

	<u>Committee and date</u> South Planning Committee 29 November 2011	<u>Item/Paper</u> <h1 style="text-align: center;">11</h1>
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Officer Appraisal Report

Summary of Application

<u>Application Number:</u> 11/01890/EIA	<u>Parish:</u>	Morville
<u>Proposal:</u> Recovery of remaining mineral reserves using the existing site access and infrastructure with restoration to agriculture and nature conservation		
<u>Site Address:</u> Morville Sand Pit Telegraph Lane Morville Heath Nr Bridgnorth		
<u>Applicant:</u> Lafarge Aggregates Limited		
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmc@shropshire.gov.uk	

Recommendation:- Grant Permission subject to the conditions and legal obligations set out in Appendix 1.

Recommended Reasons for Approval

1. The proposals to resume mineral extraction at Morville Quarry would allow recovery of remaining mineral reserves in accordance with Minerals Local Plan policy M30 (comprehensive working). They would also contribute to Shropshire's overall annual requirement for production of sand and gravel (the 'sub-regional apportionment'). This is in accordance with the relevant section of Core Strategy Policy CS20 ('maintaining landbanks of permitted reserves for aggregates').
2. The proposals would facilitate restoration of the site to beneficial afteruses including agriculture and wildlife (principally acid grassland, wetland and woodland edge habitat). This is in accordance with relevant development plan policies and guidance covering quarry restoration including Minerals Local Plan Policy M27 and Core Strategy Policies CS17 (environmental networks) and CS20. It is also in accordance with the objectives of Minerals Planning Statement 1 (planning and minerals), Minerals Planning Guidance Note 7 (mineral workings and reclamation) and Minerals Planning Statement 9 (biodiversity and geological conservation). It is considered that the quality of restoration which could be achieved through the current proposals would be superior to that which could be achieved through restoration without further mineral extraction.
3. The proposed working scheme incorporates detailed operational controls which would be reinforced by comprehensive planning conditions, including conditions to protect the amenities of the nearest residential properties. It is considered that suitable

mechanisms are available to satisfactorily control the effects of the proposals and prevent any unacceptably adverse effects on amenities, the local environment or other interests of acknowledged importance. (Minerals Local Plan Policy M4, M27; Core Strategy Policy CS20).

REPORT

1.0 THE PROPOSAL

- 1.1 The applicant company Lafarge Aggregates Limited has submitted a planning application to Shropshire Council to allow the recovery of remaining mineral reserves at the site using the existing access and infrastructure, with restoration to agriculture and nature conservation. Morville Quarry has previously had planning permission for extraction of sand, although owing to market conditions, this has lapsed. The planning application seeks permission to recover the remaining mineral reserves and to carry out a sustainable restoration for the site. The submitted proposals do not seek to change the lateral extent of the extraction area or to change the operational methods or annual output previously approved. Nor is permission sought for any new built structures. The recovery of the remaining reserves would enable Lafarge to achieve a sustainable restoration scheme with reinstatement of productive agricultural land and the creation of nature conservation habitats. The applicant envisages that all operations would be completed by 2022.
- 1.2 The previously consented infrastructure would continue to be utilised for the duration of the development. This comprises silt lagoons (if required), internal haul routes, site access and weighbridge and site offices. New processing plant would be utilised. None of the previously approved mineral has been extracted to full depth, but the majority of Phase 5 in the east of the site has been extracted. The applicant is proposing a phased scheme of working in order to facilitate progressive restoration of the site. The company states that the previously approved mineral extraction area (7.94 ha) contains remaining mineral reserves of up to 737,000 tons. It is proposed to work this mineral based on the previously approved maximum output rate of 80,000 tons per annum. The proposed hours for mineral working would be Mon-Fri 0700-1800 hrs; Sat 0700-1300 hrs with no working on Sundays or Public Bank Holidays.
- 1.3 An Environmental Statement accompanies the application under Schedule 2 of the EIA Regulations. The applicant has also submitted further information in response to questions raised during the planning consultation process, in accordance with Regulation 22 (formerly Regulation 19) of the EIA Regulations. These matters are considered in section 6 below. Updated regulations came into force on 24th August 2011 after the further information had been submitted (The Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, whilst references to the Regulations have now changed it is considered that the information submitted in support of the application remains fully in accordance with the requirements of the updated Regulations.

2. SITE LOCATION / DESCRIPTION

- 2.1 Morville Quarry is located 2km west of Bridgnorth, immediately south of the A458 and to the east of the village of Morville. Access to the site is derived via Hangman's Lane, which leads to Telegraph Lane and the A458 (see plan at end of report). The

application area extends to 10.8 hectares, 6 hectares of which have been the subject of previous partial working under a former planning permission. The proposed application area is located between 34m and 52m to the south of one residential property (The Hollies). Two other private properties are located 170 and 290m to the east of the site. A further 6 properties (5 at Boars Head Farm) are 300-370m to the east. Land slopes gently to the east within the site.

3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have attracted objections from 3 local residents and been referred to the Committee by Councillor Tindall.

4. COMMUNITY REPRESENTATIONS

- 4.1 **Morville Parish Council** – The Parish Council has no objection in principle but concern is expressed about the condition of the highways adjacent to the site and the possible further deterioration due to increased heavy traffic. The Parish Council understands that several residents are strongly opposed to the current planning application and are making representations to the Planning Committee. Councillors wish to add the following comments regarding the above application. Some time ago, Lafarge gave assurances that they would improve the visual effect of the immediate quarrying area, unfortunately those promises have not been honoured and Councillors would expect the remedial work to be undertaken before further excavations commence. Councillors are also extremely concerned that if the proposals are accepted, there will be two working quarries using Telegraph Lane. The condition of the road is very poor and over-running vehicles are continually breaking down the verges. Whilst waiting for the sand pit to open in the early morning, lorry drivers use an area of the verge near to Hangman's Lane, resulting in muddy conditions and a constant problem with litter. It is feared that an increase in lorry traffic will have a further detrimental effect on the area. Following several recent accidents, the Parish Council has asked if improvements to visibility could be made at the crossroads with Hangman's Lane but unfortunately the Highways Department were not able to undertake any work. It is understood however, that some years ago, an agreement was reached with Salop Sand and Gravel Company for funding towards the cost of upgrading of the lane. No action has yet been taken but if permission were granted for a second quarry, the Parish Council would expect it being conditional on additional funding from Lafarge towards the maintenance of Telegraph Lane between the quarry entrances and the junction of the A453.

Note: The applicant has advised that some of the comments attributed to Lagarge relating to traffic and highway improvements relate instead to Salop Sand & Gravel, operators of the nearby site at Underton.

- 4.2a **Environment Agency** – The Agency have withdrawn an earlier holding objection but initially sought further information from the Applicant in a response of 2 June 2011 which made the following comments:
- i. Groundwater and Contaminated Land The Agency previously raised a number of key issues to be addressed, particularly in relation to hydrology and hydro-geology which were outlined in the Agency's response to the EIA scoping request. Having reviewed the ES, the Agency has the following comments:

Section 1.3.8 suggests that the site is located in a relatively simple geological context. In the absence of the geological/hydro-geological information available, which has not been submitted along with interpretative conceptual models, the Agency is not able to concur with this statement at this stage. 2.6 Hydrology/hydrogeology - M32/PL02/02 shows only 4 boreholes not 5 as stated in the text of the ES. the Agency would seek clarification on this. 2.6.2 - The raw data should be provided and supported by hydrographs and interpretative cross sections. This is necessary to demonstrate the geological sequence and the associated water levels described in the ES and their relationship to watercourses and any other features/supplies. 2.6.7 - Nearby properties should be contacted to determine whether any private water supplies are present in the vicinity of the site. It is noted on the Ordnance Survey map that a well is present at Boars Head Farm. The Agency would also recommend that the applicant/consultant contacts your Public Protection team to obtain a list of private water supplies, to inform the water features survey i.e. to assess potential impact of the proposals upon groundwater users. 2.10 - The mineral exploration borehole information should be submitted in support of the hydro-geological conceptual model. Section 3 (working scheme) - The working scheme does not clearly state how the quarry is to be worked, although it is inferred that the site is to be worked 'dry'. No information of the material processing is provided and whether water supply will be required. It is unclear as to the nature of the former silt lagoons as the presence of such a structure may be an indication of the water table in the base of the workings.

- ii. 5.6 Hydrology/Hydrogeology It is stated that the site is disconnected from the groundwater system and the brooks. The Agency would expect evidence to be provided within the ES to demonstrate that this is the case.
- iii. Groundwater/hydrogeology 5.6.7 – The Agency notes that it is not intended to undertake de-watering at the site, but this needs to be supported by the existing site data. On the basis of the above, the ES is not considered robust to conclude that there are no likely significant impacts and/or address the mitigation to avoid, reduce or remedy these effects. We therefore raise an objection at this stage until these issues are fully resolved.
- iv. Pollution Prevention Section 5.6.3 of the ES details appropriate measures to protect the water environment from pollution and makes reference to our pollution prevention guidance notes. All oil tanks, oil barrels, waste oil and chemicals should be contained within a liquid tight bund capable of retaining 110% of the volume of the tank or largest barrel. All pipework and gauges associated with the tank should be contained within the curtilage of the bund wall. On-site oil tanks should be locked when not in use. The Mor Brook (Main River) runs approximately 360m to the south west of the site and has an associated floodplain, as shown on the Agency's Flood Zone Map. Based on the above map, the site (10.8 ha in total) lies entirely in flood zone 1 (low probability). In accordance with Planning Policy Statement (PPS) 25 'Development and Flood Risk' the proposals are classified as 'water-compatible' development (See Table D.2) which is appropriate development in Flood Zone 1 (See table D.3) subject to a Flood Risk Assessment (FRA). An 'ordinary watercourse' (a tributary of the Tiddle Brook) runs approximately 290m to the east of the site, outside of the site application area. This watercourse, along with the Tiddle Brook, falls under the jurisdiction of the Local Authority. For a site of this scale and nature, and in this location, the Agency would refer you to its West Area Flood Risk Standing Advice (referring to development over 1ha in Flood Zone 1). The Agency would recommend that you seek the comments of your Land Drainage (Floods) section. In relation to the ES, we note that a flood risk statement has been incorporated within the report (section 5.6.6). We note that the proposals confirm that there will not be any adverse impact upon third parties, or

watercourses, as a result of the development due to operations and/or increased surface water run off. This is providing the mitigation measures outlined in section 5.6.2 of the ES are adhered to. We would recommend that you seek the comments of your Land Drainage (Floods) section in relation to capacity for cut-off ditches (into associated excavations or treatment areas) and detailed calculations. We acknowledge the proposals to restore the site (post mineral extraction) to equivalent Greenfield state as detailed in the ES (5.6.4) and shown on the indicative restoration plan (M32/PL02/04).

- v. Biodiversity The Agency would reiterate its comments, as detailed within the response to the EIA scoping, in relation to the creation/retention of surface water features, particularly where the groundwater levels/surface drainage allow. The restoration should seek to sustain the existing aquatic habitats on site in their current form, or provide replacement habitat at an alternative location. This could either be in the form of hedgerow, ponds, sump ponds in the middle of wetland scrapes, or smaller ponds close to the location of the current lagoons. The value of standing water habitat was noted in the Extended Phase 1 Survey report. This identified 8 Amber listed bird species of which 4 have a requirement for an element of aquatic habitat (green sandpiper, house martin - for nest building, kingfisher, and willow warbler). The ecological report does state, under the great crested newt section, that the ponds and their potential to support great crested newts and other amphibians is a notable consideration. The Agency recommends that the views of the Council's Ecologist and Natural England are sought with regard to the above.
- vi. Environmental Permitting Informative: Under the terms of the Environmental Permitting Regulations, an Environmental Permit (EP) is normally required for any discharge of sewage or trade effluent (including dewatering) into controlled waters. It may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground, or into waters that are not controlled waters. Such consent may be withheld.

4.2b **Environment Agency** – After receiving further information from the applicant the Agency made the following comments on 14 September 2011, whilst retaining a holding objection specifically with respect to groundwater monitoring issues:

- i. Section 2 Geology (2.2.5) - This section acknowledges that the lower fill sands may be saturated. This working methodology was not clearly presented in the original application documents. It is noted that if it is necessary to move the lower fill sands, to facilitate restoration, they will be moved 'wet' to avoid the need for de-watering. Clearly there is pollution prevention issues associated with sub water table excavation. The applicant should provide detailed mitigation measures to avoid or reduce potential negative impacts to the water environment. The Environmental Statement (ES) should be updated to address this risk.
- ii. Section 3 Environmental Context ii) Hydrogeology In relation to private water supplies, we note that a letter drop was undertaken and no returns have been received. However, we have been contacted directly by local householders. We are informed that a number of properties in the area may rely on water from private supplies (although there appears to be a degree of confusion between the reports from different parties). Further clarification is therefore sought on this aspect. The ES needs to be robust and we would recommend that the potential significant impact upon possible receptors in the area needs to be clear. The outcome of this would enable a comprehensive assessment to be made on the suitability and acceptability of the proposals and inform mitigation measures, where necessary. In addition there is a de-

regulated groundwater source at Boars Head Farm. The current status and set-up of this source should ideally be investigated further. Whilst groundwater monitoring data is available and is clearly of value, the data presented only extends to March 2008. If these wells are not currently dipped then monitoring should be reinstated ASAP. The lithological log and construction of these monitoring wells should also be confirmed, as it is not easy to determine from the information provided as to which data relates to the monitoring wells. It is noted that no data record has been presented for Borehole (BH) B. This information is considered necessary as it would allow the hydraulic gradient to be more accurately established, particularly as the record for BH A differs so much from BH H, Y and C. Borehole A may relate to a perched system.

- iii. Contamination It should be acknowledged that the proposed use has the potential to cause contamination if not appropriately managed (see comments below).
- iv. Historic potential / Source/Pathway/Receptor The proposed activities include the potential for wet working. We would recommend that the Source Pathway Receptor model should be considered in relation to this and mitigation measures presented. Potential receptors have been identified within section 3.27. However, the mitigation measures are not clear. These should be clarified in Section 4 (Working Scheme and mitigation measures). As noted above the issue surrounding the reported private water supplies needs to be clarified in order to inform the list of environmental receptors.
- v. Groundwater mitigation Whilst limited impact on 'groundwater quantity' is expected given the proposals as they stand, there is the potential for groundwater quality impacts. Given that all surface water is to effectively soak to ground across the site, it is necessary to put in place processes/procedures that control any activities such as maintenance to avoid the introduction of pollutants to the water environment. In addition, we would advise that spill plans etc should be produced. As noted above, the proposals to wet work would also require specific mitigation measures to avoid the direct introduction of contaminants to the water environment. We would seek clarification, on the above matters, in order to ensure a robust EIA and help inform decision making. Following the submission of further clarification we will be in a position to offer more substantive comments.

4.2c **Environment Agency** – 14 November 2011 – Holding objection withdrawn. The Agency has been provided with the following supplementary information:

- Email dated 13 October 2011 (15:30) from Dan Walker of David L Walker Limited.
- Email dated 13 October 2011 (17:06) from Dan Walker of David L Walker Limited, including plan entitled 'water monitoring boreholes' showing replacement borehole locations and well at Boars Head Farm.

The following comments and recommendations are made:

- i. The Agency notes the comments relating to the Conceptual Model, which confirms how water will be managed in general. As a supplemental it has been confirmed that any sub water table extraction would take place using an excavator on an area of non-saturated deposits i.e. the quarry is proposed to be 'wet worked'. Any refuelling of the excavator would be undertaken in strict accordance with our Pollution Prevention Guidance, as well as Lafarge environmental procedures. A similar approach has been confirmed for any inspection and routine maintenance procedures. The operations will be undertaken on a continual inspection basis to enable the early identification of any potential threats to the groundwater environment and potential remedial measures. A

condition is recommended to ensure operations are carried out in compliance with measures set out within section Appendix 3 of the submission, in relation to water management and pollution prevention.

- ii. Section 3 Environmental Context (ii – Hydrology) The Agency notes that the applicant has had no responses on private water supplies; nor does Shropshire Council have any records in this regard. The Agency were led to believe that such existed within close proximity of the site. Further to this consultation, the Agency have had further discussion with a local resident. It has been clarified that they do in fact have a mains water supply rather than a Private Water Supply. Their main concern relates to their mains connection being impacted by the quarrying works as it crosses part of the site. This is not an issue that the Agency would make comments on.
- iii. Boars Head Farm supply – The Agency notes that the current landowner has confirmed that the well has not been used since the 1960's for domestic supply. It is also acknowledged that appropriate monitoring facilities are already in place on this potential receptor as the landowner has given permission for these features to be regularly dipped. The Agency recommends the inclusion of this supply within the proposed monitoring scheme.
- iv. Water monitoring In respect of water monitoring, the Agency notes that borehole logs have been lost since their initial installation. However adjacent drilling data has been used to make a full determination of baseline conditions by extrapolation. The Agency also notes that Lafarge are looking to install two new piezometers in the event that planning consent is granted. In the interim the Agency notes that data collection has been started in order to help provide a more comprehensive dataset. The Agency would support this and would welcome details on the nature of such monitoring including details of the additional 2 piezometers. This could be secured within the condition for monitoring discussed further below. The Agency notes the plan which confirms that replacement boreholes will be installed in the vicinity of boreholes B and Y, and that the well at Boars Head Farm will be included in the monitoring regime. The Agency believes that there should be a minimum of 12 months (annual cycle) for adequate baseline data, rather than 6 months as currently suggested. The Agency would advise that the applicant needs to be aware that the scheme would need to include both groundwater level and quality monitoring. It is still not clear as to whether all the other boreholes are still available to monitor i.e. to confirm the full extent of the proposed monitoring network.

Note The Agency's recommended monitoring condition is included in Appendix 1.

4.3 **Shropshire Wildlife Trust** – No comments received.

4.4. **Natural England** – No objection.

Internal Comments:

4.5 **Public Protection** - No objection in principle to the proposals, but would recommend that the following conditions are attached to any permission granted.

- i. Noise levels measured as LAeq 1h (free field) shall not exceed the background noise level by more than 10dB(A) at the nearby noise sensitive locations The Hollies, Morville Heath Farm, Bridgwalton Farm, and The Lye Farm during Normal Operations.

- ii. Noise levels shall not exceed 70dB(A) LAeq 1h (free field) at the nearby noise sensitive locations The Hollies, Morville Heath Farm, Bridgwalton Farm, and The Lye Farm during temporary operations (no more than a total of 8 weeks in any one year) such as soil stripping.
- iii. A noise monitoring scheme in respect of ongoing compliance with the set noise limits shall be submitted to the local authority for written approval within 2 months of the granting of planning permission, and shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

4.6i. **Highways Development Control** – The application relates to extraction of up to 80,000 tons per annum of mineral over a period of 9 years. However, it is understood that the amount of saleable mineral in the site may be less than the total amount stated if a market cannot be found for the fill sand present in the lower part of the deposit. It is understood that when the site was working previously only the upper fine sand was worked at a rate of up to 35,000 tons per annum. The site has a generally good access via a short stretch of Telegraph Lane linking to the A458. However, the junction with Hangman's Lane is sub-standard. It is understood that a 1.5km stretch of Telegraph Lane extending past the Hangman's Lane junction to the A458 junction is likely to be upgraded in 2012 as a requirement of a legal agreement linked to planning permission for a separate mineral development on land to the south-east of the current application site (operator Salop Sand & Gravel).

- ii. It is not considered that a highway objection could be substantiated on the basis of the likely levels of vehicle movements. This is provided any planning permission is subject to a Legal Agreement providing for:-
 - a. routing agreement to avoid the use of Hangman's Lane by quarry HGV's and ensure that all such traffic to and from the site travels along Telegraph Lane to / from the junction with the A458, except where local access is required;
 - b. payment of a sum of £42,500 index linked, to fund highway improvements between the site access and the Telegraph Lane / A458 junction. The payment shall be triggered either by the 1st April in the first calendar year after annual output exceeds 35,000 tons per annum or within 3 years of the recommencement of mineral extraction at the site, whichever is the sooner.

Note: The additional funding would relate to works which are not being undertaken under the legal agreement linked to the Salop Sand and Gravel quarry at Underton.

4.7a **Natural Environment (Ecology)** (Initial comments, June 2011) - A query was initially raised on the Great Crested Newt survey for the site. The GCN survey submitted with the Morville application is dated March 2011 but the survey itself was carried out in 2009. Four survey visits were made within the survey period for GCNs but they missed the optimal survey period of mid-April to mid-May, the first survey being carried out on the 29th May. The HSI scores (an estimate of the suitability of the pond habitat for GCNs) came out as poor or below average and no GCNs or other newts or their eggs were found. However, the consultants conclude that four of the ponds offer suitable aquatic habitat for GCNs, but based on the survey results and HSI analysis

they consider it unlikely that GCNs will be utilising the site. They also recommended that a full GCN survey should be carried out over the optimal period according to the guidelines before quarrying actually takes place. In Shropshire Council's 'Determination of scoping opinion request' for the application under 'Ecology' it is stated that 'further surveys may be necessary, particularly for protected species and should be undertaken by suitably experienced and qualified persons, following established survey guidelines'. The English Nature 'Great Crested Newt Mitigation Guidelines' 2001 (the established survey guidelines for GCNs), recommend at least 2 of the 4 visits should be made between mid-April and mid-May in order to determine a likely absence of newts. In February 2011, Natural England issued its 'Standing advice for protected species'. The standing advice takes the place of Natural England's responses to planning applications on the subject of species survey work. The standards of survey expected and the information required in ecological reports are covered in this document, which is a material consideration, and NE will now only provide specific comments once these standards have been met and sufficient ecological information provided. Natural England's response to the above application refers to this standing advice. Have any more recent surveys been carried out? In view of the age of the survey report, somewhat late start to the survey and the potential destruction of five ponds together with terrestrial habitat, it is recommended that the applicant is required to provide a reasoned justification as to why the current level of survey for GCNs is ecologically sound. It is recommended that they discuss this with their ecological consultants as soon as possible in case they need to revisit the site.

Note: The applicant's consultants provided further information in support of the conclusions in the Ecological Report with respect to Great Crested Newts in response to the above comments. The site was visited on the 7th July 2011 and no standing water was present in the quarry. The consultants concluded that the quarry contains no permanent water features, the five ponds noted in 2009 being ephemeral winter waterbodies. Pond 6, about 350m away from the quarry site still held water in 2011. The consultants concluded that the quarry supports potential terrestrial habitat for GCNs, but the lack of permanent waterbodies within the quarry, the low HIS scores recorded during the 2009 survey and the distance to, and low score of Pond 6 located 350m away, make it highly unlikely that GCNs would be present in the quarry and its immediate surroundings.

- 4.8a. **Natural Environment (Ecology)** (Subsequent comments Nov 2011) The Site was surveyed for Shropshire County Council on the 25th July 2006. The surveyor reported 'two small ponds, one of which was dried up at the time of the survey...the other smaller pond was almost devoid of vegetation. The County Ecologist visited the quarry on 16th November 2011 and found all ponds dry except for a small shallow scrape in the eastern corner of the proposed wetland area. The conclusion that these water bodies regularly dry out in summer appears sound and that the presence of GCNs under the current conditions is very unlikely. However, GCNs can colonise waterbodies and, in view of the long period the site may be active, it is recommended as a precaution that any ponds holding water are surveyed for GCNs in spring before quarrying commences and at 3 yearly intervals thereafter if any waterbodies persist.
- b. The most important nature conservation feature of Morville Quarry is its invertebrate community. During the Shropshire County Council biodiversity survey of quarries in 2006-7, three entomologists visited the site and found 27 important species. They stated that 'Morville sand quarry was the unexpected find of the quarry project and has

been found to be of particular importance for invertebrates. Foremost amongst them is the assemblage of aculeate hymenoptera (bees and wasps) which stand at 55 species after only four visits from mid-July onwards.' The rarest species (a spider-hunting wasp) is declining and now occurs in less than 15 sites in the UK. At least 4 of the bees and wasps found are nationally scarce. A number of notable predators of bees and wasps were also found, including one Red Data Book species. The quarry is particularly favourable to these species due to the availability of nesting opportunities, mixed with the shelter and aspect, plus nectar and pollen availability. The restoration scheme must ensure habitat for these species is maintained in the long term. The majority of the wildlife areas should be allowed to regenerate naturally on the sandy substrate, without topsoil, fertilizer, liming or seeding. The margins of the quarry should provide a mosaic of vertical sand faces, slopes and hollows with varied aspects. The agricultural use of the floor of the basin could damage the nature conservation areas through spray drift of fertilizer and pesticides. The field should be edged with a sand bund, and/or possibly a hedge where shading would not be a problem. Before each phase of extraction takes place, its restoration should be reviewed so that transfer of valuable turf or seed bank can be carried out first.

- c. The consultants Phase 1 report classed the 'short perennial/ephemeral' habitat as not a 'notable consideration'. However, a number of plants listed in the Shropshire Biodiversity Action Plan, which indicate good quality habitat, are found here and the habitat is associated with many of the important invertebrate species. It should be noted that this habitat is only present because of the former quarrying activity, which exposed the sand and periodically disturbed it.
- d. The breeding bird survey noted six UK Biodiversity Action Plan species, four Shropshire Biodiversity Action Plan species, five species Red Listed and four species Amber Listed by the RSPB. The recommendations of the Breeding Bird Survey 2009 should be followed.

Ecology is discussed further in section 6 of this report.

4.9 **Conservation (Historic Environment)** - No objection.

4.10 **Archaeology (Historic Environment)** - The proposed development site has been subject to a desk based assessment (DBA) undertaken by Worcestershire Archaeology Services (Morville Quarry Shropshire Environmental Statement April 2011 Appendix 5) on behalf of Lefarge Aggregates Ltd as a response to recommendations made for a scoping opinion given by Shropshire Councils Historic Environment Officer. A previous archaeological evaluation was undertaken by Worcestershire Archaeology Services in February 1999 on land adjacent to the present development proposal. Both studies concluded that remains of archaeological significance relating to a rich and poorly understood early prehistoric landscape may be present and that a watching brief during top soil stripping down to the natural substrate with a contingency for further archaeological should significant deposits or structures be revealed would be appropriate. The proposed development site can therefore be deemed to have moderate archaeological potential and any below ground archaeological remains are likely to be affected by the construction of the proposed new dwellings and associated services. In view of the above in line with PPS5 I recommend that an archaeological watching brief be made a condition of any planning permission for the proposed development with provision for further Suggested Condition:

- i. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant in response to a brief issued by the Council's Historic Environment Team. This written scheme shall be approved in writing by the local planning authority advised by Shropshire Council's Historic Environment Team prior to the commencement of works.
- 4.11 **Countryside Access** – No objection. Whilst footpath 7 runs just outside the south-eastern boundary of the site (as identified by the applicant) it does not appear that it will be affected by the proposal.
- 4.12 **Councillor Tindall** (Brown Clee) has been informed of the application and has referred the application to be determined by the Committee. Councillor Winwood (Adjacent ward) has also been informed. Both councillors have been briefed on minerals development at Morville.
- 4.13 **Public Comments**
- 4.134 The application has been advertised in the press and by site notice and the nearest 16 private properties have been individually notified. The application has attracted a number of objections from 3 residential properties in response to this publicity. The main concerns are listed in a combined response from these residents to the further information in the Regulation 19 submission:
- i. Need Need seems to be based on an internal market. Need, therefore is still unproven and, as with other documents issued by Lafarge in the past, insufficient proof is apparent. The opportunity existed to work the quarry independently between 1993 and 2008, but it never achieved the proposed yearly production of the "special mineral" sand. In fact the site never achieved the projected output of 80,000t.p.a, the true volume in one year being 35,000t, the figure quoted by you in your letter of 2nd December 1999. This occurred during a much better trading period with construction projects, and business generally forging ahead. If the need for the "special mineral" is so great, why has it never achieved its full potential? What proof is there that it ever will? Quoting operational factors seems to be the easy way out once the site is opened should the "special mineral" prove to be not so special again
 - ii. Mineral Deposit The geology of the site suggests the upper 5 mtrs contains good quality sand and the lower 5mtrs a lesser quality with a lignite contamination at the base of the site. It is proposed that the lower quality sand will probably stay in situ although 25% may be processed and may be marketable. The acknowledgement of a lignite seam 3mtrs bgl will reduce the amount of good quality sand in the top 5 mtrs. There is no planned equipment for the removal of lignite therefore the yield of good quality sand will be 221,100t only on the whole site rather than the 368.500t
 - iii. Water A formal response from Severn Trent Water to D. Walker implies that there is no water main on the site. If that is so, please confirm where the supply to The Hollies and The Ley emanate from, as both properties pay water bills to the land owner, who states that she is unaware of a water pipe crossing the site. A mains supply avoiding the proposed site must be conditional so that our water supply is guaranteed and free from any contamination from site workings. A definitive answer must be given before the planning meeting.

- iv. Boundary with The Hollies As previously stated a reduction in the bund height at the rear of The Hollies was not the solution requested. The request in fact was for the bund to be moved out by a further 10 meters, minimum. As yet the response received is unsatisfactory as it does not address that issue. Furthermore, if the bund remains in its current position, a written guarantee must be issued by a qualified surveyor stating that any slippage of the property would be fully recompensed by Lafarge.
- v. Dust Concern about air quality. Assurances given about dust control seem rather inadequate. We have recently witnessed at Bridgwalton site, plumes of dust regularly reaching at least 30 meters high. As the Morville Quarry is going to be dry worked we are concerned that measures to control dust are insufficient.
- vi. Traffic Concern about traffic safety for local residents. At present we currently have to put up with traffic working out of two sites in Telegraph Lane, Bridgwalton's original site and their new site opposite. In terms of Morville Quarry it should be noted that increased traffic will exist as soon as the site is operational and not when the figure of 40,000t p.a. is achieved. Furthermore traffic will not be evenly spaced throughout the year, the greater volumes will be present when the weather allows building work. This would lead to even heavier traffic movements, given that Bridgwalton has also applied for an extension to its existing quarry. It also does not address that the majority of traffic will be travelling east along the A458. Traffic calming measures should be a requirement that Lafarge take responsibility for funding.
- vii. Reinstatement Given Lafarge's previous performance relating to reinstatement at the disused quarry, we find it impossible to accept their restoration plan, or their willingness to carry it out. Visits to the site will endorse these comments. To grant permission to re-open the site with the proviso it will allow Lafarge to complete restoration is not acceptable. Site Reinstatement is not a reason to grant this application.
- viii. Agriculture Given the intended extraction depth, expert opinion states that this land is not capable of being restored for agricultural use. Given the declared intention to work the old quarry and extend the site to the proposed land to the south east, this would give a total working area of 31.56 hectares, this should be referred to DEFRA, given the original concerns raised by MAFF in 1993 and 1997?
- ix. Cumulative effect There are now effectively two sites at Bridgwalton, one each side of Telegraph Lane and any further extraction sites would be excessive and damaging in such a small rural parish.

4.145 Additional comments made by individual objectors cover the following points:

- i. Concern that a water supply pipe crosses the application site and has been severed by the mineral extraction operations previously. Seeking undertaking that the pipe will be re-routed prior to any re-commencement of excavations.
- ii. Concern of one resident that their house was purchased on the basis of an expectation that mineral extraction would cease by 2008.
- iii. Concern that mineral extraction operation would be too close to a residential property (50m).
- iv. Concern that excavations could result in an increase in radon gas levels at residential property.
- v. Lafarge vacated the site many years ago and has at no time attempted to reinstate it. Why should consideration be given to a further permission when the company does not stand by its commitment?
- vi. Reports accompanying the environmental statement are not independent.
- vii. Proposed hours of working are unacceptable, particularly on Saturday mornings.
- viii. Concern about property devaluation.

- ix. Concern about precedent for further mineral extraction at Morville.
- x. Concern that levels of local noise will increase.
- xi. Concern about concurrent working of more than one quarry.

4.16 A document containing copies of all objection letters received from the above residents in response to the application was placed on deposit in the Members Library in the week prior to the committee. An officer also met with the above residents to hear their concerns and consider possible mitigation measures during the initial planning consultation phase.

5. THE MAIN PLANNING ISSUES

- i) The justification for the development;
- ii) effects on residential and general amenities (noise, dust, visual impact, traffic, timescale,)
- iii) other environmental effects (ecology, hydrology, agriculture, restoration and afteruse)
- iv) other issues (slope stability, water supplies, cumulative effects)

6. OFFICER APPRAISAL

The justification for the development

6.1 The principle of quarrying at Morville was established by planning permission reference SC/MB1990/0509/BR granted on 21st May 1993. Prior to this a smaller mineral working had existed on the eastern part of the site with a permission dating back to the 1958. Mineral working proceeded at a rate of up to 35,000 tons per annum during the 1990's but ceased in the early 2000's and the site has remained dormant since this time. The previous permission was time-limited and permission for mineral working expired in 2008. The current application seeks to re-establish the principle of mineral working. It is necessary to assess the extent to which the planning context leading to the previous permission has changed in the intervening years. This is including with reference to need for the mineral (Core Strategy Policy CS20, Minerals Local Plan Policy M2), and environmental and amenity effects (e.g. Core Strategy Policy CS20, Minerals Local Plan Policy M27).

6.2 Justification – need for the mineral – forward planning Under the Managed Aggregate Supply System (MASS) Shropshire is required to ensure that sufficient permitted reserves of sand and gravel are available to allow the county to continue each year to meet its agreed proportion of the West Midlands region's overall requirements (the 'sub-regional apportionment'). The Government sets the county's apportionment on the basis of work by the Regional Aggregates Working Party of which Shropshire is a member. The county must therefore identify sites in its minerals policy documents with sufficient capacity to meet the agreed apportionment level throughout the plan period. Although the previous permission has now expired the mineral reserve at Morville is taken into account in the current Minerals Local Plan and the Plan assumes that the quarry will contribute towards the county's overall apportionment. The evidence base for the emerging Mineral Sites Allocation Document, which will replace the Minerals Local Plan in 2013 (part of the 'Site Management and Allocation of Development

Document' - 'SAMDEV'), also currently includes Morville Quarry as part of the future landbank. Some existing sand and gravel sites in Shropshire have limited reserves remaining. One site, Gonsal Quarry near Condover, was until recently an important producer but is now dormant. In these circumstances it is considered that the current proposals have the potential to make an important contribution to the required annual production levels at this time. This conclusion is underscored by the fact that much of the required quarrying infrastructure is already in place at the site.

- 6.3 The applicant has put forward a proposal for an eastern extension to the existing Morville Quarry containing a larger mineral resource as part of the SAMDEV process (see section 11.9). A consultant's report commissioned by the Council scores the site quite highly relative to other proposed allocations and has recommended its inclusion, for release towards the end of the SAMDEV period (in approx 7-8 years time). If the proposed allocation is confirmed, a separate planning permission would also be required at the appropriate time. Lafarge has confirmed that the current site is capable of being worked separately from the proposed allocation, which would be capable in principle of being worked as an extension to Morville Quarry. There is a general presumption in the Minerals Local Plan and Core Strategy that mineral should be supplied from existing quarry sites and extensions to such sites in preference to new 'greenfield' sites.
- 6.4 Justification – mineral resource The current proposals involve extraction of up to 80,000 tons per annum over a 9 year period in order to remove remaining mineral reserves of up to 737,000 tons (max). Further clarification of the mineral resource has been provided by the applicant. It is confirmed that the upper 5m on average of the deposit comprises a series of finely bedded sands with some silt and gravel ('upper fine sand') with the lower 5m being dominated by lesser quality material (lower sand'). The deposit is overlain by overburden comprising silty / clayey sand and it is confirmed that silt content is disseminated throughout the upper fine sand. Lignite contamination is found 3m below ground level (in the upper fine sand) and also at the base of the lower sand. The lower lignite horizon is unlikely to be disturbed as excavations are unlikely to proceed to this depth. The company estimate that 75% of the lower sand would be required to achieve the restoration, although it may be that much of this can be left in situ. The company state that the remainder may have some limited use as a product, subject to market and processing considerations. If the market for lower sand is proven and processing it becomes more economical, Lafarge confirm that they would look to reduce the amount of this material committed to restoration and instead supplement these volumes by the use of processing waste (i.e. silt material).
- 6.5 Lafarge have provided an outline analysis of the market for the mineral at Morville in the Environmental Statement (Section 7.2). The company currently supplies precast concrete facilities and ready mixed concrete batching plants in the eastern part of Shropshire and the wider West Midlands. At present these are currently supplied from sites outside the region. The company envisages that 80% of the annual output (circa 64,000 tpa) of the upper sand would be used to supply these existing locations. The remaining 20% (circa 16,000 tpa) would supply the local construction market at Bridgnorth and in the surrounding area. It is stated that of the 80% of material exported on a sub-regional basis, approximately 50% (32,000 tpa) could be supplied to Lafarge's own ready mixed concrete plants, with the remainder used to supply external contracts, subject to market conditions. The lower sand (although lignite contaminated) would be capable of meeting the specification required for asphalt sand although this would only form a small

component of total site output.

6.6 Officer appraisal of the resource information provided by the applicant suggests that the amount of upper fine sand available after processing to remove silt and lignite would be unlikely to exceed 350,000 tons. The extent to which the lower fill sand can be regarded as a mineral on its own is dependent on the available market and the cost of processing. Therefore it is concluded that the actual amount of economically workable mineral in the deposit could be less than 737,000 tons stated in the application. This could reduce the rate of production relative to the 80,000 tpa stated in the application. It is understood that the level of production during the previous operational phase did not exceed 35,000tpa and that little of the lower sand was worked previously. If a higher proportion of lower fill sand is used in the restoration this may have implications for the quality of restoration possible for agricultural areas of the site.

6.7 A mineral surveyor appointed by the local residents objecting to the scheme has questioned verbally whether the mineral resource in the site is economic. The applicant company is however a major mineral producer with a strong knowledge of the local and regional market and has made the following supplementary comments with respect to need:

The regional apportionments and figures used in the compilation of the Shropshire's sub-regional apportionment, correctly categorise a requirement for the production of sand and gravel. The figures are not required to look at any further detail, but there is a wide acknowledgement that there is strong demand for the finer products in respect of supply into the locally and regionally importation precast concrete market. Over the past few years the market has seen strong demand for sand and sand based products, this is evidenced by the large stocks of gravel accumulating at the majority of production facilities. The demand for finished construction products which have a finer finish is increasing and there is little evidence to suggest that this will alter. The industry has therefore been challenged to find and adapt ways to ensure that this material is supplied whilst balancing production. One of the ways of doing this is to blend finer sand products with dust or reject stone materials either at a quarry or at the point of delivery to the customer. Lafarge has been working with a number of regionally and nationally important manufacturers to find technical solutions to this challenge. The quality sand at Morville has been confirmed as having a significant role to play in meeting this future demand, not only as a product in its own right but also as a blend ingredient to ensure that other 'waste' products are utilised. This allows production at other sites to remain in balance, whilst making best use of other primary materials. Lafarge acknowledge that in the recent difficult market a number of sites have been mothballed and a number of sites closed permanently. Lafarge are not in the habit of expending many tens of thousands of pounds on planning applications for sites which have no purpose or use. Morville has a very important role to play in supplying local and regional demand, and it is for this reason that planning permission is being pursued.

6.8 Lafarge, is also involved in merger talks with Tarmac to form a joint venture company. A decision by the Competition Commission is expected in spring 2012. If the merger is ratified, as expected by some industry sources, this may create a much larger internal market for the Morville deposit. In conclusion, it is considered that the level of economically workable mineral in the site could be less than the 737,000 tons stated in

the application. There is however no evidence at this stage to suggest that the fine sand deposit at Morville would not be economically workable. It is concluded that sufficient evidence has been provided in support of need for the mineral. It is recommended however that if permission is granted a condition is imposed requiring an annual review of mineral production, with evidence of previous mineral supply being used to inform subsequent working and restoration proposals. This will ensure that restoration is not delayed unnecessarily if a market for the lower sand is not identified. The company has agreed to this. (Core Strategy Policy CS20, Minerals Local Plan Policy M2)

- 6.9 Justification - restoration and afteruse Core Strategy Policy CS20 requires amongst other matters that mineral working applications should include proposals for the restoration and aftercare of the site. The need to include detailed reclamation and afteruse proposals is also supported by Policy M27 of the Minerals Local Plan (Reclamation and Afteruse) and Mineral Planning Guidance note 7 (Reclamation of Mineral Workings). The cessation of previous mineral workings left the site in an interim configuration. The land was managed acceptably and there has been significant greening. A number of wildlife habitats have become established. However, the landform within the site remains uneven with a central headland, peripheral soil storage / screening mounds and a number of steep slopes showing some evidence of surface water erosion. The area subject to previous mineral working disturbance would be incapable of a beneficial and sustainable afteruse without further substantive restoration works. The proposed restoration involves formation of a large agricultural field in the base of the quarry (5.8ha), surrounded by an area of acid grassland on the slopes, with an area of seasonally wet grassland in the east and areas of shrub planting in the north and west. It is considered that the most effective way of achieving an acceptable restoration is through the current working and progressive restoration proposals.
- 6.10 If the current proposals were refused, it would be necessary to secure an alternative restoration without further mineral working. The main implications would be:
- i. Instead of forming a single large (5.8ha) level and easily managed field in the centre of the restored site there would be two separate smaller field areas. The existing agricultural field comprising the unworked areas to the south of The Hollies (area 2.66ha) would remain unaffected. A separate L-shaped field (approx 60m wide x 240m long – area 2.34ha) would be provided in the base of the current working area. The two fields would be separated by a height difference of approx 5m.
 - ii. The lower field would be difficult for modern agricultural machinery to manage due to its narrow and irregular shape.
 - iii. There is likely to be an overall loss of 0.8ha in agricultural land relative to the current proposals.
 - iv. The eastern area of seasonally wet grassland would remain, but would not be subject to the same level of habitat creation and management;
 - v. The overall area of grassland would be likely to increase slightly (from 2.98ha to 3.13ha) but there would be an irregular distribution which would potentially be more difficult to manage. The commitment to manage this as an acid grassland habitat would be lost;
 - vi. Two areas of shrub planting in the vicinity of the site access (0.36ha) and to the south west of The Hollies (0.15ha) are proposed under the current application;

- vii. In general, the current proposals contain detailed controls and commitments with respect to restoration and afteruse, including creation of wildlife habitats and reinstatement of high quality agricultural land, which would be reinforced by detailed planning conditions.

It is considered that the current application offers the best way of achieving a high quality and sustainable restoration for the site.

- 6.11 Local residents have expressed concerns that the site could be subject to a further period of dormancy. They advise that there was an expectation that the quarry would be restored by 2008. Officers have discussed with the company ways of ensuring that any future working of the site contains appropriate review and control mechanisms to secure progressive working and restoration. Phasing and progressive restoration conditions have been agreed in principle with the applicant and are listed in Appendix 1. These conditions include additional safeguards relative to the previous planning permission. There is a requirement to restore the site progressively, with a revised final restoration clause being triggered if mineral extraction has not proceeded at the anticipated rate. The company have also confirmed that there is opportunity to accelerate the formation of the basic landform by the early reinstatement of the south-western batter in Phases 1 and 2. The company confirms that it is willing to accept a condition reviewing this matter. A separate condition requiring a formal annual review of site operations including restoration works is also recommended. The recommended conditions provide improved controls relative to the previous permission, to assist in securing the progressive working and restoration of the site.

- 6.12 It is considered that the current proposals would allow a better standard of restoration than could be achieved without further mineral working, resulting in restored land which is easier and more sustainable to manage for the proposed agricultural and ecological afteruses. This is in accordance with the objectives of Core Strategy Policy CS20 and Minerals Local Plan Policy M27 and the objective of MPS1 to enhance the overall quality of the environment and achieve wider benefits through provision of wildlife habitat networks. The potential to achieve an improved restoration also complies with other relevant development plan policies including Core Strategy Policy CS5 (Countryside and Green Belt), Policy CS6 (Sustainable Design and Development Principles), Policy CS11 (natural and built environment), Policy CS17 (Environmental Networks) and Policy CS18 (Sustainable Water Management). The proposals are also considered to comply with the requirement to safeguard agricultural land as set out in Planning Policy Statements 4 and 7.

Effects on residential amenity:

- 6.13 MPS2 advises (s26) that residents living close to mineral workings may be exposed to a number of environmental effects. It is stated that 'Mineral Planning Authorities must take particular care in respect of any conditions they attach to a grant of permission for working in proximity to communities. Where they judge that mitigation measures are not sufficient to safeguard the quality of the local environment, as experienced by neighbouring communities, refusal or restriction of the proposal may be appropriate'. Dialogue should take place between MPAs, EHAs, operators and other stakeholders, especially in the local community, to determine appropriate mitigating measures, where these are feasible and would, if applied, allow the development to proceed. The proposed application area adjoins one residential property (The Hollies) and the

applicant proposes that mineral workings would extend to within 34-52m of this property. Two other private properties are located 170 and 290m to the east of the site. A further 6 properties (5 at Boars Head Farm) are 300-370m to the east. In terms of quarrying operations noise and dust are generally acknowledged as having the greatest potential to affect residential amenities and MPS2 provides specific advice on these matters. Other potential impacts including hours of working, visual impact and traffic are discussed in subsequent sections.

- 6.14 Residential amenity – Noise: The noise annexe to Minerals Planning Statement 2 advises that Mineral Planning Authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A). The guidance recognises however that this will in many circumstances, be difficult to achieve without imposing unreasonable burdens on the mineral operator. In such cases, the limit set should be as near that level as practicable during normal working hours (0700-1900) and should not exceed 55dB(A) LAeq,1h (free field). A detailed noise impact assessment has been undertaken by Vibrock Limited (in accordance with the advice in MPS2 and BS 5228: 2009) to establish the existing background noise regime and to predict likely noise levels. This assessment also sets out proposed mitigation measures to ensure the amenity of local residents is protected in line with current good practice, by imposing a specific limit for day time working. By taking the minimum background noise readings and applying the +10 dBA rate defined in MPS2 the following table is derived:

Location	Minimum Noise Level LAeq (1 hr)	Recommended Noise Limit LAeq (1hr)
The Hollies	37	47
The Ley House	42	52
Bridgwalton Farm	35	45
The Lye Farm	29	45

- 6.15 The applicant advises that the predicted worst-case levels identified in the noise assessment are all well within the upper 55 dBLA_{eq} (1hr) level set out in MPS2. However, the application site is in a rural area where a limit of background plus 10 decibels would be more appropriate. Background levels recorded at Bridgwalton Farm (800m south-east) and The Lye Farm (320m south) in particular are very quiet and the applicant has expressed concern that a limit based on background plus 10dB would be difficult to achieve in practice. It is considered that background noise at Bridgwalton and the Lye is also more likely to be influenced by other factors such as farm machinery which would be difficult to distinguish from noise from the proposed quarry. The applicant is therefore recommending the use of a 45 dBLA_{eq} (1hr) for Bridgwalton and The Lye and has stated that this limit has proven to be tolerable in rural areas. It is considered that the adoption of a 45dB limit for Bridgwalton and The Lye would be consistent with the advice in the MPS2 annexe as referred to above. The company is confident that the scheme would remain compliant with MPS2 and is willing to accept a noise monitoring condition in any grant of planning consent. MPS2 also allows for a temporary relaxation of the above noise limit to 70 dBLA for up to 8 weeks in a calendar year, in order to undertake temporary operations such as soil stripping and screen mound formation. Public Protection have taken this into account in their comments on the proposals and the company has confirmed that it is happy to accept

the recommended noise conditions on this basis. It is considered that the noise assessment accompanying the Environmental Statement has demonstrated that proposals are capable in principle of complying with relevant noise controls in accordance with the MPS2 noise annexe and the relevant sections of Core Strategy Policy CS20 and Minerals Local Plan Policies M4 and M27. Notwithstanding this general conclusion, noise control is considered further in a succeeding section with specific reference to the nearest property to the site (The Hollies).

- 6.16 Residential amenity – Dust / Air Quality: The Environmental Statement has considered the potential for different activities to generate dust and methods of controlling dust have been identified. This includes restricting vehicle speed and watering unsurfaced roads in accordance with a Dust Action Plan. The working scheme has been designed to minimise haulage distances. A water bowser would be retained permanently on site. A surface water run-off sump in the base of the excavation would yield water for dust suppression. The ES concludes that this approach would ensure that dust is controlled within acceptable levels throughout the life of the site. These conclusions are generally accepted, based on knowledge of other sand and gravel workings in Shropshire. Officers have not received any noise or dust complaints relating to the operation of the nearby Underton Quarry site and there is also no file record of such complaints being received during the previous period of operation at Morville Quarry.
- 6.17 The current proposals would not lead to intensive plant movements during normal quarry operation. The output of the proposed site would yield between 2 and 4 return lorry movements per day (assuming 30 ton loads) - a third of the current output of Underton Quarry. It is not considered that this level of output would be likely to result in intensive plant movements capable of generating significant dust. The excavated material at Morville has a relatively high silt and moisture content which would reduce dust. The operations would also be subject to progressive working and restoration, reducing the disturbed area at any one time. Detailed planning conditions would be imposed to control dust. It is concluded that suitable measures are available in principle to ensure satisfactory control of dust within the site in accordance with the MPS2 dust annexe and the relevant sections of Core Strategy Policy CS20 and Minerals Local Plan Policies M4 and M27.
- 6.18 Residential amenity – proximity and duration MPS2 advises (27) that ‘the duration of a mineral proposal can be a significant factor in determining the appropriate levels of control and mitigation. Sand and gravel workings and some opencast coal sites may be completed and restored within a few years, whereas a clay pit or a quarry producing aggregates or building stone may be operational for many years’. ‘The programme of work and/or the location of plant within the mineral working should take account of the proximity to occupied properties, as well as legitimate operational considerations’. ‘A programme of work should be agreed which takes account, as far as is practicable, of the potential impacts on the local community over the expected duration of operations’ (28). In some circumstances (especially where workings will have an extended life), new or extended permissions for mineral extraction close to residential property may not provide adequate protection to nearby residents despite requirements for landscaping works such as bunds, screening and planting. In such cases, MPAs should consider the need to require adequate separation distances. MPAs should require a distance that is effective but reasonable, taking into account:
- the nature of the mineral extraction activity (including its duration);

- the need to avoid undue sterilisation of mineral resources, location and topography;
- the characteristics of the various environmental effects likely to arise; and
- the various amelioration measures that can be applied.

6.19 MPS2 advises that working in proximity to residential property may be necessary where there are clear, specific achievable objectives such as the removal of instability and preparing land for subsequent development. Such working should be for a limited and specified period, without scope for extension. This advice is discussed below with reference to the nearest property to the proposed site.

6.20 Residential amenity - The Hollies The property known as The Hollies is located to the immediate north of the application site in a slightly elevated position. A number of windows at the rear elevation of the property have views towards the site. The company proposes to maintain a minimum stand-off of 50m between the excavations and the boundary of this property. The owner/occupier of The Hollies has objected to the proposals, expressing concerns amongst other matters about the proximity of the working area and the failure to comply with the previous restoration deadline. These concerns are acknowledged in the context of the advice from MPS2.

6.21 The applicant has provided further clarification on proposed measures to protect the amenities of The Hollies in response to a request from officers. The nearest working phase to the property is phase 4. The applicant advises that the current working scheme envisages working Phase 4 as a single phase in a general south to north direction, with consequent operation of the equipment in the base of the deposit. The applicant considers on this basis that the batters and a proposed 3m soil bund to be placed to the immediate north of the extraction area will afford significant attenuation. In response to a query from officers, Lafarge advise that they would be content to agree to a condition applying an operational period of 0800-1800 hours when the operations are within 100 m of The Hollies residence. It is also considered that a condition requiring submission of a scheme of additional amenity mitigation measures for working within 100m of The Hollies is imposed. An appropriate condition is recommended in Appendix 1. A separate condition is also recommended to ensue that the proposed screen bund to the south of the Hollies is constructed to an agreed specification prior to entry into Phase 3 of the site.

6.22 The conditions recommended above represent a significant improvement in amenity control relative to those imposed as part of the previous planning permission. It is considered that the above controls would allow amenity issues linked to working nearest to The Hollies to be satisfactorily mitigated in accordance with the advice in MPS2. There are no file records of noise or dust complaints relating to the previous working phase. It is not considered that refusal on the grounds of proximity to the Hollies could be substantiated on this basis.

Other amenity impacts

6.23 Visual Impacts: A landscape and visual impact appraisal accompanying the environmental statement notes that operations would be phased and the resulting landscape and visual impacts would only be temporary. The assessment indicates that the proposals would have negligible impact on the landscape character of surrounding areas and advises that visually the site is well contained. Where views of the site are possible, there may be temporary adverse visual effects. The restoration proposals

would however create more diverse landscape features, resulting in significant visual benefits. Overall, the assessment advises that while there may be temporary adverse impacts on landscape character and visual amenity during operational phases these would be outweighed by the beneficial effects following restoration.

- 6.24 Officers have asked whether the proposed 3m high screening bund to the rear of The Hollies could be reduced to 2.5m, given the potential visibility of this feature from the property. The applicant has advised that the bund has been designed to screen the property from noise impact. It is stated that the bund would be erected during Phase 3 and retained until restoration. The company has however agreed to consider localised planting to soften the appearance of the bund, although this would be removed with the bund as part of the restoration proposals. The applicant advises that the roadside bunds screening the development would not be removed until the extraction works are completed. The applicant has confirmed that the material stockpiles would be in the base of the deposit and no stockpiles would be any higher than 3m. As such, they would not be visible beyond the extraction area in the immediate vicinity of the site. It is considered that the visual and landscape impacts of the proposed site are capable of being controlled to an acceptable degree. (Core Strategy Policy CS11 (natural and built environment), CS20 and Minerals Local Plan Policy M4i.)
- 6.25 Traffic The Environmental Statement considers existing and potential traffic generation and notes that the proposals will not result in any daily increase in flows, over those historically generated at the site. It reviews the current access arrangements and demonstrates that they cater satisfactorily for the proposed traffic generation. The ES concludes that the proposed development would have no material adverse impact on the adjacent highway network. The applicant has confirmed that strict conditions would be imposed requiring that no HGVs are present on site until 7.00 am at the earliest. Any non-compliance would result in temporary suspension from the site for the relevant driver, with repeat offenders expelled on a permanent basis. The applicant anticipates that from the Telegraph Lane/A458 junction a minimum of 80% of daily HGV movements would turn right towards Bridgnorth, resulting in 13 of the 15 maximum outward bound movements per day. The remainder would turn towards Much Wenlock and Shrewsbury for delivery to local markets.
- 6.26 The previous planning consent was subject to a S106 Agreement requiring payment of a sum towards highway improvements if output exceeded a level of 40,000 tpa, and a routing restriction ensuring vehicles approached from and left the site along Telegraph Lane in the direction of the A458. Levels remained below this limit during the previous operations and the requirement to pay the sum was not triggered. The applicant has agreed to comply with an equivalent legal provision if planning permission is granted, but with the additional clause that the highway payment will be triggered within 3 years of commencement, if output levels do not trigger it sooner. On this basis, Highways (Development Control) have not objected to the proposals.

Assessment of other potential environmental effects:

- 6.27 Ecology - general The Environmental Statement includes an ecological report which confirmed that there are no nationally or internationally designated ecological sites in proximity to the application site. An initial field survey indicated the need for further detailed assessments in respect of Great Crested Newts and Breeding Birds. Subsequent surveys did not identify any GCN on site but did identify breeding bird

populations. An appropriate condition has been recommended to take account of this. The applicant states that surveys undertaken indicate that the notable habitats on site will for the main part be retained and that the impacts of short term removal will be outweighed in the medium-long term by the benefits of the proposed restoration scheme.

- 6.28 The applicant's ecological consultant has prepared supplementary information on Great Crested Newts (GCN) in response to a query from the Council's Ecologist. This information comprises a Habitat Suitability Index assessment of six ponds in proximity to the application site. All were found to be ephemeral bodies with little to no suitability to support a GCN population. Further justification has since been provided in support of this conclusion. It is considered that the applicant has now provided sufficient evidence at this stage to demonstrate that the presence of Great Crested Newts is very unlikely. Occasional drying out of ponds (studies suggest 1 year in 10) is beneficial to GCNs as it destroys predatory fish. However, frequent drying out before mid-August kills GCN larvae. As a precautionary measure and bearing in mind newts could colonise ponds in future, the ecological report recommends undertaking a further GCN survey prior to the recommencement of any mineral extraction at the site and a suitable condition covering this has been included. Notwithstanding the absence of GCN the applicant has confirmed that the site could potentially be worked without the use of the lagoons, if GCN are subsequently found in an updated survey. Sufficient terrestrial foraging habitats could also potentially be made available throughout mineral working due to progressive restoration of the site and the presence of nearby agricultural field margins. Therefore, whilst there is no evidence of GCN, suitable mitigation would potentially be available in the event that they are subsequently found.
- 6.29 Lafarge were requested to give consideration to the retention of the existing semi-aquatic habitation on site but the company has provided hydrological data in support of the conclusion that a permanent wetland would be very difficult to establish. The company recognises that the site has ecological interest due to pioneer/earlier successional species that have become established. The opportunity exists to use the early establishment of the batter in the south-west of the extraction area as a translocation receptor to enable the continuity of these habitats. In particular, cases where important assemblages of plants are identified, the company advises that it may be possible to translocate the soils on to the batters, thereby retaining the existing seed bank. Large areas could be left with bare sandy substrata to allow invertebrate colonisation, which would in turn retain the foraging habitat for birds and other species. Such areas would be managed in accordance with an aftercare procedure, which is detailed in Section 4.3 of the Environmental Statement.
- 6.30 It is recommended that the commitment to habitat creation in the ES is reinforced by an appropriately worded planning condition. Subject to this, and to conditions requiring a further GCN survey and protection of breeding birds it is considered that the proposals are capable of being accepted with respect to the Habitats Regulations and development plan policies covering ecological matters (Core Strategy Policy CS17 (environmental networks), PPS9).
- 6.31 Hydrology and Hydrogeology An assessment of potential impacts on surface water and groundwater resources has been carried out. The operations historically undertaken on site required very little pumping of water to keep the workings dry. The assessment concludes that the ongoing operation of the site can be undertaken with

minimal impact on surface water features. A Flood Risk Assessment concludes that the development is safe and would not increase flood risk to others. The Environment Agency has required a conceptual model of the site to provide the factual evidence to verify that the proposals will not unduly impact on the hydrological environment. This has been provided and has the following summary:

- the site is located on an outcrop of glacial sand and gravel;
- the site is located on Secondary A aquifer resources;
- there are no source protection zones in the vicinity of the site;
- there are six discharge consents within 1 km of the site;
- there are six surface water sourced abstraction licences within 1 km of the site;
- there is one groundwater-fed abstraction licence within 1 km of the site;
- there are no private supplies on or in the vicinity of the site;
- there are 10 potentially contaminative historic land uses in the vicinity of the site; and
- there are no current potentially contaminative land uses in the vicinity of the site.

6.32 On the basis of the above, a conceptual model has been developed identifying source/pathway/receptors in the vicinity of the site. Based on this the applicant maintains that the operations have minimal scope to affect the surrounding hydrological environment. Notwithstanding this, the applicant is prepared to accept a condition requiring submission of a scheme of hydrological monitoring and safeguarding for approval prior to commencement of any development. The Environment Agency has withdrawn a previous holding objection on this basis. It is concluded that the proposals can be accepted in relation to relevant policies covering protection of water resources, including Core Strategy policy CS 18 (sustainable water management).

6.33 Water pipe Local residents have advised that a water supply pipe crosses the site and was severed during previous operations. Reassurances are sought that any pipe would be identified and diverted prior to any resumption of mineral extraction. Historic utility checks undertaken by Lafarge have not identified the presence of such assets. However, the company has contacted Severn Trent Water who have confirmed that no statutory mains cross the site. The company has agreed to accept an appropriately worded planning condition covering this matter.

6.34 Slope stability Provisions in relation to slope stability during the extraction phase are detailed under the conceptual model accompanying the Regulation 19 further information. The applicant states that the batters would be restored using the lower sand material available on site to a gradient of no less than 1:5. A cut-off ditch/French drain would be installed across the top of the batter to prevent surface water run-off from the area surrounding the site entering the restored area. The reinstated batter would be surfaced with a thin covering of topsoil (circa 150 mm), which would then be lightly seeded with a simple grass mix of sheep's fescue, common bent and wavy hair grass. This would provide an open space sward for the long-term future establishment of the acid grassland habitat. In the short term the sward would provide a measure of integrity for the reinstated landform. It is considered that these measures should be supported by a visual inspection regime with reporting as part of an annual review process. This general approach is accepted, but recommended restoration conditions

would also ensure that an appropriate balance is struck with habitat creation objectives.

- 6.35 Soil handling The site would be operated in accordance with strict planning controls to safeguard soil resources. Soils would be retained for the duration of the development and used in the restoration of the site. A detailed methodology on soil handling, management and replacement procedure is set out at Section 3.3 of the ES. In particular, reference is made to Lafarge's peninsula method of re-spreading soils, which is now widely recognised as the best method of soil reinstatement, which minimises subsoil compaction. Bund construction would take place in accordance with the MAFF Good Practice Guide for Handling Soils.
- 6.36 Final drainage The groundwater level is anticipated to rest at between 84-88 m AOD, some 4-6 m beneath the lowest point of the restored landform. Lafarge, at this stage, do not have any concerns about water logging due to the relatively free draining nature of the sands that will be used as restoration media. In the event that agricultural subsoil drainage is necessary, it is suggested that a scheme could be designed and implemented under a suitably worded planning condition.
- 6.37 Mineral Processing The processing equipment to be chosen would be able to process silt and lignite using dry screen methods only and would not require any water feed. It is proposed to import and utilise a mobile plant comprising screen deck and stacking unit for the processing and stockpiling of the as raised mineral. No static processing plant or equipment would be erected on site. The mobile plant would follow the extraction face to minimise the haulage distance of the front-end loader/excavator and therefore potential dust suppression requirements. The plant would be situated in the base of the deposit and, due to its low profile nature, would not be visible from surrounding visual receptors. Similarly it would not be necessary to reinstate the operational status of the lagoons; instead these would be retained and left to continue to naturally regenerate, supporting a range of invertebrate, reptile and bird populations. The seams containing lignite would be extracted, processed and stockpiled separately with a view to contributing to the asphalt sand market which does not have constraints on lignite content.
- 6.38 Archaeology A Desk Based Assessment has been undertaken to ascertain the archaeological setting which the site is located. This has confirmed the potential presence of pre-historic, Roman and Saxon archaeology; however no significant finds have been unearthed during previous intrusive investigations to the east of the site. The report recommends supervision of soil stripping by an archaeologist, in order to detail any findings. Any site investigation works or watching briefs required would be concluded by production of an archaeological report. An appropriately worded condition has been recommended.
- 6.39 Cumulative Impact The Environmental Statement contains an assessment of cumulative impact. This acknowledges the presence of the nearby Underton/Bridgwalton Quarry but concludes that the current proposals would not give rise to any unacceptable cumulative impact in the local area due to their well-contained nature and available planning controls and safeguards. The company add that the use of S106 Agreements on both the application site and nearby Underton/Bridgwalton Quarry would see off-site improvements to the condition and management of Telegraph Lane.

7. CONCLUSION

- 7.1 In conclusion, extending the life of this existing quarry site by a further 10 years would allow recovery of a proven mineral resource to supplement the county's landbank requirements. The proposals would also facilitate a comprehensive restoration scheme achieving afteruse benefits in terms of habitat creation and agriculture. It is considered that the quality of restoration achievable through the current proposals would significantly exceed that which could be achieved by restoring the site without further mineral working.
- 7.2 Local residents have raised a number of objections in relation to the proposals. Officers have discussed these concerns with the applicant and this has resulted in agreement on a number of additional controls to protect residential amenities. The opportunity has been taken to significantly upgrade planning conditions relative to those which applied during the previous operational phase. Officers are satisfied that the recommended conditions and legal obligations would form a robust basis for controlling the proposed development.
- 7.3 The individual effects of the proposals have been assessed in detail, including through a comprehensive planning consultation process. It is considered that no issues have been identified which would be likely to give rise to unacceptable impacts on the local environment or amenities which would justify refusal. This is having regard to the inbuilt safeguards in the design of the scheme and the recommended planning conditions. It is concluded that proposals can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

8. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against

the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the recommendation below.

Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9. **FINANCIAL IMPLICATIONS**

There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

Additional Information

10 **RELEVANT PLANNING HISTORY**

SC/MB1990/0509/BR - Extension to sand & gravel workings and erection of a processing plant. Morville Aggregates Ltd. Permitted 21st May 1993

MB1999/0172/BR - Proposed sand & gravel extraction extension. Lafarge Aggregates Ltd. Refused 20th Nov 1999.

MB58/1698S/BR - Working of sand in approximately 4.2 acres of O.S.No.526. Morville Heath. Permitted 22/12/1958. (smaller area within eastern boundary of current application site)

62/3070 – Proposed extraction of sand & gravel, Lye Farm, Morville (land to immediate south west of current application site. Granted 1962.

A series of further planning permissions for mineral working have been granted from 1993 with respect to Underton Quarry, including land extending to within 500m to the south-east of the current application site. (B93/0083, B06/0529, B07/0572, B07/0593)

11. **PLANNING POLICY**

11.1 **Central Government Guidance:**

- i. Mineral Planning Statement 1 (Planning and Minerals – Nov 2006) sets out national objectives for mineral planning including "to secure supplies of the material needed by society and the economy from environmentally acceptable sources". Section 19 (restoration) advises that Mineral Planning Authorities should:

- take account of the opportunities for enhancing the overall quality of the environment and the wider benefits that sites may offer, including nature and geological conservation and increased public accessibility, which may be achieved by sensitive design and appropriate and timely restoration;
 - consider the opportunities that sites may offer for the development of new woodland areas and for providing networks of habitats;
 - in order to avoid the possibility of mineral working resulting in dereliction, ensure land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place through the provision of guidance on suitable or preferred after-uses and reclamation standards, and the use of conditions and legal agreements, as appropriate;
 - ensure proposals for restoration and aftercare of sites include details of appropriate phasing of progressive restoration, final landform and landscape and monitoring procedures;
- ii. Mineral Planning Statement 2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England – March 2005) Minerals Policy Statement 2 states the principles to be followed in considering the environmental effects of mineral working and expands in appendices, on the need for community consultation and involvement and environmental management systems. It is accompanied by separate technical Annexes on particular environmental effects, of which Annex 1 Dust and Annex 2 Noise are published alongside this MPS.
- iii. Minerals Planning Guidance 7: (Reclamation of mineral workings - 29 Nov 1996) advises that restoration and aftercare should provide the means to maintain or, in some circumstances, even enhance the long-term quality of land and landscapes taken for mineral extraction. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed on to future generations. Reclamation can provide opportunities for creating, or enhancing, sites for nature conservation. This can make a contribution, for example, towards achieving specific targets set in the UK Biodiversity Action Plan. Examples include creating new semi natural habitats and providing appropriate locations for the reestablishment of threatened species.
- iv. The following minerals guidance also has some relevance to the proposals:
- Minerals Planning Guidance 5: Stability in surface mineral workings and tips 28 Jan 2000
- 11.2 Whilst the minerals planning guidance listed above is of specific relevance the following planning policy statements are also relevant:
- i. Planning Policy Statement 1: (Delivering Sustainable Development – 2005) advises that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development:
- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
 - contributing to sustainable economic development;
 - protecting and enhancing the natural and historic environment, the quality and

- character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities.

ii. The Climate Change - Supplement to Planning Policy Statement 1 (2007) advises that there is an urgent need for action on climate change and recognises that planning has a pivotal role to play. Amongst other matters the PPS1 supplement seeks to promote technological innovation in mitigating and adapting to climate change (s9) and to ensure opportunities for renewable and low-carbon sources of energy supply are maximised (s13).

iii. Planning Policy Statement 4 (Planning for sustainable economic growth - 2009) identifies achieving sustainable economic growth as an overarching objective. This should be achieved by amongst other matters promoting more sustainable patterns of development. Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all (EC6.1). In rural areas, local planning authorities should amongst other matters:

- strictly control economic development in open countryside away from existing a. settlements, or outside areas allocated for development in development plans;
- set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location (EC6.2);

Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and planning applications that secure sustainable economic growth should therefore be treated favourably (EC10.1):

iv. Planning Policy Statement 5 (Planning for the Historic Environment – 2009)

v. Planning Policy Statement 7 (The Countryside and the Rural Economy – 2004) sets out a number of key principles, some of which have subsequently been cancelled by the more recent PPS4 (above). A key objective to promote sustainable, diverse and adaptable agriculture sectors has been retained.

vi. Planning Policy Statement 9 (Biodiversity and Geological Conservation - Aug 2005);

vii. Planning Policy Guidance 13 (Transport - March 2001);

The Development Plan

11.3 Section 38 (6) of the Planning and Compensation Act 2004 Act states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The government has recently re-stated that "there is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-

making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:

- Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;
- Approve development proposals that accord with statutory plans without delay and Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date
- All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the National Planning Policy Framework taken as a whole.

The development plan for the purposes of the current application comprises the West Midlands Regional Spatial Strategy (but see below), the Shropshire Core Strategy and the saved policies of the Shropshire Structure Plan, the Minerals Local Plan and the Bridgnorth Local Plan.

11.4 West Midlands Regional Spatial Strategy (Phase 1 Revision). On 6th July the Secretary of State announced the intention to revoke Regional Spatial Strategies. However, a subsequent legal challenge has reinstated them during the current transitional period until they are formally abolished under the Governments Localism Bill. The current version of the West Midlands Regional Spatial Strategy (RSS – Phase 1 Revision) was published by ODPM in January 2008. The following policies cover matters which are relevant to the current proposals:

- Policy M1 advises that Development Plans should amongst other matters, make provision for release of mineral resources in a sustainable way (ie the best balance of community social, environmental and economic interests, consistent with the principles of sustainable development).
- Policy M2 states that Mineral Planning Authorities should continue to work together to make provision for land won primary aggregates to 2016 on the basis of the apportionment agreed by the RPB.
- Policy M3 seeks to reduce the reliance on primary aggregates by increasing the contribution from alternative sources (such as the use of secondary and recycled aggregates).

Other policies seek to enhance and conserve the environment of the Region.

- Policy QE1 (Conserving and Enhancing the Environment), which states that environmental improvement is a key component of the Strategy, seeking to conserve and enhance the environment and requiring that high standards for sustainable natural resource use and management are adopted as part of development;
- Policy QE3 (Creation of a high quality built environment for all), stating the particular attention should be given to factors such as securing a high quality of townscape, urban form, building design and urban spaces through design, incorporating sustainability considerations, assessing and minimising the impacts of noise

pollution as a result of development, and creating safer environments which discourage crime;

- Policy QE6 (The conservation, enhancement and restoration of the Region's landscape), which includes the need to consider factors that contribute to landscape character including the minimisation of noise pollution;
- Policy QE5 (historic environment) states that plans and strategies should seek to protect, conserve and enhance the Region's diverse assets. It outlines those assets of particular significance, of which those relevant to the proposed wind turbine include historic rural landscapes, listed buildings, scheduled and unscheduled ancient monuments, conservation areas, historic parks and gardens together with their settings. The supporting text advises that mechanisms for achieving this should include protecting the resource from insensitive change.
- Policy QE7 (Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources), which gives priority to, among others, resources that receive statutory protection;
- Policy QE8 (Forestry and Woodlands), to encourage the increase in tree cover in the Region, and seeking to conserve and protect woodlands especially ancient and semi-natural woodlands;
- Policy QE9 (The Water Environment), to protect and improve water quality and reduce the risk of pollution;

Local Plan:

11.5 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt) – allowing for development on appropriate sites within the countryside that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: required community uses and infrastructure which cannot be accommodated within settlements;
 - Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change
 - Policy CS11 (natural and built environment) states that the character, quality and diversity of Shropshire's environments will be protected, enhanced and, where possible, restored in a way that respects this character.
 - Policy CS8 (Facilities, Services and Infrastructure Provision) – seeking the development of sustainable places by preserving and improving facilities and services; facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs in locations that are appropriate and accessible; positively encouraging infrastructure where this has no significant adverse impact on recognised environmental assets
 - Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire's environmental assets
 - Policy CS18 (Sustainable Water Management) – to reduce flood risk; to avoid an adverse impact on water quality and quantity
- b. Policy CS20 (Strategic planning for Minerals) Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations

against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. This will be achieved by:

- Protecting the Mineral Safeguarding Areas (MSA's) and rail freight facilities which could contribute to the sustainable transport of minerals. Non-mineral development in these areas or near protected railfreight sites will be expected to avoid sterilising or unduly restricting the working of proven mineral resources, or the operation of mineral transport facilities, consistent with the requirements of national and regional policy.
- Encouraging greater resource efficiency by supporting the development and retention of waste recycling facilities which will improve the availability and quality of secondary and recycled aggregates in appropriate locations as set out in CS 19;
- Maintaining landbanks of permitted reserves for aggregates consistent with the requirements of national and regional policy guidance. 'Broad locations' for the future working of sand and gravel are identified. Sites capable of helping to deliver the sub-regional target for sand and gravel will be allocated within these areas in the Site Allocations and Management of Development DPD;
- Only supporting proposals for sand and gravel working outside these broad locations and existing permitted reserves, where this would prevent the sterilisation of resources, or where significant environmental benefits would be obtained, or where the proposed site would be significantly more acceptable overall than the allocated sites;
- Supporting environmentally acceptable development which facilitates the production of other mineral resources such as crushed rock, clay and building stone to meet both local needs, including locally distinctive materials, and to help meet cross boundary requirements.
- Environmentally acceptable proposals for the exploration, appraisal and production of hydrocarbon resources, including coalbed methane, will be supported as a contribution to meeting the requirements of national energy policy;
- Requiring development applications for mineral working to include proposals for the restoration and aftercare of the site.
- Priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 and CS17. More detailed policies against which applications for mineral development can be assessed will be provided in the Site Allocations and Management of Development DPD.

Note: Morville quarry is within an area identified as a broad location for future mineral working in the plan accompanying policy CS20.

- 11.6 The Shropshire and Telford & Wrekin Joint Structure Plan 1996-2011 was adopted in November 2002. Many of the policies in this Plan have now been superseded by the Shropshire Core Strategy. Saved Policy 16 safeguarding air quality remains relevant.
- 11.7 The Bridgnorth Local Plan (adopted July 1999). The site is not affected by any specific designations in the Bridgnorth Local Plan. Previously relevant policies have now been superseded by policies in the Core Strategy.
- 11.8 The Shropshire, Telford and Wrekin Minerals Local Plan seeks to promote sustainable

mineral operations which minimise the impact on people and the environment. The following saved policies are relevant:

- Policy M2 (The Need for Minerals). In the context of a sustainable approach to mineral development (Policy M1), where proposals for mineral working give rise to material planning objections which are not outweighed by other planning benefits, or when an Environmental Statement is necessary, the applicant will be required to demonstrate that there is a need for the mineral.
- Policy M4 (Operational Considerations). In determining applications relating to mineral development, regard will be paid to the following operational considerations:
 - i. the measures to protect people and the environment from any unacceptably adverse effects, including visual, noise, dust, or traffic impacts; effects on surface waters or groundwaters and from the risk of flooding;
 - ii. the method, phasing and management of the working proposals;
 - iii. ancillary development (expanded in Policy M10);
 - iv. site access and traffic movements (Policy M11); and,
 - v. the method, phasing and management of the reclamation and afteruse proposals (Policy M27).

Applicants will need to demonstrate that they have had regard to the detailed guidance contained in the 'Development Control Guidelines' (Appendix 4).

- Policy M27 (Reclamation and Afteruse). Planning permission for mineral development will only be granted where the application incorporates a satisfactory scheme for the reclamation of the site, progressively wherever possible, to an agreed after-use or to a state capable of beneficial after-use. Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:
 - i. provision for a 5 year period of aftercare;
 - ii. a Reclamation Plan;
 - iii. a Management Plan which should address the management requirements during each phase of the proposed development and where appropriate a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site;
 - iv. proposals which take account of the site, its surroundings, and any development plan policies relevant to the area; and,
 - v. evidence to show that the scheme incorporates best practice advice and is practical and achievable.
- Policy M30 (Comprehensive Working of Resources). Planning permission will only be granted where an applicant can demonstrate that the proposed development has taken account of the opportunity to work or to safeguard any economic minerals present within the site, provided that such working is consistent with the policies in the Minerals Local Plan.

Emerging policy guidance:

- 11.9 Site Allocations and Management of Development Document (SAMDEV) This document currently under preparation will include specific site allocations, including for future mineral working. A study undertaken by independent consultants (Amec) to inform the identification of future mineral allocations identified 2 potentially suitable mineral sites in the vicinity of the current application site. One site to the immediate east of the current site has been put forward by Lafarge as an extension to Morville Quarry. Amec have recommended that this site is brought forward towards the end of the SAMDEV plan period (i.e. to commence production in about 7-8 years time). Salop Sand and Gravel, operators of the nearby Underton Quarry have also put forward a site extending to within 400m to the south east of Morville Quarry as a replacement for existing reserves at Underton. Amec have recommended that the site is included as an allocation for release at an earlier stage in the plan. Both proposed allocations are provisional at this stage and would be the subject of separate planning applications at the appropriate times.

Note: The proposed extension to Morville being put forward by Lafarge contains a mineral resource of a type with a greater market and hence output potential than is likely under the current application. It is likely that the SAMDEV will advocate mechanisms such as phasing and output controls to reduce the potential for cumulative impact from the respective workings, if these are ratified and subsequently obtain planning permission.

- 11.10 Draft National Planning Policy Framework (NPPF) (DCLG – July 2011) This document will replace all current planning policy guidance with a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable is defined as ‘ensuring that better lives for ourselves don’t mean worse lives for future generations’. Sustainable development ‘is about positive growth – making economic, environmental and social progress for this and future generations’. ‘Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision’. The framework sets out clearly what could make a proposed plan or development unsustainable. ‘In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives’. The framework includes the following specific policies on mineral working:

Objectives

100. Minerals are essential to support sustainable economic growth. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The Government’s objective for the planning system is to:

- secure an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst encouraging the recycling of suitable materials to minimise the requirement for new primary extraction; and
- facilitate sustainable use of energy minerals.

101. In preparing minerals plans local planning authorities should:

- liaise with neighbouring authorities to co-ordinate the planning of locally important minerals or with more distant authorities where those authorities also host minerals of greater than local importance

- not identify sites or extensions to existing sites for peat extraction
- plan for a steady and adequate supply of land-won aggregates by:
 - taking account of the proposed apportionment of aggregates in the current National and Regional Guidelines, as advised by Aggregate Working Parties, while ensuring planned quantitative allocations of minerals reflect the ability for requirements to be met from sustainable sources including recycling⁴; and
 - using landbanks of permitted reserves to indicate when new permissions for extraction are likely to be needed
- ensure security of supply of industrial and energy minerals to support their likely use in manufacturing processes and energy generation taking account of any national forecasts of requirements and the importance of avoiding local as well as wider scarcity of supply, specifically by:
 - close liaison with other planning authorities where the minerals exist to manage extraction rates and, where appropriate, to encourage safeguarding or stockpiling so that important minerals remain available for use
 - allocating sufficient land to maintain landbanks of at least seven years for sand and gravel and at least 10 years for crushed rock, silica sand and brick clay, although longer land banks may be justified in specific circumstances, such as the need to ensure the viability of proposed new investment.

102. Local planning authorities should:

- as far as is practical, ensure sufficient levels of permitted reserves are available from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites
- ensure that large landbanks bound up in very few sites do not stifle competition
- define Minerals Safeguarding Areas in order that proven resources are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked. This should include known locations of specific minerals of local and national importance, such as aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), salt, fluorspar, coal, kaolin, ball clay, potash and local minerals of importance to heritage assets
- safeguard:
 - existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and
 - existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material
- contain policies to encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas
- set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural

and historic environment or human health, including from tip- and quarry-slope stability, differential settlement of quarry backfill and migration of contamination from the site

- when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
- put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture, biodiversity, native woodland and recreation.

103. When determining planning applications, local planning authorities should:

- give significant weight to the benefits of the mineral extraction, including to the economy
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and bear in mind the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality
- that any unavoidable noise, dust and particle emissions and any blasting vibrations caused by mineral extraction are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties
- not grant planning permission for peat extraction from new or extended sites
- provide for restoration to be carried out to high environmental standards, through the application of appropriate conditions, where necessary
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes; and
- consider allowing small-scale extraction of building stone at, or close to, relic quarries where it would contribute to the repair of historic buildings without compromising the requirement to protect designated sites.

11.10b. The NPPF represents a significant streamlining of policy guidance relative to current minerals policy statements and guidance. However, it is considered that the key principles in current minerals guidance are upheld by the draft NPPF, whilst the presumption in favour of sustainable minerals development is further strengthened. It is not considered therefore that the emerging NPPF undermines or changes the emphasis given to conclusions based on current guidance as referred to in this report. It is considered that similar conclusions can also be drawn with respect to non-minerals guidance in the NPPF. DCLG are being encouraged by minerals stakeholders to retain some extant minerals statements and guidance as supplementary guidance when the NPPF is adopted. This includes the majority of MPS1 and 2 and the associated annexes.

Other relevant guidance:

11.10 National and regional guidelines for aggregates provision in England 2005-2020

The government has prepared guidelines for use in the preparation and revision of minerals local development frameworks. The objective of the guidelines was to inform the provision of aggregates through the planning system in the English regions and for individual mineral planning authorities. A new system for forecasting aggregate

demand and apportioning production targets will be progressed linked to the Localism Bill.

HUMAN RIGHTS

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation

List of Background Papers:
Planning Application reference 11/01890/MAW and the accompanying Environmental Statement, Regulation 19 submission of further information.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr R. Tindall
Appendices: Appendix 1 - Conditions

APPENDIX 1

Legal Agreement Clauses

- i. Routing agreement to avoid the use of Hangman's Lane by quarry HGV's and ensure that all such traffic to and from the site travels along Telegraph Lane to / from the junction with the A458, except where local access is required;
- ii. Payment of a sum of £42,500 index linked, to fund highway improvements between the site access and the Telegraph Lane / A458 junction. The payment shall be triggered either by the 1st April in the first calendar year after annual output exceeds 35,000 tons per annum or within 3 years of the recommencement of mineral extraction at the site, whichever is the sooner.
- iii. Off site noise monitoring.

Conditions

1. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice of the Commencement Date

DEFINITION OF THE PERMISSION

- 2a. This permission shall relate only to the area edged red on the approved location plan accompanying the application (Drawing no. M32/PL02/01) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the following:
- i. The application form and supporting letter dated 14th April 2011.
 - ii. The Non-Technical Summary dated April 2011;
 - iii. The Environmental Statement dated April 2011 and the accompanying appendices comprising:
 - Appendix 1 Scoping Report provided by Shropshire Council;
 - Appendix 2 Landscape and Visual Assessment prepared by Bright Associates dated February 2011;
 - Appendix 3 Phase 1 Ecology Survey prepared by Middlemarch Environmental Ltd dated November 2009;
 - Appendix 4 (i) GCN Survey by Middlemarch Environmental Ltd dated March 2011; (ii) Breeding Bird Survey by Middlemarch Environmental Ltd dated March 2011;
 - Appendix 5 Desk Based Archaeological Assessment prepared by Worcestershire Archaeological Services dated February 2011;
 - Appendix 6 Noise Impact Assessment undertaken by Vibrock dated February 2011;
 - Appendix 7 Copy of Planning Permission B90/509 dated 21 May 1993.
 - iv. The submitted drawings accompanying the Environmental Statement, namely:
 - M32/PL02/01 - Site Location Plan
 - M32/PL02/02 - Existing Situation
 - M32/PL02/03 - Working Plan
 - M32/P102/04 - Indicative Restoration Plan
 - M32/PL02/05 - Site Sections
- c. The Further information entitled Regulation 19 Consultation Response prepared by David Walker Limited dated August 2011 and the accompanying appendices comprising:
- Appendix 1 - Regulation 19 Request from Shropshire Council dated 21 July 2011
 - Appendix 2 - Copies of Relevant Consultation Responses
 - Appendix 3 - Site Conceptual Model
 - Appendix 4 - Great Crested Newt HSI Assessment

- d. The following emails from David Walker Limited incorporating further information:
- Email to Shropshire Council dated 13 October 2011 (15:36) referring to noise issues;
 - Email to Shropshire Council dated 13 October 2011 (17:06) referring to groundwater monitoring and accompanying plan showing proposed additional borehole locations and well at Boars Head Farm;
 - Email to Shropshire Council dated 21 October 2011 (15:55) referring to Great Crested Newts and water supply issues;
 - Email to Shropshire Council dated 28 October 2011 (15:50) confirming Lafarge's agreement to a prior cessation revised restoration condition and an annual review condition to include a review of the use of fill sand in the preceding phase.

Reason: To define the Site and permission

TIME LIMITS

- 3a. No less than 7 days prior notice of the commencement of the first stripping of soils under the terms of this permission shall be given in writing to the Local Planning Authority. Such date shall be referred to hereinafter as 'the Commencement Date'.
- b. No less than 7 days prior notice of the commencement of mineral extraction shall be given in writing to the Local Planning Authority.

Reason: To define and provide appropriate advanced notice of the Commencement Date and the date for commencement of mineral working under the terms of this permission.

4. Unless otherwise previously approved in writing by the Mineral Planning Authority extraction of sand and gravel from the site shall cease at the site within 10 years of the date of this permission and final restoration in accordance with Conditions 42 and 43 below shall be completed within one year of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

LIMITS OF MINERAL EXTRACTION

5. Prior to entry into each new mineral working phase the limits of that phase shall be physically defined by wooden posts or other appropriate means. The boundaries so marked shall be inspected and approved by the Local Planning Authority as being in accordance with the permitted plans, and shall be thereafter retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 80,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety, to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area and to provide appropriate advanced notice of any periods of more intensive output.

NOISE AND DUST

- 7a. Noise levels measured as LAeq 1h (free field) shall not exceed the following levels at the nearby noise sensitive locations during normal quarrying operations.

Location	Noise Limit LAeq (1hr)
The Hollies	47
The Ley House	52
Bridgwalton Farm	45
The Lye Farm	45

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at The Hollies, Morville Heath Farm, Bridgwalton Farm, and The Lye Farm during temporary operations such as soil stripping. The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.
- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.
- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

9. Water shall be applied to main haul roads and other areas as necessary within the Site in order to prevent the generation of dust by vehicular/plant traffic.

Reason: To assist in safeguarding the amenities of the area from dust disturbance.

10. In the event that a complaint is received regarding noise or dust impact and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

LIGHTING

11. No fixed lighting shall be installed at the quarry unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall comply with current best practice guidance for the control of light pollution, including preventing adverse effects on wildlife. Following its approval, any lighting shall be installed in accordance with the approved details.

Reason: To safeguard the amenities of the area from light pollution.

HOURS OF WORKING

- 12a. Subject to condition 12b and c below mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.00 on Mondays to Fridays
7.00 - 13.00 on Saturdays
and such operations shall not take place on Sundays and Bank Holidays.

- b. Notwithstanding Condition 12a) above, essential maintenance works to plant and machinery on the Site may also be undertaken between the hours of 13.00 p.m. - 18.00 p.m. on Saturdays.

- c. Notwithstanding Condition 12a above, no mineral extraction or associated operations shall take place within 100m of the property boundary of the Hollies as shown on the location plan accompanying the application other than between the hours of:

08.00 – 18.00 on Mondays to Fridays;
08.00 - 13.00 on Saturdays
and such operations shall not take place on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the area.

ADDITIONAL SAFEGUARDS FOR WORKING IN PHASE 4

13. Prior to the Commencement Date a scheme considering the potential to employ additional amenity mitigation measures for working in Phase 4 shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall amongst other matters give consideration to the following measures:

- i. measures to ensure that the height difference between the original ground surface and the base of the excavations is maximised and that quarry plant operates from the base of the working area;
- ii. measures to minimise the need for reversing manoeuvres in Phase 4;
- iv. arranging operations in Phase 4 avoid so far as is possible to minimise the need to undertake excavations within 100m of the Hollies within more sensitive summer periods;
- v. consideration to be given to accelerated recovery of the mineral nearest to the Hollies in Phase 4, to minimize the time that working is in closest proximity to this property;
- vi. consideration to be given to placing additional temporary screening between the extraction area and The Hollies and during the period of closest approach.
- vii. measures to minimise adverse amenity effects during initial soil stripping and formation of the screen bund south of The Hollies.

Reason: To safeguard the amenities of the nearest residential property.

- 14a. The proposed screen bund to the south of the Hollies (bund ref. T1) shall be formed to an agreed specification prior to entry into Phase 3.
- b. A scheme for localised shrub planting on the screen bund to the south of The Hollies shall be submitted to and approved in writing prior to the commencement of mineral extraction in Phase 3. The planting proposals shall be implemented in accordance with the approved details.

Reason: To safeguard the amenities of the nearest residential property.

HIGHWAY MATTERS

- 15a. The sole means of access to the Site shall be via the internal quarry track linking to Hangman's Lane at its junction with Telegraph Lane. The internal access track and junction shall be maintained as a smooth running surface, free of potholes and to the satisfaction of the Local Planning Authority for the duration of the operations hereby permitted.

Reason: In the interests of highway safety and to assist in preventing the deposit of mud and detritus on the public highway.

16. A site notice shall be erected at the junction with Hangman's Lane instructing all drivers of all vehicles to turn right at the junction with Telegraph Lane. This notice shall be maintained in a clearly legible condition and replaced as necessary throughout the duration of the operations hereby permitted. The sole exceptions shall be where local access is required specifically to service local deliveries, or where access is required by farm vehicles.

Reason: In the interests of highway safety and general amenity.

17. A wheel bath facility shall be provided at the Site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The approved facility shall be retained for the duration of the

operations hereby permitted. Wheel cleaning shall be employed by all goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

PLANT AND STOCKPILING

18. Within six months of the date of this permission a detailed scheme confirming the location of stockpiling areas within the site shall be submitted for the approval in writing of the Mineral Planning Authority.

Reason: In the interests of visual and general amenities.

19. Within 6 months of the date of this permission, a scheme providing exact details of the type and location of quarry processing plant intended to be employed at the Site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the location, dimensions and surface treatment of proposed plant / structures and measures to screen and contain such plant and structures. The plant shall be installed in accordance with the approved specifications.

Reason: In the interests of visual and general amenities.

REMOVAL OF G.P.D.O. RIGHTS

20. Notwithstanding the provisions of Part 19a of the Town and Country Planning General Permitted Development Order (1995) or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

PHASING

- 21a. The Site shall be worked in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application.
- b. Extraction and restoration operations shall be managed such that:
- i. restoration of Phase 2 is achieved to a standard agreed by the Local Planning Authority prior to entry into Phase 4;
 - ii. achievement of the basic landform of the south-western batters of the quarry is achieved as early as possible and prior to entry into Phase 4.

Reason: To ensure that the Site is worked in a properly phased manner.

DEPTH

22. No mineral extraction shall take place within the Site at a depth greater than 82 m AOD.

Reason: To define the permitted extraction depth in accordance with the approved working details.

DRAINAGE / POLLUTION

23. No dewatering shall take place within the Site.

Reason: In accordance with the approved details.

- 24a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, plus 10%. All filling points, vents and Site glasses shall be located within the bund. There shall be no drain through the bund floor or walls.

- b. All foul drainage shall be discharged to a suitably designed septic tank and soakaway which has no connection with any watercourse/land drainage system and which at no point comes within 10 metres of the top of the bank of any watercourse.
- c. All surface water drainage arising within the Site shall be intercepted on the Site and in particular, water used in the processing of sand and gravel shall be retained on the Site for its re-use.

Reason: To prevent pollution to ground and surface water.

- 25a. Prior to the extraction of any minerals beneath the water table a groundwater monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include: a groundwater monitoring dataset over a 'minimum 12 month period' and appropriate monitoring for the Boars Head Farm well. Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme throughout the remaining duration of the mineral extraction operations hereby approved.

- b. If the monitoring scheme required by condition 25a shows any adverse risk of deterioration to groundwater and surface water quality then proposals to (1) investigate the cause of deterioration, (2) remediate any such risk and (3) monitor and amend any remedial measures shall be submitted for the approval in writing of the Local Planning Authority, in consultation with the Environment Agency. The approved remedial measures shall be implemented in accordance with the approved details.

Reason: To prevent any deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Notes:

- i. The applicant has confirmed that it is necessary to move the lower fill sands to facilitate restoration then they will be moved 'wet' to avoid the need for de-watering.*
- ii. The Environment Agency has recommended that a spill plan is put in place to avoid the accidental introduction of pollutants to the water environment through activities such as maintenance.*

ECOLOGY

- 26a. As a precautionary measure, if water is present in the hollows or silt lagoons in the quarry void in the spring prior to the commencement of mineral extraction operations at the Site, a further Great Crested Newt survey must be carried out and an accompanying report shall be submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably licensed ecological consultant following the recognized Natural England guidance.
- b. Notwithstanding the negative findings of previous ecological surveys in support of the application, if the presence of Great Crested Newts is subsequently confirmed, the report under Condition 27a above shall also include recommendations for mitigation measures to protect this protected species and a recommendation on the necessity or otherwise for obtaining a European Protected Species mitigation licence. Any such recommendations shall be implemented in full accordance with the approved details.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species.

- 27a. Operations shall be managed to avoid the need to commence work affecting vegetation or structures in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation or structures to commence in the nesting season then a pre-commencement inspection of the vegetation, machinery and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation or structures shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present. If sand cliffs or piles of sand supporting sand martin nests have to be reprofiled, then this must also take place outside the nesting season.
- b. Prior to the Commencement Date a scheme providing mitigation for the loss of nesting opportunities associated with any clearance of existing shrub vegetation, structures or vertical sand faces within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the installation of identified mitigation measures such as bird boxes within or adjacent to the site within one year of the Commencement Date, and the creation of new vertical sand faces during the phased restoration process.

Reason: To protect the biodiversity interest of the site (27a) and to mitigate for the loss of nesting opportunities for wild birds on the site (27b).

Note: The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

28. Unless otherwise agreed in writing by the Local Planning Authority, all trees, hedgerows and shrubs within the Site but outside the limits of extraction shall be retained and managed and protected by post and wire fencing or other suitable means during excavation and restoration works.

Reason: To protect the biodiversity interest of the site and in the interests of visual amenity.

WATER PIPE

29. Prior to the commencement of soil stripping operations a scheme investigating whether the northern and western areas of the site are crossed by an unrecorded water supply pipe shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make full provision for diversion of any supply pipes which may be identified at the developer's expense within an agreed timescale. In the event that no supply pipes are identified, a precautionary approach shall apply to soil stripping in previously un-stripped areas of the Site.

Reason: To address the concerns of local residents that an unrecorded water supply pipe may cross part of the Site.

ARCHAEOLOGY

- 30a. Prior to the commencement date a scheme providing for implementation of a programme of archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- b. Following the commencement of topsoil stripping operations and prior to the removal of subsoil, reasonable access shall be given to the permitted Site to enable personnel nominated by the Local Planning Authority to record any features of archaeological interest uncovered by the work.

Reason: To enable the assessment of any archaeological features which may be uncovered during Site operations.

SOIL / MATERIAL MOVEMENT AND STORAGE

31. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site in accordance with Conditions 43 and 44 below.

Reason: To define the types of restoration material for use at the Site.

32. Agricultural land within the Site not required for mineral extraction or associated operations shall be retained in agricultural use.

Reason: To avoid unnecessary disturbance of existing agricultural land until the area is required for mineral extraction.

33a. All topsoil shall be stripped to its full depth (varying from c.260-350mm) and all subsoil to its full depth (varying from c.650-740mm) to provide a stripped profile depth of 1.0m. Wherever possible, both topsoil and subsoil shall be directly placed in sequence as part of restoration, following stripping, except where otherwise specified in the planning application.

b. All topsoil and subsoil shall be permanently retained on Site for use in restoration of the Site. In addition, all peat and medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site, including, if suitable, for use as a planting medium and in creation of lake margin and wetland habitats if appropriate. The majority of the non-agricultural area will remain free of topsoil, fertilizer or lime, to achieve a sustainable, low-fertility substrate for ephemeral wildflower communities and acid grassland, together with bare sand habitat for the rare invertebrate species present on site.

Reason: To prevent loss or damage to soils and offset any shortfalls of soil by using geological material.

34. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth this deficiency shall be made up, where possible and appropriate, from soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

35. In each calendar year, soil stripping shall not commence in any phase until any standing crop or vegetation has been cut and removed, unless otherwise first approved in writing by the Local Planning Authority.

Reason: To prevent damage to soil structure.

36. Topsoil subsoil and soil making materials shall only be stripped when they are in a dry and friable condition and operations shall be designed so as to avoid the need to move soils during the months of October to April (inclusive), unless otherwise first approved by the Local Planning Authority. In particular there shall be no movement of soils:

- i. when the upper 1000mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic as tested in accordance with BS 1377:1975, or,
- ii. where there are pools of water on the surface within areas of the Site designated for agricultural restoration.

Reason: To prevent damage to soil structure.

37. All topsoil, subsoil and soil making materials shall be stored in accordance with the provisions of the approved scheme and in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
 - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
 - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
 - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
 - v. shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
 - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
 - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

Reason: To prevent loss of soil and minimise damage to soil structure.

SITE MAINTENANCE

38. The Developer shall maintain and make stock-proof all existing and proposed perimeter hedges, fences and walls from the commencement of the development until the completion of aftercare.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land

39. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary. Spraying shall not take place in the non- agricultural areas except with prior permission of the Planning Authority.

Reason: To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas.

SLOPE STABILITY

40. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any significant stability problems are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial measures, as determined by the competent person, shall then be employed as soon as practically possible, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

RESTORATION

41. In the event that the mineral extraction does not proceed at the rate referred to in the planning application then the company shall submit proposals for an alternative restoration of the Site. The alternative restoration scheme shall be designed to achieve final restoration within an agreed time period not exceeding 11 years from the Commencement Date, based on a revised appraisal of the rate of working and availability of restoration materials within the Site. The requirement for a revised restoration scheme shall be triggered in the following circumstances:
- i. If working of Phase 3 has not been completed within 8 years of the commencement date for mineral working as defined by Condition 4b above.
 - ii. If following the commencement of mineral working as defined by Condition 4b there is a further cessation of mineral working for a period exceeding 2 years at the Site and the Local Planning Authority has advised that a revised restoration scheme will be required, following a review with the developer of the reasons for the cessation of working.

Reason: To allow consideration of an alternative restoration scheme for the Site in the event that mineral working does not proceed at the rate stated in the approved scheme. This is having regard to the need to protect the amenities of the nearest residents and to secure restoration of the site in a timely manner.

RESTORATION OF HABITAT AREAS

42. Notwithstanding the details submitted in support of the application, a scheme providing additional information on restoration of the habitat creation areas within the Site shall be submitted for the approval in writing of the Local Planning Authority prior to the Commencement Date. The required scheme shall in particular provide for the following:
- i. details of the treatment of wetland areas and their boundaries including the formation of isolated wetland scrapes;
 - ii. measures to sustain the existing aquatic habitats on site in their current form, or provide replacement habitat at an alternative location;
 - iii. a detailed planting scheme for shrub planting areas including anticipated planting timescales, the species mix and planting spacings, including provision for use of native species of local provenance;
 - iv. provision for areas of natural re-colonisation;
 - v. a review of the potential for additional shrub and hedgerow planting, including a hedgerow to define the boundary of the seasonally wet grassland area;
 - vi. a review of the potential for localised retention of sand-cliffs
 - vii. creation of small-scale topographic diversity using sand to promote invertebrate habitat etc.;
 - viii. maintenance of low-fertility soil conditions for habitat areas;
 - ix. consideration of the potential to provide a sand bund around the edge of the agricultural field, to reduce the effects of nutrient run-off and spray drift on the adjacent acid grassland and other low fertility habitats;
 - x. submission of a translocation strategy considering the scope to translocate some of the soils and habitats already established on site to newly restored areas;

- xi. consideration of the potential to accelerate the formation of the basic landform by the early reinstatement of the south-western batter in Phases 1 and 2.

Reason: To secure the full and proper restoration of the Site, providing sustainable habitat for important species including rare invertebrates.

RESTORATION OF AGRICULTURAL AREAS

43. The working stages of the site shall be progressively restored to agriculture and woodland in accordance with the details set out in section 4 of the Environmental Statement and, in particular the restoration works for agricultural areas shall make provision for:-
 - i. The rooting of the final excavation surface of each phase with a heavy duty winged tined roter (tines not exceeding 60 cm centres) to depths to be agreed in consultation with the Mineral Planning Authority.
 - ii. The replacement of a minimum of 60 cms of subsoil spread evenly over the final excavated level and loosened by a tined implement to remove compaction. Such works shall only be carried out when the soil conditions are drier than field capacity.
 - iii. The replacement of a layer of at least 25 cms of topsoil spread evenly over the subsoil and loosened by a winged subsoiler to a total depth of 0.45m to ameliorate compaction caused by excavators, scrapers and bulldozers.
 - iv. Following replacement the topsoil shall be analysed to establish fertiliser and lime requirements to restore the land for normal plant growth. The results of such analysis and the proposed liming/fertilisation measures shall be made available to the Local Planning Authority.
 - v. Notwithstanding the details supplied in support of this application following treatment with the required fertiliser and lime, the restored phases shall be seeded with an agricultural type seed mix which has been submitted for the written approval of the Local Planning Authority.

Reason: To secure the full and proper restoration of the Site.

44. Within five years of the date of this permission a detailed scheme of permanent fencing and final hedgerow and other planting for the Site including a timetable for the implementation of such measures, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the full and proper restoration of the Site.

FINAL SITE DRAINAGE

45. A final drainage scheme for the entire Site shall be submitted for the approval in writing of the Local Planning Authority prior to the completion of mineral extraction at the Site. The submitted scheme shall in particular provide for the following:
 - i. underdrainage for areas of agricultural restoration, including the location and specifications of the proposed underdrainage system and an installation timescale;

- ii. provision of drainage ditches which are designed to prevent eutrophication of water features in the seasonally wet grassland area by intercepting run-off from agricultural land;
- iii. drainage from the restored site shall be attenuated to the equivalent of a green field state.

Reason: To ensure that restored Site is capable of being effectively drained whilst also protecting habitat areas.

REMOVAL OF PLANT AND STRUCTURES

- 46a. All buildings, plant and machinery within the permitted Site which have been installed in connection with the operations authorised under this permission or any previous permission relating to the Site, shall be demolished, destroyed or removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the schemes referred to in Conditions 42 and 43 above.
- b. All access and haul roads which have not previously been approved for retention by the Local Planning Authority in connection with the approved restoration and aftercare schemes shall be removed in accordance with the provisions of the schemes required by conditions 43 and 44 above.

Reason: To assist in securing the full and proper restoration of the Site within an acceptable timescale.

AFTERCARE

47. Aftercare schemes for agricultural and non-agricultural areas shall be submitted for each restored section of the Site as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to bring the land to the required standard for wildlife or amenity use as appropriate. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the affects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. fertiliser and lime application;
 - iv. cultivation works;
 - v. reseeding where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - vi. grass cutting or grazing;
 - vii. replacement of hedge and tree failures;
 - viii. weed and pest control;
 - ix. drainage including the construction/maintenance of ditches and soakaways;
 - x. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - xi. habitat management proposals within the aftercare period;

- xii. track maintenance within the Site;
- xiii. repair to erosion damage;
- xiv. Drainage including the construction/maintenance of ditches, ponds or soakaways;
- xv. A system of under drainage where natural drainage is not satisfactory;
- xvi. Field Water Supplies.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

48. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 47 above shall be carried out in each stage for a period of five years following the agreement of an aftercare scheme for that stage of restoration.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

ANNUAL REVIEW

- 49a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:

- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
- ii. Drainage provisions as necessary for the restored areas.
- iii. The provision of fences, hedgerows, gates and water supplies.
- iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

Reason: To assist in ensuring establishment of the approved afteruses.

AVAILABILITY OF APPROVAL DOCUMENTS

50. A copy of this decision notice, the associated Section 106 Legal Agreement and the relevant planning application shall be retained for inspection at all times throughout the duration of the mineral extraction and restoration operations hereby approved at the permitted Site.

Reason: To enable inspection of the approved scheme of working and restoration at the Site.

