

SUPPLEMENTARY REPORT

PAP/2018/0140 – Proposed Residential Development at Hartshill by Tarmac

Introduction

A letter has been received from representatives of the new owner of the quarry referred to in the report for this application after the publication of the Board Agenda. In short, it requests a deferral of the decision such that there can be a discussion within the author to discuss the concerns raised in the letter.

The Letter

The main issue raised is a potential future conflict between the operation of the quarry and the proposed residential development and for that conflict to restrain the lawful operations at the quarry.

The letter refers to a number of matters that are not considered to be adequately covered in the section of the report dealing with the impact of the quarry:

- The lack of objection to the allocation in the Submitted Plan was probably due to there being no interest in the quarry recommencing, when the allocation was first muted in 2014 and onwards.
- The Minerals Planning Authority has not been consulted and the full extent of the permission has not been explained.
- The report does not explicitly say that there would be 400 new houses close to an operational quarry and that notwithstanding compliance with conditions that will not prevent complaints from new occupiers.
- The report should refer to complaints already being received from established residents and recognise that these have placed a demand on the time and resource of the operator
- The report does not refer to para 182 of the NPPF where it states that “ existing business and facilities should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.”

Observations

The following responses are made:

- The letter says that the current owner acquired the quarry in early 2016. The first public consultation on the possibility of a residential allocation to its south was in 2014. It is a matter of fact that at no time since then has the new owner lodged a formal objection or made a formal representation against that proposed allocation. Significantly there has been no representation made by the current owner to the Regulation 19 Submitted Plan in the consultation period of Autumn 2017. As a consequence there has been no representation

made to the Examination Inspector into the Submitted Plan that the allocated site is “undeliverable”. Indeed there has been no such representation from any other quarter including materially, from the Minerals Planning Authority.

- The site is recognised as a housing site in the Hartshill Neighbourhood Plan and the Parish Council raises no objection to the proposal. The Neighbourhood Plan was adopted in March 2017.
- The introductory comments in the relevant section of the report explicitly state that the quarry has an extant planning permission running to 2042 and that this is a material planning consideration of significant weight. It also makes it explicit that the Minerals Planning Authority has confirmed that present quarry operations are not in breach of planning control.
- The report explains the existing quarry operations and the separation distances involved. Those operations are controlled by an extant permission which is enforceable. It is acknowledged that this will not prevent complaints, but provided the operator manages activity under existing conditions there is a defence in the face of those complaints. It is part and parcel of a quarry operation that the operator will at times face complaint and that monitoring will inevitably take place either under Mines and Quarries legislation, planning legislation or the Environmental Protection legislation.
- It is acknowledged that there should have been explicit reference to Para 182 of the NPPF and Members are requested to give that paragraph significant weight. The substance of that paragraph is one of a matter of judgement. The factors raised in the written report and herein, should give the Council confidence that a proportionate balance had been reached. In particular, the Minerals Planning Authority has not raised objection during the Local Plan process or to this application; our own Environmental Health Officer has not raised objection to the application, the current operation is operating lawfully within a set of conditions designed to not have significant adverse effects on the local community and indeed the quarry operator.

Recommendation

It is not considered that the receipt of the letter should alter the recommendation made to the Board.