and species of principal importance for biodiversity, and, geodiversity features; having regard to <i>maintaining the integrity of international sites and the relative importance of international, national and locally designated sites, habitats and species of principal importance for biodiversity and features of geodiversity interest; and having regard to the national biodiversity strategy and the local Staffordshire Biodiversity Action Plans, ecological networks, and green infrastructure and the Staffordshire Geodiversity Action Plan; to ensure that proposals conserve and enhance the natural environment and where possible enhancement of ecological networks and green infrastructure;</i></p> <p>k) to protect and conserve the significance of designated and non designated heritage assets, including</p>

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p>their setting Historic environment, having regard to the relative importance of designated and non-designated heritage assets and their settings, the potential for previously unrecorded archaeological remains; and having regard to the Staffordshire Historic Environment Record, the Staffordshire Historic Landscape Characterisation and the Aggregates and Archaeology in Staffordshire to ensure that the proposals protect and conserve the historic environment; the potential for previously unrecorded archaeological remains; and, the impacts on historic landscape character to ensure that the proposals protect and conserve the historic environment</p> <p>l) Agricultural land, including soil resources having regard to safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources as well as preventing soil pollution;</p> <p>m) Stability of land, including tips, quarry slopes, backfilled land and mining subsidence;</p> <p>n) Water environment, having regard to the flow and quantity of Flood risk, surface and ground water quality, managing flood risk quantity and water quality; and having regard to the ability of impacted watercourses to meet the required ecological status under the relevant River Basin Management Plan; to ensure that proposals avoid increasing vulnerability to impacts arising from climate change and prevent contributing to unacceptable risks from water pollution.</p> <p>o) Land contamination; and,</p>

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p>p) Cumulative impacts-effects from a single site, or from a series of sites in a locality.</p> <p>4.2 <i>In assessing proposals for mineral development, mitigation measures, or as a last resort, compensatory mitigation measures to overcome or minimise the adverse impacts of the development will be taken into account. <u>Where unacceptable adverse effects cannot be avoided, adequate mitigation should be demonstrated. As a last resort, where unacceptable adverse effects cannot be avoided or adequately mitigated, compensatory measures will be taken into account.</u></i></p> <p><u>Overall assessment</u></p> <p>4.3 Having assessed the impacts of the proposals for mineral development and the mitigation <u>and/ or compensatory</u> measures, permission will <u>only</u> be granted where it has been demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, <u>or except where</u> the material planning benefits of the proposals outweigh the material planning objections.</p>
MM13	47	Para 7.42	<p>Amend text to read ‘7.42 Cumulative effects: National policy recognises that it is important to take account of the cumulative effects of mineral development³⁷. When assessing proposals account will be taken of the combined-multiple impacts of the development and the impacts of concurrent and / or consecutive working in an area. <u>For example, the potential environmental effects on the landscape, the highway network and the water environment, which</u></p>

³⁷ Refer to paragraph [120](#), [143](#) and [144](#) of the NPPF

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<i><u>should be addressed as part of the Environmental Impact Assessment. Also, in accordance with Policy 6.2 (a), it will be important to minimise the amount of land disturbed at any one time by phased working and restoration. Cumulative effects can be negative but also positive, for example the combined effect of a series of sites bringing about landscape –scale benefits in the Central Rivers Initiative area.</u></i>
MM14	48	Policy 5.4	Amend text to read '5.4 Having assessed the impacts of the proposals for the exploration, appraisal and production of hydrocarbons, permission will only be granted where it has been demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, <u>except where or</u> the material planning benefits of the proposals outweigh the material planning objections. <i>All proposals should include restoration and aftercare measures for each of the stages of development.'</i>
MM15	50	Policy 6.4	Amend text to read '6.4 <u>In exceptional circumstances,</u> d Developers will be required to demonstrate that adequate financial provision has been made to fulfil the restoration and aftercare requirements when proposals are submitted'
MM16	51	Para 7.54	Amend text to read '7.54 In assessing the impact of restoration proposals it will be necessary to have regard to Policy 4 and then Policy 6 requires that the proposals are sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales. <u>For short term proposals more detail is likely to be required, whereas for long term proposals a restoration strategy may be sufficient to demonstrate that the proposals are practically achievable. In such circumstances a detailed restoration and</u>

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<i>aftercare scheme would be required at a later stage.</i> ³⁸ A holistic approach to restoration is encouraged recognising the wider benefits of ecosystem services as that <i>this</i> can create biodiversity and geodiversity benefits and strengthen landscape character (including historic landscape character) recognising the potential to deliver wider benefits of ecosystem services <i>such as food and water, regulation of floods, carbon capture and storage, and potential indirect benefits such as health, and well-being.</i> ³⁹ <i>Proposals should consider restoration achieved on earlier phases of the quarry and quarries nearby to ensure the resulting mix of after uses, habitats, agricultural land and public access is appropriate and has taken account of the wider context. balanced and connected across the landscape.</i> Policy 6 sets out a number of important requirements that may need to be addressed in developing a restoration strategy/ plan.’
MM17	53	New para.	Add after paragraph 7.62: <i>“Supporting the objectives of the Water Framework Directive: Restoration proposals should contribute, where appropriate, to the objectives of the Water Framework Directive. For example, applicants should demonstrate that there would be no overall reduction in water quality or adverse impact on the ecological status of water courses and water bodies and that there would be no impact on the ability to meet ecological status objectives found in the relevant River Basin Management Plan.”</i> ⁴⁰
MM18	57	Table 1 – Policy 1	Add under key outcomes ‘ <i>between the steady and adequate supply of minerals and the</i> ’
MM19	57	Table 1 –	Add under target ‘ <i>at least a</i> ’

³⁸ Refer to paragraph 040 Reference ID: 27-040-20140306 of the PPG.

³⁹ Refer to paragraph 109 of the NPPF and “Introducing an Ecosystem Approach to Quarry Restoration” – Cranfield University (2013)

⁴⁰ Refer to the Humber, North West and Severn river basin district [River Basin Management Plans 2015](#).

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
		Policy 1	
MM20	57	Table 1 – Policy 2	Add under Key outcome ' <i><u>between the steady and adequate supply of minerals and the</u></i>
MM21	57	Table 1 – Policy 2	Add under target ' <i><u>at least</u></i>
MM22	28	Appendix 1: Profile for Inset map 14: Area of search - west of the A38, along the Trent Valley	Change reference to interested developer to <i><u>Tarmac</u></i> rather than <i><u>Lafarge-Tarmac</u></i> . Amend and add to development considerations so that they state: <ul style="list-style-type: none"> • <i><u>This is a large and complex area, so any proposals for quarrying within the Area of Search will need to assess the way in which resources can be quarried without unacceptable adverse impact on local communities and the environment in accordance with the policies in the Plan.</u></i> • <i><u>The prospective developers have identified a potential interest in two sites within the Area of Search and it is anticipated that when the Plan is reviewed it will be possible to more clearly define these two sites as 'preferred areas'.</u></i> • <i><u>The prospective developers will need to engage with key stakeholders – land owners, local residents, the Parish, District and County Councils and their representatives, the Environment Agency, the Highway Agency, National Grid and potentially the Central Rivers Initiative when proposing their 'preferred areas' for inclusion in the Plan when it is reviewed.</u></i> • <i><u>Proposals within the Area of Search should first be developed on land to the south of the A513. Any proposals to the north of the A513 as well as to the south of the A513 within the Area of Search would need to have regard to the following development</u></i>

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p><i><u>considerations: will need detailed assessment</u></i>⁴¹.</p> <ul style="list-style-type: none"> • Wychnor Park is an area of high sensitivity to change, so high levels of landscape mitigation would be required to avoid adverse impact. • Some areas north of the A513 retain historic field patterns <i><u>and water meadows</u></i>, and these should be retained where possible. • Careful consideration should be given to screening around Kings Bromley, <i>Alrewas, Fradley, Orgreave, and Overlay</i> to ensure satisfactory visual mitigation. The phasing of any workings between Kings Bromley and Alrewas will need to minimise the erosion of landscape <i><u>character ensuring that previous mineral workings to the east of Alrewas and west of Kings Bromley are subject to restoration works prior to commencement of development within the area of search.</u></i> • Proximity to sensitive properties within and adjacent to the area of search should be considered as well as the canal conservation area including Fradley Junction <i><u>and the Alrewas and Kings Bromley conservation areas.</u></i> Appropriate stand offs should be defined to safeguard amenity and structures. • <i><u>The presence of the Bourne/Bilson Brook. Should sub-water table working be necessary then evidence will be required that such activities will not impact on flows in the brook.</u></i> • <i><u>There should be no net loss of floodplain storage as a result of the excavations.</u></i>

⁴¹ Inspector’s rephrasing shown in bold.

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p><i><u>Any excavated material should normally be stored outside of the extent of the 1 in 100 year (with climate change) floodplain unless its temporary storage would be acceptable to the Environment Agency. Any ancillary development should be located in areas of lowest risk.</u></i></p> <ul style="list-style-type: none"> • Proposals may need to consider proximity to the HS2 construction areas for phases 1 and 2 of the route. • Proposals for mineral working and restoration should take into account the need to safeguard pipelines and associated infrastructure <i><u>as well as overhead power lines.</u></i> • <i>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.</i> New mineral site infrastructure should be designed to minimise impact on the area and consideration should be given to the most effective use of plant in developing the resource. • Across the whole area, retention of small woodland blocks, riparian vegetation, hedgerows and trees will help with mitigation of visual impact, and advance planting should also be considered. • There is a high risk of best <i><u>& and</u></i> most versatile land being present, so <i><u>safeguarding its long term potential and conserving soil resources this</u></i> should be considered in designing the restoration <i><u>of site</u></i> proposals. • Consideration should be given to the public rights of way affecting the area. • Transport Assessment is required and should ensure that HGV traffic does not

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p>travel through Kings Bromley village.</p> <ul style="list-style-type: none"> • Restoration of mineral workings in this area should contribute where applicable to the Staffordshire Washlands project, the Staffordshire. • BAP River Gravels Ecosystem Area objectives and to the objectives of the National Forest. <i><u>There is also the potential to extend the Central Rivers Initiative into this area.</u></i>
MM23	41	Appendix 6	<p>Amend appendix 6 to read:</p> <p>Table 7: Exemptions Criteria for Mineral Safeguarding</p> <ol style="list-style-type: none"> 1. Applications for householder development; 2. Applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site; 3. Applications that are in accordance with the development plan where the assessment of site options took account of potential mineral sterilisation; 4. <i><u>Applications for minor development: Applications that fall within the development boundary of urban areas and rural settlements identified in an adopted development plan document, other than:</u></i> <ol style="list-style-type: none"> a) <i><u>non- exempt applications that fall within the mineral consultation zones around mineral sites, mineral site allocations and mineral infrastructure sites; and,</u></i> b) <i><u>non- exempt applications that fall within the coal and fireclay safeguarding areas (see 13 below);</u></i>

Modification reference	Page No.	Policy/ Objective / Para	Main Modification (shown in italics)
			<p>5. Applications for advertisement consent;</p> <p>6. Applications for reserved matters after outline consent has been granted;</p> <p>7. Prior notifications (telecoms, forestry, agriculture, demolition);</p> <p>8. Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);</p> <p>9. Applications for works to trees;</p> <p>10. Applications for temporary planning permission;</p> <p>11. Applications for listed building consent;</p> <p>12. Applications for non-compliance of conditions where this relates to non-mineral issues;</p> <p>13. <i>Applications within urban areas affected by the coal and fireclay safeguarding areas, where the development does not constitute ‘major development’ as defined by the Town and Country Planning (General Development Management Procedure) (England) Order 2015 (Article 2).</i></p>