

Hi James,

I have contacted SMBC officers about the issues raised in your letter of 6 August 2020. Please see my initial response below:

1. Review of minerals permissions (ROMP) for Meriden Quarry - The first ROMP imposed a new consolidated set of conditions in 1998. This was due for review in 2013 and such review was considered and formally postponed for a further 15 years in September 2012 following consideration by the Planning Committee. Since then there has also been a Section 73 approval for Area G in 2014 (ref : PL/2014/00096/FULM) which re-imposed all those conditions still relevant, plus some additional ones which were subsequently discharged. Whilst the original conditions may have been imposed some 22 years ago therefore, this matter has been carefully considered as recently as 6 years ago and there has been no material change in circumstances since then. The National Planning Practice Guidance (NPPG) states that:

“Mineral planning authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address.”

This is not such a case and I am not sure why it is suggested that the conditions are ‘no longer fit for purpose’. It should be noted that there is no longer any mineral extraction within any of the areas covered by the 1998 ROMP other than whatever is extracted from Area G incidentally to and alongside the ongoing infilling and restoration operations (further addressed below) and it is therefore of only limited continuing relevance except in relation to some operational matters and eventual restoration. We believe that the restoration of Area G is actually something of a success story, with significant progress now being made after decades of no infilling or restoration at all.

2. Staffordshire s106 agreement - this is referred to in your letter, but this request could only be considered as and when there is next a ROMP under consideration. I share the disappointment that the Quarry Liaison Group (QLG) seems to have unravelled somewhat over recent months, although a major factor will have been the COVID-19 lockdown and social distancing restrictions which make the usual meeting physically impossible at the moment. I would like to think it can get back to normal in due course but, at the end of the day, it is a wholly voluntary, non-statutory arrangement.

3. Mineral extraction in Area G - this should strictly have ceased in 2017 in accordance with the relevant condition. However it has been my understanding that the former operator left winnable reserves in the ground, in places which the new operator has continued to extract as and where possible, on an incidental basis to the ongoing operations required as part of the process of reprofiling, clay-lining, infilling and restoring the remaining voids. It has been considered appropriate to take a pragmatic approach to this, not least because it is important not to needlessly waste the important and much-needed mineral resource.

However if the Parish Council has reason to believe that the level of mineral extraction is materially in excess of what can reasonably be regarded as incidental, and in material breach of the condition, then I and SMBC officers would be happy to raise the matter with the company and arrange a site visit look into the matter and seek to establish the full facts.

4. Depth of Extraction - with regard to the stated concerns about depth of extraction at the main quarry on Cornets End Lane, there are no planning conditions restricting depth of extraction, nor would it be normal to have imposed such. It is not possible to retrospectively impose new or amended conditions to an extant planning permission, and the first periodic review could not be carried out sooner than 15 years after the date of the permission.

5. Planning Permissions 2014/474 and 476 (PL/2014/00094/CU, and PL/2014/00096/FULM (under the new referencing system) relating to Area G - this is a reference to condition 19 which required a Traffic Management Strategy. This was subsequently discharged by the approval of such a strategy. The condition did not have the legal effect of imposing an absolute limit of 250 vehicle movements a day, but rather required a strategy which would 'provide for' such a limit, amongst other requirements. It is therefore important to appreciate that vehicle movements in excess of that number would not automatically or necessarily constitute a material breach of condition per se, but would need to be considered in the overall context of the strategy on a 'fact and degree' basis. In view of the stated concern however, I would be happy to look into the matter.

6. Periodic Monitoring regime - traffic management strategy - the same applies to the commitment in the traffic management strategy to implement a periodic monitoring regime, but again, I will be happy to raise this with the company. I am not aware that such a regime has been implemented so it would be worth chasing this up. That said, the purpose of such monitoring was to check that lorries are adhering to the agreed routing arrangements and it could be argued that this has been achieved, albeit on a less formal basis, through the monitoring arrangements agreed and carried out through discussions at the QLG – at least until recently.

7. SMBC's Mineral Planning Control - I was disappointed to read in the final paragraph of the letter that it is felt that 'SMBC has poor mineral planning control within the Meriden Quarry Area'. To the best of my knowledge this sentiment has not been formally put to the Council and I don't understand the basis for such a comment. I would be happy to comment further if some further explanation is provided. As stated, the old arrangement with Warwickshire County Council to provide minerals advice on a consultancy basis lapsed many years ago (some time before 2012 I believe) and the Council has been performing its statutory function as Minerals Planning Authority independently and, I would like to think, largely successfully, ever since. I am not aware of any current plans to review the situation, or of any clear need to do so.

Finally, I would like to reiterate that SMBC has endeavoured, and will continue to endeavour, to ensure that the operation of the quarry is carried out with the minimum possible disruption to the residents of Meriden. I think it would be useful to re-start the Quarry Liaison Group as soon as possible to address any ongoing issues - Cllr Howell represents Meriden Ward councillors on this group.

I hope that I have addressed the concerns raised in your letter but would be happy to liaise further with you if you wish.

Best Regards,

Cllr Tony Diccico