

**HIGH CARR FARM, 2 TALKE ROAD, BRADWELL**

**MRS NORMA BAILEY**

**SCC REF: N.19/07/294 MW (NULBC REF 20/00126/CPO)**

This is a consultation by the County Council on an application for a variation of condition 2 of planning permission N.11/01/294 MW to allow for the continuation of clay extraction up to 31 December 2029 and for the site to be restored by 31 December 2030.

The site is within the North Staffordshire Green Belt, an Area of Landscape Restoration and Community Woodland Zone all as designated by the Local Development Framework Proposals Map.

The site is accessed off Talke Road (A34), lies to the north of the High Carr industrial estate and to the south of the A500, and extends to approximately 1.9 hectares

The Planning Committee has the authority (within the Borough Council) to make comments upon such an application

**For any comments that the Borough Council may have on this proposal to be taken into account, they have to be received by the County Council by no later than the 2<sup>nd</sup> April 2020.**

**RECOMMENDATION**

**The County Council be advised that this Council raises NO OBJECTIONS to the proposal to extend the period of time for a further 10 years within which the extraction can be undertaken and the restoration must occur, subject to the imposition of all other conditions attached to planning permission N.11/01/294 MW.**

**Reason for Recommendation**

The development affects land adjacent to that owned by the Council and comments are being sought from the relevant departments on that aspect. There is no apparent reason associated with other corporate objectives of the Council, such as the creation of a prosperous Borough that more time should not be given for the previously approved extraction to be completed by. Subject to the appropriate conditions/controls being put in place relating to the prevention and reduction of noise and dust at the site; and the site is fully reclaimed and restored and appropriately landscaped, the proposal is considered to be acceptable and to not cause adverse harm to the local environment or neighbouring uses.

**Key Issues**

**Background**

The original permission to extract clay from this site was granted in May 1949. Following the introduction of the Environment Act 1995 the site was classified as a dormant mineral working. Under the Environment Act (under paragraph 9 of Schedule 13) the owner made an application to the County Council to review the permission and its conditions. This application was granted permission in October 2000 subject to a number of conditions, including a time limit condition controlling the period of extraction and the period for the restoration of the site.

A second application was then submitted which sought permission for the variation of condition 1 of the original permission as to allow for the continuation of clay extraction up to 31 December 2019 and for the site to be restored by 31 December 2020. The variation of condition application was approved in 2011, and now permission is being sought to extend these time limits for an additional 10 years. The applicants' agent has provided a statement which states that the reason for this application to extend the time to extract the mineral and restore the site are to allow for extraction of the remaining 23618.8 cubic metres of valuable material.

The Borough Council is being asked for its views on this proposal – the County Council being the Minerals Planning Authority. The Planning Committee, with respect to “major developments”, is the part of the Borough Council which decides what comments are to be put to the County Council in response to such

consultations. In deciding what representations to make the first consideration is whether the proposal has an impact upon any particular interests of the Borough Council (such as its landholdings). The Borough Council does own land immediately adjacent to the site (as part of a substantial area of land that lies to the north of Bradwell Woods and the north east of the High Carr industrial estate), and your officers are considering whether as an adjoining landowner it is necessary to raise any concerns.

Beyond that members may wish to consider whether any aspect of the development has a particular bearing upon the amenity of the residents of the Borough, and to comment upon whether the proposal appears to conflict with any policies within that part of the development plan or emerging local development framework for which the Borough Council is the responsible Planning Authority, and upon whether the proposal has any bearing upon the strategic aims of the Council – of creating a Borough of opportunity; a cleaner, safer and greener Borough; and a healthy and active community.

The Borough Council should not attempt to deal with the matter as if it were the relevant planning Authority. It is suggested that there is no merit in commenting upon detailed technical considerations upon which the County Council will obtain advice both from their specialist officers and consultees. This is a particularly complicated application given the history of the site. Given that the acceptability of mineral extraction of the site has been established over a considerable number of years and that this type of extraction can only occur where the minerals are located, it is considered the principle of mineral extraction is established. It is not apparent to your officers that there has been any material change to the relevant material considerations which the County Council would have taken into account in 2011, when the last extension to the works timescales was approved.

It would appear that the issue that will be being considered by the Mineral Planning Authority is really the appropriate length of time over which the extraction can occur and also by when the site must be restored, rather than the principle of the proposal. A 10 year extension is being sought, but it is assumed that the County could, if it wishes, indicate a lesser extension period, or if it was justified none at all.

One of the Borough Council's strategic aims is to create a Borough of opportunity. The site lies on the opposite (southern) side of the A500 road from the Chatterley Valley/Peacock Hey Premium Employment Site but it is some distance back from the A500 and there is no particular reason to consider that the mineral extraction scheme here would have any particular implications for the likely bringing forward of the employment proposals within Chatterley Valley. It is relevant to note that one of the approved great crested newt relocation sites associated with the second phase of the Chatterley Valley development is in fairly close proximity to the extraction site but again there is not considered to be any fundamental conflict between the two developments.

The County Council will have to determine what would be an appropriate extension period to allow, balancing a range of considerations including the visual, environmental and traffic implications of the development as it is undertaken. Obviously the longer the period is the more drawn out is the impact of the development.

Insofar as the Borough Council's interests are concerned your officer considers there is no apparent conflict between this proposal and another that the County Council's attention should be drawn to. Proposals such as this can lead to concerns regarding noise or dust nuisances. The nearest residential property is located over 300 metres from the site, fronting the A34.

Noise disturbances could be generated from either the extraction of the mineral or from the vehicle movements from and to the site. The extraction of the mineral would be carried out by heavy plant machinery and vehicle movements would be via the existing access road to the site from the A34.

The existing permission contains a number of conditions controlling potential nuisance issues including hours of operations and the plant and machinery to be adequately silenced and maintained in such a manner.

The area is dominated by the existing road noise from the A34 and A500 and with the topography of the site and surrounding area it is considered the proposal would not result in adverse impact on residential amenity in the area.

Such operations can result in dust pollution and again the existing planning approval contains a condition minimising the dust generated from the site.

## **APPENDIX**

### **Policies and Proposals in the approved development plan relevant to this matter: -**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

Policy ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development within the Green Belt

Policy N9: Community Woodland Zones

Policy N21: Areas of Landscape Restoration

The Minerals Local Plan for Staffordshire (2015-2030)

Policy 4: Minimising the impact of mineral development

Policy 6: Restoration of Mineral Sites

### **Other Material Considerations**

Relevant National Policy Guidance:

National Planning Policy Framework (2019)

Planning Practice Guidance (updated 2018)

### **Relevant Planning History**

99/00490/CPO - Importation of 18,000 cubic metres of soils and 8,000 cubic metres of fill material for agricultural land restoration and agricultural improvement – permitted

99/00600/CPO - Soil stripping and deposit of inert waste material to form agricultural improvement – permitted

00/00115/CPO - Use of the existing High Carr access road, wheel wash and weighbridge for the proposed clay extraction and infill area and change of use of land for clay stockpile and loading area – permitted

00/00425/CPO - Importation of inert waste and infilling to facilitate restoration to part agricultural land and part fishing pond – permitted

01/00161/CPO - Variation of conditions 3 and 22 of planning permission 99/660/CPO regarding soil replacement on phase 1 and 2 and handling of soil on site – permitted

11/00275/CPO - N.11/01/294 MW - Variation of condition 1 of planning permission N.EA/3 to allow for the continuation of clay extraction up to 31 December 2019 and for the site to be restored by 31 December 2020 at High Carr Farm, Chesterton, Newcastle under Lyme – permitted

12/00083/CPO - Submission of details in compliance with conditions 14, 21 and 22 of planning permission N.11/02/294 MW relating to floodlighting (Condition 14), landscaping (Condition 21) and invasive species management plan (Condition 22) – observations to county council

### **Views of consultees**

It is the responsibility of the County Council to carry out consultations on this application.

### **Applicant/Agent's Submission**

The application is accompanied by a Minerals Development Statement, Ecological appraisal and a flood risk assessment. These documents can be viewed on the County Council's website searching under reference N.19/07/294\_at [www.staffordshire.gov.uk](http://www.staffordshire.gov.uk)

### **Background Papers**

Planning file  
Documents referred to

**Date report prepared**

11<sup>th</sup> March 2020