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Mr V Kaul
 Development Management
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15th August 2016

Dear Mr Kaul,

Proposed Pave Lane Quarry

Application Ref. TWC/2016/0437

Wardell Armstong Representation and Shropshire County Council Consultation Response

- 1) We are in receipt of the representations from Shropshire Council and Wardell Armstrong both dated 29th July 2016. Each of these representations refer in some detail to the Woodcote Wood Quarry which contrary to Wardell's representation has not been "previously approved". (Refer their 3rd paragraph). We note this point is corrected later in their representation but nevertheless this is clearly an erroneous statement.
- 2) We note in the Wardell Armstrong representation the reasoning as to why the S106 Agreement was never progressed although it is noteworthy that at no stage do they refer to the fact neither the landowner nor their agents, nor the original applicant has sought to engage with third parties whose land is required to implement the project which received a resolution to grant consent over a decade ago.
- 3) On page 3 of the Wardell Armstrong submission, given their extensive experience in mineral related matters, we are extremely surprised to read that they do not consider the presence of "Smectite" to be an issue in the processing operation. Major 'bluechip' companies such as Tarmac and Cemex have long recognised the problems and costs associated with dealing with this. The presence of Smectite and the methods of dealing with it at Pave Lane Farm has been extensively researched over the last four to five years and the resource, including an ample water supply and sufficient land area for silt water management are available which are essential to ensure that any removal of Smectite will not adversely impact upon this development to delay its implementation; a benefit which the Woodcote Wood scheme does not enjoy.
- 4) Whilst both letters of presentation were sent on the same day, there appears to be a degree of confusion as to whether a mineral operator had been appointed; Shropshire Council are

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under the impression a contractor had been appointed (“as confirmed by the landowners” – see para 1.4) or whether apparent expressions of interest has been made (as indicated by the landowner’s agents).

- 5) Both letters refer to a revised submission of some form for the “new” development and the deliverability of such a scheme but there is little further comment that can be made by ourselves on that matter until such time as the details are made public.
 - 6) With regard to the comparative environmental acceptability of the two schemes, it is noted that Shropshire Council have chosen to refer to historic assessments of the two sites in question whereas the current Pave Lane application is accompanied by a comprehensive and up-to-date EIA addressing the details of which have simply been ignored by Shropshire Council and Wardell Armstrong within their responses. Furthermore, it should be noted that the Pave Lane scheme is significantly smaller than the project referred to by Shropshire Council.
 - 7) Moreover, Shropshire Council appear to have misunderstood the respective timescales of the two sites. The Woodcote Wood site contains an estimated 2.55 million tonnes and would be worked at a rate of 200,000 tonnes per annum giving a life span of some 14 years (with an allowance for 15 months for establishment and final restoration). By comparison, the submitted detail for Pave Lane indicates an overall life-span of 16 years (with a similar establishment and restoration provision as Woodcote Wood). This is clearly not *“twice the anticipated life-span of Woodcote Wood”* as surmised in para 1.11 of Shropshire Council’s letter.
 - 8) With respect to the mineral landbank it is noted that Shropshire Council choose to quote from the NPPF noting a mineral provision requirement to maintain a minimum 7 year landbank for sand and gravel. (It should be noted that Shropshire Council refer to Para 146 of the NPPF whereas the correct reference should be 145). This paragraph and all preceding published central governmental guidance on this subject is very clear in that this is simply a minimum figure that should be achieved.
 - 9) Indeed para 84 of the National Planning Practice Guidance published in March 2014 which has notably not been referred to by Shropshire Council clearly states ***“There is no maximum landbank level and each application for minerals extraction must be considered on it’s own merits regardless of the length of the landbank”***. The paragraph goes on to state that in circumstances where the landbank is below the minimum (7 year) level, then that may well be seen as a strong indicator of urgent need, but it is readily apparent that the planning merits of any site must be paramount in any determination of a minerals site; not the size of the landbank.
 - 10) In respect of issues relating to the need for inert landfill capacity, with due respect to Shropshire Council, Mick George Ltd given its industry wide experience is more familiar with the economic distances that inert waste materials will travel. The Company have extensive
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experience of working with a wide range of national building companies and offer a “turn-key” service whereby sites are cleared (sometimes involving demolition), levelled, groundworks are undertaken and aggregate is provided. In such circumstances, there are significant economies of scale (particularly in “back-hauling” material) which other operators would not necessarily enjoy.

- 11) MGL is a company with a distinct business model which adopted an expansionist approach and recent years have demonstrated that this business model is extremely successful. Since the Company uses such an approach which involves a sustainable backhaul service of aggregate provision and inert construction and demolition waste removal, the suitable infill material can be used in a beneficial and sustainable manner for the restoration of quarry workings. The construction and demolition waste is accepted under strict conditions and processed on site to make recycled aggregates, and the significant volume of unusable residue is used beneficially to restore the quarry consistent with sustainable development objectives. The imported material is matched with the mineral output of the quarry and restoration follows closely ensuring there is no time lag in implementing the progressive reinstatement of the land as proposed at Pave Lane.
- 12) Shropshire Council clearly recognise (in para 2.4) *“that current landfill capacity in Telford is diminishing with the closure of existing sites”*. They then go onto suggest that there is a corresponding increase in recycling which as a general statement is true, but a vast majority of the inert material envisaged to restore the Pave Lane site would be incapable of recycling as it will consist of clays and soils (generally excavated from foundations of major industrial and housing developments of which there are many in the Telford and Wrekin area). As there are no other options available the material would be put to a beneficial use consistent with the objectives of the National Planning Policy for Waste (published in October 2014).
- 13) As Shropshire Council point out, the national policy highlights the need for an up to date Development Plan for Waste produced at the local level where the provision of planned capacity and its spatial distribution is based on robust analysis and best available data and information and an appraisal of options. In the case of the Telford and Wrekin authority, they do not have such an up-to-date waste plan and accordingly, the need for waste management facilities must be considered alongside other spatial planning concerns recognising the positive contribution that waste management can bring to the development of sustainable communities.
- 14) The Environmental Statement provides an up to date assessment of waste needs within Telford and Wrekin and the neighbouring authorities with the report reviewing existing permitted capacity of the sites within the region. The Environmental Statement has identified future growth areas which are likely to generate significant quantities of suitable material that can be beneficially employed for the restoration of the Pave Lane Quarry. The submitted report is considered to provide an accurate indication of the waste arisings growth which will produce significant quantities of inert waste which will extend over the proposed restoration timescales for Pave Lane Quarry.



- 15) The Telford and Wrekin Local Plan (draft Policy ER7) states that *“new landfill sites or extensions to existing landfill sites will only be considered where there is an established need and provision will only be made for waste that cannot practicably be recycled, composted or recovered.”* The site at Pave Lane would only take the residual construction, demolition and excavation waste that cannot be recycled, and would therefore appear to be policy compliant.
 - 16) The reference by Shropshire Council to the urgent need for landfill cover at Granville/Candies sites and the presence of a large number of recycling facilities we believe is not directly relevant. Moreover, we are not clear what is meant by “landfill cover”; if it is final restoration cover, then this would require higher quality soils for the final restoration profile and such provision would not conflict with the development proposals at Pave Lane.
 - 17) With regard to the distance that waste travels, this was set out in the Market Appraisal which indicates a 20 mile radius and this is based on operational experience. We have reviewed the EA’s Waste Interrogator and for Shropshire, construction, demolition and excavation waste received into the County currently comes from the West Midlands, Wolverhampton and Wrexham.
 - 18) Shropshire Council refer to the closed landfill site at Barnsley Lane as being only able to attract inert fill for restoration at a target rate of 25,000 tpa. This is ambiguous as it refers to the site being closed, in which case, it can only be assumed that it is sourcing inert soils to achieve the final restoration cover for a limited period at best.
 - 19) The Council refers to the lack of need for an inert landfill at the Pave Lane site with an *“unprecedented capacity of 275,000 tpa”*. The market appraisal is based on an importation rate of 100,000m³ per annum, which would be approximately 150,000 tonnes per annum (based on a 1.5 conversion rate) and we are therefore bemused by the misleading figure quoted.
 - 20) The assessment against the NPPW by Shropshire Council appears flawed and we would suggest that unless Shropshire Council has assessed the potential environmental effects and true character of the proposal, it is not reasonable to conclude that the development will have an adverse impact. This would be a matter for Telford and Wrekin Council to determine the application in light of their statutory consultees responses to the relevant “technical” issues. The site at Pave Lane would only receive waste that cannot practicably be recycled, composted or recovered and so as a last resort disposal is the option. That is precisely what is being proposed and as such, as noted above we consider the development to be compliant with extant and emerging policy.
 - 21) The National Planning Policy for Waste and the NPPF advise that planning authorities should ensure that the sites are restored to a beneficial afteruse at the earliest opportunity and to high environmental standards. As the application makes clear, the Environmental Statement demonstrates the beneficial use inert waste material will provide along with the progressive
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restoration of the quarry ensuring the scheme is worked sequentially such that only a limited sector of the site is being actively worked at any one time.

- 22) Shropshire Council make reference (in para 2.7) to landfill tax which would suggest that they are unfamiliar with the waste tax regime (which does not require landfill tax to be paid on inert fill placed to restore quarries and the like). Equally so in the following paragraph (para 2.8) this would suggest that the planners at Shropshire Council appear again to be unfamiliar with the workings of a solely inert landfill facility which is not subject to differential settlement problems that are encountered on putrescible (non-hazardous) landfill sites. There is reference to "obstacles" (such as wire and concrete blocks) interfering with subsequent farming practices which is again worrying in that it would suggest that Shropshire Council have a misguided and ill informed opinion of what is proposed at Pave Lane.
- 23) With regard to the discussion on the waste hierarchy and the nature of wastes discussed and reference to landfill tax we can only repeat that the authority has misunderstood to a wide degree what is being proposed. With respect to the NPPW, counter to the view of Shropshire, the applicant has demonstrated a need for the quarry and inert waste facility at Pave Lane.
- 24) Contrary to the opinion of Shropshire Council, the project at Pave Lane will provide a sustainably sourced raw material for construction projects ensuring that the well recognised issue of Smectite is dealt with in a well considered manner whilst at the same time providing an efficient and sustainable method of waste management enabling a progressive program of sympathetic restoration and aftercare. The scheme will be a positive introduction to the local economy whilst meeting the aspirations for development and economic growth in the market area of the Pave Lane quarry.

Yours sincerely,

 **John Gough**
Planning Manager
