

Our Ref: 3263-01/DA/EW/GED

11th August 2022

Via Barnsley Council Pre-Application Planning Portal

By email: ElaineWard@barnsley.gov.uk

Planning and Building Control
Barnsley Council
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planning
transportation
planning
environment
design

Dear Madam

For the attention of Elaine Ward, Senior Planning Officer

PRE-APPLICATION ADVICE REQUEST – COMMERCIAL AND IN-CONFIDENCE

PROPOSED DEVELOPMENT COMPRISING THE PARTIAL INFILL WITH NON-HAZARDOUS EXCAVATED SOIL MATERIALS, RESTORATION AND AFTERCARE OF QUARRY VOIDS AT: STAIRFOOT QUARRY, WOMBWELL LANE, STAIRFOOT, BARNSELY

I write on behalf of my client, Green Earth Developments (Group) Ltd (hereafter referred to as 'the applicant'), in respect of a formal pre-application advice request with regard to the above development proposal. The development comprises the de-watering, re-engineering of historical quarry voids, importation of non-hazardous excavated soil materials, to effect restoration, and aftercare of the site to facilitate improved biodiversity and public amenity. The site is located on the eastern side of the town of Barnsley within the administrative area of Barnsley Metropolitan Borough Council (BMBC).

This letter is provided in support of a completed BMBC Pre-Application Form submitted via the Council's on-line service and following a review of the publicly available planning files, and preliminary discussions with Ms Elaine Ward on the 30th June 2022.

The applicant is currently in the process of finalising the purchase of the landholding from Hanson UK who have historically won clay mineral for the manufacture of bricks at the site. The site has largely been restored incrementally through a mixture of structure planting and natural self-seeding, but informal management has left the site in a semi-redundant condition. The northern parts of the site have historically been landfilled using a variety of disposal materials however, there remain two large quarry voids (one in the north and one in the south) which have filled with water over the passage of time. These voids have attracted unauthorised access and represent a real and present health and safety risk which needs addressing as a matter of urgency (see discussion below).

Chester Office:
Well House Barns
Bretton
Chester
CH4 0DH

South Manchester Office:
Camellia House
76 Water Lane
Wilmslow
SK9 5BB

The applicant proposes to de-water and then infill these voids with non-hazardous excavated soils and similar building reject material in order to provide a safe and sustainable landform. The site can then be restored to create an attractive feature that could include permissive footpaths for the public. The restoration of the site would provide a safe and attractive public space and offer the opportunity to generate significant biodiversity net gain (BNG) for the local area.

Background to the Applicant

Green Earth Developments (Group) Ltd (GED) is a private limited company that specialises in brownfield land regeneration, remediation, and land development. In order to deliver their value-added regeneration projects with a strong partnership ethos, GED is working with a number of different developers and local authorities across the UK to help bring brownfield land back into beneficial use.

Site Context

The former Stairfoot Quarry Complex is circa 25 hectares of land located approximately 2km from the centre of Barnsley on the eastern edge of the town. The area is largely residential, made up of a mix of semi-detached properties built between 1950 and 1975 (St Paul's Parade; St David's Parade; Roehampton Rise; Winchester Way; St Andrews Way and St Leonards Way). Further north is the A635 Doncaster Road which connects Barnsley in the west to Doncaster in the east. Directly to the north of the site (accessed from Doncaster Road) is Oakhill Primary School, adjacent to which are a number of light industrial units and food outlet establishments.

The Stairfoot Roundabout connects the A635 and A633 to the northwest beyond which is the centre of the town. The A633 (Wombwell Lane) runs broadly north/south to the west of the site and is straddled by a number of retail units and industrial buildings, along with a series of terraced properties fronting the eastern side of the main road. Access to the site is from the former (now cleared) brickworks site off Wombwell Lane. Wombwell Lane runs north/south from the A6133/A633 Stairfoot Roundabout to the A6195/A633 Wath Roundabout at Brampton/Wombwell.

The site is a linear feature running from the urban area of Barnsley northwest of the site to the open countryside to the southeast. The land to the southeast of the site is within the Metropolitan Green Belt which restricts further development from expanding east and helps prevent Barnsley coalescing with Wath upon Dearne.

Background to Stairfoot Brickworks

The Quarry Complex comprises a series of former clay pits used for the manufacture of bricks dating back as far as the turn of the nineteenth century. In the 1920's Squire Micklethwaite built a new brickwork at the site which was subsequently acquired along with the rest of the site by the Yorkshire Brick Company Limited. By the mid-1970s the majority of the site lay derelict, and the brickworks was closed, with any mineral extracted exported off-site for manufacture elsewhere. The old brickworks located off Wombwell Lane was finally demolished and cleared post acquisition of the site by the Hanson Group in 1994.

The site was developed for clay extraction purposes incrementally across four primary areas (see attached plan). The areas are identified as:

- **North Quarry** – Located in the northern part of the site from the rear of St David's Drive, south as far as the rear garden of No. 90 St Paul's Parade. This area appears to have been restored following the importation of waste material (see planning permission review below) and comprises of a variety of open scrub land and structure planting. This part of the site is relatively well screened from adjoining properties to the north and south. One of the existing large water bodies that has remained on the site resulting from historical quarrying activities is located within this part of the site.
- **South Quarry / Yew Tree Quarry** – Located to the south of North Quarry and adjacent to the rear gardens of St Paul's Parade. The second, larger of the two water filled quarry voids are located in the former Yew Tree Quarry area of the site.
- **Marine Band Quarry** – Located to the south of Yew Tree Quarry and north of the former railway line that is now designated a Green Corridor. It is understood that this area of the site was historically used for water management during the operational phase of the quarry.
- **Area 3 Quarry (also referred to as 'Area B')** – Located to the east of Yew Tree Quarry and Marine Band Quarry. This is an area that is not described on the public file, and consequently the history to it is unclear (see reference below). It is illustrated on a number of 'loose' plans and aerial photography suggests that clay has never been extracted in this area.

Relevant Planning History

The public planning files are limited in their coverage, consequently certain documentation appears to be missing from the historical records. One thing that is clear is that the original planning permission for the site is reference B/93/0247/BA, granted 25th November 1993: *"Determination of Conditions on an Interim Development Order Permission – Winning of Minerals, Stairfoot Quarry."* The Planning and Compensation Act 1991 introduced new procedures for dealing with permissions for the winning and working of minerals or the depositing of mineral waste, originally granted under Interim Development Orders (IDOs). These were permissions granted after 21 July 1943 and before 1 July 1948, which have been preserved by successive planning Acts as valid planning permissions in respect of development which had not been carried out by 1 July 1948. The Act required certain actions to be taken if these old permissions were to continue to have effect. Most significantly, holders of IDO permission had to apply to have them registered by 25 March 1992. The IDO process did not allow the LPA to refuse planning permission for working, rather it ensured that relevant workings continue to operate in accordance with modern operational and environmental standards. It is understood that the Stairfoot Quarry IDO covered the entire site identified above (save for the area identified as 'Area 3' on the attached plan) and was subject to 28 conditions.

Condition 1 required the extraction of minerals and restoration of the site to be completed by 10th June 2007. The IDO was specific to the winning / working of mineral and subsequent backfill with mineral waste (where relevant). Condition 22 provided that:

"Waste materials shall be replaced into the excavated void, in the North Quarry in accordance with the relevant Waste Disposal Site Licence, or its subsequent modification, as to ensure

that the site can be adequately drained and will, after the replacement of the subsoil and topsoil generally conform with such contours as are shown on drawing No. NQ10.”

Condition 27 provided that:

“Within twelve months of the date of this permission a scheme shall be submitted for the approval of the LPA showing the restoration proposals for the North Quarry. Except with the prior written approval of the LPA a restoration scheme for the remainder of the site shall be submitted for the approval of the LPA within 5 years of the date of approval of these conditions. The site shall thereafter be restored in accordance with these schemes... ”

13. Condition 28 provided that:

“The Restoration Works on the North Quarry shall be maintained in accordance with a 5-year aftercare scheme to bring the land to the required standard for the use of agriculture/forestry...Except as agreed in writing with the LPA, Marine Band Quarry and Yew Tree Quarry shall be maintained in accordance with a 5 year aftercare scheme to be submitted to the LPA... ”

A document on the public file dated 21st July 1993, and titled: “*Verification of levels on submitted restoration plan for North Quarry*” states that:

“Yorkshire Brick have permitted development rights to deposit waste into North Quarry subject to the height of such deposits not exceeding the level of the land adjoining any such excavations...it has been accepted that the restoration contours of the North Quarry should resemble the ground contours that existed period to the commencement of quarrying...In 1986 planning permission was granted for the deposit of waste materials on the Wombwell Lane end of the site ...In the late 1980’s the Council was in discussion with Yorkshire Brick regarding long term tipping, At that time Dennis Thornley proposed contours for the whole of the North Quarry based upon his interpretation of the previous ground contours...Complaints have been received from the residents of St Davids Drive that the level of the tipped area is 3 metres higher than the level they recalled existed prior to quarrying...A survey has been carried out which demonstrates that on a small part of the tip the levels are up to 3.1 metres higher than the submitted original ground levels...In time the filled material should settle towards approved levels. However, in the short term this over tipping represents a breach of planning control and Members need to consider whether enforcement action is necessary to remove over tipping. This matter is the subject of a separate “Breach of Planning Control” report which is to be considered at committee .”

Whilst it is not entirely clear from the public records, a document entitled; “*Initial Restoration and Outline Aftercare Scheme*” dated May 2011 references a drawing which identifies the areas of the site. It states that planning permission B/93/0247/BA covered the whole of the site, with the exception of Area B (illustrated elsewhere and on the attached plan) as ‘Area 3’. It states that this area was covered by a separate permission reference B/95/0832/BA. There is no record on the public file of planning permission B/95/0832/BA, save for a file note dated 16th August 2007 from Keith Pell (Senior Planning Officer), and limited reference within the Committee Report to planning application 2007/1069 (see below) where reference is made to a planning permission being granted on 24th July 1997 for the working of minerals, water

management, and development of a haul road to the east of Marine Band Quarry. Given that there is no record of planning permission B/95/0832/BA, and it appears that the area to which it related has been fully restored to adjoining levels, no further conclusions can be drawn.

On the 11th October 2007 planning permission was granted under Section 73 of the Town and Country Planning Act 1990 for the: *“Variation of Condition 1 of planning permission B/93/0247/BA to extend extraction and restoration period.”* (Reference 2007/1069)

The result of a successful application under Section 73 is not to ‘vary’ the previous permission to which it relates, but rather it results in a wholly new planning permission for the development in its entirety with the proposed changes included. Consequently, upon implementation on the 11th October 2007, planning permission 2007/1069 became the ‘operative’ permission for the majority of working and restoration at the site.

Of relevance, Condition 2 provided that:

“The extraction of minerals and restoration of the site shall be completed to the satisfaction of the Mineral Planning Authority by 10th June 2016...”

Condition 3 provided that:

“Unless otherwise agreed in writing by the MPA, within 12 months of the date of this permission a restoration scheme for the unrestored areas of the site shall be submitted to and approved in writing by the MPA. The scheme shall include (a) details of final restoration levels; (b) precise boundaries of the land uses; (c) patterns of field boundaries; (d) areas to be tree planted; (e) specification of seed mix; (f) details of all tree and shrub planting etc...”

Condition 4 provided that:

“Unless otherwise agreed in writing by the MPA, restored areas of the site and areas to be restored shall be maintained in accordance with a five-year aftercare scheme which shall be submitted to and approved in writing by the MPA within 12 months of the date of this permission...”

On the 11th January 2008 a document reference 031/C17/R/00-122(V2) was submitted by Hanson Building Products for approval by BMBC entitled; *“5-Year Restoration and Aftercare Scheme for North Quarry, Stairfoot”*. The document is stamped ‘approved’ on the 12 November 2008. It is unclear from the document whether it was submitted to discharge the requirements of Condition 3 or 4 (or possibly both) of planning permission 2007/1069, but either way it related solely to the North Quarry area. The plan accompanying the submission is entitled; *“Restoration Scheme 2008 – DRWG Ref: D4”* illustrates the North Quarry as flat ‘bowl’ landform and central dome. The periphery of the site runs from a high point of 65m AOD down to a low point of 50m AOD, with the majority of the central part of the site running to a small wetland scrape in the south-western corner of the bowl feature. The approved restoration landform does not appear to reflect that which appears on aerial photographs (albeit it is broadly similar).

A further SLR document is on the public file entitled; *“Initial Restoration and Outline Aftercare Scheme - May 2011”*. The document states that it was submitted pursuant to restoration and

aftercare conditions on planning permission B/93/0247/BA (the IDO) and B/95/0832/BA (the southern extension referred to as Area 3, for which no records are available). The document rather unhelpfully re-names all the areas of the site as Areas A-D, and appears to relate to all the parts of the site excluding the North Quarry (presumably because the 2008 approved scheme above addresses the restoration and aftercare for the North Quarry). The submitted restoration across the Yew Tree Quarry area does show a bowl feature running from 60m AOD at the boundary to 50m AOD at the centre. It is unclear from aerial photos whether this reflects the water feature that exists in that part of the site. Nonetheless, it is clear that neither the approved 2008 restoration scheme for the North Quarry, or the 2011 restoration scheme for the rest of the quarry, envisaged large water bodies as part of the final restoration for the site.

To add to the confusion, a letter on the file from Mr Keith Pell dated 12 July 2011, rightly states that the 2011 submission document makes reference to the wrong permission. The scheme should have been submitted to discharge conditions under planning permission 2007/1069, and not B/93/0247/BA (the IDO), given that the 2007 consent superseded that provided under the IDO process. Mr Pell's letter then raises a series of issues with the submitted document which are required to be addressed. It is understood (and confirmed by Ms Ward), that the scheme was never discharged. There is no evidence on the public files that formal enforcement action was taken by the Council to resolve the fact that no approved restoration and aftercare scheme exists for the southern half of the quarry.

To summarise, whilst there are missing chunks of the planning history to the site within the public files, it is clear that the most recent consent which provides for mineral working and restoration of the site, is 2007/1069 granted 25 June 2007. The permission required that mineral extraction and restoration of the site had to be completed to the satisfaction of the MPA by 10 June 2016. The North Quarry included provision for the disposal of waste materials (evidenced by the conditions included on the IDO) up to adjoining ground levels. From the records available, the restoration and aftercare in respect of the North Quarry was to an approved scheme dated 11 January 2008 (approved 12 November 2008). This was illustrated on the approved drawing as a bowl feature at the edge of the quarry, and then a central dome in the middle. The actual restoration that has taken place in this area does not appear to reflect that approved (albeit it may be broadly similar). The disposal of waste (be that mineral wastes or other inert wastes) across the site was clearly the intended means of restoration. No restoration and aftercare scheme was ever approved for the southern part of the site, albeit a scheme was submitted which was considered broadly acceptable (subject to the comments in Mr Pell's letter of 12th July 2011).

Whatever the intended restoration method at the site, the permission for the site provided for mineral working and restoration up to 10 June 2016. Once the period for restoration has passed, and the site had not been restored in accordance with the permission (either because a scheme had not been complied with, or in this case never approved) then the Council did have the powers of enforcement at their disposal should they have felt it expedient and in the public interest to do so, in order to ensure compliance. There is no evidence on the public files that this option was taken by the Council. 26. The last time that there was any evidence of meaningful working at the site (i.e. more than cosmetic working) is pre the submission of the unapproved 2011 restoration scheme (reference is made within that submission to working

having ceased). Given that this is more than 10 years ago, the site would now be immune from enforcement, on the basis that no approved restoration has been undertaken, due to the passage of time.

Background to the Proposed Development

From the above, it is clear that the site historically has been restored (either in part or in entirety) using imported material as well as mineral waste derived from on site. Reference is made throughout to final landform being to that of the adjoining land. In reality the site has been left in, what can best be described as a 'semi-restored' state. Whilst parts of the site have been restored using structural planting, other parts have been left to naturally vegetate. Separately the southern part of the site, which was historically the home of the former brickworks, and is the 'gateway' into the site, has been left unrestored and covered in hardstanding. Two large lagoons are located within the site (one part of the former North Quarry and one part of the former Yew Tree Quarry). The approved restoration plan for the North Quarry illustrates no water body in this area, with the site restored to historical ground levels.

The water bodies have, for a number of years, attracted the presence of unauthorised trespassers, particularly in warm weather. People have got onto the site and looked to swim in the water, however these represent deep quarry voids, and consequently the sides of the voids are steep and the water extremely cold. They represent a serious risk to life for those who are unaware of the risks involved. Over the years a number of measures have been employed to try and prevent unauthorised access, including the erection of fencing and the planting of reeds and other peripheral growth.

As recently as June 2021 a news article appeared on Yorkshire Live entitled; *"Security ramped up to keep wild swimmers away from Barnsley disused quarry – Dead animals, rubbish and industrial waste in the water could all be toxic."* It related to repeated offences of trespassing on the site, and risk to human life as a consequence. The article stated:

"Security has been ramped up at a disused quarry in Stairfoot, in a bid to stop people swimming in the dangerous waters. Hanson, which owns the old brickworks quarry off Wombwell Lane in Stairfoot, has worked alongside Barnsley Council to put in place a number of safety measures to prevent swimmers taking the plunge into potentially dangerous waters. Measures include steel fencing to restrict access from surrounding footpaths, cleaning up the main access to the site, and a border of reeds and brambles will be planted around the waters edge. Wire will be installed on the banking running alongside the water's edge that is currently used to access the stone pier. Councillor Andrew Gillis, who represents the Stairfoot ward, has been working alongside the site owner Hanson, and the Council's Safer Neighbourhood Service to implement measures. Councillor Gillis contacted the Safer Neighbourhood Team and Hanson last week, and says they have "bent over backwards" to ensure the site is made safe. "Nobody wants to spoil anyone's fun" he added. "Its to stop fatalities really, or bad accidents." Councillor Jenny Platts, cabinet spokesperson for Adult and Communities, said: "Reports of people swimming in this area have been taken extremely seriously...We urge all residents not to enter unsafe, open water, which is extremely dangerous"...Simon Day, aggregates regional director at Hanson UK said: "Unfortunately, the 35 new safety signs posted around the perimeter of the water were all destroyed within a few days...Quarry lakes

are dangerous: they frequently have very deep, cold water, sudden changes in depth and unstable sides that can be difficult to exit.” Last year there was an increase in water-related deaths in the UK and figures from the National Water Safety Forum show that more than half of these were accidental drownings at inland locations such as quarries.”

Despite the additional measures put in place at the site last year, the number of trespassers into the quarry voids has increased. In reality, save for the introduction of much more intense security measures (security fencing with razor wire, electric fencing, CCTV, permanently manned security etc) no deterrent appears to remain full proof. None of the high security measures are considered appropriate within what is a predominantly residential area of Barnsley.

Proposed Development

As a result of the above, the new owners of the site wish to ensure that the site remains safe, and potentially provide an opportunity for structured public access and improved biodiversity. To do this, the applicant wishes to re-engineer the landform of part of the site (the southern half of what was North Quarry and the eastern half of South Quarry) through the importation of non-hazardous soil materials, and then introduce a new restoration concept across the entire site. Material that would be imported would comprise excavated non-hazardous soils from development sites in the local area. It is estimated that circa 800,000m³ (1.3M tonnes) of non-hazardous soil materials would be imported over a 4-year period. This would equate to circa 80 HGV tippers on average per day. Access to the site would be taken from the historical access into the former brickworks off Wombwell Lane.

Biodiversity Benefit

In the last five decades, the UK has lost 60% of its biodiversity. This is despite the fact that the National Planning Policy Framework (NPPF), and before which Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) sought to ensure that development proposals provide both mitigation and enhancement in terms of ecological biodiversity. In order to reverse this trend, the 2021 Environment Act introduced a future requirement for all new development and infrastructure to deliver a minimum amount of Biodiversity Net Gain (BNG). The legal requirement does not come into force until secondary legislation receives Royal Assent towards the end of 2023, at which point the precise requirements on developers will become clear.

The fact remains that a decline in biodiversity means that the ecosystems that humans and animals rely on to live are at risk if the biodiversity needed for such ecosystems to thrive is depleting. The applicant proposes to deliver a structured restoration scheme that would ensure BNG across the site, targeted towards the future legal requirement of 10% minimum net gain.

Restoration Benefit

In developing a restoration concept that delivers an appropriate level of BNG, the applicant is also looking to ensure that the restored site provides the opportunity for improved public access. The owner of the site has historically been forced to maximise appropriate security across the

site in order to dissuade unauthorised access. By removing the risk to health and safety as a result of infilling the historical quarry voids, it allows for a new restoration scheme to be designed that both improves the wider appearance of the site and allows for structured and functional public amenity.

Local Planning Policy

The Barnsley Local Plan was adopted in January 2019 and sets out how the Council will manage physical development of the Borough on behalf of residents and businesses. The statutory development plan consists of the Local Plan; Joint Waste Local Plan; and a series of Neighbourhood Development Plans (none of which are relevant to the application area). The site is within the boundary of the urban area of Barnsley, where the plan seeks to focus growth as the most sustainable location within the Borough.

The Local Plan identifies Stairfoot Quarry, Wombwell Lane as Site MIN3. The description provided within the Plan appears is somewhat out of date, but nonetheless, it defines the site as:

“The site area of Stairfoot Quarry is 25 hectares and extends from Wombwell Lane to the rear of St Paul’s Parade in Ardsley. Consisting of four separate quarries, planning permission was granted on the 25th November 1993 for the extraction of material and restoration. Clay material is used on the adjacent manufacturing complex. The site includes:

- *Yew Tree Quarry (planning permission has expired and restoration has begun);*
- *Marine Bank Quarry (located in the Southeast corner of the site and is now mostly exhausted but still remains operational for water management);*
- *South Quarry (located to the West of Marine Bank Quarry and north of the clay stockpile area. It has been fully restored following landfilling and is now in agricultural management);*
- *North Quarry (part of this site has now been fully restored following landfilling with the remainder restored at a low level).”*

The interactive on-line Local Plan map identifies the site as; *“Site with Planning Permission for Mineral Extraction.”* Review of the public planning files suggests that the permissions that existed at the site have now lapsed.

The site is located within a Nature Improvement Area designation aimed at improving biodiversity. Part of the east and western extremities of the site are designated greenspace (Wombwell Lane Green Space) for their retention as open space, play areas and sports pitches. The design of any proposal would have appropriate regard to these designations as part of any site design.

A Greenway (Elsecar Greenway) forms a green link between housing in the north and open countryside / Green Belt in the south. The Greenway runs along the western boundary of the site. This is located adjacent to a former strategic railway line safeguarded for future

reinstatement. Again, the proposed development will have appropriate regard to these designations.

To the south of the site (beyond the existing site boundary) is the Metropolitan Green Belt. Whilst the proposed development would not be located within the Green Belt, it remains the case that views to and from the Green Belt; specifically in maintaining the openness of the Green Belt can remain a material consideration.

There are no policies within the Local Plan that appear to directly preclude the development proposed, subject to the design of the development having due regard to those relevant to preserving general amenity, delivering good design and enhancing the built and natural environment.

The primary objective of the development is to deliver an appropriate and improved restoration for the site. This would go above and beyond that which would reasonably have been expected at the time historical mineral extraction was taking place. The disposal of non-hazardous excavation soils is essential in order to ensure long-term site safety and deliver biodiversity net benefit and opportunities for improved public realm. Despite the fact that the disposal of material is a necessary outcome, albeit not the driving objective, the applicant would be keen to agree the Officers requirements for compliance with the Waste Local Plan. The Waste Plan provides policies relevant to all waste management within the Joint Authorities in accordance with the Waste Hierarchy and the National Planning Policy for Waste.

The Waste Plan identifies around 5M tonnes of remaining inert landfill capacity (construction, demolition, and excavation waste) in 2015 dropping to around 3.2M tonnes of capacity by 2026. Consequently, the plan states that, due to current (2012) rates of reuse and recycling, along with existing spare inert landfill capacity, no additional inert disposal provision is required over the plan period (2026). Nonetheless, the proposed development represents a clear opportunity for the sustainable safe disposal of non-hazardous soils, and consequently the development accords with the broad objectives of the Waste Plan irrespective of the lack of identified need for additional disposal sites.

Environmental Impact Assessment

Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) states that a planning authority, Secretary of State, or an inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been conducted in respect of that development. Regulation 2 confirms that 'EIA Development' means development that is either, (a) Schedule 1 development; or (b) Schedule 2 development likely to have significant effects on the environment.

In this case the Proposed Development would comprise the importation of material to create a non-engineered landform which would then allow for the revised restoration of the site.

It is anticipated that up to 800,000Mm³ of non-hazardous excavated soils would be imported to create an appropriate restoration landform. This would equate to an average of 80 HGVs

per day (160 movements) over a 4-year period. The site would be progressively restored across a series of phases, following importation and engineering of the site.

Projects defined within Schedule 1 are EIA development and it is mandatory for planning applications for such developments to be supported by an Environmental Statement. The Proposed Development does not fall under any of the Schedule 1 categories. Therefore, the Proposed Development is not Schedule 1 development and mandatory EIA is not required.

Schedule 2 of the EIA Regulations includes a table that sets out various categories of development that may require EIA. The table includes applicable thresholds and criteria, which, if exceeded, mean that the development is considered to be Schedule 2 development.

Schedule 2 development is required to be screened against the criteria set out in Schedule 3 to determine if the development is likely to give rise to significant effects on the environment. If the Proposed Development is deemed likely to give rise to significant effects by virtue of its location, characteristics, or potential impacts, then EIA is required.

The reality is that Schedule 2 cannot encapsulate every type of development project that could be conceived. Importantly it has consistently been held that the EIA Directive, and consequently the EIA Regulations which transpose the Directive into UK law, that they must be interpreted as having a “*wide scope and broad purpose*” [see Kraaijveld (Dutch Dykes) Case C-72/95]. What this means is that, where a development proposal does not fall within one of the categories listed within Schedule 2, the decision maker should look to screen the development against the category that ‘best fits’ the development proposed.

In this case, the category that ‘best fits’ within Schedule 2 is considered to be an ‘installation for the disposal of waste’ (Schedule 2, 11(b)). The Schedule 2 indicative threshold for such development is where the area of the development exceeds 0.5 hectares. The area of the site that would be subject to engineering works would exceed the Schedule 2.

Irrespective of whether or not the Council screen the Proposed Developments as EIA, the applicant will look to scope the content of the information required to support the application (formally in the event that it is screened as EIA, and informally if it is screened not EIA). The scoping process will look to determine both the assessment topics required to accompany the application, and the manner in which the topics are to be assessed (i.e. assessment methodology, receptor locations, baseline survey expectations etc.)

At this stage it is proposed that the following topics would be ‘scoped in’ to any application (irrespective of whether it is EIA or not).

- Landscape and Visual Impact (to be supported by appropriate visual materials);
- Traffic and Transportation (to be accompanied by a Travel Plan);
- Geo-Environmental Assessment (including ground stability and ground contamination);
- Ecology and Biodiversity (including Defra Metric BNG assessment);
- Noise and Vibration; and
- Surface Water Drainage Strategy and Flood Risk;

Given the nature of the development, it is not proposed at this stage that a stand-alone Climate Change Assessment Chapter would be prepared. The application (EIA or not) would identify the risks of major accidents and/or disasters relevant to the development, including those caused by climate change, and would identify how the development would be designed to accommodate the effects of climate change, including necessary mitigation.

In addition, an assessment would be included which considered both cumulative effects with other major development within the planning system that is currently not operational (scope to be agreed with the Department), and in-combination effects.

At this stage, and on the basis of the above, it is proposed that the planning application(s) would comprise / be supported by the following information.

- Planning application forms and certificates;
- Planning application drawings and figures;
- Planning Statement (addressing policy compliance and other material considerations)
- Need and Benefits of the project including Socio-Economic benefits;
- Draft Construction Environmental Management Plan (addressing noise, dust, emissions)
- Pre-application Consultation Report

Planning Validation

BMBC retain a local validation checklist for the purposes of validating planning applications. This would be used to help inform the approach taken to assessment work in support of the application. The fact is that the BMBC Validation Statement was last updated on the 1st August 2019 (35 months ago). The Town and Country Planning (Development Management Procedure) (England) Order 2015 states at Article 11(3)(d) (General Provisions Relating to Applications) that:

“...the list mentioned in sub-paragraph (a) [validation list] was published (or republished) during the 2-year period immediately before the date on which the application was made...”

In effect, unless the list is republished ahead of the application being submitted, failure to include the information required by it cannot be used as a reason for failing to validate the application. Irrespective of the above, the applicant will look to work with the Council to ensure that the information required in order to validate and determine the application is provided in a format and structure desired by the Officers.

Technical, Community and Political Engagement

The applicant recognises the importance of good quality meaningful engagement with technical officers (to inform the application process) and with the local community (to disseminate information and understand local issues and concerns).

In terms of engagement with the Council officers and their technical advisors, the pre-application meeting is viewed as the first of many potential stages of engagement. The

applicant would like to better understand the determination process, potential resourcing issues, the approach to engagement, and whether mechanisms can be put in place to assist the determination process.

With regard to public engagement, the applicant would like to discuss the officers' views on the extent, method and duration that would be considered appropriate and warranted.

Matters Which the Applicant Would Wish to Discuss During Pre-Application Dialogue

Whilst probably not an exhaustive list, based on the above, it would assist the applicant if the following matters could be covered within the pre-application advice / pre-application meeting:

1. The Officers view on the in-principal acceptability of the proposed development;
2. The Officers view on the proposed scope of the planning application;
3. The Officers preliminary view on EIA;
4. The Officers preliminary view on the justification for the development (need and benefit) and the interaction with any necessary waste plan policies;
5. Consideration of any specific design approach considerations that may be necessary;
6. Advice in respect of the planning determination process;
7. Identification of site-specific environmental constraints, including consideration of approach to topic specific mitigation (e.g. ecological Biodiversity Net Gain);
8. Consideration of the development plan policies identified that are considered of particular relevance to the proposal (not listed above);
9. Cumulative development and in-combination effects;
10. Resource implications and potential use of Planning Performance Agreements (PPA);
11. Pre-application public consultation requirements/expectation;
12. Outline timescales for the application determination process; and
13. Any other local issues that the Council think the applicant needs to be aware of.

We trust that the content of this letter is self-explanatory. However, please do not hesitate to contact me should you have any queries or require any further information.

Yours faithfully



David Adams

Director

enc: Drawing K0261/1/001 Development Layout
Drawing K0261/1/002 Cross Sections



GENERAL NOTES

1. SURVEY BASED UPON LIDAR DATA
2. DO NOT SCALE
3. ALL DIMENSIONS ARE IN MILLIMETRES AND ALL LEVELS ARE IN METRES ABOVE ORDNANCE DATUM
4. ANY ANOMALIES ON THIS DRAWING ARE TO BE BROUGHT TO THE ATTENTION OF BYRNE LOOBY LTD
5. DEVELOPMENT AREA = 8.77 HA
6. THE VOLUME OF FILL = 841,000 m³

LEGEND

	EXISTING GROUND CONTOURS
	PROPOSED DEVELOPMENT CONTOURS
	SECTION LOCATION (SEE DRG K0261/1/002)

00	14/12	FOR REVIEW		GH	KA	JM
Rev	Date	Description		By	Chk	App

BYRNE LOOBY
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 IRELAND | UK | UAE | BAHRAIN | KSA

CLIENT
 GREEN EARTH DEVELOPMENTS LTD

PROJECT
 STAIRFOOT QUARRY

DRAWING TITLE
 DEVELOPMENT LAYOUT

STATUS
 FOR REVIEW

Date: 08/2022	Scale: 1:1,250	Drawn: PF	CHK: PR	App: JM
Project No: K0261	Dwg. No: K0261/1/001	Rev:		00

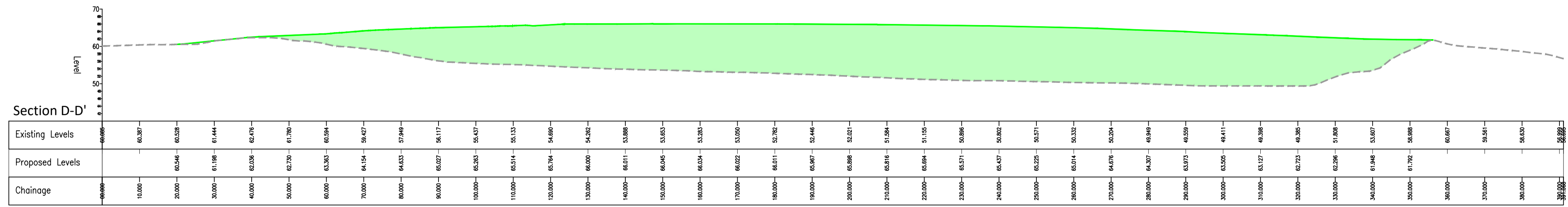
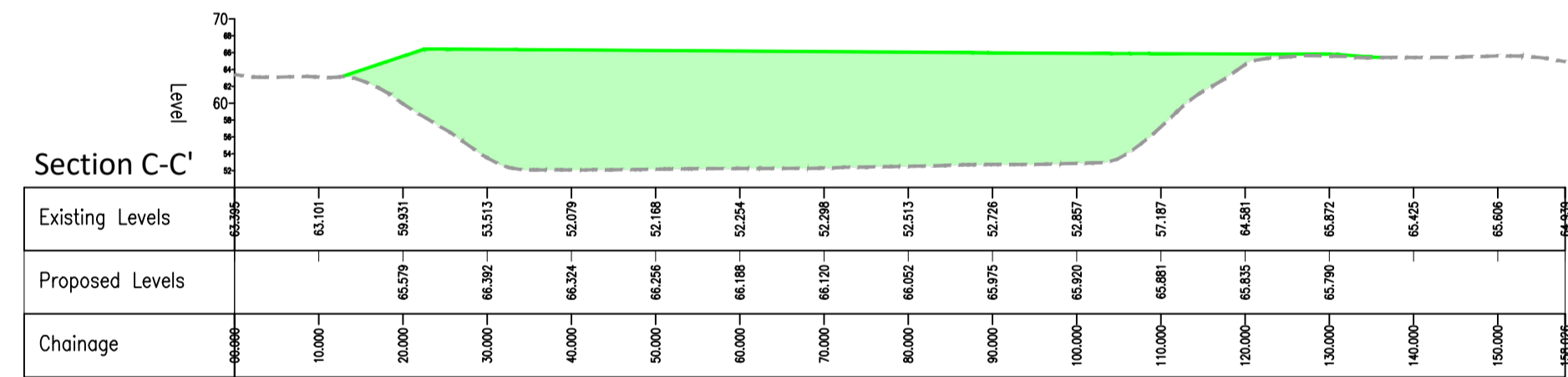
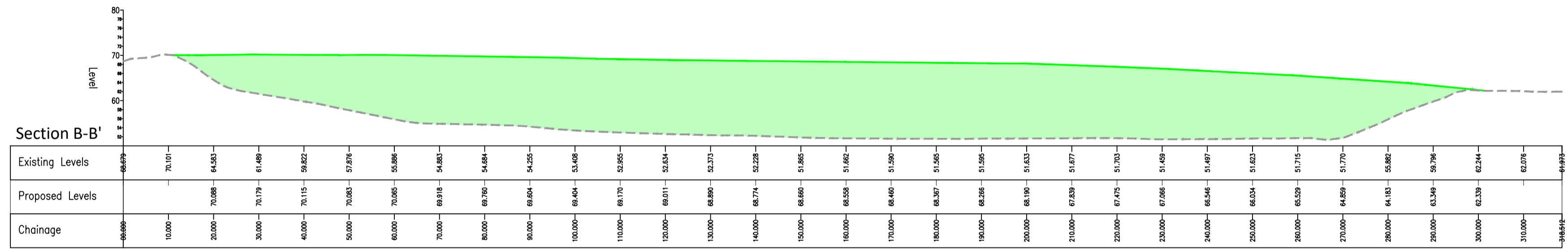
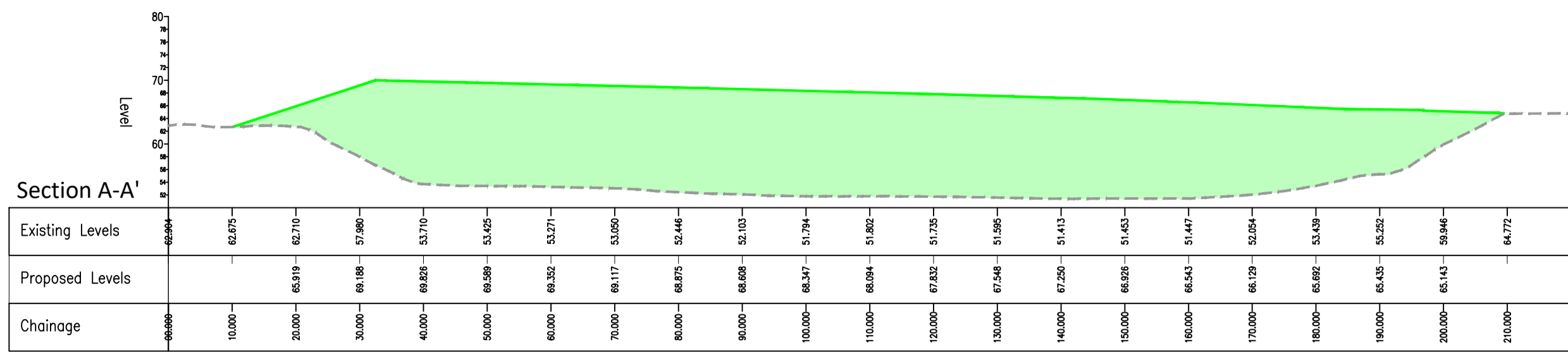
1. SURVEY INFORMATION BASED UPON LIDAR DATA
2. DO NOT SCALE
3. ALL DIMENSIONS ARE IN MILLIMETRES AND ALL LEVELS ARE IN METRES ABOVE ORDNANCE DATUM
4. ANY ANOMALIES ON THIS DRAWING ARE TO BE BROUGHT TO THE ATTENTION OF BYRNE LOOBY LTD
5. FOR SECTION LOCATIONS SEE DRG K0261/1/001

VOLUMETRIC REPORT

1. DEVELOPMENT AREA = 8.77 HA
2. THE VOLUME OF FILL = 841,000 m³

LEGEND

- EXISTING GROUND PROFILE
- PROPOSED DEVELOPMENT PROFILE
- █ PROPOSED DEVELOPMENT FILL



Rev	Date	Description	By	CHK	App
00	14/12	FOR REVIEW		GH	KA, JM

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CLIENT
 GREEN EARTH DEVELOPMENTS LTD

PROJECT
 STAIRFOOT QUARRY

DRAWING TITLE
 CROSS SECTIONS

STATUS
 FOR REVIEW

Date	Scale	Drawn	CHK	App
08/22	1:750	PP	PR	JM
Project No:	Dwg. No:	Rev		
K0261	K0261/1/002	00		