

SCRUTINY REVIEW WORKING PARTY – WALLEY’S QUARRY

QUESTIONS FOR STAFFORDSHIRE COUNTY COUNCIL

SCC Highways

- 1 What monitoring and measures are carried out to ensure highway safety can be maintained on local roads leading to Walley’s Quarry (WQ)? Are there any improvements that could be carried out such as through Traffic Regulation Orders?

Accident data (injury accidents only) is monitored across the County’s network and any clusters identified investigated to confirm if there are any common factors and if there is any solution. This is not specific to the local roads leading to the quarry. An investigation would be required to understand what the issues are and if there is an appropriate solution to mitigate them.

- 2 How can the condition of local roads and Cemetery Road in particular be protected from the high number of HGVs travelling along them? Should a weight restriction be introduced and if not, what criteria is applicable when considering weight restrictions?

Any weight restriction has to be carefully investigated and where part of the main network is being used (i.e. A and B roads) restricting their use is most likely not appropriate. In some cases restricting lesser routes may still require ‘Except for access’ to be added which may not provide the restriction being sought. The first action would be to collect data to determine the number and type of vehicle use along a specific road and what the HGV use was.

- 3 Can the area around Cemetery Road be better managed to ensure highways issues cause minimum impact in this sensitive area?

There has to be a clear understanding as to what is meant by ‘better managed’. Given there is a quarry access off Cemetery Road which is in the process of being filled there will be access required to this location. Condition 15 of planning permission N.12/09/216 MW (attached) for landfilling in Walleys Quarry allows up to 880 HGV movements per full working week (440 in and 440 out).

- 4 How can the layby on Cemetery Road be better managed to prevent overnight parking and use as a waiting area for the Quarry? What can be done to address issues of parked vehicles causing an obstruction to the highway and causing nuisance through litter etc?

A parking restriction can be used to prevent overnight usage although enforcement of this would be problematic unless the Police would agree to do so given their 24 hour operation. A daytime restriction for the layby could be considered but would limit the use for any vehicle which may impact any visitors to the cemetery who use the layby to park. In terms of general parking causing obstruction, where identified to be occurring, could be prevented with the use of a parking restriction.

- 5 How could any parking/ vehicle restrictions be implemented and what could these look like?

Once funding has been identified to consider a restriction the process would be to identify the issue, possibly with a parking survey or site visits to observe the situation. Once the scale of the issue is known a proposal can be drawn up, possibly for informal discussions initially before progressing to the formal, legal process. Once any objections have been considered and possibly changes made the final scheme can be implemented. What the actual restrictions would be (timed, single yellow lines and/or double yellow lines) will depend upon the issues noted and the progress of the proposals via the informal and formal consultations.

- 6 What evidence is required to impose parking / vehicle restrictions?

In general knowledge of the parking practices. This evidence could be in the form of photographs from the community or, as mentioned in the earlier reply, via a parking survey or site visit observations by officers.

- 7 How long would these take to implement and who would pay for this and the subsequent enforcement?

It is difficult to give an accurate time frame since the process does to a great degree depend on issues out of our control, specifically the consultations and any changes requested, and any subsequent objections submitted during the formal, legal, consultation. The general timescale given is therefore 8 to 12 months once it is handed over to the Design Team to start the investigation. Funding can be provided by the business, the Parish Council, Newcastle Borough Council with the only funding available via the County Council being using the County Councillor's Divisional Highway Programme (DHP) fund. This fund is limited and has many competing demands for it. The decision to prioritise any issue to utilise this fund sits with the County Councillor. Once a scheme is implemented enforcement of the restriction sits with the County Council as the Highway Authority via the Clear Streets Team.

- 8 How can damage to verges and footpaths be reduced and what restoration measures can be implemented when damage does occur?

Where considered necessary physical barriers can be introduced (bollards, railings etc.). However the priority given will be low if purely an amenity issue with make safe works more likely to be carried out than the introduction of bollards etc. The bollards installed at each of the layby in the recent past were funded by the landfill operator in order to address issues caused by vehicles visiting the quarry.

- 9 How often does mud and debris from vehicles leaving WQ impact local roads and how can this be reduced? What is the current road sweeping schedule? If not weekly, could this be increased to a weekly schedule? How often are road sweepers serviced and cleaned to prevent them adding to the problem of mud and debris on the roads?

Responsibility for keeping the road clean sits with Newcastle Borough Council so they may have details. Suitable wheel washing facilities at the very least will limit the detritus coming off the landfill area on to the highway. If details of the non-landfill sweeping arrangements are required this would need to be confirmed by officers from Newcastle Borough Council. Schedule 3 of the s.106 legal agreement for the landfilling operations requires vehicles leaving the site to use the wheel wash to prevent deleterious material being deposited on the public highway. The agreement also requires that waste being taken to the site is sheeted or otherwise contained, again to prevent any deleterious material being deposited on the public highway. Conditions 14, 16, 17 and 18 in planning permission N.12/09/216 MW also relate to quarry vehicles keeping the public highway free from mud and debris.

- 10 What impact will an increase in the permit have on highways – will increased vehicles visiting the site have a significantly detrimental impact on local roads and how can this be managed?

The change in the permit is to allow an increased tonnage (from 250,000 tonnes to 300,000 tonnes) to be brought into the site. The consultation response from Staffordshire County Council Planning to the Environment Agency for the increase in tonnage for the permit did include a reminder that the

number of vehicle movements allowed under the planning permission (880 per week, 440 in and 440 out) would still be applicable and if the changes to the permit would require more vehicle movements than those already permitted then the applicant would also need to apply to vary the condition. The applicant stated that they could achieve the increased tonnage and remain within the limits of the planning permission through increased tonnage per vehicle and that previous vehicle movements have been less than those allowed under the planning permission.

- 11 How is the impact of noise, dust and volume of vehicles visiting WQ measured and what actions can be taken to minimise the impact on the local community?

Newcastle under Lyme Borough Council monitor air quality across their area. Darren Walters from NULBC has said that he will provide the Scrutiny Panel with further information on this.

- 12 How many complaints relating to WQ are received per month and how are these recorded and monitored?

Reports about the highway concerns – damage, parking etc – should be reported using the online system 'Report It'. Issues regarding damage to the highway will be forwarded to the Reactive Inspector to investigate and determine if a repair is required, what the repair needs to be and what priority it should be given for scheduling. Many of these reports will be difficult to relate directly to WQ since they may be about carriageway defects in general along Cemetery Road and the surrounding roads leading to the area. It is therefore not possible to provide a figure. Where issues are reported about parking these would be forwarded to the Community Traffic Management Office and logged on the DHP mentioned previously. Although the issue was raised last year by the Nursery and Silverdale Parish Council no further reports have subsequently been added to the logged issue on the DHP spreadsheet.

SCC Planning

- 1 Can you outline the planning history to the landfill site. What are the conditions and obligations arising from the planning permission and how are they monitored?

The site is a former clay pit from which Etruria marl was extracted to manufacture bricks and tiles.

After the end of World War II, the government concluded that it was important to establish a balance between the Country's need for minerals in the post-war reconstruction period and the need to avoid conflict with other land uses and the protection of amenity. The Town and Country Planning (General Interim Development) Order 1946 withdrew previous permitted development rights for surface mineral working. From October 1946, most new surface mineral working needed an express grant of permission from the interim development authority. Interim Development Order permissions (known as 'IDOs') granted after 21 July 1943 and before 1 July 1948 have been preserved by legislation as valid planning permissions by various planning acts.

The Planning and Compensation Act 1991 ('the 1991 Act') required applications to register old mineral permissions by 25 March 1992. If no applications were made, then the permission would cease to have effect. These applications had to include a scheme of operating and restoration conditions for approval (known as a Scheme of Conditions).

Following on from the 1991 Act, the Environment Act 1995 introduced a requirement to Review Old Mineral Permissions (known as 'ROMPs') and thereafter to carry out Periodic Reviews of the mineral permissions at least every 15 years. The IDO, ROMP and Periodic Review processes have therefore

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provided an opportunity to review the mineral planning permission to ensure that modern standards are maintained.

On 9 September 1992, an 'Interim Development Order' (IDO) permission was formally registered for Walley's Quarry and approval was sought for a Scheme of Conditions (ref. IDO/N/1). The Scheme of Conditions was reported to the County Council's Planning Committee where it was resolved to amend several conditions and an amended IDO Scheme of Conditions was issued on 17 June 1994. This decision was appealed and the Secretary of State for the Environment, Transport and Regions approved the conditions on 14 November 1997. The permission was also subject to a Section 106 Legal Agreement which was completed on 15 July 1998.

The IDO permission required the winning and working of minerals, the extraction of minerals from stockpiles and the depositing of waste to cease on or before 21 February 2042.

The IDO permission was subject to a periodic review of the conditions with a new set of conditions being approved in May 2016 (reference N.12/09/216 MW) along with an associated legal agreement.

Planning permission for the retention of a mess room and ancillary facilities comprising storage areas and a fuel tank within a compound was granted in July 2007 (ref. N.07/04/216 MW). Permission was granted in 13 March 2009 for the construction of a landfill gas utilisation compound to control and convert gas into electricity (ref. N.09/01/216 MW), and permission for an additional gas engine was granted in October 2013 (ref. N.13/04/216 MW). The erection and operation of a leachate treatment plant was confirmed to be permitted development on 11 July 2013. These permissions can be found on the County Council's website.

Copies of the main site planning permission (N.12/09/216 MW) and associated s.106 legal agreements are attached. These are monitored by the Planning Regulation team making visits to the site, both pre-arranged and unannounced (usually unannounced if in response to complaints).

2 Is the site currently fully compliant with planning conditions?

Conditions on the main site permission (N.12/09/216 MW) required submissions of details. Some were not submitted within the required time period but have now been submitted and are being considered by the County Council. We are not aware of any other current breaches of conditions at the site.

3 During the life of the site, have you identified any breaches of planning conditions and if so what action has been taken to ensure compliance?

Where any breaches of planning control are identified, in the first instance officers would normally bring these to the attention of the site operator and ask them to remedy the breach (unless the breach was having such a detrimental effect on amenity to require immediate formal enforcement action). Where any such breaches have been identified in relation to Walley's Quarry, actions have been taken by the operator and therefore no formal enforcement action has been taken.

4 Has a restoration and landscaping plan been approved for the site and what does this look like?

Condition 39 of planning permission N.12/09/216 MW required the submission of a detailed restoration and aftercare scheme. The scheme has been submitted and is currently being considered. The submitted documents are not yet valid but when they are validated they can be viewed on our website under reference N.12/09/216 MW D2.

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5 How many complaints are received per month regarding WQ and how are these recorded and monitored.

During the year from 1 April 2019 - 31 March 2020 the Planning Regulation Team at the County Council received 1 complaint relating to the site. Since 1 April 2020, two complaints have been received, one in September 2020 and one in October 2020.

When any complaint is received an officer from the team will investigate as appropriate depending on the nature of the complaint, such as making an unannounced visit to check the condition of the site access, visiting the site to check that the wheel wash is operating properly and speaking to the operator to discuss possible remedies to any identified issues. Our aim is to make our initial investigation and reply to the complainant within 10 working days of any complaint being received.

6 Is the membership of the Liaison Committee sufficiently representative and should it be extended to include a public health perspective and local business representation? How well does it communicate its role and work to the local community?

Schedules 6 and 7 of the latest legal agreement (attached) includes details of the membership of the Liaison Committee which does not include a specific public health or local business representation, however does allow the Committee to invite other organisations or individuals to its meetings where their contribution would be relevant.

It is not for Staffordshire County Council's Planning Regulation Team to comment on how well the Liaison Committee communicates its role to the local community. Local members (including some on the Scrutiny Panel who attend the Liaison Meetings) would be better placed to comment.