

Date: Tuesday, 25 September 2018

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Contact: Linda Jeavons, Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

SOUTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

This page is intentionally left blank

SOUTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 25 th September 2018		
<p>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</p>		
Item No.	Application No.	Originator:
5	17/05303/MAW - Shipley Quarry	Agent (Hydrology)
<p>Further to further recent comments in relation to hydrogeology, we would note that many of the concerns have been previously addressed via further design mitigation and/or planning and legal commitments. The Proposed Development has been substantially refined in response to consultation comments. A few additional notes are provided below.</p> <p>The Environment Agency has provided a number of consultation responses throughout the course of the application, and have not raised a formal objection in those responses. It is our understanding that the EA generally concurs that the Proposed Development is unlikely to effect the Principal Aquifer, protections have been put in place via design mitigation and planning controls and evidence does not suggest that the regional groundwater table is significantly higher under the Site (as suggested by objector representations) than is understood to be the case. As such, water supplies and features etc. associated with the Principal Aquifer have also been protected.</p> <p>Beyond this, the EA recommended a planning condition to the Minerals Planning Authority (MPA) in their comments dated 13/08/18, to account for residual concerns and their further comments. The condition suggested by the EA was based on another similar development proposal/situation and as such there is clear precedent for the approach. The applicant has worked with the MPA and agreed to suggested improvements to the planning condition requiring a Hydrogeological Monitoring Scheme (HMS) that will strengthen planning controls. The condition is clear that the HMS proposal will be submitted within 3 months of planning permission and that the HMS be approved ('and thereafter implemented') prior to mineral extraction operations commencing. Therefore, the HMS will be approved/in place and informed by further detailed considerations/information, linking with other planning condition requirements, prior to extraction of mineral commencing.</p> <p>Further to this, Phase 1 of mineral extraction is not proposed below a depth of 114mAOD (Year 1) and by the end of Year 2, extraction is not proposed below 111mAOD (over a limited area of Phase 2, preserving a topographic catchment northwest towards Alder Coppice). Indeed, subsequent extraction is not proposed below 110mAOD until the end of Phase 4, circa 7 years in to operations. Therefore at all times, the proposals allow for the HMS to collect progressive long periods of data, prior to the deepest levels of extraction being achieved. This allows for appropriate and proportionate protections of the local water environment and accords with relevant planning policy, noting other precedent approaches to development.</p> <p>Other local representations raised in relation to the EA's original scoping opinion advice and further baseline monitoring should also be taken in the context that the application was subject to further formal pre-application advice with the EA, with a formal pre-application meeting undertaken on 8th September 2017 to review the approach of the EIA process. It is also noted that the original scoping opinion comments also accounted for a proposal for the import of inert waste material at the Site, which has not been taken forward and omitted from development proposals.</p>		

planning application determination period has been ongoing, noting the above comments. It remains the case that the EA has not and is not objecting to the proposed development and robust conditions have been proposed which will adequately protect the water environment.

Any local concerns relating to a de minimis abstraction rate below 20m³ per day should be seen in the context that such an abstraction rate is legally permissible, available to various land users. It has been previously noted that a flexible water supply approach has been allowed for comprising options for de minimis abstraction, mains water supply, water and greywater recycling, water efficiency techniques, surface water management, etc. A de minimis abstraction up to 20m³ per day is negligible compared to the scale of the storage capacity and recharge of the wider principal aquifer, both at a Site and wider landscape scale. In relation to the wider water environment, it has also previously been explained that the Site falls at the 'head' of around 3 catchment areas/divides and as such, each part of the Site forms a very small part of the wider catchments.

I trust this provides some additional context.

Item No.	Application No.	Originator:
5	17/05303/MAW - Shipley Quarry	Agent (Ancient Woodland)

Condition 32 requires a minimum buffer zone of 30m of semi-natural habitat to be securely fenced between the northern woodland boundary and mineral extraction for the lifetime of the development with no movement of vehicles or storage of materials within the buffer except for the first 5m beside the extraction boundary of Phase 2 where a temporary soil bund will be stored.

The agent has sought confirmation that this restriction relates specifically to quarry plant and vehicles and does not impinge on pre-existing lower intensity land uses associated with agricultural management and third party adjacent forestry management rights.

The officer recommends that the condition is amended to make it clear that the restriction relates specifically to the mineral extraction operations by adding the following phrase to the condition - "no movement of vehicles or storage of material associated with mineral extraction operations". This amendment has been notified to the Council's ecologist.

Item No.	Application No.	Originator:
5	17/05303/MAW – Proposed Quarry at Shipley	Philip Dunne MP / objector / case officer

A letter has been received from the Philip Dunne MP enclosing an email from an objector asking that the concerns raised are brought to the attention of the committee. The letter alleges that a number of errors have occurred in processing the application. Given the nature of the concerns the case officer has responded to them in italic:

1) General concern: The case officer dismisses information provided by objectors and makes excuses on behalf of applicant;

Response: *The allegation that the case officer has ignored information from objectors and made excuses on behalf of applicant is strongly refuted. Paragraph 38 of the NPPF requires Local Planning Authorities to 'approach decisions on proposed development in a positive and creative way'. This requires that the applicant is given the opportunity to respond to any objections which are raised. Publicly available correspondence on the Councils online planning register confirms that no outstanding objections have been received from technical consultees. The officer has spent considerable time liaising constructively with principal objectors on the application, as well as attending a public*

meeting and 2 meetings with objectors.

2) Procedural concern: 3 week delay in uploading penultimate comments from Environment Agency to online planning register;

Response: As has previously explained to the objector's husband the Environment Agency's penultimate comments were received in August whilst the case officer was on annual leave and were not copied to the relevant business support team. The case officer uploaded the comments on 6th September, within a couple of working days of returning from leave.

3) Archaeology: It is claimed that the case officer wrote an article advising that the site was important nationally and possibly internationally for archaeological reasons.

Response: This statement is incorrect.

4) Ecology: The Council's ecologist has not objected to the scheme despite objectors obtaining e-DNA results indicating the presence of Great Crested Newts at a site where the applicant's consultant found no such evidence.

Response: The Council's ecologist has not objected because they are satisfied that Great Crested Newt and their habitat can be appropriately protected by the proposed mitigation measures. Significant land exists within the applicant's control which could be used for further GCN mitigation if this is required by Natural England. Variance between the applicant's GCN survey and the objector's survey could be explained by a number of factors including migration of GCN to the objector's water feature in the period between the 2 surveys.

5) Ecology: Natural England, the Woodland Trust and CPRE have all recommended a 100m stand-off to the ancient woodland yet the Council is happy with 30m.

Response: This is incorrect. Current Natural England guidance advocates a minimum stand-off of 15m (not 100m) between development and ancient woodland. The applicant's proposal is for double this.

6) Traffic: The applicant's traffic data is out of date and incorrect. The A454 is particularly dangerous yet the agent has not been asked to provide information about the risks to the public, including when there is mud on the road in hours of darkness. Seisdon Quarry is in breach of traffic conditions. This has not been taken into account.

Response: This is incorrect. The applicant submitted a comprehensive Traffic Impact Assessment with the application and subsequently commissioned a Road Safety Audit (RSA) by an accredited consultant on the advice of the officer. The RSA concludes that the design of the junction with the A454 is safe and that the single identified issue of risk of overtaking at the right turn lane can be addressed with appropriate signage / markings. A wheel ash is proposed on the quarry plant side of the proposed access road which is long so allows ample opportunity for natural cleaning / drying of wheels. Conditions enforcing wheel cleaning and mud and dust control within the site would be strictly enforced. The agent has confirmed that there has been just one technical breach of vehicle routing at Seisdon which occurred when the main access route to the quarry was closed by roadworks.

7) Dust. The dust report fails to take account of 2 individuals with serious health concerns living in proximity to the site. The case officer has failed to publish this information.

Response: This is incorrect. Health issues for the 2 individuals are clearly assessed in section 6 and Appendix 3 of the committee report. The scheme has been amended to take account of this issue, including with revised phasing. The haul road has been moved further into the site and quarrying would not proceed in the nearest phase to Naboths Vineyard (Phase 5b – Year 1) or within 50m of the nearest edge of the

proposed workings to Ridge View (Phase 6b – Year 9) unless specified air quality criteria are met. The Regulatory Services team has been appraised of these issues and has not objected. They conclude that local air quality can be appropriately protected by the proposed design of the site and recommended planning conditions which would be supported by a legal agreement clause requiring off-site dust monitoring.

Regarding the allegation of failure to disclose, when objectors provided the information on Naboths Vineyard they stressed that it was to be treated in strictest confidence having regard to the nature and context of the information. The information is not considered suitable for publication on the Council's online planning register, nor does the officer have any record of a written communication from Naboths Vineyard authorising publication. Objectors recently requested that the information is distributed by the officer to members of the Committee. They were advised that it was not appropriate for the officer to circulate this correspondence to Members but the option would exist for them to do so. The communication from an eye surgeon with reference to Ridge View was only received from an objector in August 18 and the officer did not receive authorisation from the occupant of Ridge View to publish it until 13/09/18, at which point the document was promptly published. It is considered that both matters are referred to appropriately in the committee report.

8) Hydrology. The applicant has failed to provide accurate or sufficient information on hydrology. The Environment Agency recommended in their EIA scoping response that a year of background information was obtained. It is alleged that the case officer hasn't required this because it would cost the applicant time and money.

Response: The proposal differs from the one assessed in the EIA Scoping Opinion in that it is no longer proposed to use inert fill materials to assist in restoring the site, with consequent need for additional information on hydrology. The Environment Agency has not objected to the current application and has recommended a hydrological monitoring condition which has been included. The applicant has confirmed that there would be the opportunity to undertake 9 years of hydrological monitoring before the proposed workings proceeded to the deepest level (106m AOD) and has accepted a condition not to work below 108m AOD unless such monitoring confirms no groundwater issues. A year of monitoring in advance of submission may have yielded a further understanding of local perched water systems. However, the Environment Agency has accepted that sufficient information has been provided at this stage to allow an informed understanding of hydrology

9) Need. The quarry is not supported by the development plan and is contrary to the NPPF. This point is consistently and purposely overlooked. Why have a minerals plan if it is just going to be ignored? Surely the applicant can't use their own need as a material consideration. They bought Seisdon Quarry 4 years ago knowing it was to close yet they suggest that they need Shipley in order to fulfil their orders. There are plenty of other supplies available.

Response: The issue of need for the mineral is dealt with in section 6 of the committee report. Whilst the site is not allocated in the current SAMDev plan this does not preclude the applicant from putting forward evidence in support of need under the SAMDev windfall policy for minerals sites MD5(3).

Item No.	Application No.	Originator:
5	17/05303/MAW – Proposed Quarry at Shipley	Objectors
The following comments have been received from objectors since publication of the committee report:		
Objector 1: Raising concerns about visual impact of quarry (applicant's existing quarry at Seisdon		

is visible locally), effects on right of way passing near site access, concerns about traffic safety from mud on road and dangerous nature of A454.
 Objector 2 & 3: Concerns that the proposed quarry will affect health and lead to stress
 Objector 3: Alleging bias in the officer report.

Item No.	Application No.	Originator:
5	17/05303/MAW – Proposed Quarry at Shipley	Environment Agency 19/09/18

Dear Grahame,

Further to our previous correspondence and additional third party discussions, upon receipt of the proposed planning conditions presented in your planning committee report (recommending approval), we have the following comments to assist the Planning Committee:

Condition 24 states that ‘the HMS shall be based on the information and principles contained within the Environmental Statement and Supplementary Environmental Information’. It is essential that comments provided by the Environment Agency and Stephen Buss Environmental Consulting Ltd (Appraisal of hydrogeological impact assessment; Doc. Ref. 2018-030-008-002) are also taken into account when designing the HMS as many of these aspects have not been addressed in the ES and SEI reports. Condition 25 details the requirements for further investigation of any potential material changes to local groundwater levels/features and identification of measures to mitigate the risks. Condition 26 limits extraction operations to 109m above ordnance datum unless the hydrological monitoring scheme has confirmed that extraction below this level would not intercept the permanent groundwater table.

Whilst we do not disagree with the main content of these conditions, we would re-emphasise our concerns regarding the remaining uncertainties in the hydrogeological conceptual model resulting from the absence of site specific monitoring, for your consideration and benefit of the Planning Committee.

The mechanisms that supply the local springs and associated watercourses have not been characterised and consequently the likelihood of potential impacts arising from the quarrying have not been fully assessed. To date no assessment of mitigation measures or their feasibility has been undertaken. Such measures should be considered as soon as possible, (ideally prior to granting of planning permission), as whilst it may be possible to provide mitigation for the loss of a well or borehole, providing a solution for an impact or loss of a spring or associated watercourse is potentially much more complex and may not be feasible. It is therefore essential that the local authority and the applicant are aware that in the instance of an impact occurring, cessation of quarrying may well be required to prevent or limit an impact. This could be included within the condition wording. It is also plausible that at the point any potential impacts are observed they may already be irreversible, particularly in relation to any spring/spring-fed watercourse feature. Mitigation has not been fully explored within the ES, but for impacts to private water supplies it could include provision of alternative supplies potentially including mains water connection at the applicant’s cost.

It should also be acknowledged that depending upon the nature of the spring mechanisms/baseflow to watercourses, potential impacts arising from any operations may occur prior to 109mAOD extraction depth being reached.

It is for the above reasons that we have highlighted that it would be preferable to address the lack of site specific data and conceptual uncertainties, including baseline data, prior to grant of planning permission.

If the Planning Committee is minded to grant planning permission, we would wish to be formally consulted on information submitted in relation to Condition 24 and 25 thereafter to ensure a robust, enforceable scheme.

Thank you,
 Mark

Mark Davies
Planning Specialist

Environment Agency
Sustainable Places – West Midlands Area

Officer comment

These comments were received 2 days after the officer report was published and raise additional points not previously raised by the Environment Agency which is disappointing as the planning authority has not had time to discuss these comments with the Agency. The following comments are made:

EA advice: Condition 24: The EA recommend that the hydrological scheme shall also take account of the report by the objector's consultant Mr S.Buss.

Officer response: It is requested that Members agree to add a suitable clause to this condition referring to the report by Mr Buss.

EA Advice: The EA recommend that the hydrological mechanisms for supplying local springs is considered as soon as possible and ideally prior to determination.

Officer response: In the opinion of the officer the requirement to undertake pre-monitoring of perched water systems would not meet relevant legal tests for the following reasons:

- *It would lead to a 1 year delay in determination when the applicant's quarry at Seisdon is set to cease mineral export by the end of 2018, leading to redundancies and loss of market supply capacity which the officer considers would be disproportionate in the context of the point made in '2' below;*
- *It is noted in the context of point '1' above that it would take at least 8 months before mineral extraction could commence at Shipley Quarry, during which time hydrological monitoring would proceed. This will provide significant additional time to refine hydrological monitoring before operations commence. Moreover, it would be at least 7-8 years before extraction reached the deepest point of the proposed extraction area during which time hydrological monitoring would be ongoing. Hence, there would also be ample time to undertake hydrological monitoring throughout the phased working of the site in accordance with the scheme required under recommended condition 24.*
- *Given the acknowledged complexity of the perched water system it is considered likely that the most effective way of monitoring any perched systems will not be through pre-commencement monitoring but through monitoring during the extraction phases (to allow the nature of any perching horizons to be appreciated in 3 dimensions and to assess any water ingress ('water makes') within the developing extraction void).*
- *Whilst the Environment Agency has highlighted the issue of uncertainty regarding perched water at the site they have not objected and are happy with the applicant's conclusions on groundwater, subject to the hydrological monitoring condition they are recommending.*

EA Advice: In the event of an impact being identified during the hydrological monitoring cessation of working may be required.

Officer response: Whilst this is implicit in the wording of condition 24 it is recommended

that the wording is amended to make it explicit that the remit of any mitigation scheme might extend to the temporary or permanent cessation of working in a defined area.

Item No.	Application No.	Originator:
5	17/05303/MAW – Proposed Quarry at Shipley	Trees officer
<p>The Trees Officer has responded as follows to a representation from a consultant acting for objectors:</p> <p>Thank you for your email below, regarding the field maple tree identified as T47 in the tree report accompanying the planning application for sand and gravel extraction on land near Shipley (ref: 17/05303/MAW). I appreciate your concerns regarding the potential removal of this tree, but having considered the points you raise I am not minded to impose an emergency tree preservation order as you request. This tree has been identified for removal (if planning permission is granted) since the tree report was prepared in November 2017. The landowner has had ample opportunity to remove the tree during the intervening period, but the fact that it is still there today leads me to conclude that the tree is not under immediate threat of removal and therefore it would not be expedient to make an emergency TPO.</p>		
Item No.	Application No.	Originator:
5	17/05303/MAW – Proposed Quarry at Shipley	Objector – Mr A.Haden
<p>With reference to todays correspondence from the applicants agent ref hydrology. - Mr Collinge refers to previously presented data from the EA on the principal aquifer. However, he does not address the EA's most recent response dated 19.09.2018 regarding their review of the conditions proposed by Mr French which they feel are insufficiently robust. Their main cause for concern which is 'the mechanisms that supply the local springs and associated water courses' have not been addressed by Mr Collinge as he has still not provided any of the requested site specific baseline data concerning the springs and local groundwater features prior to grant of planning permission. The reference to presidents in his response cannot be applied to this site as all the experts concerned admit that this is a unique and complex hydro geological setting that is not understood.</p>		
Item No.	Application No.	Originator:
5	17/05303/MAW – Proposed Quarry at Shipley	Objector – Mr I Dick – Highways 24/09/18
<p>We have written a number of times about the road safety data provided by the applicant. After receiving no response from you and noting that no further clarification has been requested we felt like we had no option but to submit Freedom of Information requests to both Shropshire and Staffordshire County Councils.</p> <p>This information has now been recieved from the respective councils. Staffordshire Council provided data from 1-1-10 to 31-12-17 from the county boundary to Shop Lane, Trescott. Shropshire provided data for the same period from the county boundary to the junction with the B4176 (Royal Oak roundabout).</p> <p>Shropshire 12 accidents were recorded, of which 7 were serious. Map 1 clearly shows 2 hot spots. 2018 data could not be provided but there has been a number of accidents this year including 1 between the site entrance and the Inn at Shipley and another at the bottom of Red Hill this evening.</p>		

Staffordshire

21 accidents were recorded of which 1 was fatal, 6 were serious and 14 slight. I would again like to question the dates chosen by the applicants. Their report was compiled in September 2017, so why did it not include the 2016 figures? Is it because there was 1 fatality, 1 serious accident and 1 slight accidents within 200m of the proposed entrance in 2016?

The applicant's report also states that there is no clear pattern of accidents or hotspots, this is because there search parameters were so narrow. Map 2 clearly shows a pattern, all of the major entry points have been sites of multiple accidents with 7 at Gardenlands, 4 at the Fox cross road, 3 by Lealands garden centre and 3 by the Pavilion garden centre. Adding an additional junction onto this road is therefore highly likely to cause more accidents and these are unlikely to be slight when they involve HGVs. All of these are already within the 50mph speed limit, so it is unlikely that trying to reduce the speed limit at the site entrance to 50mph will do much to improve safety.

These results show that is road is a lot more dangerous than the applicant is suggesting. The increase of traffic on the A454, since the B4176 has been closed to repair the bridge at Stableford, demonstrates how extra traffic causes problems. There have been 3 accidents between the Royal Oak and Bridgnorth in this short time, including a major incident where 1 person died and three others suffered life changing injuries. This proposal will increase the volume of traffic on this road.

Your report states that the speed limit will be reduced by the site entrance if planning is granted. Can you say with certainty that you can achieve this or authorise it? Is there not a procedure that has to be followed to change a speed limit?

These figures demonstrate that this is a dangerous road and the requirement to reduce the speed limit shows that the proposed site entrance will add to this danger.

Officer response:

The Highway Authority has not objected and a Road Safety Audit by a nationally accredited specialist has found the access design to be safe. A legal agreement will secure a payment from the applicant to facilitate extension of the speed limit to the site access.

Item No.	Application No.	Originator:
5	17/05303/MAW – Proposed Quarry at Shipley	Objector – Mr I Dick – Hydrology 24/09/18

I note that the applicant's agent made a further comment on the hydrology. They have once again indicated that they have already responded to these concerns, however, their last submission was in response to questions from the EA and was posted on 12-7-18. This document obviously did not answer those concerns because the EA has commented three time since saying that this is not the case (13-8, 17-9 and 19-9).

The letter then goes on to say that the EA generally concurs with the aquifer protection. This may loosely be the case about the aquifer and they have described this point at length. Why have they not mentioned any of the points on which the EA disagree with the case they have presented? Most of the concerns are relating to perched water and the mechanisms that supply the springs and have conveniently been ignored.

They also point out that they have agreed to the conditions suggested by the EA. The funny thing is that you have not included all these conditions in Annex 1 of your report, a point that has not been missed by the EA. Page 8

fact. Will you be amending your report to include these conditions and legal obligations? Or will you be recommending to the committee that the situation should be fully investigated prior to making a decision, in line with the EA's advice?

The last paragraph once again dodges the question of how much water they need and where it is coming from. A point that had been raised so many times that the applicants silence is starting to raise serious questions. Why will they not answer this question?

The only explanation for where the water will come from has been provided by you in the report to the committee. Are you basing this on information that the applicant has submitted but has not been uploaded to the portal or have you taken it upon yourself to answer this for them? The rather superficial appraisal presented looks ok at a glance but has a number of gaping holes. No water requirements are predicted, how much will be used suppressing dust and washing wheels and how much will be lost to evaporation, this could be in excess of 500mm/m² a year (5,000m³). Over the 10,000m² surface area of the lagoons they could easily be losing 3mm a day during hot dry weather. This is 30m³ a day (seven days a week) or 150% of the water they will be getting from the bore hole. Then with process losses of 2% or 20m³ a day (but probably more when it is dry), a conservative 5m³ for dust suppression and 3m³ on the wheel wash. They could require 58m³ a day at sometimes of the year, leaving a shortfall of 38m³ a day. During a prolonged hot spell like we enjoyed this summer, that lasted for say 60 days, they would have a deficit of around 2,300m³ of water. If this water is going to be coming from a mains supply it is equivalent to 76 homes. It is during long spells of hot dry weather that the site will be relying on the mains supply, as was seen this year water companies were struggling to maintain adequate drinking water supplies during these conditions. Is it not irresponsible to compound these problems by allowing this development to progress on these grounds?

The point you make about harvesting rainwater in the lagoons also raises some serious questions about spring and aquifer recharge. The claims have always been that these will not be impacted but what about the 6,800m³ that is being harvested annually and the further 7,300m³ that will be coming out of the borehole?

As mentioned above the conditions in Annex 1 of your report do not go far enough. You have not mentioned about the legal agreement to compensate for lost supplies and who will pay for this water once the supply is connected? The monitoring conditions do not state how long they will be required for before development can commence, this should be a minimum of a year according to comments made by the EA during SAMDev consultations. No clauses have been included for cessation of works if water features are impacted upon.

There is clearly not enough information on which to base an accurate decision and the EA's calls for further monitoring prior to determination should be listened to.

Officer response:

EA comments: The comments of the Environment Agency and the officer's response are referred to in a preceding section of this report.

EA Condition: The EA recommended one condition on hydrological monitoring and mitigation. An amended / updated version of this condition has been included in Appendix 1 (Cond 24).

Water availability: The agent has confirmed that availability of water for the site is from a number of sources including mains, ground and local surface water. The lagoons would be filled up with surface water during inclement weather and it is stated that this would provide sufficient buffer capacity during dry conditions. The agent has advised that the

amount of surface water directed from the lagoons is a fraction of the total amount falling onto the local surface water catchments.

Monitoring and legal agreement: The objective of the hydrological monitoring condition is to ensure that any adverse effects can be promptly identified and appropriate remedial action can be taken including if necessary the permanent or temporary cessation of mineral working in a given area or phase. The applicant's hydrological report has not indicated the presence of any abstractions licensed by the Environment Agency in any perched water horizons surrounding the site.

Item No.	Application No.	Originator:
5	17/05303/MAW – Shipley Quarry	objector – A.Haden

From: Andrew Haden

Dear Mr French,

Having read your 110 page recommendation for the above quarry application we were very concerned to see that despite previous conversations discussing how the revised NPPF would affect this application when it came into force on 24th July 2018, it is obvious that this has not been taken into account.

NPPF July 2018

Annex 1: Implementation

212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Having read the revised NPPF and taken expert advice from our ecologist it is apparent that the following paragraph on page 53 is key to yourself and other consultees (SC Ecology and SC Trees in particular) because it is significantly different from the 2012 version and therefore should take precedence.

(<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)

“c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists;

⁵⁸ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat. “

This extract shows a significant change in the NPPF and the previous interpretation that there needed to be a 'balance between social, economic and environmental needs' (quoted to me by Martin Sutton on 21.09.18) clearly should no longer apply. There are no grey areas in this new policy to allow for personal interpretation as it clearly states that the only exceptions to this are in relation to National Infrastructure Projects - This does NOT include mineral extraction operations. Therefore, had SC Trees, SC Ecology and Natural England reviewed their responses under the revised NPPF they would all have had to recommend refusal. We would also argue that if you say that it is only necessary for you to have reviewed the whole application under the revised NPPF, and so not reconsult all consultees - we feel this has not been done either as you have included

their out of date points to back up your arguments for 'approval'.

In your report Martin Sutton (County Arboriculturalist at SC) states:

'4.10a SC Trees: (06/12/17) No objection on arboricultural grounds, providing appropriate measures are put in place to protect retained trees and hedgerows during implementation and given appropriate habitat restoration, including tree and hedgerow planting sufficient to compensate for that lost during mineral extraction..... I consider that the temporary loss of trees and hedgerows whilst the scheme is in progress would be more than compensated upon restoration of the land. It is recognised that the veteran field maple tree (T47) towards the middle of the site cannot be replaced by new planting, but on balance in my opinion the loss of this one veteran tree provides insufficient grounds to object to the scheme. '

His most recent comments dated 14.06.18 offer no further relevant information.

When I questioned Mr Sutton about the above report issued he dismissed my questioning by saying the use of 'veteran' was 'loose terminology' and thanked me for pointing it out! We find it very difficult to accept this explanation as we believe that someone of his qualification and position should not use 'loose terminology' in such a high profile and important application. He should err on the side of caution when dealing with such valuable, irreplaceable and historic assets to our county.

As stated in our email of 21.09.18 after an alarming conversation with Martin Sutton over the merits of the veteran trees detailed below, it was obvious that the council were 'closing ranks' and discussing their stance internally before speaking to us - an appropriate legitimate request was sent to the SC Trees dept addressed to Martin Sutton on 20.09.18 requesting an emergency TPO be placed on a 'veteran Field Maple' T47 on the proposed site as we were very concerned that it was not being treated appropriately under the revised NPPF and whilst this was under investigation we were concerned that it would be felled by the landowners. It has been identified for felling in the applicants Arboriculture Report (27.10.17) along with several other veteran trees and hedgerows (H2, H3, H29, T47, T48 and G1a) The fact that the Government have changed the regulations to afford far greater protection to these irreplaceable trees/habitats shows that they too recognise that they must be afforded the best possible protection.

In Mr Suttons opinion offered to us verbally he does not feel that any of the trees or hedgerows on the site should be classified as having 'veteran' status yet the following: H2, H3, H29 and G1a are all Ancient Hawthorn Hedgerows and are described as having 'veteran characteristics ' in the Arboricultural Impact Assessment T48 is a Veteran Common Oak that has also been misclassified in the report - the Tree Survey Schedule Appendix T1 shows that it has a 'stem diameter @ 1.5m of 1100mm' clearly fitting the definition of 'veteran' as determined by Natural England.

Here is the protocol (from <http://publications.naturalengland.org.uk/publication/62025>) as advised by our ecologist.

Section 2.3 and also Box 1 on page16 - there is no hard and fast rule as to what is a veteran, but this protocol uses simple measures - any tree over the dbh (diameter breast height/ stem diameter @ 1.5m) categories listed, should be classed as a veteran, as should any tree with three or more veteran tree attributes regardless of the diameter. Section 3.1 suggests the range of tree attributes in Box 1 is broadened (to those in box 3). So, in practice it seems the field maple at 0.45m dbh would be a veteran if it has 3 or more of the tree attributes in box 1 (or possibly box 3). All oaks with 1m+ dbh should be classed as veterans.

The following is from the applicants Arboricultural Report and further demonstrates that there clearly are 'veteran' trees on the proposed site that afford great protection:

'1.6.8 National Planning Policy Framework (NPPF), assumes protection of all ancient woodland and veteran trees unless it can be demonstrated that the need of, or the

benefits of, development outweigh the loss. In this respect, ancient woodland is defined as an area which has been wooded continuously since at least 1600 AD and a veteran as a tree of exceptional value for wildlife, in the landscape, or culturally because of its great age, size or condition.

1.6.9 On this site W1, W4, W5, W6, W7 are classified as Ancient Woodland and Alder Coppice and Priority Habitats W1-W7 inclusive. T4, T21, T32, T33, T35, T47, G1(a) and G10 exhibit veteran characteristics or pertain to having significant conservation, historical, commemorative A3 category in accordance with BS5837:2012.

3.2.3 There are a small number of trees within the site that are considered to have veteran characteristics which would also be treated as requiring adequate protection under NPPF.

3.2.4 The hedgerows across the site have been assessed in accordance with BS5837:2012 and are considered important in terms of conservation and cultural values. The vast majority have been laid in their past, with remnant hedgerow trees species developing particularly Ash and Oak species. The Hawthorns and Field Maples within these hedgerows exhibit veteran features, making the hedgerows important for habitats and habitat connectivity.

3.2.5 There are no losses of any ancient woodland and trees with veteran characteristics which will be retained and protected, except for a small number contained within G1a.

4.1.8 Consideration should be given to large, mature, over-mature, veteran and ancient trees where they become enclosed by new development. Adequate space should be provided to allow their long-term retention and future maintenance.'

We are aware from conversations with yourself that the majority of your report was obviously written prior to the intended first Committee Meeting of 31.07.18. However, since the revised NPPF came into immediate effect on 24.07.18 we find it difficult to understand your reluctance to apply it, especially in the areas pointed out and can only assume that the contents of the revised NPPF do not meet your requirements to enable you to recommend approval.

Yours sincerely

Mr & Mrs A Haden

Officer response:

From: Graham French

Sent: 24 September 2018 14:59

To: 'Andrew Haden'

Cc: Martin Sutton ; Sue Swales; cClaverley Parish Council

Subject: RE: Objection Planning ref 17/05303/MAW Sand and Gravel Quarry in Shipley

Andrew,

The committee report takes account of the 2018 NPPF though the distinction between this and the previous NPPF is not explicitly stated with respect to ecology. The new NPPF does not adopt a fundamentally different approach to the protection afforded to ancient woodlands and veteran trees from the previous NPPF, though it can be construed as a further tightening of the protection. The two equivalent paragraphs are worded as follows:

2018 NPPF - Paragraph 175c:

c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are

wholly exceptional reasons and a suitable compensation strategy exists;

previous NPPF equivalent paragraph (118):

- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.*

Both paragraphs seek to protect ancient woodland and veteran trees. The 2018 NPPF advises that development should be refused unless there are wholly exceptional circumstances and a suitable compensation strategy exists. The previous NPPF states that development should be refused unless the need for and benefits of the development clearly outweigh the loss. The term 'wholly exceptional circumstances' may be regarded as 'stronger' than the term 'clearly outweighs the loss'. However, it does not indicate that development should not proceed at any cost.

The quarry proposals involve a 30m stand-off from the ancient woodland which the Council's Ecologist has accepted as appropriate and is twice the minimum distance recommended in current Natural England guidance. Hence, it is reasonable to conclude that there would be no material effects on ancient woodland (it should be noted that the 'ancient woodland' fronting the site is intensively managed plantation woodland). There is one tree (T48 - a field maple) located on the boundary between phase 3 and 5 which the applicant's arboricultural report states has veteran characteristics. This would be retained until phase 5 – year 7. The loss is regrettable, however, the tree cannot be saved as it is in the middle of the extraction area and if it were retained it would potentially sterilise over 2mt of mineral, rendering the scheme unviable.

The applicant has put forward a detailed landscaping strategy which involves the following additional wildlife habitats:

- 9.26ha of species rich grassland,*
- 4.88ha of acid grassland / scrub mosaic,*
- 4.73ha of woodland (linking to local Ancient Woodland),*
- 0.05ha of wetland,*
- 723m of new hedgerows providing landscape connectivity*
- over 50 hedgerow trees.*

The Council's Ecology and trees sections have not objected to the loss of the field maple in the context of these proposed habitat gains and it is considered that this clearly amounts to a 'suitable compensation strategy' in the way meant by NPPF 2018 para 175c.

The NPPF also advises that 'minerals are a finite natural resource, and can only be worked where they are found' (NPPF para 203), and 'when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy' (para 205). It is not considered that the protection afforded to the single field maple tree with veteran characteristics is sufficient in this instance to outweigh the 'great weight' which must be given to the benefits of mineral working and release of 3.5mt of mineral reserves under NPPF para 203 and given also the existence of an appropriate compensation strategy.

Regards

*Grahame French
Principal Planner*

Item No.	Application No.	Originator:
6	17/04546/EIA – Hoptonheath Poultry unit	Agent
<p>The agent has highlighted the following link to a press article which confirms that Avara Foods remains fully committed to maintaining existing levels of poultry production and future planned commitments as Hereford's major employer:</p> <p>https://www.herefordtimes.com/news/16859582.poultry-giant-still-committed-to-herefordshire/</p>		
Item No.	Application No.	Originator:
6	18/02109/FUL – Wheathill Touring Park Caravan Site	Wheathill Parish Council
<p>“Unfortunately no one from the Parish Council can be at the Planning Committee meeting to decide on application 18/02109/FUL ‘Change of use for the storage of touring caravans (unoccupied) and associated ground works and landscaping.’</p> <p>at Wheathill Caravan Touring park.</p> <p>I hope you will be able to accept these few points that the Wheathill Parish Council would like to submit.</p> <ol style="list-style-type: none"> 1. We are disappointed that the Committee is not making a site visit even though they have visited on previous occasions. The proposed location for the storage area is in a different place - higher up and more exposed and it is difficult to assess and envisage the immediate impact of such large excavations without seeing it for yourself. 2. The bank behind the pub car park has been made from the spoil from the previous application to extend the caravan park for more caravans and facilities in 2015. Nearly 3 years on, the steep bank is still only partially grown over with mud washing down the when the weather is bad. <p>We fear the same will happen with the berm - which will also be very steep and difficult to plant on.</p> <ol style="list-style-type: none"> 3. We do not agree with the conclusion of the report that this is not a major development just because it does not include substantial building work. Digging a big hole and removing 1000 square metres of hillside is a major development for tiny Wheathill and it will have an impact on our AONB and is therefore contrary to the new NPPF which state planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. 4. The economic benefits for the area and even for the business itself do not add up. Visitor numbers to the caravan park are not going to reduce if this application does not go ahead and nor does the sustainability of the business. Caravans can be stored at other more suitable locations nearby. <p>Wheathill parish Council”</p>		