



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 11 December 2017

Committee:
South Planning Committee

Date: Tuesday, 19 December 2017
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

David Evans (Chairman)
David Turner (Vice Chairman)
Andy Boddington
Gwilym Butler
Simon Harris
Nigel Hartin
Richard Huffer
William Parr
Madge Shingleton
Robert Tindall
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
Cecilia Motley
Vivienne Parry
Kevin Turley
Leslie Winwood
Michael Wood

Your Committee Officer is:

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

AGENDA

1 **Apologies for Absence**

To receive any apologies for absence.

2 **Minutes (Pages 1 - 8)**

To confirm the minutes of the South Planning Committee meeting held on 24 October 2017.

Contact Linda Jeavons (01743) 257716.

3 **Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 pm on Thursday, 14 December 2017.

4 **Disclosable Pecuniary Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 **Woodcote Wood, Weston Heath, Shropshire, TF11 8RS (17/03661/EIA) (Pages 9 - 72)**

Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site.

6 **Woodcote Wood, Weston Heath, Shropshire (SC/MB2005/0336/BR) (Pages 73 - 174)**

Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site.

7 **Proposed Dwelling To The North Of 37 High Street, Broseley, Shropshire (16/05697/FUL) (Pages 175 - 190)**

Erection of a detached 3 bedroom dwelling.

8 **Gestiana, Woodlands Road, Broseley, Shropshire, TF12 5PU (17/01834/FUL) (Pages 191 - 222)**

Demolition of existing dwelling and construction of 5no. bungalows with rooms in roof space (Amended description).

9 **Proposed Residential Development SE Of Kemberton Cottage, Mill Lane, Kemberton (17/03311/FUL) (Pages 223 - 242)**

Erection of an affordable dwelling.

10 9, 10 And 11 Lower Forge Cottages Eardington, Bridgnorth Shropshire WV16 5LQ (17/00298/FUL) (Pages 243 - 270)

Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings.

11 Schedule of Appeals and Appeal Decisions (Pages 271 - 302)

12 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 16 January 2018, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

19 December 2017

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 24 October 2017

2.00 - 4.31 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Simon Harris, Madge Shingleton, Robert Tindall, Tina Woodward and Vivienne Parry (Substitute) (substitute for Nigel Hartin)

52 Apologies for Absence

Apologies for absence were received from Councillors Nigel Hartin (Substitute: Vivienne Parry), Richard Huffer and William Parr.

53 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 26 September 2017 be approved as a correct record and signed by the Chairman.

54 Public Question Time

There were no public questions or petitions received.

55 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor Madge Shingleton declared that she was a member of Shropshire Rural Housing Association.

56 Proposed Residential Development North Of Coronation Cottages, Lydham, Shropshire (16/03855/OUT)

The Team Manager, Development Management, introduced the application and with reference to the drawings displayed, he drew Members' attention to the location,

layout and elevations. He drew Members attention to objections made by individuals, which had been omitted from the report, as follows:

- The gift of land was not a significant factor;
- The proposed dwellings were not needed;
- Would devalue existing properties;
- Would have a detrimental impact on the views from existing properties;
- Planning policies were up-to-date. This was a sporadic location and the proposal would be unsustainable and contrary to existing agreed policies;
- The dwellings would not be affordable to local people;
- The proposal would result in additional traffic using what was already a dangerous road;
- Unlikely to benefit local facilities and existing businesses; and
- May lead to further development in the future.

Members had undertaken a site visit and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Members noted the content of a statement from Councillors Heather Kidd and Jonny Keeley, which had been circulated to all Members prior to the meeting.

Ms D Humphreys, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Members noted that the site fell outside the development boundary; there were adopted policies in place that restricted development in the countryside; a need for affordable housing had not been identified; and no community consultation had been undertaken by the applicant.

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reasons:

The application site occupies a countryside location, where open market housing provision is not supported in principle by adopted development plan policies. The development is not considered to represent sustainable development in accordance with the three dimensions of sustainable development as referred to in the National Planning Policy Framework (Economic, social and environmental). As such the proposal is considered to be contrary to Shropshire Core Strategy policies CS1, CS4, CS5, CS6, CS9, CS11, CS17 and CS18; Site Allocation and Management of Development (SAMDev), and the overall aims and objectives of the National Planning Policy Framework. Furthermore, notwithstanding the justification submitted with the application, there are not considered to be any material considerations that should be given sufficient weight to justify approval of the development as an exception to the adopted policies referred to.

57 9, 10 And 11 Lower Forge Cottages, Eardington, Bridgnorth, Shropshire, WV16 5LQ (17/00298/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area. He drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting and the completed European Protected Species Tests form that formed part of the Committee report.

Mrs C Halford, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Robert Tindall, on behalf of Eardington Parish Council, read out a statement against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He raised no objections to these three cottages being "done-up" nor to there being some form of extension on the front east elevation. These cottages had been built in the late 1700s and were therefore pre industrial revolution cottages. The cottages were not listed but designated as heritage assets. As such the design of any extension should be done as sympathetically as possible;
- The use of a more modern design may be complementary on some buildings but the use of materials as used on the properties to the north-east would be far better suited on these cottages;
- The submitted drawings do not adequately reflect the effect on the neighbouring property (No. 8 Lower Forge Cottage);
- He disagreed with the comments made by the Case Officer in paragraphs 6.3.5, 6.3.6 and 7.1; and
- He requested deferral so that the applicant could reconsider and submit a more sympathetic, in-keeping and complementary proposal.

Mrs H Turner, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. She expressed her willingness to go with a more traditional and in-keeping design if required. However, she commented that the properties did not lend themselves to three dwellings as they stood; it was not possible to extend at the rear so any extension had to be at the front; and any works had to be financially viable.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Members raised no issues with regard to the principle of development and refurbishment of the site. However, Members did express

concerns regarding the modern design; materials and the use of aluminium, glazing and timber cladding; and the impact on the neighbouring property (No. 8 Lower Forge Cottage). Members raised no concerns regarding the two-storey extension to No. 11 and the use of a flat roof to the single storey element. In acknowledging the applicant's willingness to reconsider the design, it was:

RESOLVED:

That the application be deferred to a future meeting to enable the applicant to reconsider the design, materials and impact on the neighbouring property.

58 Proposed Residential Development Land North Of Victoria Road (40 High Street), Much Wenlock, Shropshire (17/00998/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area. .

Mr Edgcumbe Venning, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mrs V Bellamy, representing the Much Wenlock Civic Society, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor M Whiteman, representing Much Wenlock Town Council, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Turner, as local Ward Councillor, made a statement. He then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- For many years this property has remained unoccupied and uncared for and was now in a perilous state. Councillors have had to intervene many times to protect the safety of others from falling debris;
- It attracted intense public interest, particularly from those who walked past it daily and the potential detrimental impact on visitors to the Town;
- The previously proposed scheme was unsuitable in terms of scale and size and was unsympathetic to the neighbouring properties. This new proposal would provide three houses and would be sympathetic and in-keeping with the Town's design principles;
- He expressed some concerns regarding the access onto the A458 but acknowledged that it could have been used daily if the house had remained occupied;
- He was particularly concerned about the fine balance between the cost of the works to secure the fabric of the listed building and the profit that might be

exacted for the development. He was anxious that the development progress as soon as possible but not at the cost of Condition No. 3 which required certain works to be completed on the Listed Building before any occupation of the new dwellings;

- He expressed concerns regarding the removal of materials from the site and the consequential disruption but acknowledged the requirement and agreement of a Construction Management Plan and a Traffic Management Plan prior to any development taking place. He requested that fires on the site be forbidden given the impact of billowing smoke on drivers and nearby residents; and
- He urged approval of the proposal.

In the ensuing debate, Members noted the comments of all speakers and the advice given by Officers and considered the submitted plans.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted subject to the conditions as set out in Appendix 1 to the report, subject to Condition No. 12 being amended to ensure that a scheme for recycling/disposing of waste and timber resulting from demolition and construction works is submitted and approved by the local planning authority prior to any development taking place.

(At this juncture, the meeting adjourned at 3.50 pm and reconvened at 3.56 pm.)

59 Russells Caravan Park, Quatford, Bridgnorth, Shropshire, WV15 6QJ (17/03179/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area. He drew Members' attention to the additional information and amended recommendation as set out in the Schedule of Additional Letters circulated prior to the meeting, and suggested that Planning Officers be granted delegated powers to attach any appropriate conditions arising from the Section 106 process.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Christian Lea, as local Ward Councillor, made a statement. He took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- An area of land on the site already had appropriate planning permission;
- An additional 20 caravans would have a detrimental impact on the residents of Hollins Park;
- A previous application had been refused and upheld on appeal;
- Proposal would encroach on the countryside and so would be contrary to SAMDev policy MD11;

- There was already noise nuisance and this would increase with additional visitors; and
- He urged refusal in order to protect Green Belt and the interests of residents on Hollins Park.

Ms M Seedhouse, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. In response to questions and comments by Members, the Principal Planner provided clarification on the areas on the site that had been granted planning permission and what was and/or was not covered by planning permission and a caravan site operating licence.

RESOLVED:

That, as per the amended Officer's recommendation as set out in the Schedule of Additional Letters, planning permission be granted subject to:

- Completion of a Section 106 Agreement to ensure no stationing of caravans on the alternative site area and a rolling programme to ensure that the area retains and improves tree cover;
- That Planning Officers be granted delegated powers to attach any appropriate conditions arising from the Section 106 Agreement; and
- The conditions as set out in Appendix 1, subject to the amended Condition No. 10 as set out in the Schedule of Additional Letters.

To aid the decision-making process, a Member reiterated his previous request that the sites for planning applications of an abstruse nature be marked and pegged-out accordingly prior to any site visit being made.

60 Woodcote Wood, Weston Heath, Shropshire, TF11 8RS (17/03661/EIA)

Deferred to a future meeting in order that any outstanding technical issues could be addressed prior to consideration.

61 Woodcote Wood, Weston Heath, Shropshire (SC/MB2005/0336/BR)

Deferred to a future meeting in order that any outstanding technical issues could be addressed prior to consideration.

62 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 24 October 2017 be noted.

63 Date of the Next Meeting

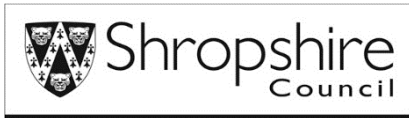
RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 21 November 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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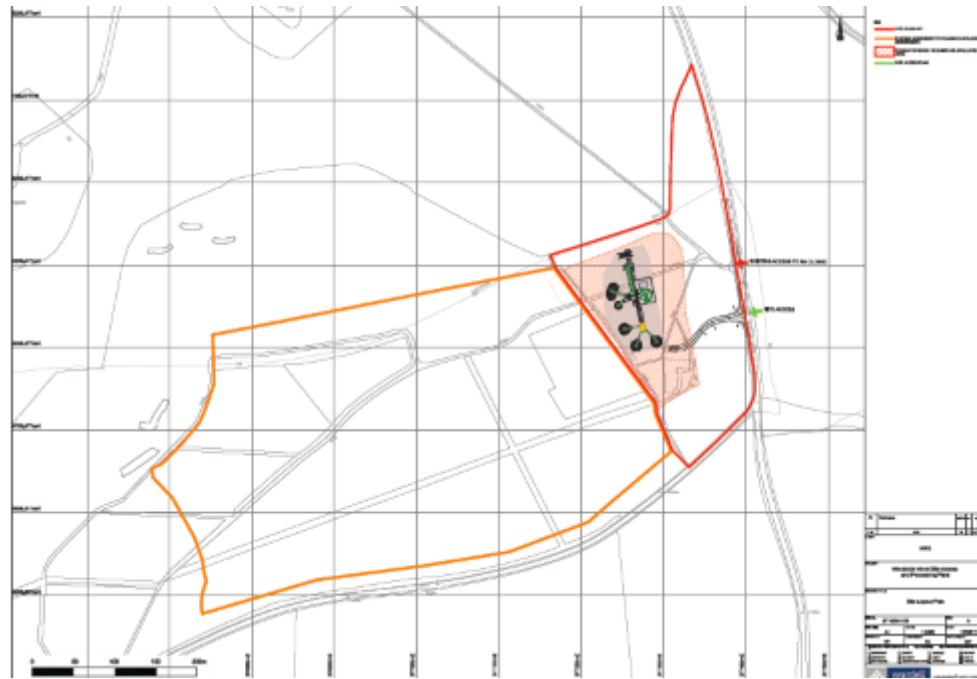
Committee and date
South Planning Committee
19 December 2017

Development Management Report

Summary of Application

Application Number: 17/03661/EIA	Parish: Sheriffhales
Proposal: Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site	
Site Address: Woodcote Wood, Weston Heath, Shropshire	
Applicant: NRS Limited	
Case Officer: Graham French	email: planningdmc@shropshire.gov.uk

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



REPORT

1.0 BACKGROUND

1.1 Woodcote Wood is identified as a 'preferred area' for sand and gravel extraction in the Shropshire Telford and Wrekin Minerals Local Plan (1996-2006). The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the Shropshire Council administrative area by the Shropshire Core Strategy and the SAMDev plan.

1.2 The planning committee of the former Shropshire County Council resolved to approve proposals to extract sand and gravel at Woodcote Wood at its meeting on 25/7/06 (ref. SC/MB2005/0336/BR). The proposals involve extraction of 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The approval resolution was subject to a legal agreement covering off site highway matters and other issues.

1.3 The proposals involved access via a proposed new roundabout at the junction of the A41 and the Sheriffhales Road. However, the third party land required to construct the roundabout was not made available. Hence, the legal agreement remained unsigned and the permission was not issued. Since this time the feasibility of achieving an alternative access has been investigated and this has led to the submission of the current proposals. The landowner Apley Estates has also selected the applicant NRS as the new developer for the site.

1.4 Ten years has elapsed since the original approval resolution was passed for Woodcote Wood by the former Shropshire County Council and the current applicant (NRS) is now seeking to progress the site. A rival operator is proposing an alternative site at Pave Lane 1.5km to the north (in Telford & Wrekin) and has questioned the deliverability of the site on the basis that third party land required to construct the original access is not available. NRS has responded to this by submitting the current alternative access proposals and giving evidence of the intention to develop the site. The Parish Council has objected on grounds of highway safety and this matter is discussed in a succeeding section. The Pave Lane applicant lodged a non-determination appeal and an Inquiry into that appeal finished on 24/11/17. The Inspector's decision on the Pave Lane application is expected by 18/01/18.

1.5 The committee is also considering another application relating to Woodcote Wood on this agenda (SC/MB2005/0336/BR). The application seeks to re-ratify the original 2006 committee approval resolution following the receipt of updated environmental information. The applicant intends that the current application area and the original site would be managed as a single quarry unit if the applications are approved. Planning conditions have been recommended in Appendix 1. These are essentially the same for both applications in order to facilitate an integrated control of the quarry site.

2. THE PROPOSAL

- 2.1 The proposals are for a 5.2ha easterly extension to the original site in order to accommodate a new site access directly off the A41. The sand and gravel processing plant originally proposed to be situated at the western end of the original application site would also be re-located to the proposed eastern extension. The current application is interlinked with proposals to update the environmental information accompanying the original application for mineral working which are considered separately.
- 2.2 The proposed development comprises the construction of a new access off the A41 and the installation of mineral processing plant and associated machinery. The processing plant would process sand and gravel which is intended to be extracted from the adjacent quarry site directly to the west. Approximately 2.55 million tonnes of sand and gravel would be extracted at a rate of 200,000 tonnes per annum. This would be processed through the quarry plant site and exported off site. The current application site also contains an area for product storage, a weighbridge and staff facilities. The quarry would have an operational life of approximately 13 years.
- 2.3 The quarry plant would occupy an area of approximately 57 metres x 123 metres including a feed hopper, crusher, tanks, conveyors and screens. The maximum height of the plant would be approximately 14 metres.
- 2.4 The proposed development would be an ancillary operation to the main proposed quarrying activities at Woodcote Wood and as such the two operations would be interlinked. The original quarrying application provided a series of phases which highlighted how mineral would be worked across the site. Although the location of the processing plant and site access is now being altered, it is not intended to alter the phasing of the current quarrying proposals.
- 2.5 Restoration: Following cessation of mineral processing activity, the site would be restored to broad-leaved woodland to align with the restoration proposals outlined in the original quarry application. The access road would be retained permanently. All permanent and temporary plant and machinery would be removed. The proposals would include a net gain of approximately 1.5 hectares of permanent broad leaved woodland compared to the previous plantation woodland which was managed as a crop.
- 2.7 A Screening Opinion that was made by the Council on 28/6/17 (ref. 17/02645/EIA) confirms that the proposal constitutes development for which an Environmental Impact Assessment (EIA) is required. The planning application is accompanied by a formal Environmental Statement. This includes a number of detailed reports, including an Arboricultural Survey; Flood Risk Assessment; Transport Assessment; Ecology Surveys; Heritage Statement; Archaeological desk based Assessment.

3. SITE LOCATION / DESCRIPTION

- 3.1 The 5.2ha site is located approximately 4.6km to the south of Newport, Shropshire and is currently planted with a commercial plantation woodland, a portion of which has already been removed as part of the commercial woodland activities. The site adjoins arable land to the north which is currently cropped for wheat. To the west is mainly bare ground which was previously coniferous plantation. The eastern margin is defined by the A41 and the southern margin is defined by the B4739.

3.2 An unoccupied residential dwelling known as 'The Keepers Cottage' and associated garden and outbuildings is located within the site boundary. This would be utilised for support facilities including office accommodation during operations, after which it would return to residential use. Other properties in the area include: Woodcote Hall, a residential home approximately 610 metres to the north-west, properties along the A41 east of Woodcote Hall approximately 300 metres to the north, properties along the A41 at Bloomsbury approximately 425 metres to the south, and properties in and around Heath Hill to the south-west, the nearest of which are approximately 850 metres away.

3.3 The majority of the site falls within the administrative boundary of Shropshire Council who are the 'lead authority' for the application. A 0.8ha area of woodland within the planning application boundary falls within the administrative boundary of Telford & Wrekin Council. As such, an identical application has been submitted to Telford & Wrekin in accordance with the requirements of the NPPF, although it should be noted that the area within Telford & Wrekin is not proposed for any operational development. Paragraph 178 of the NPPF advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries and appropriate cooperation has taken place between Shropshire Council and Telford & Wrekin Council.

4. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

4.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

5. COMMUNITY REPRESENTATIONS

5.1 Sheriffhales Parish Council: Objection. The following comments are made:

- i. This Planning application has been given very careful consideration by the Sheriffhales Parish Council and has generated much local community concern. As part of our response to this concern a public consultation was arranged on 14 September 2017. The meeting was attended by nearly 100 residents and interested parties. A report of the meeting was provided to the Parish Council subsequently. The views of the local community expressed at the meeting were that, firstly, a number were totally opposed to the application due to negative impacts on their residences specifically and to the environment more generally. There was, secondly, a unanimous rejection of the proposed access arrangements. All residents felt extremely strongly that the proposed T junction access onto the A41 was ridiculous and would only exacerbate traffic hazards on an increasingly dangerous section of the highway network.
- ii. The Parish Council are themselves unanimous in their objection to the submitted proposal and list specific objections later in this paper. The council has noted that 11 years ago when planning permission for Woodcote Quarry was considered the permission was subject to a road traffic island on the A41 that incorporated the B479 Sheriffhales/ Shifnal Road junction with a quarry entrance onto the island. Documents supporting the present application do not explain how Shropshire Council's assessment then, repeated in correspondence in 2013, has changed so significantly that a T junction is considered acceptable particularly with increases in traffic flows on the A41, the complexity of the traffic itself and the increasing use of the Sheriffhales B road as a shortcut to the A5.

- iii. Specific comments to Planning Application 17/03661/EIA:
- a. Shropshire councils previous and current Position: Shropshire highways professional advisers stated in 2006 that it was an absolute requirement to provide a new roundabout and for the access to come incorporate the B4379. Shropshire Council insisted that provision of the island was included in a section 106 agreement which the developer failed to commit to. Shropshire Council's position on the requirements for a traffic island was repeated in email correspondence in February 2013. No clear reason for the change in position of the authority in this matter is given in submitted documents. Indeed, a Traffic Impact Assessment was not initially provided at all. The Parish Council notes that Shropshire council's responsibility for highway safety has not lessened in any way since taking over the responsibilities exercised by the highways agency with the de-trunking of the A41. As no 106 agreement has been signed, effectively no planning permission for the quarry exists.
 - b. Impact on B4379 Junction: The Parish Council notes that reports submitted in EIA do not consider the separate impacts of Quarry operation on safety at the already dangerous junction between the A41 and the very close B4379 junction in any significant detail at all. The B4379 has always been a dangerous junction. It is increasingly used as a shortcut to the A5 by commuter traffic and when there is congestion on the A41. The A41 itself is also increasingly used by heavy traffic when there is disruption on the M6. Visibility at the junction is poor. Being stationary on the A41 waiting to turn right across the carriageway onto the B4379 is an unsettling experience at times due to the speed of the traffic and visibility considerations. The detail on traffic flow submitted is based on 2015 data and does not reflect the increasing complexity of the traffic on the A41 at present.
 - c. Increasing agricultural activity generated locally as well as bigger and faster articulated vehicles using the road network in this area are underestimated as traffic hazards in the submitted documents. Local reports suggest it can take up to 10 to 15 minutes to safely exit onto the A41 from the B4379. We are aware from Telford and Wrekin Council reports that 59% of accidents on the A41 occur close to T junctions. From the developers 2015 data 15,000 vehicles were using this section of road then. Increased volume of traffic flow is further predicted to increase over the life of the proposed quarry.
 - vi. Safety audits and related traffic assessments: In the EIA submission the developer had not undertaken an appropriate safety audit. The Highway Advice Note commissioned by the Council commented on this weakness. This report has not been available for public consultation until very recently and is a significant concern. The additional complexity of both a T junction onto the A41 and the B4379 junction and their proximity was also not evaluated in the EIA submission. There is insufficient or absent information on lighting requirements, signage and associated highway matters in any of the documentation submitted. This is a significant local concern given the nature of the road and its rural location especially in bad weather or in winter. It is unclear how effective measures to reduce traffic hazard related to the mud onto the road and other environmental impacts are to be assessed and successfully mitigated.
 - v. Other environmental impacts: There is little evidence in the submitted proposal that environmental impact, in particular of dust and noise, on local communities'

infrastructure and housing have been or will be re-evaluated in line with the most recent assessments or how such disturbance should be mitigated or monitored. If the proposal is permitted substantial new screening and appropriate reinstatement will be required.

- vi. The Parish council believes the original view of Shropshire Council that a new roundabout and appropriate access was an absolute requirement for reasons of highway safety is still the case now. A Highways solution on the above may still be possible through utilisation of land within the application boundary and existing highways land and this should be considered. But it is not possible to support this planning Proposal at present the Parish council would be grateful that this response is circulated to all members of the Planning committee prior to the meeting
- 5.2 Telford and Wrekin Council (adjacent planning authority) has considered the application and supports the officer recommendation set out in this report. The formal consultation response of T&W will be circulated prior to the committee.
- 5.3i. Environment Agency: No objection. We note that the proposed sand and gravel quarry on the adjoining Woodcote Wood site is subject to planning application MB05/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. It is understood that the original Environmental Statement (ES) has since been supplemented by an ES addendum to bring the application up to date and enable a formal decision. For completeness, our previous reply of 4 November 2005, to MB05/0336/BR, identified a number of issues which were subsequently addressed. The geology, hydrogeological setting and proximity of this site to licensed abstractions and surface water features were previously covered within the original ES. The main emphasis of the groundwater component of the ES report accompanying the application had been to illustrate that mineral extraction will not require a dewatering strategy or be groundwater consumptive. The thrust of the debate was to show that mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required. We note the current (revised) proposals are for a new site access off the A41 and the installation of processing plant, to facilitate mineral extraction.
- ii. Water Resources: We have previously raised water resource considerations in our response the original application. We note Appendix 7.1 (ES) – water supply feasibility study, Wardell Armstrong. Our current position is that Groundwater and surface water abstractions over 20m³/d generally require an abstraction licence from us. In this area we have identified the Coley brook catchment as having “restricted water available for licensing”. However there are opportunities for license trading and other options. The water feasibility assessment includes water balance calculations that are based on a review of the site water requirements (Section 4.2), potential sources of water (Section 4.3) and the onsite water storage options. We note the timeframes and recommendations for further discussion. The report concludes that the required volume of start-up water (228m³) and top-up water (10,000m³/a) could be provided by a number of potential sources without significant impacts on the water environment. Based on the above, we would not anticipate a significant cause for concern at this time. The next stage would be for the applicant to submit a pre-Permit application to us outlining the proposed way forward. This will start the process of obtaining the relevant permissions needed to proceed with the licence trade. The combined approach of using several sources seems sensible. The applicant will need to consider the existing conditions on

the abstraction licence and as part of the Permit pre-app this will highlight whether additional conditions are required etc.

- iii. **Water Quality:** The Site lies within the River Meese – Aqualate Mere tributaries catchment (GB109054050190), which is the catchment associated with Moreton Brook. Under the Water Framework Directive (WFD) this water body is classified as having an ecological status of Poor and a chemical status of Good within an overall WFD status of Poor. The Bolam's Brook is a tributary of the Moreton Brook and is the closest watercourse to the Site. The Moreton Brook flows into the Aqualate Mere Lake via the Back Brook and the Coley Brook, approximately 4.6km north of the Site. The ES states that the proposed development would implement appropriate pollution prevention (best practice) measures during the construction, operation and restoration phases of the Site to help avoid impact and mitigate and manage impact accidental pollution were to occur. Such measures are identified in Table 7.13 of the ES and include lining of settlement ponds (see further comments below), appropriate bunding/secondary containment of fuel oils (see following condition); drip trays and spill kits for vehicles and incident response.
- iv. **Lagoon / silt pond settlement system:** The development proposal states: "the plant is fed clean water from a small lined lagoon, fine silt material is washed out and discharged into a silt pond settlement system". No information is provided at this stage with regard to the proposed location of the settlement ponds. The Wardell Armstrong 'Water Supply Feasibility Study' puts forward a number of scenarios in section 4.5 Water Balance Calculations. Of these Scenario 1 states "the surface water runoff pond is assumed to be lined with clay rather than with a geosynthetic membrane due to the costs associated with installation of a low permeability geosynthetic liner". Given the environmental sensitivity of the site we would not consider that this approach would be acceptable and we will expect the ponds to be lined with low permeability geosynthetic liner.
- v. The final design of containment lagoons is a matter for the applicants design engineer. The design will vary according to the geology and hydrogeology; however, the applicant should be aware that all geomembrane liners are susceptible to leakage. A small leak allows biologically degradable material under the lagoon liner, or water to react with any organic matter in the soil. Where anaerobic conditions exist gas is evolved which inflates the liner allowing more liquid to leak and generating more gas and further inflation of the liner until failure occurs. We would recommend therefore that the design incorporates an under geomembrane drainage layer (incorporating appropriately designed cusped geosynthetic drainage) directing to a pumpable sump to allow collection of any leaked liquid; it also requires provision of mushroom gas vents to vent any small quantities of gas evolved.
- vi. An Environmental Permit (water quality) to discharge is likely to be required from us, in accordance with the Environmental Permitting Regulations (EPR). The applicant should ensure they have the relevant permit conditions in place, for the proposed works, through discussions with our Land and Water team on telephone: 02030 251674.
- vii. **Other emissions:** In terms of the minerals processing plant, we do not regulate that operation under the EPR. We would therefore make no comment on any emission issues

- (for example noise and dust assessment submitted) and advise you seek the views of your Public Protection team.
- viii. Mining Waste Directive (MWD): The MWD brought in changes to the way Mining operations are regulated. If you manage extractive waste then this activity may be a mining waste operation, which is regulated under the Environmental Permitting Regulations (EPR).
 - ix. Extractive waste is defined as waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the workings of quarries. In reality this means heaps / tips and ponds / lagoons used to contain and settle waste fines. There are exemptions to this which can be assessed on a case by case basis. In order for an assessment to be made on the above the applicant needs to include details of extractive material / waste that will be produced (e.g. soils, overburden etc). Information should include estimated quantities, treatment, storage and if it is to be used on site, what it will be used for. If the applicant proposes that extractive material should not be considered as 'waste' they will be required to submit an EMMS (Extractive Materials Management Statement). The applicant should contact our EPR Waste team.
 - x. Flood Risk: The site is located within flood zone 1 (low risk annual probability of fluvial flooding) based on our indicative Flood Map for Planning. On this basis we make no comment on the FRA (dated July 2017 – Appendix 2.4 ES). However, we offer the following strategic comments on surface water given the nature of the proposal (EIA):
 - xi. Surface Water Runoff: Table 2 of our guidance indicates the relevant increases that surface water FRA should consider for an increase in peak rainfall intensity. The following table (extract from our West Midlands area climate change guidance) is for 'peak rainfall intensity' allowance in small and urban catchments. Please note that surface water (peak rainfall intensity) climate change allowances should be discussed with the Lead Local Flood Authority (LLFA).
 - x. The FRA confirms that Surface water runoff from the processing plant and hardstanding would be discharged to settlement ponds within the quarry area for retention prior to being recirculated to the processing plant. If all surface water runoff is to be retained for use in mineral processing, approximately 1496m³ of storage would be required for the 1 in 30 year storm event and approximately 2199m³ of storage would be required for the 1 in 100 year (20% climate change) storm event. In 2005, we noted that "the ES has not assessed any differential in recharge to groundwater from the affected area pre and post mined state. It is however anticipated that this impact will be small and has been excluded from our further review of the report. However reducing the unsaturated zone thickness and vegetation cover will accelerate both through and overland flow. The consequence of this may be ponding at the lowest point during periods of high rainfall". We would recommend that you seek the views of your Land Drainage (Floods team) on the above.
 - xi. Habitats Regulations: We would advise you seek the comments of Natural England in relation to the potential impacts upon Aqualate Mere (SSSI and Ramsar site).
- 5.4i. Natural England: No objection. Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which

we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation. The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process. In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

- ii. Protected species: Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05). Natural England has produced standing advice, which is available on our website Natural England Standing Advice to help local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.
 - iii. Local wildlife sites: If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.
 - iv. Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
 - v. Landscape enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- 5.5 SC Ecology: No objection subject to the following comments. A Habitat Risk Assessment is included as Appendix 2:

- i. **Habitat Regulation Assessment:** Both application sites lie within, and on the south western side of the surface water catchment of Aqualate Mere, which is both an SSSI and part of the West Midlands Meres and Mosses Phase 2 Ramsar Site. The latter designation should be treated in the same way as a 'European Site' under national planning policy and so the Conservation of Habitats and Species Regulations 2010 apply. A Habitats Regulations Assessment (HRA) has been carried by Shropshire Council dated 13th October 2017, which should be available on the public website. The possible impacts that the combined applications might have on Aqualate Mere were identified as deterioration of water quality and quantity via changes in ground and surface waters. Following detailed investigation the conclusion of the HRA was that there would be no likely significant effect, alone or in combination with other plans or projects from the combined proposals for Woodcote Wood Quarry.
- ii. **Designated sites:** Aqualate Mere is also a Site of Special Scientific Interest. It lies c. 4.5km from the Site and the only possible impacts on its designated features from the Project are those addressed fully in the HRA. The Project is very unlikely to affect the SSSI. The Site has no statutory designated sites within 2km and no non-statutory sites within 1km.
- iii. **Habitats:** The habitats on Site consisted largely of broad-leaved plantation woodland with mixed plantation woodland, tall ruderal and amenity grassland. By 2015 the woodland blocks over the proposed quarry site had been clear-felled and some re-growth of scrub had commenced. At the time of the 2017 update surveys, the scrub over the area proposed for quarrying and the processing site had been cleared to bare ground. The most northerly block of woodland contains a number of mature oak and all woodland in blocks 1 and 4a-e should be retained and managed according to a management plan to maintain and enhance their biodiversity and provide a screen to the quarry related activities. Rhododendron has taken over the shrub layer in places and this should be carefully removed. It was not possible to determine the groundflora in some compartments (see photographs in the Phase 1 report) as this had been cleared to bare earth at the time of the survey.
- iv. **Great Crested Newts (GCN):** Ecological surveys undertaken by Simply Ecology Limited in 2015 identified seven ponds within 500m of the quarry. Two of the ponds sampled for GCN eDNA showed presence but the waterbodies are situated at 430m and 1km from the application site and so GCNs are highly unlikely to be found in terrestrial habitat on site. The closest of the remaining 5 ponds is 415m from the application site. The proposed development is unlikely to impact on GCNs. (Informative note included in Appendix 1)
- v. **Reptiles:** A reptile presence/absence survey was undertaken in 2015 by Simply Ecology Limited and no reptiles were found. Wardell Armstrong consider that based on the survey results and historical land use, reptiles are absent from the area or only present in very low densities in isolated patches such as around Keepers Cottage. (Informative note included in Appendix 1)
- vi.a **Bats:** Bat surveys of the proposed quarry area were carried out by Simply Ecology in 2015 and extended and updated by Wardell-Armstrong in 2017. In 2015 low levels of Common Pipistrelle, Soprano Pipistrelle, Noctule and an unidentified Myotis sp. were

encountered, indicating habitual, regular use by low numbers of bats. Activity was concentrated around the edges of the mature woodland. Roosting potential in the woodland was limited but the consultant recommended further surveys if more trees were to be felled. The update survey in 2017 covered both the processing site and the proposed quarry. At the time the proposed processing site (17/03661/EIA) consisted of broadleaved plantation woodland, a residential dwelling and associated gardens. The proposed quarry area (SC/MB2005/0336/BR) consisted of bare ground surrounded by conifer plantation.

- vi.b Bat activity transects were carried out in both areas of the Site. In addition, trees in the processing area were assessed for bat roosting potential and one tree with 'moderate' potential, but which would need to be felled to allow construction of the new access, was further assessed with two bat emergence surveys. Common and Soprano Pipistrelles, Myotis spp, Leisler's, Noctule and Brown Long-eared bats were recorded during the surveys of both areas, with bat activity primarily focussed along woodland edges. No bats were found to emerge from the tree with moderate bat potential. In the location of the proposed processing plant no trees with higher than low potential were recorded.
- vi.c A house (Keeper's Cottage) is located in the vicinity of the proposed processing plant. The house will be retained during operations and used as site offices, following which it will return to residential use. An inspection of its interior and exterior, coupled with a dusk emergence survey was undertaken on 26 September 2017 to gather further information of the likely impact of proposals on roosting bats, should they be present in the building.
- vi.d During the building inspection survey, no evidence of current use by bats was recorded. One old, dry bat dropping (likely Pipistrellus spp.) was discovered near the cracked window on the eastern façade of the eastern extension to the house, however, this extension was assessed as being unsuitable for current use by bats due to the large holes on the eastern façade and gaps beneath beams along the northern and southern walls which result in fluctuating temperature within. During the emergence survey, no bats were seen to emerge from the building. Following the internal and external inspections of the main building it was considered that the building has moderate potential to host roosting bats, but there was no evidence of a high-status roost (i.e. a maternity roost) or any current use by bats. In addition, should a few individual bats utilise the house for roosting, the quarrying activities will not introduce any additional disturbances over and above that which the building has already been subject to as a residential dwelling. The consultants recommend that any building works to the roof, including the soffits should not commence until dusk and dawn emergence surveys have been undertaken, between May and August. The results of the surveys would inform any required mitigation for bats, should they be recorded. (Conditions and informative note included in Appendix 1)
- vii. Badgers: Retention of the remaining mature trees around the periphery of the Site is essential as a buffer and potential commuting route for all wildlife including badgers. Use of the landscape by badgers can quickly change therefore the following condition should be applied to both applications. (Conditions included in Appendix 1)
- viii. Birds: Simply Ecology carried out a breeding bird survey of the quarry site in 2015 and state that the vast majority of nesting territories were in the surrounding mature

woodland. The clear-felled area contained only a few nests of 2 red listed birds in the developing brambles. The remainder of the bird species identified were of common and widespread species. The update breeding bird survey carried out by Wardwell-Armstrong covered both the quarry area and the processing plant and new access road area. For application 17/03661/EIA, the processing plant area, 3 notable bird species were found to be breeding but these were outside of the proposed development footprint. Only the commonest species were found to be nesting in the development footprint and the consultants conclude that there will be no deleterious effect on the conservation status of breeding birds in the local area. (Conditions included in Appendix 1)

- ix. **Restoration plan and Environmental Network:** Following the update wildlife surveys, the value of the woodland edge habitats and open habitats has become clearer. Increased areas of open habitat, low scrub and sandy slopes allowed to regenerate naturally would increase the biodiversity of the area and support notable bird species found to be nesting in the open area in 2015 as well as increasing the diversity of invertebrate species. As the site is to be extended into the processing plant area, an updated Restoration Plan should be provided combining both areas. This would make production of landscaping and habitat management plans easier at a later date. (Conditions included in Appendix 1)
- 5.6 **SC Trees:** No objections. Having read the submitted plans and tree impact assessment I have no objection in principle given the rural situation of the site and that works being internal to the site means removal of the majority of trees from compartments C1 and C2 are commercial plantation woodland (and not woodland of public amenity or with access). I agree that impact of the tree removals is moderate, but will not have a detrimental effect on local visual amenity. Removal of trees for the access road is limited to One category 'A' tree, three category 'B' trees, four category 'C' trees, two category 'U' trees and two category 'C' tree groups which would seem acceptable for a scheme of this size. I support the management proposals to improve retained woodland and the long term restoration scheme for the site and new tree and shrub planting proposed to augment screening of the site. A full application would require that, where development proposals identify a need for working within the RPA/crown spread of retained trees, the project arboriculturist is contacted to advise and prepare an Arboricultural Method Statement (AMS) and identify appropriate stages of arboricultural supervision of the works prescribed in the method statement.
- 5.7 **SC Conservation:** The application relates to the installation of a processing plant and new access to facilitate sand and gravel extraction on the adjacent site at Woodcote Wood. The application has included a Heritage Statement that has assessed the impact of the proposals on heritage assets both direct and on setting. It concludes that impacts will be neutral. These conclusions are generally concurred with from a conservation perspective. Conditions should be imposed to ensure the restoration of woodland at the end of the operational period.
- 4.8i. **SC Archaeology:** No objections subject to a condition to require the implementation of a programme of archaeological work. The proposed development site is located within the former Park at Woodcote Hall (Shropshire Historic Environment Record No. PRN 07781), an extensive 18th century and later park associated with Woodcote Hall, a Grade II Listed Building (National Ref. 1351992). A number of features lie within the site

boundary, including a boundary ditch (PRN 08634) thought to be associated with the historic Chapelry of Woodcote, a pheasantry and associated keepers cottage (PRN 31877 & PRN 08635) and a possible ironworking site indicated by the place name Bloomsbury (PRN 20688). An archaeological desk-based assessment submitted with this application (Wardell Armstrong, July 2017, report number ST16018/8.1) indicate that the proposals would cause slight adverse impacts to some of these features, as well as to a non-designated boundary wall. The assessment suggests that the effects of these impacts could be mitigated by a programme of archaeological recording. We concur with these conclusions.

- ii. In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a measured earthwork survey of the chapelry boundary bank and a Level 2 Photographic Survey (as defined in Historic England's Understanding Historic Buildings: A guide to good recording practice, 2016) of the existing structures and features on the site, both to be carried out before development starts, and a watching brief during ground works associated with the development, to include an element of recording and sampling of the chapelry boundary feature.
- 5.9 SC Public Protection: No objections. Having considered the information provided in relation to noise I have no objection to the development. It is noted that the background survey is out of date (2004) however it is not considered that the noise levels in the area will have reduced over time and therefore they are considered to be generally conservative and therefore accepted as suitable for use. I would recommend that the noise levels specified as being achievable are conditioned to ensure that nearby receptors are protected from unnecessary noise. In relation to dust I do not consider there is likelihood of any significant impact on nearby receptors given the distances involved from the site to nearest residential properties. As a result I have no conditions to recommend on this aspect of the site.
- 5.10i. SC Highways Development Control: No Objection – Subject to the development being served by a modified access junction and improvements being undertaken to the site road frontage as detailed in the recommended conditions and informative notes (see appendix 1).
- ii. Observations/Comments: It is considered that the general principle of this development proposal is acceptable from a highways and transport perspective. Insofar as, the proposed 7.3m wide site access road is sufficient to avoid the potential for site traffic blocking back onto the A41. This is also supported by the submitted Transport Assessment which is considered to be sufficiently robust and acceptable in respect to the proposed traffic generation, distribution, growth and capacity assessment undertaken to support the development proposed. In addition, with the low number of HGV movements the proposed localised widening and traffic management (signing & lining) should be sufficient to manage the passing of HGV's on the 6m wide route within the site.
 - iii. Notwithstanding the above, the 'ghost island' right turn lane junction, proposed to serve this site access, is considered contrary to the interests of local highway safety. On the face of it, a right turn lane junction would appear to be suitable facility, for such a

development. Indeed, if this were a standalone development on a principal road away from any other road junction, the highway authority may be more supportive. However, the proximity of the adjacent A41/B4379 junction creates a specific situation which could not support a right turn facility for a private access.

- iv. It should be noted that had the developer undertaken an appropriate Safety Audit of this proposed facility, the issues with this location would have been identified and an alternative junction arrangement could have been considered, before submission for planning consent. Specifically, the A41/B4379, junction has had an adverse history of injury accidents, of which a significant number appear to be linked to poor visibility (to the left), across the development site frontage, for drivers turning right from the B4379 onto the A41. Indeed, from experience, this is a difficult junction to turn right out of and has been of local concern many years. With development traffic only adding further complexity and confusion to all road users on the A41 and B4376.
 - v. There are two principle issues with this proposed right turn facility in close proximity of the B4379 junction, along with the free flow and speeds of passing traffic. Firstly, it is conceivable that the introduction for ghost island junction would create confusion to road users, as they may assume that the right turn lane (white lining) is specific to the 'higher status' B4379 junction rather than the private access to the site. Resulting, in unfamiliar drivers moving into the ghost island lane to undertake a right turn onto what they think will be the B4379, but then requiring to merge back into the southbound lane of the A41. Only to be in conflict with another vehicle travelling legitimately on the inside of the merging vehicle, potentially within the turning vehicle's blind spot. Secondly, the presence of a waiting vehicle (HGV's particularly) within the proposed right turn lane could significantly reduce/obscure the visibility, from the B4379 of approaching traffic travelling in the southbound lane of the A41 (i.e. behind the waiting vehicles). Despite the proposed visibility splay created for the new site access (boundary wall and trees removed) which is acknowledged will provide some improvement for the left visibility from B4379. In the circumstances, it is considered that the site access should be downgraded to simple T-junction, so that it is more in accordance with the local junction hierarchy. Thereby avoiding potential confusion and conflicts, particularly given the majority of the development traffic (80% HGV's) is expect to turn left in / right out and would not benefit from the ghost island junction. However, forward visibility along the A41 as well as the junction visibility splays at the site access and the B4379 will need to be significantly improved to ensure highway safety. This could be achieved by the whole A41 frontage of the site being set back 2.4m from the nearside carriageway edge, and creating a footway/hard verge, from the B4379 to the northern site boundary.
 - vi. Furthermore, consideration should be given to the developer taking the opportunity to further improve the local highway situation at this location, to increase the acceptability of the development proposed and mitigate local community concerns. These improvements could include increasing the junction visibility to the south of the B4379, and amending local highway direction signs to better inform drivers of the proximity of the quarry access in relation to the B4379 junction.
- 5.11 SC Drainage: No objection. A Flood Risk Assessment has been provided.

Public Comments

5.12 The application has been advertised by site notice and in the local press. In addition 20 residential properties in the area have been individually notified. 21 letters received objecting to the proposal and one letter has been submitted in support. These responses are included in full on the Council's online planning register. The objections and comments are summarised as follows:-

- That the proposed access to the quarry site is not safe.
- Damage to the highway caused by heavy goods vehicles
- Vehicles speeds on Highway are too high given nature of proposed use – should be reduced to 40mph
- Poor visibility from access in both directions will contribute to accidents in the vicinity of the objection.
- That 12 years ago it was deemed necessary to provide an island road junction
- Debris from lorries will make the road further unsafe
- Pollution and congestion arising from an extra 100 lorries per day
- Lorries may ignore signs and drive through Sheriffhales which is a bus route with stops for school children
- Access to the site requires land in the ownership of the Pave Lane land owner and is therefore undeliverable
- The sand and gravel contains smectite which requires an ample water supply for silt water management
- The existing resolution to permit is over a decade old
- If approved site traffic should not be allowed to use the B4379
- A roundabout junction would be acceptable, a T junction is not
- Numerous accidents and increased traffic on this road since original resolution to permit
- Quarry firm is putting profit ahead of public safety
- A41 is notoriously busy and more congested when local motorways experience holdups. This has led to fatalities as well as unreported accidents/incidents
- Proximity of proposed junction to existing junction with the B4379 which is already dangerous for residents trying to exit to the left because of the bend in the road and camber.
- Exiting quarry vehicles will be slow moving and more likely to lead to dangerous scenarios
- Conditions require site restoration when quarrying is complete but 1. Will they be held to this clause? If they have changed their minds on the road junction what will stop them changing their minds on this point? 2. What sort of extra traffic should we expect in and out of the site when the reconstruction begins? 3. How long will this take? If the new road and roundabout are not put into place how much longer will the dangerous driving conditions continue in this area?
- After hearing the original proposal in 2006 having a traffic island based on road traffic at that time, now to make a u turn and not have the island is mind boggling!!
- Large trucks will use B4379 as a short cut
- Road already treacherous
- The number of additional jobs that it is estimated will be available as result of this proposed development are few in number and are not sufficient to justify the negative impact that this development will have on the local area.
- Not all accidents are reported
- Speed and volume of traffic increasing daily
- Shropshire is a very unspoilt area of the country and this should be preserved

whenever possible, the disadvantages of allowing this proposed development far outweigh and advantages.

- Always a build-up of traffic from Newport waiting to turn right
- Speed of traffic from Bloomsbury makes it difficult to turn left
- What happened to the plan for the roundabout?
- Have lived in area all my life, a member of Bridgnorth and County Planning Committees, have first-hand knowledge of the A41, junctions, lanes and increase in traffic volume over years. A41 and B4379 junctions appear to have been ignored in these proposals
- Applicants claim of 215m sight lines is overplayed – no streetlights or consideration to poor weather conditions
- Traffic leaving the A41 and entering the B4379 from both directions often blocks the claimed 215m visibility distance with stationary or turning vehicles making it impossible for traffic exiting the proposed entrance to have uninterrupted vision (especially slow moving heavily loaded lorries from a standing start).
- New entrance will significantly add to the possibility of accidents
- Due to oblique angle of B4379 junction onto the A41 most vehicles that turn left have to cross into the southbound carriageway of the A41 which is extremely dangerous
- Although the A41 has been de-trunked traffic levels have increased to over 15,000 vehicles a day with a mix of vehicle types contributing to potential danger
- Over 3,000 new properties given planning permission within 4 miles of the proposed access
- New traffic island is an essential requirement
- Sandstone wall must be conditioned to be rebuilt in its present form
- Plans for screening the site are inadequate due to age of conifers, quick growing trees and shrubs must be planted together with high earth bunding.
- Application should be considered by committee due to very significant safety matters raised.
- Impact on view from property
- A41 already overburdened with lorries
- Request 30mph speed limit and road re-alignment
- Build roundabout with traffic lights
- Provide for cleaning road
- Limit number of lorries to 4 per hour
- Contribute to Sherrifhales Parish to receive £1 per load for a Community Trust Fund
- Adequacy and timing of consultation on the application
- Absence of satisfactory Highway details such as detailed access design, both in horizontal and vertical planes, road and lane widths, design criteria for right turn facility, proposed junction visibility based on vehicles speeds in accordance with Design manual for Roads and Bridges, TD9/93 and TD42/95
- Details should show how junction design will affect B4379 junction to South.
- No details to confirm whether an existing access to north can be closed.
- X distance should be 4.5m not 2.4m which is inadequate
- Not clear that all land required is in applicants control – should be indicated on the plans
- Plans insufficiently detailed, lack information
- Aim should be to improve safety to a standard where there are no accidents.
- Junction with B4379 should be improved having regard to existing vehicle numbers, speed and movements
- No details of proposed signage

- 10% increase in HGVs will have significant effects on traffic movement and speeds
- The AADT is 13,354 two way traffic movements and currently 7.5% are HGV
- No vertical alignment details provided
- Swept path diagrams do not indicate largest vehicles.
- Council's Highway Consultation response not published but initial consultation lacked detail.
- Advise against use of Grampian conditions, resolve issues now.
- On the basis of the above, it is considered that it has not been demonstrated that a safe and satisfactory access can be provided to serve the development and as a consequence this could lead to conditions detrimental to highway safety and free flow of existing traffic on the A41 and as submitted the Council are invited to refuse the application on a lack of detail and information.

6. THE MAIN PLANNING ISSUES

- i) Development context;
- ii) The justification for the development;
- iii) Highway safety;
- iv) Environmental effects (residential and general amenities - noise, dust, visual impact, ecology, hydrology, restoration and afteruse)

7. OFFICER APPRAISAL

Development Context

- 7.1 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF) and the accompanying Technical Guidance on mineral working. The NPPF recognises that minerals are essential for supporting sustainable economic growth and our quality of life. As a result, it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs, whilst ensuring that permitted mineral operations do not have unacceptable adverse impacts on the natural and historic environment or human health. When determining planning applications, great weight should be given to the benefits of mineral extraction and ancillary development (NPPF142, 144).
- 7.2 The development plan for Shropshire is up to date and comprises the Shropshire Core Strategy and the SAMDev plan and the associated mineral policies. Core Strategy policy CS20 confirms that the site is located within a Mineral Safeguarding Area where there is a presumption that mineral resources will be protected from sterilisation. The policy commits amongst other matters to maintaining an adequate supply of sand and gravel in line with national policy requirements. It also advises that 'priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 (Facilities, services and infrastructure provision) and CS17 (Environmental Networks)'.
- 7.3 SAMDev policy MD5 relates to the provision of sand and gravel. The policy is worded as follows:

MD5: Sites for Sand and Gravel Working

1. *The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;*
2. *Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:*
 - i. *the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;*
 - ii. *the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;*
 - iii. *whether the early release of the site would enhance sustainability through meeting an identified local need.*
3. *Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:*
 - i. *the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,*
 - ii. *the proposal would not prejudice the development of the allocated sites; and,*
 - iii. *significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.*

7.4 Policies MD5(1) & MD5(2) set out the expected situation with respect to release of the allocated sites (Wood Lane North extension (approved and operational), Gonsal extension (not yet submitted) and Morville Extension (not yet submitted)). Policy MD3 sets out the position with respect to non-allocated sites. The policy supports new mineral provision in line with NPPF paragraph 142, provided all three of the tests listed in the policy are met.

7.5 Woodcote Wood was allocated as a 'preferred area' for mineral extraction under Policy M14 of the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006 and also benefits from a July 2006 approval resolution. The plan has been superseded by the SAMDev in Shropshire though most of the policies have been 'saved' in Telford & Wrekin pending adoption of the emerging Telford & Wrekin Local Plan which is at an advanced stage. The SAMDev Plan replaced the Minerals Local Plan when it was adopted in 2015. However, the plan continues to recognise the application site as an 'unworked site commitment' given the resolution to grant planning permission. The site no longer has the status of an allocation in Shropshire and so must be considered under Policy MD5(iii). However, its recognition in the SAMDev as an unworked commitment where the principle of the development of has been accepted is a material consideration for the current application. The current proposals for ancillary quarry development are intended to facilitate that development. The three tests set out in Policy MD5(iii) are considered below:

- The first test: MD5.(3.i) - The proposal would meet an unmet need or would prevent the sterilisation of the resource.
- 7.6 Preventing sterilisation: The proposal would not directly prevent the sterilisation of the sand and gravel resource at Woodcote Wood. If the mineral was not worked it would remain in the ground and potentially available for future working. However, as a plantation woodland it is likely that the area would be re-planted if mineral extraction did not proceed and the mineral would not be accessible again for over 30 years whilst any softwood crop matured.
- 7.7 Meeting an unmet need: The NPPF advises that Mineral Planning Authorities such as Shropshire should produce Local Aggregate Assessments (LAA's) on an annual basis in order to identify levels of production. This information should then be used for predicting future demand on the basis of a 10 year rolling average. The latest available data indicates that, at 0.74mt, sand and gravel production in Shropshire and Telford & Wrekin in 2016 is continuing to recover from lower levels of production in recent years and is now above both the 10 year rolling average for sand gravel sales (0.69mt) and the 3 year average (0.70mt). The reserves in the landbank (11.69 million tonnes in 2016) equate to 16.94 years which is significantly above the minimum 7 year requirement set out by the NPPF.
- 7.8 On the face of it there is a healthy reserve of sand and gravel in Shropshire. However, the NPPG advises that an adequate or excess landbank is not a reason for withholding planning permission and the latest LAA that market demand for sand and gravel in the sub region is increasing. The 2016 LAA advises that 'despite having a large landbank, there are potential issues regarding productive capacity due to about 70% of reserves being contained within three sites which have been unworked for over 5 years'. The SAMDev Plan (2015) allocates additional resources at three sites, 2 of which have not yet come forward. The 2016 LAA advises that 'The release of further resources is expected through windfall applications or the current Local Plan Review'. The reference to 'windfall applications' takes account of the current application which was submitted prior to the publication of this document.
- 7.9 Telford is a significant market for sand and gravel due to the level of development within the borough. This is set to continue as the emerging Telford & Wrekin Local Plan has identified a growth agenda including a requirement for over 800 new homes per year. The British Geological Survey estimates that every home requires 60 tonnes of aggregate to construct and over 400 tonnes when other infrastructure such as roads and drainage is taken into account. At present about 2/3 of the mineral used in the Telford area is imported from Staffordshire. Woodcote Wood and Pave Lane are the nearest of any existing or proposed quarry sites to Telford and therefore would be capable of supplying local demand in a sustainable way. However, Woodcote Wood scored more highly than Pave Lane in the assessment of sites undertaken in support of the former Shropshire Telford & Wrekin Minerals Local Plan and was accordingly allocated as a 'preferred area' in preference to Pave Lane and the other sites put forward at that time.
- 7.10 Currently, the applicant NRS supplies 3 companies in the Telford area on a regular basis from their quarry at Saredon, as well as providing one-off deliveries to other customers in the Telford area. In 2016 NRS supplied approximately 84,000 tonnes of sand from Saredon to customers in the Telford. One of the reasons that NRS were interested in

Woodcote Wood is that the Saredon site is close to its annual output limit. Supplying the current Telford contracts from Woodcote Wood instead would allow Saredon to concentrate on meeting existing local demand in the WM Conurbation whilst at the same time allowing NRS to sustain and increase their supplies in the Telford area. Having a quarry close to Telford would allow NRS to be more competitive and responsive to market requirements. At the same time, the additional capacity released from Saredon could supply business in the WM area which is currently being turned away. In terms of sustainability it would mean that Telford could be supplied with sand and gravel from a supply which is much closer than at present. The same would apply for the West Mids market which is supplied by Saredon. This would offer significant carbon reductions due to reduced requirements for transport of mineral. In addition to output restrictions, some sites in Staffordshire are approaching the end of their productive life (e.g. Siezdon). Increasing demand for sand and gravel in the West Midlands (e.g. from housebuilding and major projects such as HS2) means that available supplies may also be used preferentially within the West Midlands area, potentially limiting the ability for supply to Telford.

- 7.11 In conclusion, whilst the needs of Telford for sand and gravel are currently being met, they are not being met in a sustainable way as 2/3 of the supply to the Borough is being provided from quarries 20-30 miles away in Staffordshire and there are some questions about the ability of Staffordshire to sustain this supply. Other Shropshire quarries contributing to the supply to Telford are also more than 15 miles away. By contrast, Woodcote Wood is less than 7 miles from the centre of Telford so would be capable of meeting the need for supply to Telford in a more sustainable way. Moreover, Telford continues to be a growth area within the region and has set out a growth agenda in its emerging local plan, for which the continuing supply of sand and gravel will be critical. It is considered likely that the trends of increased demand seen in the 2 most recent Local Aggregate Assessments will continue and there will also be additional demands on existing supplies in the West Midlands as evidenced by the company having to turn away customers at its Saredon site. In this context it is considered that Woodcote Wood would not only have the ability to supply existing market demand more sustainably but would also have the potential to meet a future unmet need for mineral in the Telford area as demand increases. The test set by Policy MD5(i) is met, having regard also to the status of the site in the SAMDev plan as an unworked commitment and its allocation in the former Minerals Local Plan.

The second test - MD5(3.ii) - The proposal would not prejudice the development of the allocated sites:

- 7.12 The allocated sites in the SAMDev plan are Wood Lane, Gonsal and Morville extension. The Wood Lane allocation was permitted in 2016 and is in production so cannot be affected by the current proposals. The Gonsal north extension at Conover near Shrewsbury has not yet come forward and the operator is intending to pursue a different application for a southerly extension due to the difficulty in constructing an access onto the A49. Gonsal serves a different market centred around Shrewsbury and Mid-Wales, so geographically it is not in direct competition with Woodcote Wood. Hence, Woodcote Wood would not be expected to prejudice this allocation when it comes forward. The Morville extension west of Bridgnorth would be expected to serve a market divided between the West Midlands and Telford, as is the case with the existing nearby quarry at Bridgwalton. It is considered that the Telford market is sufficiently large (@350,000tpa) to accept supplies from Woodcote Wood and the allocated site at

Morville. It should be noted that the current applicant NRS already supplies over 80,000tpa into Telford under established supply contracts and the company's market knowledge has demonstrated the potential for a significant increase in supply. The Morville allocation would also obtain access via roads leading initially to south Telford whereas Woodcote Wood would supply the market from the east. It is not considered that there would be any obvious conflict between the proposed site and the existing SAMDev allocations. The requirement of policy MD5(ii) is therefore met.

The third test – MD5(3.iii) - significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

7.13 MD5(iii) – Exchange or surrender: The proposals do not involve any exchange or surrender of existing mineral sites or permissions. This aspect of the policy does not therefore apply.

7.14 Significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits: As noted above, the allocation at Wood Lane is already approved and operational. The Gonsal and Morville applications would not be able to supply the Telford market or other local markets from such close proximity as Woodcote Wood. Hence, the carbon footprint associated with these allocations would be higher than Woodcote Wood which could be said to be significantly more acceptable in this respect. There are some doubts as to the intention of the operator to pursue the Gonsal north extension given that they have indicated an intention to pursue a southerly extension to Gonsal instead.

7.15 Both Gonsal and Morville (and the proposed site at Pave Lane) include significant amounts of agricultural land which is of best and most versatile quality and is therefore protected under paragraph 112 of the NPPF. This is not the case with Woodcote Wood which is on poorer quality land. National guidance does not preclude the working of best and most versatile land for mineral extraction. It does however advise that a sequential test should be employed to determine whether other lower quality land could be used instead, as in the case of Woodcote Wood.

7.16 The current site is also further from residential property than the allocated sites, has a high degree of natural screening due to topography and the retained woodland edge surrounding the site and is not affected by any statutory environmental designations or hydrological issues. In addition, significant environmental benefits would be offered as the former plantation woodland use would be replaced with a broad-leaved deciduous woodland. The other allocated sites also offer environmental benefits but the policy does not require the benefits offered by Woodcote Wood to exceed those of the allocations. It is concluded that the criteria of policy MD5(iii) are also met, and hence the proposals are compliant overall with this policy.

Justification for the development

7.17 As noted above, the principle of quarrying at Woodcote Wood has been supported by the previous allocation and the 2006 committee approval resolution. At the time the original application was being considered it was accepted that there was a justification to release the mineral in the site. Since that time other resources within the sub-region

have been released and some of these resources are now themselves depleted. However, the original area at Woodcote Wood has the status of a committed site and must be taken account of as such in assessing the demand for new sites.

- 7.18 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 Shropshire Telford & Wrekin sub-region 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. Whilst no formal planning permission has yet been issued Woodcote Wood forms one of the sites where future mineral is expected to be recovered by virtue of its allocation in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006 and its status as an 'unworked site commitment' in the SAMDev plan.
- 7.19 The current proposals are for an easterly extension to the existing Woodcote Wood site in order to construct a new access and to re-locate the quarry plant site. Access issues are discussed in a succeeding section. It is accepted however that the original access cannot be achieved as the land required is not available. Therefore, it has been necessary for the applicant to identify alternative access arrangements. It is also accepted that re-location of the quarry plant site to a position which is also closer to the highway and easier to access will yield operational benefits. It is considered that the current proposals are capable of being justified as sustainable given the above considerations and the status of the site as a previous allocation and an unworked site commitment in the SAMDev plan. This is provided there would not be any unacceptably adverse environmental or amenity impacts after mitigation has been applied.

HIGHWAY SAFETY

- 7.20 A Transport Assessment considers existing and potential traffic generation via the proposed access onto the A41. The assessment notes that the site is accessible with good transport links. A review of Personal Injury Accident data for the highway network surrounding the site has concluded that there are no highway safety issues specific to the proposed junction that will need to be addressed. A travel demand analysis has been undertaken and indicates that the site is forecast to generate a total of 114 two-way vehicle movements over an 11.5-hour period (07:00-18:30), of which 70 are forecast to HGV movements. This equates to approximately 6 two-way movements per hour. This level of generated traffic is not considered to be significant and the existing local highway network is not anticipated to be adversely affected. The transport Assessment concludes that the proposed development can be accommodated within the local area without adverse highway impacts. The Highway Authority has not objected.
- 7.21 Sheriffhales Parish Council and 20 local residents have objected to the proposals. The main concern is one of highway safety. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a roundabout on the B4379/A41 junction which was proposed in the original application is needed now more than ever. This concern is acknowledged. However, the proposed roundabout is not achievable as

the third party land required to construct it is unavailable and the cost would render the development unviable. In view of this the applicant has pursued the alternative option of a new access onto the A41 at a location where good visibility can be achieved. The applicant's highway consultant entered into detailed discussions with Shropshire Council as Highway Authority before the current application was submitted and the latter has not objected to these proposals.

7.22 The application as submitted involved access to the site via a ghost island priority junction formed within the A41 and visibility splays of 2.4m x 215m, to the left and right. Highway officers have however advised that the ghost island is not needed and could potentially confuse southbound drivers on the A41 approaching the B4379 junction. Instead they consider that a 2.4m stand-off should be provided along the site's frontage with the A41 with a footway / hard verge within it. The applicant has agreed to this and amended plans have been submitted. Highway officers note that there is an accident record associated with the A41/B3479 junction, with a significant number of the recorded incidents being linked to restricted northbound visibility for vehicles turning south from the junction. They advise that the proposed 2.4m stand-off would result in a significant safety improvement for users. This would not be achievable without the current proposals.

7.23 The applicant has also agreed to make a £50k financial contribution to deliver off-site highway improvement works with the following elements identified in order to deliver improved signage and line markings on the A41 approaches to the B3479 junction to better inform drivers of the proximity of the quarry access in relation to the B4379 junction. Some of this money could also in principle be used as match funding to facilitate improvements to the B4379/A41 junction. In addition to the above payment the applicant has agreed to provide a hard verge on available highway land extending to the immediate south of the A41/B3479 junction to improve southbound visibility exiting from the B4379 (under the terms of the proposed legal agreement). Furthermore, the applicant has agreed to accept planning conditions securing the following matters:

- Minor realignment of the estate boundary wall to the north of the B4379 near its junction with the A41 in order to facilitate future creation by the Highway Authority of an improved perpendicular junction in place of the current narrow and acute angled one;
- A condition prohibiting mineral extraction until a Traffic Regulation Order preventing quarry HGVs from turning right into the access has been secured. This would be backed up by a requirement for the company to install a CCTV camera at the quarry access to monitor turning movements and appropriate recording of these movements. Removing right turning manoeuvres on the A41 would preserve the free flow of traffic in a southbound direction. The applicant is able to agree this as alternative routes are available to local markets without the need to approach from the north.

These additional commitments would assist in integrating the proposed new access into the local road network. As such, they would meet relevant tests for legal agreements and planning conditions.

7.24 Whilst the Highway Authority has not objected to the proposals it has requested that a formerly proposed ghost island junction is removed and that a further 2.4m stand-off

from the highway boundary is provided. The applicant has accepted this and amended plans have been received. Highway officers have indicated that the additional stand-off they are requesting would provide a visibility improvement for road users in the vicinity of the Sheriffhales junction.

- 7.25 A consultant acting for the promoters of the Pave Lane site has questioned the conclusions of the Highway Authority, citing accident records and other data in support of the claim that the access proposals are inadequate. The consultant has claimed that application of Highway Agency standards would necessitate the construction of a ghost island. The Highway Authority has reviewed these comments and has maintained its position. They advise that the adoption of Highway Agency standards for non-trunk roads is not mandatory and there are local considerations which justify a departure from these standards in the case of the current application. This includes the ability to deliver a significant improvement to northbound visibility on the B4379/A41 junction by realigning the estate boundary wall. The applicant's highway consultant has also provided further clarification in support of the design of the proposed access.
- 7.26 The NPPF advises that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (NPPF Para 32). Given the advice of the Highway Authority it is considered that any residual cumulative impacts would not be sufficiently severe to justify refusal. The additional benefits in terms of improved visibility at the B4379/A41 junction are significant material considerations which weigh in favour of the proposals. The applicant has also agreed to enter into a legal agreement providing amongst other matters funding for off-site highway improvement works and to accept planning conditions providing additional highway safeguards (included in Appendix 1). Subject to this it is considered that the proposals can be accepted in relation to highway matters (MD17.i)

Residential amenity

- 7.27 Residential amenity, noise: The site is relatively remote from residential property. The nearest privately owned properties are located 200m to the west but are set down behind a wooded ridge. A noise and vibration assessment has been undertaken, which assess both the likely noise and vibration impacts that the Proposed Development (including the quarry site) will have on the Site and the surrounding area. The assessment of noise considered both the quarry operations and noise associated with road traffic generated by the Proposed Development.
- 7.28 The noise assessment has considered the short term and long term activities at both the quarry site and the Site, in combination. These effects have been assessed at five environmentally sensitive receptors locations (ESR1 to 5). With the implementation of mitigation measures, such as the construction of earth bunds during site preparation, the short term and long term noise effects at all five ESRs will be nil and therefore will not be significant. In terms of noise generated by road traffic, the assessment considered only four ESRs. The highest increase in noise at all four ESRs will be 1 decibel. As a consequence, the effect of road generated noise will be nil and therefore, will not be significant.
- 7.29 The operations at the quarry also have the potential to increase vibration levels at residential properties in the area surrounding the Site. The nearest residential property

from the Site and the quarry site is 150m to the south west. At this distance it is unlikely that vibrations due to the quarry operations will be perceptible, and it is very unlikely that these will cause structural damage. As a consequence, the effects of vibrations will not be significant. Public protection have not objected subject to an appropriate noise condition.

- 7.30 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. Public protection have not objected.

Other amenity impacts

- 7.31 Visual Impacts: A landscape and visual impact assessment has been undertaken, which assesses both the likely visual and landscape impacts that the Proposed Development (including the quarry site) will have on the Site and the surrounding area. The effect of the Proposed Development on the landscape will be limited to the Site and the surrounding area and will be predicted to be slight-moderate adverse.
- 7.32 The visual effects experienced during construction of the site access, by people travelling past the Site on the A41, will not exceed moderate adverse. During operation the Site access will become part of the road network and these visual effects will decrease. Other visual effects will not exceed the level of slight adverse. Therefore the landscape and visual effects as a result of the proposed development during both construction and operation will not be significant.

Assessment of other potential environmental effects:

- 7.33 Ecology - general An Extended Phase 1 Survey was undertaken for both the Site and the quarry site (also known as the 'survey area'), which identified the following habitats and species:
- Broad-leaved Plantation Woodland, Badgers
 - Recently Disturbed Ground, Bats
 - Mixed Plantation Woodland, Breeding Birds:
- 7.34 In addition, the effects of the Proposed Development on designated sites has been considered, which include the Midlands Meres and Mosses Phase 2 Ramsar (includes Aqualate Mere) (of international value); and Greens Wood and Lynn Wood Ancient Woodlands (of national value). The Proposed Development has been designed to preserve higher value habitats within the survey area and best practice measures will be used during construction, and operation. Also, where appropriate mitigation measures are recommended.
- 7.35 The survey concludes that the proposed development will result in the loss of habitats of low importance only. With best practice measures in place, the effects of the proposed

development on designated sites will not be significant. Furthermore with best practice measures and mitigation measures in place, the effects on the species within the survey area (as shown above) will not be significant. SC Ecology have not objected subject to recommended conditions. A Habitats Regulations Assessment is included (Appendix 2).

- 7.36 Water Environment An assessment of the Proposed Development on the water environment at the Site and the surrounding area has been undertaken. There are no surface water features within the Site but there are six within 1km of the Site boundary. The Site is located within the Meese - Aqualate Mere tributaries catchment, which is the catchment associated with Moreton Brook. This water body has an overall Water Framework Directive status of Poor. The Bolam's Brook is a tributary of the Moreton Brook and is the closest watercourse to the Site. The Moreton Brook flows into the Aqualate Mere Lake via the Back Brook and the Coley Brook. There are seven licensed surface water abstractions within 2km of the Site.
- 7.37 A Conceptual Site Hydrogeological Model (CSHM) has been produced and identifies the potential sources of groundwater recharge, groundwater pathways and potential sensitive receptors. This has been used to undertake the assessment of effects. With the implementation of mitigation measures, the effects of the Proposed Development on water environment of the Site and the surrounding area will not exceed minor and therefore will not be significant. Furthermore a Water Framework assessment has been undertaken. With the implementation of mitigation measures (such as pollution prevention measures), the Proposed Development would not cause further degradation to the surrounding water environment.
- 7.38 Archaeology and Cultural Heritage: An assessment of the Proposed Development on the archaeological and cultural heritage assets at the Site and in the surrounding area. Desk based assessments have concluded that there no designated heritage assets within the Site boundary. However, there are four undesignated heritage assets (including the boundary wall, located adjacent to the A41) recorded within the Site boundary. The assessment also identified that there are four Grade II Listed buildings (Woodcote Hall, includes Keepers Cottage which is located within the site. This building will be retained and used as staff facilities) and one Grade II* Listed building within the vicinity of the Site.
- 7.39 In terms of archaeological remains, it is highly likely that any previously unknown archaeological remains have been heavily damaged/removed by the extensive woodland and modern plantation in the Site. It is considered that the effect of the Proposed Development on archaeological remains and heritage assets (including Listed buildings), during both construction and operation, will not exceed slight adverse, and therefore will not be significant. Furthermore, these impacts are considered to be temporary and would reduce to nil after the restoration of the Site. It has been agreed with the Senior Archaeological Advisor at SC, that a programme of archaeological fieldwork will be undertaken which will mitigate the loss of any unknown archaeological remains.
- 7.40 Mineral Processing The proposed developer of the Pave Lane site has objected on the basis that, like Pave Lane, the sand and gravel at Woodcote Wood contains the clay mineral smectite which can affect the quality of the end product. Prior to entering into a working agreement with landowner (Apley Estate), the applicant NRS took samples of

the material for assessment to see if it would meet the BS EN 12620 and BS12620 requirements for sand and concreting sand. The samples were provided to Duo Equipment Ltd, who provided the processing plant for the company's site at Saredon in Staffordshire. Duo confirmed that they were able to process the material to the required standard for use in the production of concrete sand. Whilst the removal of the smectite will involve some additional processing the applicant states that it is well within the bounds of normal mineral processing. The processing does not require any more water than would be expected and, and the systems NRS propose to use will recover water for re-use at a water recovery rate of approximately 90%. Consequently, the presence of smectite in the reserve will not prove a barrier to the quarrying proposals.

- 7.41 Cumulative Impact / Pave Lane The Environmental Statement 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. These would be further strengthened through the use of a S106 Legal Agreement. The officer has reviewed relevant documents and inspected the site and supports this conclusion. Apart from the Pave Lane proposals referred to above there are no new development proposals which would lead to the potential for cumulative impact with the proposed development. The Pave Lane proposals must have regard to the pre-existing status of Woodcote Wood as a former allocation (still extant in T&W) and an unworked site commitment in the SAMDev plan. Officers have been supporting Telford & Wrekin Council in its objection to the Pave Lane site and this officer has given evidence at the Pave Lane Inquiry which ended on 24/11/17.
- 7.42 The Inspector for the Inquiry into the former Shropshire Telford & Wrekin Minerals Local Plan (policies saved in T&W) considered and discounted the allocation of Pave Lane and other proposed sites in favour of Woodcote Wood. With reference the Pave Lane the Inspector advised as follows: 'In my opinion its only redeeming feature is its proximity to the A41(T) in a location where possibly a rudimentary existing access could be improved, or a new access provided to meet modern standards of visibility''Turning to the character of the area I have viewed this site from many places in the surrounding countryside and it is prominently located. I find the principle of development here would have dreadful consequences for the natural topography and landscape character of this pleasant countryside of which the site forms part. The proximity of the site to Woodcote Hall, a listed building, is a further impediment to its inclusion as a preferred area'.
- 7.43 The Inspector at the recent Inquiry into the Telford & Wrekin Local Plan at which this officer also gave evidence chose not to allocate Pave Lane. The Pave Lane applicant has argued at the Inquiry that both sites could potentially work concurrently without adverse cumulative impact. The officer gave evidence at the Pave Lane Inquiry that all minerals sites have some degree of impact, for instance, from heavy vehicle movements. At the Inquiry the officer questioned the justification for releasing the @2.7mt of mineral at Pave Lane (and the 1.5million cubic metres of fill material required to fill the quarry void) when there is a better nearby site at Woodcote Wood which has previously been allocated, has the status of an 'unworked site commitment' in the SAMDev plan and is considered capable of supplying the demand for minerals to Telford in a more sustainable way. Contrary to the appellant's case the officer considered that if there was concurrent working of Pave Lane and Woodcote Wood the potential for adverse cumulative impacts on the local environment would increase.

- 7.44 The Inspector into the Pave Lane Inquiry has indicated an intention to issue a decision on or before 18/01/18. Any decision made by Members on the current Woodcote Wood applications would be a material consideration with respect to the Inspector's decision.
- 7.45 Assessment of the whole quarrying scheme: A legal advisor acting for the Pave Lane landowner has argued that the current application and the original quarrying application (SC/MB2005/0336/BR) should be re-submitted as a single application. This is not accepted. The interrelationships between the 2 applications are clear and the environmental impacts of both schemes have been satisfactorily evaluated in the submitted information. The applicant has chosen to submit the current application separately and to retain the original quarrying application which was the subject of a former approval resolution. Both applications are valid and there is nothing in the Planning Act or EIA Regulations which would require the applicant to submit a single application for both proposals. If the current application is not approved then this would have implications for the original application. The officer recommendation for application SC/MB2005/0336/BR takes appropriate account of this.
- 7.46 The application documents supporting the current application, including the Environmental Statement reports have specifically considered the effect of both Woodcote Wood applications. The reports recognise that the quarry would work as a single unit, including the development for which permission is sought under the original quarrying scheme and the current proposals. As evidence of this it should be recognised that the visual appraisal accompanying the current application relates to the overall quarry development and not just to the development proposed under current application.
- 7.47 With respect to highway considerations it should be recognised that these matters are now considered under the current application rather than the original scheme as this seeks approval for the amended access. Regarding ecology, the phase 1 survey accompanying the current application also encompasses the area of the original application, hence, allowing an assessment of both application areas which is backed up by individual species surveys for bats. In terms of arboriculture, there are no significant implications for trees with respect to the original site so the survey appropriately concentrates on the current application area. Regarding water supply the report accompanying the environmental statement for the current application considers the situation for the entire quarry site, although demand for water for processing is primarily an issue for the current application, given that the quarry plant site which would use water for mineral processing is proposed to be located in this area.
- 7.48 In summary therefore, the officer is satisfied that the environmental implications of the whole development including the current application site and the original quarry site have been adequately assessed in the information accompanying the respective applications and Environmental Statements.
8. CONCLUSION
- 8.1 In conclusion, Woodcote Wood is a former allocation with an historical approval resolution and is named as an unworked commitment in the SAMDev plan. The current proposals would facilitate development of the site by delivering an amended access. They would also facilitate a more comprehensive restoration scheme.

- 8.2 Objectors have expressed concerns particularly in relation to highway safety. They maintain that the roundabout on the A41 proposed in the original scheme should be reinstated. However, the roundabout is not deliverable as the third party land required is not available and there is insufficient land within the applicant's landholding to deliver a realigned roundabout. The Highway Authority has not objected. The requirement to provide an additional 2.4m stand-off to the highway verge is acceptable to the applicant and would result in improved visibility for all users of the Sheriffhales junction. In addition the applicant is willing to agree to a legal agreement delivering an off-site highway contribution to assist further in addressing the concerns of local residents. This could involve realignment of the B4379/A41 junction and improved visibility both to the north and the south. The applicant has stated that only 20% of the site traffic would exit to the north and is prepared to accept a legal clause monitoring and supporting this.
- 8.3 The individual effects of the proposals have been assessed in detail and the potential for cumulative effects has been assessed. 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 proposed new access and plant re-location scheme can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

9. 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.

10. 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

11. PLANNING POLICY

11.1 Central Government Guidance: National Planning Policy Framework

142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

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

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- 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 take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ 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 and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at,

or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and

- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
- ensuring that large landbanks bound up in very few sites do not stifle competition; and
- calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

Shropshire Core Strategy

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 which are identified in Figure 10. 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. Encourage 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 Policy 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 in Figure 11. 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.

SAMDev Plan

Policy MD5: Sites for Sand and Gravel Working

1. The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;
2. Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:
 - i. the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;
 - ii. the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;
 - iii. whether the early release of the site would enhance sustainability through meeting an identified local need.
3. Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:
 - i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,

- ii. the proposal would not prejudice the development of the allocated sites; and,
- iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

Schedule MD5a: Phase 1 Site Allocations:

Development of the allocated mineral sites identified on the Proposals Map should be in accordance with relevant Local Plan policies and the development guidelines set out in this schedule.

MD16 - Mineral Safeguarding

Transport and processing facilities will not be granted unless the applicant can demonstrate that:

1. The development proposed would not prevent or unduly restrict the continued operation of the protected infrastructure; or,
2. That the identified facilities are no longer required or that viable alternative facilities are available. MSA boundaries and protected mineral transport and processing facilities are identified on the Policies map and insets. The buffer zones which will apply to protected resources and facilities are identified in the explanatory text below.
3. Applications for permission for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development or the protected mineral handling facility (termed a Mineral Assessment). This assessment will provide information to accompany the planning application to demonstrate to the satisfaction of the MPA that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource;
4. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission.

MD17: Managing the Development and Operation of Mineral Sites

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
 - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
 - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
 - iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
 - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
 - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);

- vi. Effects on ecology and the potential to enhance biodiversity;
- vii. The method, phasing and management of the working proposals;
- viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
- ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

Where necessary, output restrictions may be agreed with the operator to make a development proposal environmentally acceptable.

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity 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. Proposals which take account of the site, its surroundings, and any development plan policies relevant to the area;
 - ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
 - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
 - iv. A Reclamation Plan;
 - v. Provision for a 5 year period of aftercare;Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.
3. Proposals for the working of unconventional hydrocarbons should clearly distinguish between exploration, appraisal and production phases and must demonstrate that they can satisfactorily address constraints on production and processing within areas that are licensed for oil and gas exploration or production. Particular consideration will be given to the need for comprehensive information and controls relevant to the protection of water resources;
4. Where relevant, applications for the winning and working of coal should include proposals for the separation and stockpiling of fireclay so that its value as a mineral resource can be captured;
5. A flexible approach will be adopted to the duration of planning consents for very small scale, intermittent but long term or temporary working to work locally distinctive building and roofing stone consistent with the objectives of Policy MD2;
6. Where ancillary development is proposed, proposals should include satisfactory measures to minimise adverse effects, including:
 - i. Locating the ancillary development within or immediately adjacent to the area proposed for mineral working or on an established plant site;
 - ii. Restricting the principal purpose to a purpose in connection with the winning and working of minerals at the site or the treatment, storage or removal of minerals

- excavated or brought to the surface at that site;
- iii. For imported minerals, where necessary, to limit the quantities involved to control the volume and type of traffic, and the establishment of an acceptable route for the traffic to and from the site;
- iv. The cessation of the ancillary development when working of the mineral for which the site was primarily permitted has ceased and removal of plant and machinery to allow full restoration of the site.

Where ancillary development could have an adverse effect on the local environment which cannot be mitigated to acceptable levels, a condition may be attached to the planning permission to control the adverse effects by limiting development to an established plant site, or introducing a stand off from sensitive land uses, or mitigating effects in other ways, or as a last resort, withdrawing permitted development rights so that the ancillary development can be properly controlled by the terms of the planning permission

12. HUMAN RIGHTS

12.1 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

13 RELEVANT PLANNING HISTORY:

- BR/02/0011/HRM Remove 3 no. hedgerows whose total lengths are approximately 240 metres. NOOBJC 13th January 2003
- 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site PCO

List of Background Papers:

- 1) Planning Application reference 17/03661/EIA and the accompanying Environmental Statement.
- 2) Planning Application reference SC/MB2005/0336/BR and the accompanying Environmental Statement and EIA Regulation 19 submission of further information

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 – Conditions; Appendix 2 – Habit Assessment Regulations

APPENDIX 1

Legal Agreement Clauses:

(to be carried forward / AMENDED from application SC/MB2005/0336/BR)

- i. Traffic routing and management agreements including preventing mineral lorries from using the B4379 and approaching from the north on the A41;
- ii. Funding by the developer (£50k) for highway improvement works on the A41 and at the Sheriffhales Junction linked to a Section 278 Highway Agreement with implementation within an agreed timescale, to also include:
 - Provision of a hard verge on available highway land extending to the immediate south of the A41/B3479 junction to improve southbound visibility exiting from the B4379;
 - Improved signage and line markings on the A41 approaches to the B3479 junction to better inform drivers of the proximity of the quarry access in relation to the B4379 junction;
- iii. Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme, including replacement of any planting failures and management of proposed woodland glades to prevent weed / shrub encroachment.

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. The date at which development commences shall be referred to hereinafter as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990.

DEFINITION OF THE PERMISSION

- 2a. This permission shall relate to the areas edged red (and blue on the approved location plan accompanying the application (Drawing no. ST16018-102) 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 dated 25th July 2017
 - ii. The Non-Technical Summary dated July 2017;
 - iii. The planning supporting statement dated July 2017;
 - iv. The Environmental Statement dated July 2017 and the accompanying appendices.

iv. The submitted drawings accompanying the Environmental Statement, namely:

- ST16018-101 – Site Context Plan
- ST16018-111 - Restoration Plan
- ST16018-103 – Site Layout Plan
- SA17 - 013 – Proposed Plant Layout
- ST16018-110 – Topographical Survey

c. The Further information comprising:

- The building inspection and bat emergence survey report from Wardell Armstrong dated October 2017;
- The email from Wardell Armstrong to Shropshire Council dated 20/10/17 and the accompanying plans, namely J32-3161-PS-011e and J32-3161-PS-019; J32-3161-PS-016c section[2].

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. extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

LIMITS OF MINERAL EXTRACTION

5. There shall be no entry into each new mineral working phase until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be 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 250,000 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 and to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area.

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)
Woodcote Hall	47
Brandon House	49
1 Chadwell Lane	50
88 Bloomsbury	46
Pine Ridge	49

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties 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 and maintained 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 mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.30 on Mondays to Fridays and 7.30 - 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.

Reason: To safeguard the amenities of the area.

HIGHWAY MATTERS

- 13a. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied / brought into use.

Reason: To ensure a satisfactory means of access to the highway

14. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to the approved standard as shown on the application drawings and shall thereafter be maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

- 15a. Prior to the Commencement Date a visibility splay measuring 2.4 metres to the nearside carriageway edge across the whole site frontage of the A41, shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- a. A scheme providing for the realignment of the boundary wall on the B4379 for a minimum distance of 15m from its junction with the A41 shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

16. Prior to the first export of mineral from the site the applicant shall secure a Traffic Regulation Order preventing quarry HGVs from making right turns into quarry access. A CCTV system shall be provided at the site access to monitor vehicle turning movements continuously for the lifetime of the development. Details of vehicle turning movements shall be recorded statistically and this information shall be provided in writing to the Mineral Planning Authority upon prior written request.

Reason: In the interests of highway safety.

17. Prior to the Commencement Date a Construction Traffic Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. Construction traffic shall be managed in full accordance with the approved plan.

Reason: In the interests of highway safety.

- 18a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.
- b. Details of construction and surface treatment for the internal access road leading to plant site shall be submitted for approval prior to the Commencement Date. The internal access road shall be constructed and maintained in accordance with the approved details

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

19. A wheel wash 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.

Informative Notes:

- i. Mud on highway: The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- ii. Protection of visibility splays on private land: The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- iii. No drainage to discharge to highway: Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- iv. Works on, within or abutting the public highway: This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (footway/verge) or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
 - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- v. Section 278 Agreement: No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into.
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

PLANT AND STOCKPILING

20. Prior to the Commencement Date a detailed scheme confirming the specifications of the proposed quarry plant and the location of stockpiling areas within the site shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details

Reason: In the interests of visual and general amenities.

REMOVAL OF G.P.D.O. RIGHTS

21. Notwithstanding the provisions of Part 17 A and Ba of the Town and Country Planning General Permitted Development Order 2015 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 written 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

22. The Site including the area edged blue on the approved location plan shall be worked in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application and application reference SC/MB2005/0336/BR.

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

DRAINAGE / POLLUTION

- 23a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume 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, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

24. Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the

Mineral Planning Authority prior to commencement of the development. The drainage features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

Note: The Environment Agency has indicated that it is expected that the settlement ponds will be lined with a low permeability geosynthetic liner.

- 25a. No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.
- b. No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

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

Archaeology

26. No development approved by this permission shall commence until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been secured. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest

SOIL / MATERIAL MOVEMENT AND STORAGE

27. 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.

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

28. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, 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.

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

29. 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.

- b. 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 the developer shall take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

30. All topsoil, subsoil and soil making materials shall be stored 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

31. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof 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

32. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

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

33. 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 stability problems with the potential to adversely affect adjacent land or the use of the site 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 in accordance with an agreed timescale, 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.

ECOLOGY

34. No building works to the roof of Keeper's Cottage, including the soffits should commence until updated dusk and dawn bat emergence surveys have been undertaken, between May and August. The results of the surveys and any appropriate mitigation measures required should be submitted to the local planning authority for prior approval and will be implemented as approved.

Reason: to protect bats, European Protected Species, and their roosting sites.

35. A minimum of 3 external woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Within 3 months of the commencement of development, the makes, models and locations of the bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure enhanced provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

36. Prior to construction of the processing plant, the makes, models and locations of bird boxes to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. These shall include, but not be restricted to:
- i. 3x small open-fronted nest boxes suitable for Spotted Flycatcher (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 2 to 4m above ground with a clear outlook into open woodland;
 - ii. 3x medium open-fronted nest boxes suitable for Song Thrush (with a 75 – 100mm width open slot at the front), positioned 30-50m apart, at a height of 2-4m above ground with a clear outlook into open woodland;
 - iii. 3x small open-fronted nest boxes suitable for Dunnock (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 1 to 4m above ground close to dense foliage.

The nest boxes will be installed before the first nesting season after development commences and will be thereafter maintained for the lifetime of the development.

Reason: To mitigate for the loss of nesting sites and ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

37. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:

- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- iii. Include no lighting on the access road.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

38. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for LPA approval that sets out appropriate actions to be taken during the works. The mitigation strategy shall be implemented as approved.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

39. No further felling of boundary trees and scrub shall take place on the development site under the terms of this permission. Boundary trees and scrub will be retained and protected during the lifetime of the development and restoration phase.

Reason: To protect woodland wildlife including bats (EU Protected Species), Badger and nesting birds (nationally protected), to maintain viable habitat connections around the site in accordance with MD12 and CS17 Environmental Networks and in the interests of visual amenity.

- 40a. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping and restoration plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
- ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
- iii. Means of ground preparation and planting pit specification where relevant.
- iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).

- v. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- vi. Schedules of native plants of local provenance, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- vii. Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, bat and bird boxes);
- viii. Areas to be retained for natural regeneration with no or reduced spreading of topsoil;
- ix. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
- x. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
- xi. Timing of commencement and completion of the various phases of the scheme.
- xii. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.
- xiii. A scheme for the restoration of the plant, stocks and lagoon areas.
- xiv. Implementation timetables.
- xv. Fencing proposals;
- xvi. Provision of a range of habitats taking into account the recommendations of the updated ecological surveys reported in 2017;
- xvii. Implementation timetables.

The plan shall be carried out as approved.

- b. The landscaping plan shall also identify the measures which shall be employed to maximise visual screening of the quarry plant site.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design (40a) and in the interests of visual amenity (40b).

42. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - i. Description and evaluation of the features to be managed;
 - ii. Ecological trends and constraints on site that may influence management;
 - iii. Aims and objectives of management;
 - iv. Appropriate management options for achieving aims and objectives;
 - v. Prescriptions for management actions;
 - vi. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - vii. Personnel responsible for implementation of the plan;
 - viii. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - ix. Possible remedial/contingency measures triggered by monitoring;
 - x. The financial and legal means through which the plan will be implemented.

Specific species management plans should also be provided in respect of Sand Martins other birds, Badgers and bats. The plan shall be implemented in accordance with the approved details.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

Informative notes:

- i. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
- ii. *Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. Advice should be sought from an experienced ecologist if reptiles or amphibians are found during site clearance.*
- iii. *All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. During all building renovation, demolition and extension works there is a risk of encountering bats which can be found roosting in unexpected locations. Contractors should be aware of the risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc. If a bat should be discovered on site then development works must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.*

REMOVAL OF PLANT AND STRUCTURES

43. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be 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 approved restoration and aftercare schemes.

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

AFTERCARE

44. 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 effects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. cultivation works;
 - iv. reseeding where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - v. grass cutting or grazing;
 - vi. replacement of hedge and tree failures;
 - vii. weed and pest control;
 - viii. drainage including the construction/maintenance of ditches and soakaways;
 - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - x. habitat management proposals within the aftercare period;
 - xi. track maintenance within the Site;
 - xii. repair to erosion damage;
 - xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
 - ix. A system of under drainage where natural drainage is not satisfactory;
 - x. 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.

45. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 44 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.

Note: The legal agreement accompanying permission 17/03661/EIA provides for an additional 5 year extension to the 5 year aftercare period required by this condition.

ANNUAL REVIEW

- 46a. 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.

APPENDIX 2



Habitats Regulations Assessment (HRA)

1.0 Introduction

The proposals described below have the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the Woodcote Wood Site (The Site), Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA and SC/MB2005/0336/BR) project, undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the ‘competent authority’ under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

The following memoranda should be read in conjunction with this HRA:

- WoodcoteWoodQuarry17.02645.SCR dated 22nd June 2017
- WoodcoteWoodQuarry.17.03661.EIA dated 13th October 2017

These are also available on the planning website:

<https://pa.shropshire.gov.uk/online-applications/search.do?action=simple>

Date of completion for the HRA screening matrix:

13th October 2017, updated 6th December 2017

HRA completed by:

Dr Sue Swales
Natural Environment Team Leader
Shropshire Council

2.0 Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider whether or not the impacts are likely to be significant.

2.1 Summary Table 1: Details of project

Name of plan or project	Woodcote Wood Quarry Site: <ul style="list-style-type: none"> • 17/03661/EIA
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	<p>Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site</p> <ul style="list-style-type: none"> • SC/2005/0336/BR <p>Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41</p>
<p>Name and description of Natura 2000 sites</p>	<p>Midland Meres and Mosses Ramsar Phase 2 site Aqualate Mere SSSI (4.5km distant) is within the Midland Meres and Mosses Ramsar Phase 2 site.</p> <p>Phase 2 Ramsar criterion: Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog. Criterion 2a. Supports a number of rare plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i>, elongated sedge <i>Carex elongate</i> and bog rosemary <i>Andromeda polifolia</i>. Also present are the nationally scarce bryophytes <i>Dicranum undulatum</i>, <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>. Criterion 2a. Containing an assemblage of invertebrates, including several rare wetland species. There are 16 species of Red Data Book insect listed for the site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p> <p>No specific conservation objectives have been published for Ramsar sites in England. However, as a matter of principle, government has stated that Ramsar sites should be treated like European protected sites. The generic conservation objectives published for EU sites are as follows:</p> <p>Conservation objectives of all designated sites Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely.
<p>Description of the plan or project</p>	<p>Woodcote Wood Quarry Site:</p> <ul style="list-style-type: none"> • 17/03661/EIA <p>Proposed new access to the A41 & installation of a processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood proposed quarry site.</p> <ul style="list-style-type: none"> • SC/2005/0336/BR <p>Extraction and processing of sand and gravel over 18.6ha, from the centre of Woodcote Wood. The development would involve the phased extraction of a total c. 2.55 million tonnes of sand and gravel over an operational life of 13 years. Site to be progressively restored to woodland and grassland at a lower level (without the use of imported fill).</p> <p>The following potential effect pathways have been identified:</p> <ol style="list-style-type: none"> 1. Changes to water quality and quantity causing damage to, or preventing

	restoration of Aqualate Mere, <ul style="list-style-type: none"> • contamination of surface or groundwater with hydrological connection to Aqualate Mere, • Excavation of sand and gravels or associated processes including abstraction of water for mineral washing causing a reduction in surface or groundwater and hence a reduction in water levels at Aqualate Mere.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<p>The following plans or projects have been identified which could act in-combination with this project to cause likely significant effects on the international site(s).</p> <p>A number of EA Environment Permits exist to abstract water from the aquifer in which the Woodcote Wood Site and Aqualate Mere are located.</p> <p>There is a proposal currently subject to a planning appeal for mineral extraction at Pave Lane, Telford & Wrekin, which is also in the surface water catchment of Aqualate Mere:</p> <p>Land South of junction, A41/Pave Lane, Newport, Shropshire (hereafter referred to as ‘Pave Lane’) (Ref: TWC/2016/0437) A proposed quarry for the extraction of sand and gravel and importation of inert fill material for the restoration of the site.</p> <p>Potential in-combination effects are considered below for each effect pathway.</p>

2.2 Description of the project

The project consists of a proposed sand and gravel quarry adjacent to a processing plant and modified site access, covered by two separate planning applications. These will be treated as one project ‘Woodcote Wood Site’ for the purposes of this HRA. Further details and associated documents are published on the Shropshire Council public website, including most of the references listed in Appendix 1 of this HRA.

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

2.3 Consultations

Natural England, and the Environment Agency were formally consulted on these applications. Their responses and additional information provided by them on request, have been considered and used to inform the conclusions reached in this Habitats Regulations Assessment.

In their consultation response dated 25th August 2017 for 17/03661/EIA, Natural England stated: *‘Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment¹ for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.’*

(Natural England would normally provide a consultation response on cases which might affect a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species and/or cases or generic issues which affect a large suite of sites or may set a precedent and thereby affect a significant quantity of habitat across the country.)

The Environment Agency’s comments have been referred to as appropriate below.

2.4 Current baseline

The proposed Woodcote Wood Site consists currently of mixed plantation woodland. The Site lies c. 4.5km south of Aqualate Mere Ramsar Site and SSSI and the proposed development lies within the surface water catchment of this international site. Although the Site is subjected periodically to forestry management, there is unlikely to be a current adverse effect from such management on the international site.

The proposed quarry is subject to planning application SC/MB2005/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. The original Environmental Statement (ES) has since been supplemented with an ES addendum to bring the application up to date and enable a formal decision. It was proposed that mineral extraction would only take place above natural groundwater level and therefore no active dewatering would be required.

New proposals for a new site access off the A41 and access and installation of a processing plant to facilitate mineral extraction from the adjacent area of Woodcote Wood is covered by planning application 17/03661/EIA. Mineral washing and dust suppression will require abstraction of water and careful management of fine sediment. The Water Feasibility Assessment (ES Appendix 7.1) includes water balance calculations that are based on a review of the site water requirements (Section 4.2), potential sources of water (Section 4.3) and the onsite water storage options. The report concludes that the required volume of start-up water (228m3) and top-up water (10,000m3/a) could be provided by a number of potential sources. Machinery will be regularly active on both parts of the Site and chemicals such as fuel will be used and stored on site.

Aqualate Mere (241.00ha) is the largest of the meres in Phase 2 with the most extensive reedswamp community. The mere and its surrounds form a complex of open water, fen, grassland and woodland unrivalled in Staffordshire for the variety of natural features of special scientific interest. The esker formation on the north side of the mere is of national geomorphological importance in its own right. The large area and juxtaposition of semi-natural habitats supports an outstanding assemblage of beetles, moths and sawflies. The site has nationally important numbers of breeding herons *Ardea cinerea* and passage shoveler *Anas clypeata* and is regionally significant for breeding waders.

2.5 Initial screening for likelihood of significant effects on European Sites

Likely significant effect pathways have been identified and Aqualate Mere has been screened against these.

Table 2 – Initial screening for likelihood of significant effects

European designated site	Distance from project site	Site vulnerability	Potential Effect Pathways
Aqualate Mere, West Midlands	4.5km	The Mere’s qualifying features are	Water Quality: Damage could occur through increased nutrients or pollutants entering the surface or groundwater

<p>Meres and Mosses Phase 2 Ramsar Site</p>		<p>vulnerable to reductions in water levels from ground water and surface water abstractions, eutrophication from raised nitrogen and phosphorous and siltation entering the site via incoming water</p>	<p>due to fine sediments generated by soil stripping, storage, mineral extraction or spillage of chemicals or fuel contaminating ground or surface water leading to damage of designated wetland habitats and the species assemblages they support.</p> <p>Water quantity Abstraction of water in setting up the processing plant and during operation of the quarry could lead to a reduction in water levels in both ground and surface water catchments leading to degradation of qualifying habitats dependant on high water levels at Aqualate Mere.</p> <p>Not screened out</p>
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2.6 Summary of Stage 1 screening

It is concluded that there are potential pathways for a likely significant effect between the development/project and West Midlands Meres and Mosses Phase 2 Ramsar Site, (Aqualate Mere) alone and in-combination with other projects.

Shropshire Council has investigated more detailed information from the applicant in order to consider if the development will have significant effects on the Ramsar site or have an adverse effect on the integrity of this site.

Further information has also been sought from Natural England and the Environment Agency.)

3.0 HRA Stage 2 Detailed analysis of further information and Appropriate Assessment

3.1 Further assessment of possible effects on water quantity and quality

3.1.1 Baseline

Conceptual Hydrogeological Model (CHM) (See Appendix 1 Ref No. 3)

The applicant has gathered together baseline information on the regional hydrology and hydrogeology, as well as site specific information on the Woodcote Wood Site and Aqualate Mere, in order to determine if there is a hydraulic connection.

Regional surface water catchment

Aqualate Mere receives water from three watercourses and their tributaries.

The Woodcote Wood Site is located in the Bolam’s Brook catchment. The Bolam’s Brook is a tributary of the Moreton Brook which flows into Aqualate Mere, approximately 4.6km north of the Site, via the Back Brook and the Coley Brook. The Woodcote Wood Site is located in Flood Zone 1. (i.e. a low probability of flooding), and there are no watercourses or surface water features within the site boundary. It drains by a combination of infiltration and evapotranspiration.

Other sources of water for Aqualate Mere include precipitation, surface runoff (overland flow), unnamed watercourses and field ditches. The lake’s outflow to the west of the lake is to the River Meese, which flows in a general north-westerly direction before joining the River Tern, a tributary of

the River Severn.

Regional surface water quality

The catchment is monitored under the Water Framework Directive and the EA classified it in 2016 as having an ecological status of 'poor' and a chemical status of 'Good' within an overall WFD status of 'Poor'.

Regional superficial Geology

Regional superficial geology is predominantly till located in the low-lying topographic areas.

Glaciofluvial deposits (sand and gravel) and alluvium (clay, silt, sand and gravel) are also present and are associated with water courses. There are no superficial deposits overlaying the Woodcote Wood Site. Aqualate Mere however, is thought to be formed in a glacial kettle hole, being a depression in the sand and gravel scoured out by the retreating glaciers which has then in filled with freshwater. According to the BGS mapping.

Aqualate Mere is underlain by the following superficial deposits:

- Peat – underlays the majority of the Aqualate Mere but mainly found in the central area, underlying the lake;
- Glaciofluvial Deposits, Devensian - Sand and Gravel are found to the northeast and south of the central peat deposits;
- Till, Devensian – Diamicton (clay, gravel and sand with poorly sorted clasts and boulders) is found to the north of the Aqualate Mere and a small area is found to the west of the central peat deposits; and
- Alluvium - Clay, Silt, Sand and Gravel are found in a small area in the western extent of Aqualate Mere, where watercourses are present.

Regional Bedrock Geology

Both Woodcote Wood Site and Aqualate Mere are situated on the western fringe of the north-south orientated Stafford Basin; with younger geological Units to the east and older units to the west. The Woodcote Wood Site is entirely underlain by the Kidderminster Formation, comprised of pebble conglomerates and sandstones. Aqualate Mere is underlain by sandstone of the Wildmoor Sandstone Formation. There are two minor faults present in a northeast-southwest orientation between the Woodcote Wood Site and Aqualate Mere.

Regional Hydrogeology

The Permo-Triassic Sandstone is a high-yielding aquifer and is regionally important for groundwater supply within the Shropshire Area. Recharge of the bedrock aquifers occurs mainly in up-gradient areas of outcrop, inducing flow down-gradient to the surrounding rivers. To the east, recharge is severely limited by the presence of overlying low permeability superficial deposits (Till). Underlying bedrock aquifers can also be recharged by inter-aquifer flows from the surrounding aquifers and by stream bed leakage from surface waters such as during high flow or flood conditions.

Based on the regional geology and hydrogeology, regional groundwater flows are likely to be to the east with recharge occurring where there is exposed Kidderminster Formation sandstone and Wildmoor Sandstone Formation sandstone. Groundwater flows thereafter towards and underneath the till covered Mercia mudstone in the east, unless captured by a public water abstraction.

Between Aqualate Mere and the Woodcote Wood Site there are many groundwater Source Protection Zones (SPZ) and associated public water abstractions. The Woodcote Wood Site and the west of Aqualate Mere are located within a SPZ 3: Total Catchment. The purpose of SPZ 3 is to define the total catchment area for a public water supply abstraction. All groundwater recharge within this area is presumed to discharge to the associated water abstraction. There are also known to be many licenced and private groundwater abstractions located between Aqualate Mere and the Woodcote Wood Site. The presence of groundwater abstractions in the area creates uncertainty around groundwater flow directions on the regional scale. Groundwater elevations are similar either side of the fault at Pave Lane suggesting a hydraulic connection across the fault.

Regional Groundwater catchment

The Woodcote Wood Site and Aqualate Mere both lie within the Shropshire Middle Severn – Permo Triassic Sandstone East groundwater catchment. However, due to the high clay content in the Till and Glaciofluvial deposits underlying Aqualate Mere and acting as an impermeable barrier to vertical groundwater movement from the underlying bedrock aquifer, if there is a groundwater input into Aqualate Mere it is likely to be locally derived from permeable layers of sand and gravel within the glaciofluvial and alluvium deposits. Groundwater flow direction in the superficial deposits surrounding Aqualate Mere tends to reflect local topography and be towards Aqualate Mere lake.

3.1.2 Predicted Impacts**Surface water quantity**

Given the permeable nature of the Kidderminster Sandstone bedrock which the Woodcote Wood Site is located on, overland flow is likely to be minimal at present. During and post development, water draining into the quarry void will recharge the groundwater. Surface water runoff from the processing plant and hardstanding will be discharged to settlement ponds within the quarry area for retention prior to being recirculated to the processing plant or to SUDs features for infiltration. To mitigate the potential increase in flood risk to downstream areas, it is proposed to manage surface water runoff from the proposed development within the Site area for all storm events, up to and including the 1 in 100 year event (including an allowance for climate change).

Sand and gravel excavation will occur above the water table (minimum of 3m above water table) and de-watering will not be required.

There is a surface water pathway from the Woodcote Wood Site to Aqualate Mere via groundwater potentially entering into the Bolam's Brook. However, the connection is remote and provides a minimum contribution to the Aqualate Mere catchment as a whole. The overall surface water catchment of Aqualate Mere is approximately 5500ha of which the Bolam's Brook catchment area represents approximately 137ha and the Woodcote Wood Site is a further approximately 22ha of this. Overall, the Woodcote Wood Site represents 0.4% of the overall catchment for Aqualate Mere. Additionally, no direct discharges are planned from the Woodcote Wood Site to the Bolam's Brook. The connection is therefore not considered to give rise to Likely Significant Effects in terms of surface water quantity.

Water Quality

It is possible that contamination could reach the surface water catchment for Aqualate Mere via the above pathway. Such contamination could include increased nutrients, chemicals or sediment.

The operation of the sand and gravel quarry (including auxiliary facilities) would not include the use of material or liquids that could lead to releases of nitrogen or phosphorus into the water environment. However, pollution could still occur through release of chemicals such as flocculants and fuel, either as spillages in the quarry or at the processing plant or through failure of storage tanks. Quarrying and processing of mineral also generate fine sediments. Contamination of the groundwater via these pathways could lead to significant effects and would need counteracting measures.

Groundwater

There are no superficial deposits underlying Woodcote Wood, and surface water percolates directly into the bedrock. Therefore no pathway exists in superficial deposits between the Woodcote Wood and Aqualate Mere.

Aqualate Mere is located on superficial deposits that includes permeable aquifer material underlain

by low permeability clays. The clays will significantly limit the interaction with the bedrock aquifer, removing the pathway between the bedrock aquifer and the superficial aquifer and hence Aqualate Mere.

The Woodcote Wood Site is located within an SPZ 3 for a number of public water supply abstractions, which, by definition, means that groundwater within these areas will be captured by the associated public water supply boreholes, again suggesting that there is no direct groundwater connection between the Woodcote Wood Site and Aqualate Mere.

Therefore, a direct groundwater connection between the Woodcote Wood Site and Aqualate Mere appears to be unlikely and no significant effects are expected.

Abstraction

The new proposals under application 17/03661/EIA will involve both mineral washing and dust suppression. The latter will be required for the quarry (SC/MB2005 0336/BR) as well as the processing plant areas. This requires water abstraction and careful management of fine sediment through an appropriate drainage strategy.

The EA state (consultation response dated 30.8.17) 'Our current position is that Groundwater and surface water abstractions over 20m³/d generally require an abstraction licence from us. In this area we have identified the Coley brook catchment as having "restricted water available for licensing". However there are opportunities for license trading and other options.'

Abstraction of water from an aquifer that is already heavily used could reduce the amount of water from the Woodcote Wood Site entering the surface water catchment for Aqualate Mere. Counteracting measures are required.

3.1.3 Counteracting (mitigation) measures

The need for counteracting measures has been identified for the following effect pathways:

- Measures to prevent contamination of the groundwater on the Woodcote Wood Site,
- Measures to prevent reduction in water levels in the groundwater beneath the Site, potentially feeding into the surface water catchment via Bolam's Brook.

3.1.3.1 Contamination

The ES (17/03661/EIA) states that the proposed development would implement appropriate pollution prevention (best practice) measures during the construction, operation and restoration phases of the Site to help avoid impact and mitigate and manage the impact if accidental pollution were to occur. Such measures are identified in Table 7.13 of the ES and include lining of settlement ponds, appropriate bunding/secondary containment of fuel oils; drip trays and spill kits for vehicles and incident response.

Pollution prevention measures will be controlled by condition (see section 3.4 below).

3.1.3.2 Drainage strategy

Though the design and implementation of a Drainage Strategy for the Woodcote Wood Site, sediment and potentially contaminant laden water would be managed, contained and treated onsite, which would limit the potential for releases into the water environment and therefore reaching Aqualate Mere.

Surface water runoff from areas of hardstanding and the access road will be recirculated to settlement ponds for use in mineral processing. If this is not feasible, surface water runoff will be dispersed by infiltration to ground via vegetated swales and detention basins. The site is located

within a Groundwater Source Protection Zone and SuDS features will be incorporated in to the detailed design to provide sufficient stages of treatment to ensure there is no risk of groundwater contamination, including oil interceptors and silt traps where appropriate.

Due to the absence of a sewer in the vicinity of the site, it is proposed that foul water flows from welfare facilities will discharge to a suitably designed cesspool to be periodically emptied by tanker as required.

The detailed drainage strategy and foul-water disposal plans will be controlled by planning conditions including the requirement for the detailed design and implementation of a sustainable settlement lagoon and settlement ponds as requested by the EA (see section 3.4 below).

Abstraction of water

The water feasibility assessment report (17/03661/EIA, ES Appendix 7.1) concludes that the required volume of start-up water (228m³) and top-up water (10,000m³/a) could be provided by a number of potential sources without significant impacts on the water environment. This is based on a licence trade (with an existing licence holder), possible abstraction of less than 20m³/day (below the requirement of a licence) and re-cycling of water on the Woodcote Wood Site.

The EA state in their consultation response (30th August 2017) that ‘based on the above (Appendix 7.1), we would not anticipate a significant cause for concern at this time. The next stage would be for the applicant to submit a pre-Permit application to us outlining the proposed way forward. This will start the process of obtaining the relevant permissions needed to proceed with the licence trade. The combined approach of using several sources seems sensible. The applicant will need to consider the existing conditions on the abstraction licence and as part of the Permit pre-app this will highlight whether additional conditions are required etc.’

Hence the EA will be considering any applications for an Environmental Permit for water abstraction or discharge, which would normally be limited to trading with an existing licence holder, and so would ensure no significant amount of additional water is abstracted from the aquifer by the proposed development, in addition to that already permitted. The EA will be carrying out its own Habitats Regulations Assessment when considering such a licence.

3.1.4 Residual impacts and conclusions

In view of the above, including industry best practice mitigation measures, there are no direct or indirect pathways from the proposed sand and gravel extraction, mineral processing or new access at the Woodcote Wood Site to Aqualate Mere SSSI, Ramsar Site and NNR that that would have a Likely Significant Effect.

3.1.5 In-combination effects on habitat loss

There are a number of Environmental Permits allowing abstraction of water from the aquifer underlying both Woodcote Wood and Aqualate Mere. The permitting process is controlled by the EA who will carry out their own HRA for any Environmental Permit granted (see 3.1.3.2 above).

One other major development has been identified as having potential in-combination effects in association with the Woodcote Wood Site. The proposed Pave Lane Quarry (‘Land South of junction, A41/Pave Lane, Newport, Shropshire, planning application (Ref: TWC/2016/0437) for a proposed quarry and inert waste landfill is currently subject to an appeal on the grounds of non-determination. However, Telford and Wrekin Council consider the concurrent working of the proposed development and the Pave Lane scheme unsustainable but the result of the inquiry is not yet known. Chapter 7: Water Resource (Ref. No. 1) has considered the in-combination effects of the

Pave Lane scheme and the proposed development, specifically in relation to the effect on Aqualate Mere, as requested by SC. The Pave Lane Quarry would involve the importation of inert landfill for restoration which would mean it would have a longer operational life than that of the Woodcote Wood Site and hence greater potential for impacts to occur. The May 2016 Hydrogeological Impact Assessment for Pave Lane Quarry by Hafren Water Ltd provides details of proposed mitigation measures including pollution prevention measures. The HRA produced by Telford & Wrekin LPA dated 12th July 2016 for TWC/2016/0437 reached the conclusion that there was no likely significant effect on Aqualate Mere Ramsar Site and no likely effect on the international site's integrity as a result of this project.

As discussed above, the residual impacts of the Woodcote Wood Site, following mitigation measures, are considered to be negligible. Therefore, should both projects be operational at the same time there could be a minor cumulative impact in terms of water related cumulative impacts, but this is not considered to be significant.

3.4 Securing of mitigation measures

To secure the mitigation measures the following items will be covered by planning conditions to be added to the planning permissions if granted:

- a) This permission shall relate to the area shown in the approved location plan accompanying planning application reference SC/MB2005/0336/BR, 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 application form, supporting statement and environmental statement as updated, pursuant to application reference SC/MB2005/0336/BR.
Reason: To define the Site and permission

For 17/03661/EIA

- 2a) This permission shall relate to the areas edged red (and blue on the approved location plan accompanying the application (Drawing no. ST16018-102) 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 dated 25th July 2017
 - ii. The Non-Technical Summary dated July 2017;
 - iii. The planning supporting statement dated July 2017;
 - iv. The Environmental Statement dated July 2017 and the accompanying appendices.
 - iv. The submitted drawings accompanying the Environmental Statement, namely:
 - ST16018-101 – Site Context Plan
 - ST16018-111 - Restoration Plan
 - ST16018-103 – Site Layout Plan
 - SA17 - 013 – Proposed Plant Layout
 - ST16018-110 – Topographical Survey
- c. The Further information comprising:
 - The building inspection and bat emergence survey report from Wardell Armstrong dated October 2017;
 - The email from Wardell Armstrong to Shropshire Council dated 20/10/17 and the

accompanying plans, namely J32-3161-PS-011e and J32-3161-PS-019; J32-3161-PS-016c section[2].

Reason: To define the Site and permission

Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development. The drainage features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

a) No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.

b). No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

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

No development approved by this permission shall be commenced until a scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, etc. has been submitted to and approved by the Mineral Planning Authority. The scheme shall include monitoring and contingency proposals in the event of derogation being shown.

REASON: To protect the groundwater resource and the biodiversity dependant upon it.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume 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, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

17. A wheel wash 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.

4.0 Summary of re-screening including counteracting measures

The project has been re-screened with the inclusion of counteracting (mitigation) measures and conditions have been agreed with the applicant. Although Natural England have stated ‘No Objection’ to the proposals in 17/03661/EIA, Natural England is to be consulted on this Shropshire Council HRA.

Table 4 – Summary of HRA conclusions

EU Site	Effect pathway	HRA conclusion
Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site	Changes to water quality and quantity causing damage to, or preventing restoration of Aqualate Mere <ul style="list-style-type: none"> • contamination of surface or groundwater with hydrological connection to Aqualate Mere, • Excavation of sand and gravels or associated processes including abstraction of water for mineral washing causing a reduction in surface or groundwater and hence a reduction in water levels at Aqualate Mere. 	No likely significant effect, alone or in-combination No likely significant effect alone or in combination.

5.0 Final conclusions

In view of the above, and providing the development is carried out according to the details submitted and any legal undertakings and the conditions detailed above are placed on the decision notice, the proposals for excavation of sand and gravels under application SC/MB2005/BR and the processing plant and new access road under 17/03661/EIA, will have No Likely Significant Effect on West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), through the listed pathways detailed in this HRA, either alone or in combination with other plans or projects.

The Significance test

The proposed developments at Woodcote Wood Quarry Site, Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA), proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site) and (SC/MB2005/0336/BR) construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41), will not have a likely significant effect on the West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), alone or in-combination with other plans or projects.

The Integrity test

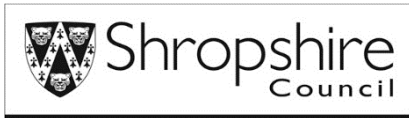
The proposed developments at Woodcote Wood Quarry Site, Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA), proposed new access & installation of processing plant to facilitate

sand & gravel extraction on adjacent Woodcote Wood site) and (SC/MB2005/0336/BR) construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41), will not have a likely significant effect on the West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), alone or in combination with other plans or projects, and hence will not have an adverse effect on site integrity.

Conclusions

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

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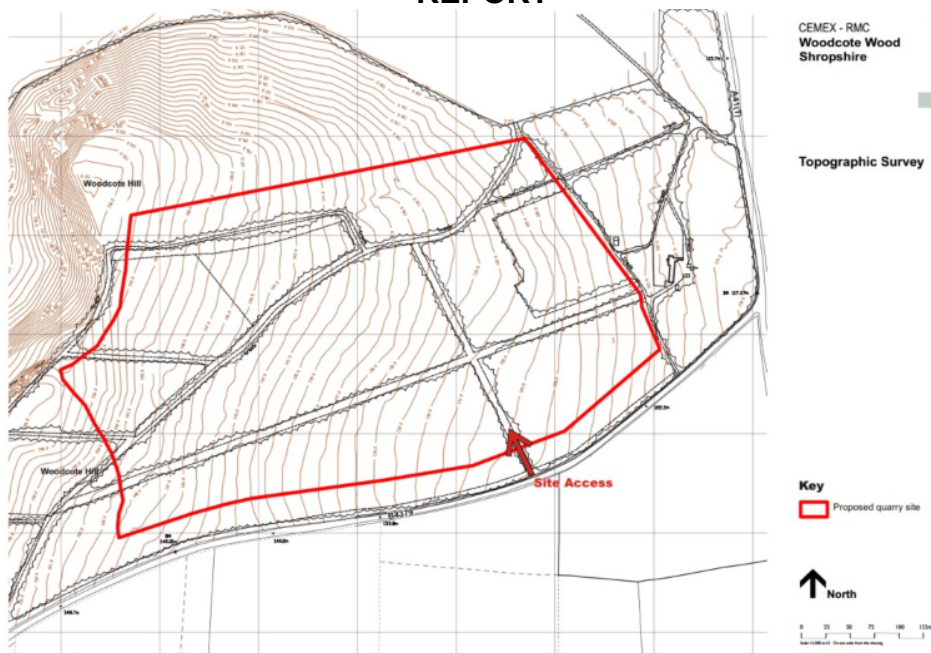
Committee and date
South Planning Committee
19 December 2017

Development Management Report

Summary of Application

Application Number: SC/MB2005/0336/BR	Parish: Sheriffhales
Proposal: Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41	
Site Address: Woodcote Wood, Weston Heath, Shropshire	
Applicant: NRS Limited	
Case Officer: Graham French	email: planningdmc@shropshire.gov.uk

REPORT



Recommendations:-

1. **That Members note the updated environmental information submitted in support of the Environmental Statement accompanying the application and are minded to approve the application, thereby re-ratifying the original approval resolution dated 25th July 2006. This is subject to the conditions set out in Appendix 1.**
2. **That the requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 is updated and transferred to planning application 17/03661/EIA* on the basis that the substantive issues are more appropriately dealt with in that application than the current proposals.**
(*Application 17/03661/EIA forms a separate item on this Agenda)
3. **That in the event that application 17/03661/EIA is not approved by the Committee both applications shall be reported back to a subsequent committee for determination.**

REPORT

1.0 BACKGROUND

1.1 Woodcote Wood is identified as a 'preferred area' for sand and gravel extraction in the Shropshire Telford and Wrekin Minerals Local Plan (1996-2006). The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the Shropshire Council administrative area by the Shropshire Core Strategy and the SAMDev plan.

1.2 The planning committee of the former Shropshire County Council resolved to approve proposals to extract sand and gravel at Woodcote Wood at its meeting on 25/7/06 (ref. SC/MB2005/0336/BR). The proposals involve extraction of 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The description of the development is:

'Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41'.

The approval resolution was subject to a legal agreement covering off site highway matters and other issues. The details of this are listed in Appendix 1. The Section 106 agreement has not been completed and therefore the planning permission has as yet not been issued. As the application has not been withdrawn it remains an undetermined planning application.

1.3 The application proposed that access to the site would be from the B4379 at a point along the south side of the site, and that a new roundabout junction would be provided to the south of the existing B4379/A41 junction. The applicant has however advised that this is no longer a feasible option, as it requires third party land and the owner will not agree to sell the land.

1.6 A separate application before this committee (17/03661/EIA) proposes an alternative access directly off the A41 to the east of the site and re-location of the quarry processing

plant. The current application is therefore interlinked with the application for mineral extraction which is considered separately.

2. THE PROPOSAL

- 2.1 The original planning application was accompanied by an Environmental Statement prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The applicant is seeking to re-ratify the original committee approval resolution and has accordingly submitted updated environmental reports. The updated reports have been submitted under Regulation 19 of the 1999 EIA Regulations as these were the Regulations in force when the application was submitted (Regulation 19 is replaced by Regulation 21 of the 2017 EIA Regulations for current applications).
- 2.2 The updated reports cover ecology, noise, dust, ground and surface water, archaeology, landscape and visual impact. They supersede the reports which accompanied the original Environmental Statement. The reports were originally provided to the Planning Authority in March 2017. However, the applicant requested that consideration of the current application was deferred to allow time for it to be considered at the same time as the new access proposals (17/03661/EIA).
- 2.3 Consultations have been undertaken on this additional information. Details of the findings of these reports and the planning consultation process are set out below, together with an assessment of the proposals in relation to current policies. The original Committee report which was considered by the County Council's Planning Committee in 2006 is attached as Appendix 3, and this provides details of the proposed development.
- 2.4 The applicant's consultant has identified the need for some amendments to the original site layout including an easterly extension to accommodate a revised access onto the A41 and re-location of the proposed quarry plant site. As noted above, these proposals form part of a separate planning application under reference number 17/03661/EIA. Given that the two applications are interlinked it is considered that they should be assessed together by Members.

3. SITE LOCATION / DESCRIPTION

- 3.1 The site is generally as described in Section 4 of the 2006 Committee report attached as Appendix 3. It is enclosed by trees though centre of the site (former plantation woodland) has now been cleared of trees. These surrounding trees would be retained to ensure the site is screened during operation. Access would be derived via a new access directly onto the A41 to the east which is subject to a separate planning application, ref. 17/03661/EIA.
- 3.3 The site straddles the boundary between the Shropshire Council and Telford & Wrekin Council (T&W) areas. Most of the site lies within Shropshire which accordingly is the 'lead authority' for the application. An equivalent application was submitted to Telford & Wrekin Council in 2015 and remained undetermined. An identical application to update the reports contained in the 2005 application to T&W has also been submitted in accordance with the requirements of the NPPF. Paragraph 178 of the NPPF advises

that public bodies have a duty to cooperate on planning issues that cross administrative boundaries and appropriate cooperation has taken place between Shropshire Council and Telford & Wrekin Council.

4. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 4.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

5. COMMUNITY REPRESENTATIONS

- 5.1 The representations received in relation to the original planning application are set out in the Committee report of 25/7/06, reproduced in Appendix 3 below. The representations received in response to the current submission of the addendum reports are set out below.

5.2 Sheriffhales Parish Council: Objection:

- i. This Planning application has been given very careful consideration by the Sheriffhales Parish Council and has generated much local community concern. As part of our response to this concern a public consultation was arranged on 14 September 2017. The meeting was attended by nearly 100 residents and interested parties. A report of the meeting was provided to the Parish Council subsequently. The views of the local community expressed at the meeting were that, firstly, a number were totally opposed to the application due to negative impacts on their residences specifically and to the environment more generally. There was, secondly, a unanimous rejection of the proposed access arrangements. All residents felt extremely strongly that the proposed T junction access onto the A41 was ridiculous and would only exacerbate traffic hazards on an increasingly dangerous section of the highway network.
- ii. The Parish Council are themselves unanimous in their objection to the submitted proposal and list specific objections later in this paper. The council has noted that 11 years ago when planning permission for Woodcote Quarry was considered the permission was subject to a road traffic island on the A41 that incorporated the B479 Sheriffhales/ Shifnal Road junction with a quarry entrance onto the island. Documents supporting the present application do not explain how Shropshire Council's assessment then, repeated in correspondence in 2013, has changed so significantly that a T junction is considered acceptable particularly with increases in traffic flows on the A41, the complexity of the traffic itself and the increasing use of the Sheriffhales B road as a shortcut to the A5.
- iii. Other environmental impacts: There is little evidence in the submitted proposal that environmental impact, in particular of dust and noise, on local communities' infrastructure and housing have been or will be re-evaluated in line with the most recent assessments or how such disturbance should be mitigated or monitored. If the proposal is permitted substantial new screening and appropriate reinstatement will be required.
- vi. The Parish council believes the original view of Shropshire Council that a new roundabout and appropriate access was an absolute requirement for reasons of highway safety is still the case now. A Highways solution on the above may still be

possible through utilisation of land within the application boundary and existing highways land and this should be considered. But it is not possible to support this planning Proposal at present the Parish council would be grateful that this response is circulated to all members of the Planning committee prior to the meeting

The Parish Council's comments with respect to Planning Application 17/03661/EIA are listed in the report for the application which forms a separate item on this Agenda.

- 5.3 Telford and Wrekin Council (adjacent planning authority) Having considered the proposals the Council has confirmed its support for the officer recommendation set out in this report.
- 5.4. Environment Agency: No objection. [The following comments have been extracted from the response provided in relation to the linked application ref. 17/03661/EIA]:
- i. We note that the proposed sand and gravel quarry on the adjoining Woodcote Wood site is subject to planning application MB05/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. It is understood that the original Environmental Statement (ES) has since been supplemented by an ES addendum to bring the application up to date and enable a formal decision.
 - ii. For completeness, our previous reply of 4 November 2005, to MB05/0336/BR, identified a number of issues which were subsequently addressed. The geology, hydrogeological setting and proximity of this site to licensed abstractions and surface water features were previously covered within the original ES. The main emphasis of the groundwater component of the ES report accompanying the application had been to illustrate that mineral extraction will not require a dewatering strategy or be groundwater consumptive. The thrust of the debate was to show that mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required.
- 5.5 Natural England: No comments received. (Natural England has commented on and has not objected to the linked application 17/03661/EIA).
- 5.6 SC Ecology: SC Ecology: No objection subject to the following comments. A Habitat Regulations Assessment is included as Appendix 2:
- i. Habitat Regulation Assessment: Both application sites lie within, and on the south western side of the surface water catchment of Aqualate Mere, which is both an SSSI and part of the West Midlands Meres and Mosses Phase 2 Ramsar Site. The latter designation should be treated in the same way as a 'European Site' under national planning policy and so the Conservation of Habitats and Species Regulations 2010 apply. A Habitats Regulations Assessment (HRA) has been carried by Shropshire Council dated 13th October 2017, which should be available on the public website. The possible impacts that the combined applications might have on Aqualate Mere were identified as deterioration of water quality and quantity via changes in ground and surface waters. Following detailed investigation the conclusion of the HRA was that there would be no likely significant effect, alone or in combination with other plans or projects from the combined proposals for Woodcote Wood Quarry.

- ii. Designated sites: Aqualate Mere is also a Site of Special Scientific Interest. It lies c. 4.5km from the Site and the only possible impacts on its designated features from the Project are those addressed fully in the HRA. The Project is very unlikely to affect the SSSI. The Site has no statutory designated sites within 2km and no non-statutory sites within 1km.
- iii. Habitats: The habitats on Site consisted largely of broad-leaved plantation woodland with mixed plantation woodland, tall ruderal and amenity grassland. By 2015 the woodland blocks over the proposed quarry site had been clear-felled and some re-growth of scrub had commenced. At the time of the 2017 update surveys, the scrub over the area proposed for quarrying and the processing site had been cleared to bare ground. The most northerly block of woodland contains a number of mature oak and all woodland in blocks 1 and 4a-e should be retained and managed according to a management plan to maintain and enhance their biodiversity and provide a screen to the quarry related activities. Rhododendron has taken over the shrub layer in places and this should be carefully removed. It was not possible to determine the groundflora in some compartments (see photographs in the Phase 1 report) as this had been cleared to bare earth at the time of the survey.
- iv. Great Crested Newts (GCN): Ecological surveys undertaken by Simply Ecology Limited in 2015 identified seven ponds within 500m of the quarry. Two of the ponds sampled for GCN eDNA showed presence but the waterbodies are situated at 430m and 1km from the application site and so GCNs are highly unlikely to be found in terrestrial habitat on site. The closest of the remaining 5 ponds is 415m from the application site. The proposed development is unlikely to impact on GCNs. (Informative note included in Appendix 1)
- v. Reptiles: A reptile presence/absence survey was undertaken in 2015 by Simply Ecology Limited and no reptiles were found. Wardell Armstrong consider that based on the survey results and historical land use, reptiles are absent from the area or only present in very low densities in isolated patches such as around Keepers Cottage. (Informative note included in Appendix 1)
- vi.a Bats: Bat surveys of the proposed quarry area were carried out by Simply Ecology in 2015 and extended and updated by Wardell-Armstrong in 2017. In 2015 low levels of Common Pipistrelle, Soprano Pipistrelle, Noctule and an unidentified Myotis sp. were encountered, indicating habitual, regular use by low numbers of bats. Activity was concentrated around the edges of the mature woodland. Roosting potential in the woodland was limited but the consultant recommended further surveys if more trees were to be felled. The update survey in 2017 covered both the processing site and the proposed quarry. At the time the proposed processing site (17/03661/EIA) consisted of broadleaved plantation woodland, a residential dwelling and associated gardens. The proposed quarry area (SC/MB2005/0336/BR) consisted of bare ground surrounded by conifer plantation.
- vi.b Bat activity transects were carried out in both areas of the Site. In addition, trees in the processing area were assessed for bat roosting potential and one tree with 'moderate' potential, but which would need to be felled to allow construction of the new access, was further assessed with two bat emergence surveys. Common and Soprano Pipistrelles, Myotis spp, Leisler's, Noctule and Brown Long-eared bats were recorded during the

surveys of both areas, with bat activity primarily focussed along woodland edges. No bats were found to emerge from the tree with moderate bat potential. In the location of the proposed processing plant no trees with higher than low potential were recorded.

- vi.c A house (Keeper's Cottage) is located in the vicinity of the proposed processing plant. The house will be retained during operations and used as site offices, following which it will return to residential use. An inspection of its interior and exterior, coupled with a dusk emergence survey was undertaken on 26 September 2017 to gather further information of the likely impact of proposals on roosting bats, should they be present in the building.
- vi.d During the building inspection survey, no evidence of current use by bats was recorded. One old, dry bat dropping (likely *Pipistrellus* spp.) was discovered near the cracked window on the eastern façade of the eastern extension to the house, however, this extension was assessed as being unsuitable for current use by bats due to the large holes on the eastern façade and gaps beneath beams along the northern and southern walls which result in fluctuating temperature within. During the emergence survey, no bats were seen to emerge from the building. Following the internal and external inspections of the main building it was considered that the building has moderate potential to host roosting bats, but there was no evidence of a high-status roost (i.e. a maternity roost) or any current use by bats. In addition, should a few individual bats utilise the house for roosting, the quarrying activities will not introduce any additional disturbances over and above that which the building has already been subject to as a residential dwelling. The consultants recommend that any building works to the roof, including the soffits should not commence until dusk and dawn emergence surveys have been undertaken, between May and August. The results of the surveys would inform any required mitigation for bats, should they be recorded. (Conditions and informative note included in Appendix 1)
- vii. Badgers: Retention of the remaining mature trees around the periphery of the Site is essential as a buffer and potential commuting route for all wildlife including badgers. Use of the landscape by badgers can quickly change therefore the following condition should be applied to both applications. (Conditions included in Appendix 1)
- viii. Birds: Simply Ecology carried out a breeding bird survey of the quarry site in 2015 and state that the vast majority of nesting territories were in the surrounding mature woodland. The clear-felled area contained only a few nests of 2 red listed birds in the developing brambles. The remainder of the bird species identified were of common and widespread species. The update breeding bird survey carried out by Wardwell-Armstrong covered both the quarry area and the processing plant and new access road area. For application 17/03661/EIA, the processing plant area, 3 notable bird species were found to be breeding but these were outside of the proposed development footprint. Only the commonest species were found to be nesting in the development footprint and the consultants conclude that there will be no deleterious effect on the conservation status of breeding birds in the local area. (Conditions included in Appendix 1)
- ix. Restoration plan and Environmental Network: Following the update wildlife surveys, the value of the woodland edge habitats and open habitats has become clearer. Increased areas of open habitat, low scrub and sandy slopes allowed to regenerate naturally would

increase the biodiversity of the area and support notable bird species found to be nesting in the open area in 2015 as well as increasing the diversity of invertebrate species. As the site is to be extended into the processing plant area, an updated Restoration Plan should be provided combining both areas. This would make production of landscaping and habitat management plans easier at a later date. (Conditions included in Appendix 1)5.7i. SC Trees: No objections. Having read the submitted plans and tree impact assessment I have no objection in principle given the rural situation of the site and that works being internal to the site means removal of the majority of trees from compartments C1 and C2 are commercial plantation woodland (and not woodland of public amenity or with access). I agree that impact of the tree removals is moderate, but will not have a detrimental effect on local visual amenity.

- ii. Removal of trees for the access road is limited to One category 'A' tree, three category 'B' trees, four category 'C' trees, two category 'U' trees and two category 'C' tree groups which would seem acceptable for a scheme of this size. I support the management proposals to improve retained woodland and the long term restoration scheme for the site and new tree and shrub planting proposed to augment screening of the site.
 - iii. A full application would require that, where development proposals identify a need for working within the RPA/crown spread of retained trees, the project arboriculturist is contacted to advise and prepare an Arboricultural Method Statement (AMS) and identify appropriate stages of arboricultural supervision of the works prescribed in the method statement.
- 5.7i. SC Conservation: The application site for sand and gravel extraction lies within the boundary of the historic parkland associated with Woodcote Hall, which, together with its associated church – which is Grade II* listed – and ancillary service buildings, is Grade II listed. These assets lie to the north of the site, and are well screened as a result of intervening topography and mature tree cover. The site of a former pheasantry and the extant associated keeper's dwelling, which are likely to date to the same period as the Hall and the laying out of the estate in the mid 19th century, lies in close proximity to the east of the extraction area and within the area proposed for machinery and plant, outside this application boundary but covered by a parallel application. These would be considered to be non-designated heritage assets, together with the sandstone boundary walls along the roads to the east and south of the site.
- ii. In considering this application for planning permission, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Chapter 12 of the NPPF is of most relevance. Each of the above makes specific provision for the protection of the historic environment as a key element in the promotion of local distinctiveness as part of sustainable development.
 - iii. As the proposal is located in close proximity to the designated heritage assets identified above, the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, as the Act identifies the need to pay special regard to the preservation of listed buildings and their settings. Paragraph 135

of the NPPF makes provision for the consideration of non-designated heritage assets, where their significance is likely to be affected.

- iv. The Heritage Assessment provided as part of the Environmental Statement has addressed the potential effects of the extraction site on the setting of heritage assets in the immediate vicinity and within a 1km radius; wider landscape setting impacts have been assessed in the accompanying LVIA. We concur with the findings of these assessments, and agree with the mitigation measures proposed, which will result in a neutral effect on the landscape setting through the retention and replanting of woodland swathes on all boundaries. Together with the distance and form of intervening topography, the impact on the setting of the heritage assets is negligible and their significance preserved.
- v. The recent application 17/03661/EIA, to extend the site to the East for the provision of plant and processing, and provide site offices in the former Keeper's Cottage, which will be restored, has been the subject of a separate response. The use of appropriate materials in this work and re-use of stone from the boundary wall is essential to enhance the character and local distinctiveness of the surrounding built environment and historic landscape.

5.8 SC Archaeology: No comments received.

5.9 SC Public Protection: No objections. Having considered the information provided in relation to noise I have no objection to the development. It is noted that the background survey is out of date (2004) however it is not considered that the noise levels in the area will have reduced over time and therefore they are considered to be generally conservative and therefore accepted as suitable for use. I would recommend that the noise levels specified as being achievable are conditioned to ensure that nearby receptors are protected from unnecessary noise.

5.10 SC Highways Development Control: No comments received. The Council's highways team did not object to the inked application for a new access onto the A41 (17/03661/EIA). Members will be updated on any comments received from the Council's highways team.

5.11 SC Drainage: No objection. A Flood Risk Assessment has been provided.

Public Comments

5.12 The application has been advertised by site notice and in the local press. In addition 20 residential properties in the area have been individually notified. 16 letters received objecting to the proposal and these are included in full on the Council's online planning register. The objections and comments are summarised as follows:-

Public/Neighbour Representations:

- Related application (17/03661/EIA - Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site) was validated by Shropshire Council in July 2017. Referring to application SC/MB2005/0336/BR, the Supporting Statement for the July 2017 application

mentions in section 1.1.2 'an ES addendum which was submitted to Shropshire Council (SC) in March 2017 to bring the application up to date and enable a formal decision to now be issued.' It is of significant concern that the ES addendum relating to application SC/MB2005/0336/BR has not yet been published online, whilst the determination schedule for the associated application 17/03661/EIA is progressing. Clearly, these interdependent applications should be determined in parallel, and this cannot proceed under effective public scrutiny without publication of the ES addendum.

- It is also unfortunate that all but one of the documents posted online in the past week (ie early September 2017) has been given a publication date of 29th March 2017.

One letter received supporting the application on the following grounds:-

- As a near neighbour of Woodcote wood I can say that there are not many properties around here. Newport has grown significantly in the last few years. People are asking for A5 to become a dual carriageway. Use of sand and gravel has been and continues to be high. Therefore we need to make a contribution to the infrastructure of the county even though it may cause a little inconvenience.

6. THE MAIN PLANNING ISSUES

- i) Policy context
- ii) Local context;
- iii) The justification for the development;
- vi) Assessment of updated environmental information with respect to:
Highway safety, residential and general amenities - noise, dust, visual impact, ecology, hydrology, restoration and afteruse.

7. OFFICER APPRAISAL

Policy Context

7.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In resolving to grant planning permission for mineral extraction at Woodcote Wood in 2006 the application was assessed in relation to the planning policies in force at that time. The Development Plan at that time comprised the Regional Spatial Strategy for the West Midlands, the Shropshire Telford & Wrekin Joint Structure Plan 1996-2011, the Shropshire, Telford & Wrekin Minerals Local Plan 1996-2006 and the Bridgnorth Local Plan.

7.2 Since then there have been a number of significant changes to the planning policy context. The Regional Spatial Strategy has been revoked. The Joint Structure Plan, Minerals Local Plan and Bridgnorth Local Plan have now been superseded by a revised policy framework including the Core Strategy and SAMDev Plan. The National Planning Policy Framework (NPPF) was published in 2012 and, along with the accompanying Technical Guidance to the NPPF, provides additional guidance to planning authorities in relation to mineral extraction.

7.3 Whilst there have been changes the general thrust of minerals policy remains unaffected. The Government still requires mineral planning authorities to make advanced provision for the supply of aggregate by ensuring suitable sites are allocated in planning policy documents. The same detailed considerations relating to sustainable working of minerals still apply although the individual policies have changed. The National Planning Policy Framework has been published since the application was originally submitted. This has placed greater emphasis on the need to demonstrate sustainability and the policy support to be afforded to sustainable mineral working in accordance with the development plan. However, this does not affect the fundamental thrust of mineral policy.

7.4 National policy: Under the Managed Aggregate Supply System (MASS) set out in the NPPF 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'). Para. 142 of the NPPF confirms the importance of the working of minerals and of maintaining an adequate and reliable supply. Para. 144 requires that mineral planning authorities give great weight to the benefits of the mineral extraction, including to the economy. It states that planning authorities should:

- 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 take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

7.5 NPPF paragraph 145 advises that Minerals planning authorities should plan for a steady and adequate supply of aggregates by (amongst other matters):

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;...
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods

may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;

The county must therefore identify sites in its minerals policy documents with sufficient capacity to meet the agreed apportionment level throughout the plan period.

- 7.6 Woodcote Wood was allocated for sand and gravel extraction in the former Shropshire Telford & Wrekin Minerals Local Plan 1996-2006. Following the approval resolution in 2006 the site is referred to in the current SAMDev plan as an 'unworked site commitment'. It remains allocated as far as Telford & Wrekin policy is concerned as the policies of the Minerals Local Plan remain 'saved' in Telford & Wrekin pending adoption of the emerging Telford & Wrekin Local Plan.

Local Policy

- 7.7 Former Minerals Local Plan: Woodcote Wood was allocated for mineral extraction in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006. Whilst the plan has been superseded in Shropshire most of the policies have been 'saved' in Telford & Wrekin pending adoption of a new policy document. The original approval resolution was made on 25th July 2006 but an accompanying legal agreement was not completed so it wasn't possible to issue the permission.
- 7.8 The Minerals Local Plan has been superseded in Shropshire by the SAMDev Plan. Because there was an extant approval resolution for Woodcote Wood when the SAMDev was being prepared it was the site was not re-allocated in the SAMDev. Instead it is referred to in the SAMDev as an unworked site commitment. At the time the original application was being considered it was accepted that there was a justification to release the mineral in the site. Since that time other resources within the sub-region have been released / worked and have subsequently become depleted. However, the status of Woodcote Wood in the SAMDev as an unworked site commitment must be taken account of in assessing the demand for new sites. As 10 years has elapsed since the original committee resolution it is appropriate to reassess the proposals in the light of current planning policies. This assessment is undertaken in succeeding sections which are duplicated from the report on application 17/03661/EIA:
- 7.9 SAMDev policy MD5 relates to the provision of sand and gravel. The policy is worded as follows:

MD5: Sites for Sand and Gravel Working

1. *The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;*
2. *Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:*

- i. *the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;*
 - ii. *the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;*
 - iii. *whether the early release of the site would enhance sustainability through meeting an identified local need.*
3. *Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:*
- i. *the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,*
 - ii. *the proposal would not prejudice the development of the allocated sites; and,*
 - iii. *significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.*

7.10 Policies MD5(1) & MD5(2) set out the expected situation with respect to release of the allocated sites (Wood Lane North extension (approved and operational), Gonsal extension (not yet submitted) and Morville Extension (not yet submitted)). Policy MD3 sets out the position with respect to non-allocated sites. The policy supports new mineral provision in line with NPPF paragraph 142, provided all three of the tests listed in the policy are met.

7.11 Woodcote Wood was allocated as a 'preferred area' for mineral extraction under Policy M14 of the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006 and also benefits from a July 2006 approval resolution. The plan has been superseded by the SAMDev in Shropshire though most of the policies have been 'saved' in Telford & Wrekin pending adoption of the emerging Telford & Wrekin Local Plan which is at an advanced stage. The SAMDev Plan replaced the Minerals Local Plan when it was adopted in 2015. However, the plan continues to recognise the application site as an 'unworked site commitment' given the resolution to grant planning permission. The site no longer has the status of an allocation in Shropshire and so must be considered under Policy MD5(iii). However, its recognition in the SAMDev as an unworked commitment where the principle of the development of has been accepted is a material consideration for the current application. The three tests set out in Policy MD5(iii) are considered below:

The first test: MD5.(3.i) - The proposal would meet an unmet need or would prevent the sterilisation of the resource.

7.12 Preventing sterilisation: The proposal would not directly prevent the sterilisation of the sand and gravel resource at Woodcote Wood. If the mineral was not worked it would remain in the ground and potentially available for future working. However, as a plantation woodland it is likely that the area would be re-planted if mineral extraction did not proceed and the mineral would not be accessible again for over 30 years whilst any softwood crop matured.

- 7.13 Meeting an unmet need: The NPPF advises that Mineral Planning Authorities such as Shropshire should produce Local Aggregate Assessments (LAA's) on an annual basis in order to identify levels of production. This information should then be used for predicting future demand on the basis of a 10 year rolling average. The latest available data indicates that, at 0.74 million tonnes for the year 2016, sand and gravel production in Shropshire and Telford & Wrekin in 2016 is continuing to recover from lower levels of production in recent years and is now above both the 10 year rolling average for sand gravel sales (0.69mt) and the 3 year average (0.70mt). The reserves in the landbank (11.69 million tonnes in 2016) equate to 16.94 years which is significantly above the minimum 7 year requirement set out by the NPPF.
- 7.14 On the face of it there is a healthy reserve of sand and gravel in Shropshire. However, the NPPG advises that an adequate or excess landbank is not a reason for withholding planning permission and the latest LAA that market demand for sand and gravel in the sub region is increasing. The 2016 LAA advises that 'despite having a large landbank, there are potential issues regarding productive capacity due to about 70% of reserves being contained within three sites which have been unworked for over 5 years'. The SAMDev Plan (2015) allocates additional resources at three sites, 2 of which have not yet come forward. The 2016 LAA advises that 'The release of further resources is expected through windfall applications or the current Local Plan Review'. The reference to 'windfall applications' takes account of the current application which was submitted prior to the publication of this document.
- 7.15 Telford is a significant market for sand and gravel due to the level of development within the borough. This is set to continue as the emerging Telford & Wrekin Local Plan has identified a growth agenda including a requirement for over 800 new homes per year. The British Geological Survey estimates that every home requires 60 tonnes of aggregate to construct and over 400 tonnes when other infrastructure such as roads and drainage is taken into account. At present about 2/3 of the mineral used in the Telford area is imported from Staffordshire. Woodcote Wood and Pave Lane are the nearest of any existing or proposed quarry sites to Telford and therefore would be capable of supplying local demand in a sustainable way. However, Woodcote Wood scored more highly than Pave Lane in the assessment of sites undertaken in support of the former Shropshire Telford & Wrekin Minerals Local Plan and was accordingly allocated as a 'preferred area' in preference to Pave Lane and the other sites put forward at that time.
- 7.16 Currently, the applicant NRS supplies 3 companies in the Telford area on a regular basis from their quarry at Saredon, as well as providing one-off deliveries to other customers in the Telford area. In 2016 NRS supplied approximately 84,000 tonnes of sand from Saredon to customers in the Telford. One of the reasons that NRS were interested in Woodcote Wood is that the Saredon site is close to its annual output limit. Supplying the current Telford contracts from Woodcote Wood instead would allow Saredon to concentrate on meeting existing local demand in the WM Conurbation whilst at the same time allowing NRS to sustain and increase their supplies in the Telford area. Having a quarry close to Telford would allow NRS to be more competitive and responsive to market requirements. At the same time, the additional capacity released from Saredon could supply business in the WM area which is currently being turned away. In terms of sustainability it would mean that Telford could be supplied with sand and gravel from a supply which is much closer than at present. The same would apply for the West Mids market which is supplied by Saredon. This would offer significant carbon reductions due

to reduced requirements for transport of mineral. In addition to output restrictions, some sites in Staffordshire are approaching the end of their productive life (e.g. Siezdon). Increasing demand for sand and gravel in the West Midlands (e.g. from housebuilding and major projects such as HS2) means that available supplies may also be used preferentially within the West Midlands area, potentially limiting the ability for supply to Telford.

- 7.17 In conclusion, whilst the needs of Telford for sand and gravel are currently being met, they are not being met in a very sustainable way as 2/3 of the supply to the Borough is being provided from quarries over 15 miles away in Staffordshire and there are some questions about the ability of Staffordshire to sustain this supply. Other Shropshire quarries contributing to the supply to Telford are also more than 15 miles away. By contrast, Woodcote Wood is less than 7 miles from the centre of Telford so would be capable of meeting the need for supply to Telford in a more sustainable way. Moreover, Telford continues to be a growth area within the region and has set out a growth agenda in its emerging local plan, for which the continuing supply of sand and gravel will be critical. It is considered likely that the trends of increased demand seen in the 2 most recent Local Aggregate Assessments will continue and there will also be additional demands on existing supplies in the West Midlands as evidenced by the company having to turn away customers at its Saredon site. In this context it is considered that Woodcote Wood would not only have the ability to supply existing market demand more sustainably but would also have the potential to meet a future unmet need for mineral in the Telford area as demand increases. The test set by Policy MD5(i) is met, having regard also to the status of the site in the SAMDev plan as an unworked commitment and its allocation in the former Minerals Local Plan.

The second test - MD5(3.ii) - The proposal would not prejudice the development of the allocated sites:

- 7.18 The allocated sites in the SAMDev plan are Wood Lane, Gonsal and Morville extension. The Wood Lane allocation was permitted in 2016 and is in production so cannot be affected by the current proposals. The Gonsal north extension at Conover near Shrewsbury has not yet come forward and the operator is intending to pursue a different application for a southerly extension due to the difficulty in constructing an access onto the A49. Gonsal serves a different market centred around Shrewsbury and Mid-Wales, so geographically it is not in direct competition with Woodcote Wood. Hence, Woodcote Wood would not be expected to prejudice this allocation when it comes forward. The Morville extension west of Bridgnorth would be expected to serve a market divided between the West Midlands and Telford, as is the case with the existing nearby quarry at Bridgwalton. It is considered that the Telford market is sufficiently large (@350,000tpa) to accept supplies from Woodcote Wood and the allocated site at Morville. It should be noted that the current applicant NRS already supplies over 80,000tpa into Telford under established supply contracts and the company's market knowledge has demonstrated the potential for a significant increase in supply. The Morville allocation would also obtain access via roads leading initially to south Telford whereas Woodcote Wood would supply the market from the east. It is not considered that there would be any obvious conflict between the proposed site and the existing SAMDev allocations. The requirement of policy MD5(ii) is therefore met.

The third test – MD5(3.iii) - significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be

- significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.
- 7.19 MD5(iii) – Exchange or surrender: The proposals do not involve any exchange or surrender of existing mineral sites or permissions. This aspect of the policy does not therefore apply.
- 7.20 Significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits: As noted above, the allocation at Wood Lane is already approved and operational. The Gonsal and Morville applications would not be able to supply the Telford market or other local markets from such close proximity as Woodcote Wood. Hence, the carbon footprint associated with these allocations would be higher than Woodcote Wood which could be said to be significantly more acceptable in this respect. There are some doubts as to the intention of the operator to pursue the Gonsal north extension given that they have indicated an intention to pursue a southerly extension to Gonsal instead.
- 7.21 Both Gonsal and Morville (and the proposed site at Pave Lane) include significant amounts of agricultural land which is of best and most versatile quality and is therefore protected under paragraph 112 of the NPPF. This is not the case with Woodcote Wood which is on poorer quality land. National guidance does not preclude the working of best and most versatile land for mineral extraction. It does however advise that a sequential test should be employed to determine whether other lower quality land could be used instead, as in the case of Woodcote Wood.
- 7.22 The current site is also further from residential property than the allocated sites, has a high degree of natural screening due to topography and the retained woodland edge surrounding the site and is not affected by any statutory environmental designations or hydrological issues. In addition, significant environmental benefits would be offered as the former plantation woodland use would be replaced with a broad-leaved deciduous woodland. The other allocated sites also offer environmental benefits but the policy does not require the benefits offered by Woodcote Wood to exceed those of the allocations. It is concluded that the criteria of policy MD5(iii) are also met, and hence the proposals are compliant overall with this policy. It is considered that the proposals can be supported in relation to current planning policies. This is provided there would not be any unacceptably adverse environmental or amenity impacts after mitigation has been applied.

Local Context

- 7.23 Ten years has elapsed since the approval resolution and the current applicant (NRS) is now seeking to progress the site. It is necessary therefore to consider whether there have been any changes in the local environment or development context would have a material bearing on the sustainability of the proposals. The updated environmental information is considered in succeeding sections. In addition, it is necessary to consider whether the local environment has changed in a way which could affect the sustainability of the scheme. There are no material changes in relation to the geography of the site. No new houses have been constructed in the immediate vicinity of the site which would be classed as sensitive receptors. Nor has any other development taken place in the immediate vicinity which might impact on the sustainability of the proposals. The closest property (The Lodge) is owned by the landowner and is no longer occupied. The

centre of the plantation woodland was clear felled in 2016 as a consequence of normal forestry management practices.

- 7.24 Pave Lane site: A rival prospective mineral operator is proposing an alternative site at Pave Lane 1.5km to the north (in Telford & Wrekin). The Pave Lane proposals also involve landfilling with inert materials. The operator has appealed against non-determination and a Public Inquiry into the appeal has just closed. The Pave Lane applicant has questioned the deliverability of Woodcote Wood on the basis that the third party land required for the access (namely the roundabout on the A41) is not available (the land is owned by the landowner for the Pave Lane site who is supporting that application). However, an application for an alternative access is now before this committee.
- 7.25 As noted above, Woodcote Wood is identified as an unworked site commitment in the SAMDev plan and benefits from an approval resolution. It has been acknowledged as a better site than Pave Lane through independent assessment, including by the Inspector at the Minerals Local Plan Inquiry in 2000. Notwithstanding this, the officer considers that the site also clearly meets the tests for non-allocated sites set out in SAMDev Policy MD5. The officer considers that there have been no material changes to the local context of the site which would suggest that the mineral working at Woodcote Wood should not proceed.

Environmental considerations

Highway safety

- 7.26 The application as originally submitted proposed that access to the site would be gained from the south, onto the B4379. An alternative access point is now being proposed directly onto the A41. A planning application for this alternative access has (ref. 17/03661/EIA) is being considered in conjunction with the current application. Highway matters are considered in the context of that application.
- 7.27 Sheriffhales Parish Council have objected to the amended access proposals. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a new roundabout is needed now more than ever. These concerns are acknowledged. However, the proposed roundabout is no longer achievable as the third party land required to construct it is not available. The Highway Authority has not objected to the amended access proposals and the applicant has put forward a range of measures to control and mitigate highway issues which are referred to in the officer report for application 17/03661/EIA. As highway matters are now dealt with in the new access application there does not need to be a legal agreement covering these matters linked to the current application.

Other environmental effects

- 7.28 Landscape and visual impact: The Environmental Statement submitted in 2005 included a Visual Impact Assessment. The Officer assessment of this, detailed in the 2006 Committee report, concluded that provided the proposals are subject to appropriate planning conditions governing screening, restoration and planting they can be accommodated in relation to Development Plan policy relating to landscape /visual impact.

The resolution to grant planning permission was subject to a condition requiring prior approval of plant and stockpile design and location and restricting the maximum height of stockpiles and plant to 10 metres above surrounding ground levels in order to protect the visual amenities of the area.

- 7.29 Update to landscape and visual impact assessment: The addendum to the Environmental Statement includes a new Landscape and Visual Impact Assessment (LVIA). It states that this has been prepared in acknowledgement that the landscape is the aspect that has most changed since 2005. The LVIA identifies that there is a Grade II Registered Park and Garden (Lilleshall Hall) approximately 1km west of the site, and a number of listed buildings within the surrounding area. It also identifies visual receptors in relation to the site. It assesses the overall sensitivity of the landscape resource to this type of development as low-medium.
- 7.30 Landscape effects for the proposed development are assessed as slight-moderate adverse, which is not considered to be a significant effect. It considers that the greatest visual effects will result from the construction of the access road. However, these effects will be temporary, and following construction of the access road, and implementation of mitigation in the form of the additional planting, visual effects will generally not exceed negligible adverse. The assessment goes on to note that these effects will not be permanent, and following restoration of the site there will be nil to negligible beneficial residual landscape and visual effects.
- 7.31 The updated landscape assessment supports the original landscape assessment and confirms that no additional issues have come to light which would suggest any grounds for objection in visual amenity terms. It should also be noted that the recommended planning conditions and legal agreement include measures to manage peripheral vegetation and preserve and enhance screening within the site.
- 7.32 Historic environment considerations: Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.
- 7.33 In the 2006 Committee report Officers stated that the only archaeological resource likely to be affected by the proposed development is a length of some 450m of the linear earthworks along the line of the chapelry boundary. No further previously unknown archaeological remains were encountered within this area and there was no evidence for metalworking activity. The Historic Environment Officer recommended that a condition is imposed on any planning permission, requiring a programme of archaeological works to be undertaken, including monitoring of all topsoil stripping, with provision for the recording of any archaeological features which may be encountered.
- 7.34 Update to archaeology matters: The applicant's agent has reviewed and re-assessed the heritage impact reports that were included in the 2005 Environmental Statement. This re-

evaluation concludes that the physical impacts of the development on the assets identified in the Historic Environment Record would be no higher than a slight adverse significance, and that this impact is not considered to be significant. Officers consider that the measures that were proposed in the 2006 Committee report, i.e. to require a programme of archaeological work, remains appropriate for the proposed development.

- 7.35 Ecological consideration: Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.
- 7.36 In the 2006 Committee report Officers considered that based on the results of survey and habitat quality assessment, there were no grounds to predict the presence of uncommon or important plant species or fauna. It stated that the removal of the woodland would result in the loss of a limited assemblage of common plants and fauna, the effect of which would be small and not significant. Furthermore a supplementary survey has not identified the presence of any reptiles or badgers within the site. It noted that appropriate restrictions would ensure no negative effects on nesting birds. Officers were of the view that the proposed restoration of the site to woodland would be consistent with the restoration concept set out in the Minerals Local Plan, and noted that the opportunity has been taken to introduce a more diverse range of woodland and complementary land uses (woodland glades, rides and open areas) and limited exposures of sandstone faces. It was noted that supplementary surveys of protected species would be required prior to entry into each mineral working phase, and that the applicant had agreed to undertake a newt survey. Officers concluded that subject to the above provisions and to appropriate restoration / afteruse conditions the proposals could be accepted in relation to Development Plan policy regarding ecology and wildlife.
- 7.37 Updated ecological assessment: As an update to the previous ecological assessments a preliminary Ecological Appraisal and a further assessment were undertaken in 2015. These confirm that there are no nature conservation designations within the site or its surroundings. The habitats within the site are predominantly conifer forest clear-felled with young, unmanaged natural regeneration surrounded by mature standing conifer and mixed woodland. The proposed mineral extraction would be undertaken within the clear-fell area. The ecological value of the clear fell area is low due to the long history of conifer tree cover. Species surveys undertaken comprise Great Crested Newt, breeding birds, bats and reptiles. The updated ecological assessment concludes that the protected species value of the site is relatively poor. The restoration of the site would provide opportunities to enhance biodiversity.
- 7.38 Based on the above the addendum Environmental Statement considers that the original assessment that the proposals would not result in any significant adverse ecological effects is still valid. The Councils ecologist has confirmed verbally that there are no objections. A habitat risk assessment is being prepared and will be circulated before the Committee meeting. It will be necessary to provide Natural England with 21 days' notice before a decision can be issued on the application and this is reflected in the officer recommendation. Natural England have not objected to the linked application for a new access and did not object at the time the application was originally considered in 2006.

- 7.39 Ground and surface water considerations: Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water. In addition to protection of water resources from pollution the applicant will require water for mineral processing. It is expected that a significant portion of this can be obtained by collecting surface water drainage within the site and recycling it through the proposed water recycling system. There is likely however to be a requirement to top up water supplies. It is normal at sand and gravel sites for this to be obtained either from abstraction of surface or ground water under licences issued by the Environment Agency who have not objected to the current proposals.
- 7.40 In the 2006 Committee report Officers noted that whilst there are some ponds / watercourses within 1km of the site boundary there are no surface water features within Woodcote Wood site itself. The application confirmed that a minimum freeboard of 3 metres would be maintained above the groundwater table. Officers reported that, as groundwater would not be intercepted during excavation, there would be no impact on groundwater resources. The Environment Agency had not objected to the proposals and considered that matters relating to foul drainage, discharge from settlement lagoons, and related drainage/hydrological issues area capable of being dealt with satisfactorily by appropriately worded planning conditions. Following assessment of relevant information Officers concluded that the proposals would not pose any significant risk to groundwater quality, and this was accepted by Members of the County Council's Planning Committee in resolving to grant planning permission.
- 7.41 Updated hydrological assessment: The applicant's agent has undertaken a review of the data provided in the 2005 Environmental Statement and water resources investigations of 2015. This review concludes that there have been no large scale alterations in the groundwater usages locally, and therefore the groundwater elevations are not likely to have altered significantly since the 2005 Environmental Statement was undertaken. As such the applicant's agent considers that there has been insufficient change to the baseline hydrogeology and hydrology conditions as to require an updated water features survey or assessment.
- 7.42 An investigation carried out in 2015 stated that there is an absence of suitable waterbodies and watercourses in the vicinity of the site from which a new surface water abstraction licence could be attained. The applicant's agent acknowledges that at the current time it is not clear that a suitable water source has been identified for the site. Further work on this aspect of the development is required. Officers acknowledge that water abstraction is dealt with under separate legislation. The applicant's agent proposes that a water monitoring and management plan should be developed for the site, in order to satisfy the Environment Agency and to allow the issue of an abstraction licence for water management at the site. It is considered that these matters can be agreed through appropriate planning conditions.
- 7.43 Drainage considerations: The planning application submitted in 2005 proposed that a series of lagoons would be formed at the site to retain process water and allow for the settlement of silt, with this water being recycled for use in processing. The resolution that was made in 2006 to grant planning permission for mineral extraction at Woodcote Wood was subject to conditions to deal with surface and foul drainage.

- 7.44 Update to drainage strategy: As part of the addendum to the Environmental Statement, surface and foul water drainage strategies have been produced. It is proposed that surface water attenuation for any increased runoff during operational phases would be conveyed to one of a series of detention basins strategically located around the development. Surface water runoff would be allowed to infiltrate to ground and evaporate. Additional detention basins would be constructed and existing basins relocated as and when required. Following the completion of restoration works, a single detention basin will be located at the base of the restored woodland slope. Treatment would be provided for runoff from vehicle maintenance and fuel storage areas prior to discharge to lagoons. Foul water is proposed to be managed on site by a septic tank and drainage field or a sealed cesspool, subject to further investigation. In principle the drainage strategy that has been put forward is acceptable. However, as was the case for the 2006 resolution, it would be appropriate for detailed schemes to be agreed as part of planning conditions.
- 7.45 Residential and local amenity considerations: Core Strategy policy CS6 requires that developments safeguard residential and local amenity. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 7.46 Noise: The NPPF makes it clear that minerals planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. It further recognises that mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 7.47 The Environmental Statement submitted as part of the original planning application contained a noise assessment which identified the main sources of noise within the site, predicted noise levels at four sensitive receptor locations around the site and put forward noise mitigation proposals. The noise predictions established that the 'background plus 10' limit for normal quarrying operations would not be exceeded at the four nearest properties. The study concludes that the development could proceed in accordance with the noise limits set out at each noise sensitive property. In relation to temporary soil stripping operations, which can generate more noise than normal quarrying operations, the Environmental Statement confirmed that such activities would be undertaken only occasionally at the site with typically one such episode a year lasting for a period of less than two weeks. It was acknowledged that during such periods the noise level may marginally exceed the normal working criterion of 45 dBL_{Aeq}, but would remain well below the temporary limit for such operations of 70dBL_{Aeq} specified by the prevailing planning guidance (MPS2) which applies for up to 8 weeks a year.
- 7.48 These noise predictions were based on a 'worst case' scenario and, in the 2006 Committee report, Officers were of the view that the predicted noise levels at the respective properties would be realised and that in reality lower noise levels will be experienced (para. 7.20). The applicant previously agreed to accept a planning condition requiring noise monitoring to be undertaken at periodic intervals in order to check compliance with the noise limits and to verify that, in practice, the noise levels are considerably lower than predicted. Officers concluded that the noise predictions in the Environmental Statement demonstrate that the proposals are capable of complying with the noise limit criteria for quieter rural areas set out in MPS2. The topography of the site relative to the nearest properties would also provide a significant amount of natural attenuation and the design of the site does not

require a high intensity of plant use. The resolution of the County Council's Planning Committee to grant planning permission was subject to the imposition of conditions to ensure that noise mitigation complies fully with best practice throughout the proposed quarrying and restoration operations, and to require the submission of a scheme to monitor noise from quarrying with identification of additional detailed noise mitigation measures where appropriate. Noise control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress.

- 7.49 Update to noise assessment: The applicant has re-assessed the findings of the 2005 noise assessment as part of an addendum to the Environmental Statement. The addendum states that due to the rural location of the site, it is assumed that the baseline noise levels will not have changed. In addition, it can be assumed that the magnitude of change in noise levels, and resulting effects, have not changed.
- 7.50 Officers acknowledge that the framework for noise assessment has been updated since the planning application was originally assessed, however it is considered that the predicted noise levels remain acceptable. The Council's Public Protection Officer has noted that the background noise survey was undertaken in 2004 and is out of date. However the Officer does not consider that the noise levels in the area would have reduced over time and that the survey data is therefore suitable for use. Officers consider that the findings of the original assessment, i.e. that the proposals would not result in any significant adverse noise effects, is still valid.
- 7.51 Dust: The NPPF makes it clear that unavoidable dust emissions should be controlled, mitigated or removed at source. The NPPF technical guidance states that a dust assessment study should establish baseline conditions, identify dust-producing activities, recommend mitigation measures, and proposed appropriate monitoring and reporting linked to effective response to complaints.
- 7.52 The 2005 Environmental Statement included a dust assessment. It identified that the main sources of dust generation were soil stripping, extraction, processing, and loading and haulage of excavated material. It concluded that the greatest proportion of dust would be deposited within 100 metres of the source, and the potential for dust deposition to extend beyond 250 metres was very low. The Environmental Statement put forward a number of dust mitigation measures.
- 7.53 In the 2006 Committee report, Officers concluded that provided the proposals were subject to appropriate dust control measures they should not give rise to any unacceptably adverse dust impact. Officers noted that the effectiveness of dust control measures would be monitored on an ongoing basis throughout the operational life of the site. Dust control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress (para. 7.25).
- 7.54 Update to dust assessment: An update to the 2005 dust assessment has been submitted as part of an addendum to the Environmental Statement. The addendum states that, as the scheme has not changed, the potential sources of dust generation identified within the 2005 assessment would remain the same. As such it considers that the potential effects would remain the same. It confirms that the recommended mitigation measures would still

be implemented within the scheme.

- 7.55 The Public Protection Officer has reviewed the submitted dust assessment and does not consider there is any likelihood of any significant impact on nearby receptors given the distances involved from the site to nearest residential properties. It would nevertheless be appropriate to impose dust control conditions on the planning permission, in line with the resolution made in 2006.
- 7.56 Mineral Processing The proposed developer of the Pave Lane site has objected on the basis that, like Pave Lane, the sand and gravel at Woodcote Wood contains the clay mineral smectite which can affect the quality of the end product. Prior to entering into a working agreement with landowner (Apley Estate), the applicant NRS took samples of the material for assessment to see if it would meet the BS EN 12620 and BS12620 requirements for sand and concreting sand. The samples were provided to Duo Equipment Ltd, who provided the processing plant for the company's site at Saredon in Staffordshire. Duo confirmed that they were able to process the material to the required standard for use in the production of concrete sand. Whilst the removal of the smectite will involve some additional processing the applicant states that it is well within the bounds of normal mineral processing. The processing does not require any more water than would be expected and, and the systems NRS propose to use will recover water for re-use at a water recovery rate of approximately 90%. Consequently, the presence of smectite in the reserve will not prove a barrier to the quarrying proposals.
- 7.57 Assessment of the whole quarrying scheme: A legal advisor acting for the Pave Lane landowner has argued that the current application and the original quarrying application (SC/MB2005/0336/BR) should be re-submitted as a single application. This is not accepted. The interrelationships between the 2 applications are clear and the environmental impacts of both schemes have been satisfactorily evaluated in the submitted information. The applicant has chosen to submit the new access application separately and to retain the original quarrying application which was the subject of a former approval resolution. Both applications are valid and there is nothing in the Planning Act or the EIA Regulations 2017 which would require the applicant to submit a single application for both proposals. If the current application is not approved then this would have implications for the original application. The officer recommendation for application SC/MB2005/0336/BR takes appropriate account of this.
- 7.58 The updated environmental reports for the current application have been prepared by the applicant specifically to update the original Environmental Statement. The application documents supporting the new access proposals which are a separate item on this Agenda have also specifically considered the combined environmental effects of both Woodcote Wood applications. Members are being asked to recognise the interrelationships between both applications, recognising that that the proposed quarry would work as a single unit.
- 7.59 The updated visual appraisal accompanying the current application relates specifically to the original planning application. However, the visual appraisal accompanying the new access application updates this to include the original site and the proposed extension. With respect to highway considerations it should be recognised that these matters are now considered under the new access application rather than the current application. Regarding ecology, the phase 1 survey accompanying the current

application encompasses the area of the current application. An equivalent survey accompanying the new access application covers the area of that application and the current application hence, allowing an assessment of both application areas. In terms of arboriculture, there are no significant implications for trees with respect for the current site as it has been clear felled of plantation woodland at the centre and any other potential implications for trees are now covered by the new access application. Regarding water supply the report accompanying the environmental statement for the new access application considers the situation for the entire quarry site, although demand for water for processing is primarily an issue for the current application, given that the quarry plant site which would use water for mineral processing is proposed to be located in this area. As no extraction is proposed below the groundwater table there are not expected to be any hydrological issues specific to the current application site.

7.60 In summary therefore, the officer is satisfied that the environmental implications of the whole development including the current application site and the original quarry site have been adequately assessed in the information accompanying the respective applications and Environmental Statements.

8. CONCLUSION

8.1 In conclusion, updated environment information has been submitted in support of an historical 2006 application for quarrying at an allocated site at Woodcote Wood near Newport. The information confirms that there have been no material changes in the environmental or geographic context of the site which would suggest that the proposals should not proceed. This is having regard also to the inbuilt safeguards in the design of the scheme and the recommended planning conditions.

8.2 The policy context of the proposals has been reassessed. Whilst national guidance and local policies have changed since the original 2006 committee resolution the basic thrust of mineral policy remains the same. The Minerals Local Plan which allocated the site has now been superseded by the SAMDev plan which refers to Woodcote Wood as an unworked site commitment. An assessment of the site in relation to the tests set out in SAMDev Policy MD5(iii) has been undertaken. Notwithstanding the status of the site as an unworked site commitment it is considered that the site clearly meets these policy tests,

8.3 A related application for a new access at the site is a separate item on this Agenda. The inter-relationships between the two applications has been assessed and is addressed in the respective committee resolutions. It is concluded that the updated environmental information accompanying the current application has demonstrated the acceptability of the site and accordingly the proposals are compliant with relevant policies and guidance. Approval can therefore be granted subject to the recommended conditions.

9. 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.

10. 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

11. PLANNING POLICY

11.1 Central Government Guidance: National Planning Policy Framework

142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

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

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- 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 take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ 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 and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;

- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
- ensuring that large landbanks bound up in very few sites do not stifle competition; and
- calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

11.2 Local Policy

Shropshire Core Strategy

i. 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 which are identified in Figure 10. 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. Encourage 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 Policy 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 in Figure 11. 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.

ii. SAMDev PlanPolicy MD5: Sites for Sand and Gravel Working

1. The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;
2. Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:
 - i. the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;
 - ii. the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;
 - iii. whether the early release of the site would enhance sustainability through meeting an identified local need.
3. Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:
 - i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,
 - ii. the proposal would not prejudice the development of the allocated sites; and,
 - iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

Schedule MD5a: Phase 1 Site Allocations:

Development of the allocated mineral sites identified on the Proposals Map should be in accordance with relevant Local Plan policies and the development guidelines set out in this schedule.

MD16 - Mineral Safeguarding

Transport and processing facilities will not be granted unless the applicant can demonstrate that:

1. The development proposed would not prevent or unduly restrict the continued operation of the protected infrastructure; or,
2. That the identified facilities are no longer required or that viable alternative facilities are available. MSA boundaries and protected mineral transport and processing facilities are identified on the Policies map and insets. The buffer zones which will apply to protected resources and facilities are identified in the explanatory text below.
3. Applications for permission for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development or the protected mineral handling

facility (termed a Mineral Assessment). This assessment will provide information to accompany the planning application to demonstrate to the satisfaction of the MPA that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource;

4. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission.

MD17: Managing the Development and Operation of Mineral Sites

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
 - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
 - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
 - iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
 - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
 - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);
 - vi. Effects on ecology and the potential to enhance biodiversity;
 - vii. The method, phasing and management of the working proposals;
 - viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
 - ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

Where necessary, output restrictions may be agreed with the operator to make a development proposal environmentally acceptable.

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity 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. Proposals which take account of the site, its surroundings, and any development plan policies relevant to the area;

- ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
 - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
 - iv. A Reclamation Plan;
 - v. Provision for a 5 year period of aftercare;
Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.
3. Proposals for the working of unconventional hydrocarbons should clearly distinguish between exploration, appraisal and production phases and must demonstrate that they can satisfactorily address constraints on production and processing within areas that are licensed for oil and gas exploration or production. Particular consideration will be given to the need for comprehensive information and controls relevant to the protection of water resources;
 4. Where relevant, applications for the winning and working of coal should include proposals for the separation and stockpiling of fireclay so that its value as a mineral resource can be captured;
 5. A flexible approach will be adopted to the duration of planning consents for very small scale, intermittent but long term or temporary working to work locally distinctive building and roofing stone consistent with the objectives of Policy MD2;
 6. Where ancillary development is proposed, proposals should include satisfactory measures to minimise adverse effects, including:
 - i. Locating the ancillary development within or immediately adjacent to the area proposed for mineral working or on an established plant site;
 - ii. Restricting the principal purpose to a purpose in connection with the winning and working of minerals at the site or the treatment, storage or removal of minerals excavated or brought to the surface at that site;
 - iii. For imported minerals, where necessary, to limit the quantities involved to control the volume and type of traffic, and the establishment of an acceptable route for the traffic to and from the site;
 - iv. The cessation of the ancillary development when working of the mineral for which the site was primarily permitted has ceased and removal of plant and machinery to allow full restoration of the site.Where ancillary development could have an adverse effect on the local environment which cannot be mitigated to acceptable levels, a condition may be attached to the planning permission to control the adverse effects by limiting development to an established plant site, or introducing a stand off from sensitive land uses, or mitigating effects in other ways, or as a last resort, withdrawing permitted development rights so that the ancillary development can be properly controlled by the terms of the planning permission

12. 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

13 RELEVANT PLANNING HISTORY:

- BR/02/0011/HRM Remove 3 no. hedgerows whose total lengths are approximately 240 metres. NOOBJC 13th January 2003
- 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand &
- gravel extraction on adjacent Woodcote Wood site PCO

List of Background Papers:

1) Planning Application reference SC/MB2005/0336/SC and the accompanying Environmental Statement, Regulation 19 submission of further information.

2) Planning Application reference 17/03661/EIA and the accompanying Environmental Statement

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices:

Appendix 1 - Conditions;

Appendix 2 - Habitat Regulations Assessment;

Appendix 3 - Original 2006 committee report for current application.

APPENDIX 1

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. The date at which development commences shall be referred to hereinafter as 'the Commencement Date'.

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 to the area shown in the approved location plan accompanying planning application reference SC/MB2005/0336/BR, 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 application form, supporting statement and environmental statement as updated, pursuant to application reference SC/MB2005/0336/BR.

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. Extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and restoration of the site.

LIMITS OF MINERAL EXTRACTION

5. There shall be no entry into each new mineral working phase until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be 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 250,000 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 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.

NOISE AND DUST

- 7a. Subject to Condition 7b 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)
Woodcote Hall	47
Brandon House	49
1 Chadwell Lane	50
88 Bloomsbury	46
Pine Ridge	49

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties 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 regarding noise or dust impact is received by the Local Planning Authority and is subsequently notified in writing by the Authority to the Developer as a verified complaint 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 and maintained 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 mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.30 on Mondays to Fridays and 7.30 - 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.

Reason: To safeguard the amenities of the area.

HIGHWAY MATTERS

13. No development shall take place until the access proposed under application reference 17/03661/EIA has been constructed to the written satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the highway

PLANT AND STOCKPILING

14. Prior to the Commencement Date a scheme confirming the location and height of stockpiling areas within the site shall be submitted for the approval in writing of the Local Planning Authority.

Reason: In the interests of visual and general amenities.

REMOVAL OF G.P.D.O. RIGHTS

15. Notwithstanding the provisions of Part 17 A and B of the Town and Country Planning (General Permitted Development) Order 2015 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 written 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

16. The Site shall be worked and restored in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application.

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

DRAINAGE / POLLUTION

- 17a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume 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, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

18. Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development. The drainage

features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

Note: The Environment Agency has indicated that it is expected that the settlement ponds will be lined with a low permeability geosynthetic liner.

- 19a. No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.
- b. No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

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

20. No development approved by this permission shall be commenced until a scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, etc. has been submitted to and approved by the Mineral Planning Authority. The scheme shall include monitoring and contingency proposals in the event of derogation being shown.

Reason: To protect the groundwater resource and the biodiversity dependent upon it.

Archaeology

21. No development approved by this permission shall commence until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been secured. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest

SOIL / MATERIAL MOVEMENT AND STORAGE

22. 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.

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

23. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, 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.

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

- 24a. 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.
- b. 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 the developer shall take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

25. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil;
 - 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;
 - 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

- 26a. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof from the commencement of the development until the completion of aftercare.
- b. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land (26a). To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas (26b).

SLOPE STABILITY

27. 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 stability problems with the potential to adversely affect adjacent land

or the use of the site 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 in accordance with an agreed timescale, 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.

ECOLOGY

28. A minimum of 6 woodcrete bat boxes suitable for nursery or summer roosting bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path along the woodland edge and where they will be unaffected by artificial lighting. Within 3 months of the commencement of development, the makes, models and locations of the bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure enhanced provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

29. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - iii. Include no lighting on the access road.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

30. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation

strategy for LPA approval that sets out appropriate actions to be taken during the works. The mitigation strategy shall be implemented as approved.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

31. No further felling of boundary trees and scrub shall take place on the development site without prior approval of the local planning authority. Boundary trees and scrub will be retained during the lifetime of the development and restoration phase.

Reason: To protect woodland wildlife including bats (EU Protected Species), Badger and nesting birds (nationally protected) and maintain viable habitat connections around the site in accordance with MD12 and CS17 Environmental Networks.

32. Prior to construction of the processing plant, the makes, models and locations of bird boxes to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. These shall include, but not be restricted to:

- i. 3x small open-fronted nest boxes suitable for Spotted Flycatcher (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 2 to 4m above ground with a clear outlook into open woodland;
- ii. 3x medium open-fronted nest boxes suitable for Song Thrush (with a 75 – 100mm width open slot at the front), positioned 30-50m apart, at a height of 2-4m above ground with a clear outlook into open woodland;
- iii. 3x small open-fronted nest boxes suitable for Dunnock (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 1 to 4m above ground close to dense foliage.

The nest boxes will be installed before the first nesting season after development commences and will be thereafter maintained for the lifetime of the development.

Reason: To mitigate for the loss of nesting sites and ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

- 33a. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping and restoration plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
- ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
- iii. Means of ground preparation and planting pit specification where relevant.
- iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).
- v. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- vi. Schedules of native plants of local provenance, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- vii. Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, bat and bird boxes);
- viii. Areas to be retained for natural regeneration with no or reduced spreading of topsoil;
- ix. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
- x. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
- xi. Timing of commencement and completion of the various phases of the scheme.
- xii. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.
- xiii. A scheme for the restoration of the plant, stocks and lagoon areas.
- xiv. Implementation timetables.
- xv. Fencing proposals;
- xvi. Provision of a range of habitats taking into account the recommendations of the updated ecological surveys reported in 2017;
- xvii. Implementation timetables.

The plan shall be carried out as approved.

- b. The landscaping plan shall also identify the measures which shall be employed to maximise visual screening of the quarry plant site.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design (33a) and in the interests of visual amenity (33b).

34. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - i. Description and evaluation of the features to be managed;
 - ii. Ecological trends and constraints on site that may influence management;
 - iii. Aims and objectives of management;
 - iv. Appropriate management options for achieving aims and objectives;
 - v. Prescriptions for management actions;
 - vi. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - vii. Personnel responsible for implementation of the plan;
 - viii. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - ix. Possible remedial/contingency measures triggered by monitoring';
 - x. The financial and legal means through which the plan will be implemented.

Specific species management plans should also be provided in respect of Sand Martins other birds, Badgers and bats. The plan shall be implemented in accordance with the approved details. The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

Informative Notes:

- i. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
- ii. *Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. Advice should be sought from an experienced ecologist if reptiles or amphibians are found during site clearance.*

RESTORATION

35. Prior to the Commencement Date a detailed landscape planting scheme shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall include:
 - i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
 - ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
 - iii. Means of ground preparation and planting pit specification where relevant.
 - iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).
 - v. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
 - vi. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
 - vii. Timing of commencement and completion of the various phases of the scheme.
 - viii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - ix. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of

appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.

- x. A scheme for the restoration of the plant, stocks and lagoon areas.
- xi. Implementation timetables.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate

REMOVAL OF PLANT AND STRUCTURES

37. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be 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 approved restoration and aftercare schemes.

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

AFTERCARE

38. A detailed aftercare schemes shall be submitted for each restored section of the Site as soon as restoration has been completed to the written satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to achieve the approved afteruse. 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 effects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. cultivation works;
 - iv. reseeded where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - v. grass cutting or grazing;
 - vi. replacement of hedge and tree failures;
 - vii. weed and pest control;
 - viii. drainage including the construction/maintenance of ditches and soakaways;
 - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - x. habitat management proposals within the aftercare period;
 - xi. track maintenance within the Site;
 - xii. repair to erosion damage;
 - xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
 - ix. A system of under drainage where natural drainage is not satisfactory;
 - x. 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.

39. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 38 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.

Note: The legal agreement accompanying this permission provides for an additional 5 year extension to the 5 year aftercare period required by this condition.

ANNUAL REVIEW

- 40a. 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 Local 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.

APPENDIX 2



Habitats Regulations Assessment (HRA)

1.0 Introduction

The proposals described below have the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the Woodcote Wood Site (The Site), Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA and SC/MB2005/0336/BR) project, undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

The following memoranda should be read in conjunction with this HRA:

- WoodcoteWoodQuarry17.02645.SCR dated 22nd June 2017
- WoodcoteWoodQuarry.17.03661.EIA dated 13th October 2017

These are also available on the planning website:

t
<https://pa.shropshire.gov.uk/online-applications/search.do?action=simple>

Date of completion for the HRA screening matrix:

13th October 2017, updated 6th December 2017

HRA completed by:

Dr Sue Swales
Natural Environment Team Leader
Shropshire Council

2.0 Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider whether or not the impacts are likely to be significant.

2.1 Summary Table 1: Details of project

<p>Name of plan or project</p>	<p>Woodcote Wood Quarry Site:</p> <ul style="list-style-type: none"> • 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site • SC/2005/0336/BR Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41
<p>Name and description of Natura 2000 sites</p>	<p>Midland Meres and Mosses Ramsar Phase 2 site Aqualate Mere SSSI (4.5km distant) is within the Midland Meres and Mosses Ramsar Phase 2 site.</p> <p>Phase 2 Ramsar criterion: Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog. Criterion 2a. Supports a number of rare plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i>, elongated sedge <i>Carex elongate</i> and bog rosemary <i>Andromeda polifolia</i>. Also present are the nationally scarce bryophytes <i>Dicranum undulatum</i>, <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>. Criterion 2a. Containing an assemblage of invertebrates, including several rare wetland species. There are 16 species of Red Data Book insect listed for the site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p> <p>No specific conservation objectives have been published for Ramsar sites in England. However, as a matter of principle, government has stated that Ramsar sites should be treated like European protected sites. The generic conservation objectives published for EU sites are as follows:</p> <p>Conservation objectives of all designated sites Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely.
<p>Description of the plan or project</p>	<p>Woodcote Wood Quarry Site:</p> <ul style="list-style-type: none"> • 17/03661/EIA Proposed new access to the A41 & installation of a processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood proposed quarry site. • SC/2005/0336/BR Extraction and processing of sand and gravel over 18.6ha, from the centre of Woodcote Wood. The development would involve the phased extraction of a total c. 2.55 million tonnes of sand and gravel over an operational life of 13 years. Site to be progressively restored to woodland and grassland at a lower level (without the use of imported fill).

	<p>The following potential effect pathways have been identified:</p> <p>1. Changes to water quality and quantity causing damage to, or preventing restoration of Aqualate Mere,</p> <ul style="list-style-type: none"> • contamination of surface or groundwater with hydrological connection to Aqualate Mere, • Excavation of sand and gravels or associated processes including abstraction of water for mineral washing causing a reduction in surface or groundwater and hence a reduction in water levels at Aqualate Mere.
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<p>The following plans or projects have been identified which could act in-combination with this project to cause likely significant effects on the international site(s).</p> <p>A number of EA Environment Permits exist to abstract water from the aquifer in which the Woodcote Wood Site and Aqualate Mere are located.</p> <p>There is a proposal currently subject to a planning appeal for mineral extraction at Pave Lane, Telford & Wrekin, which is also in the surface water catchment of Aqualate Mere:</p> <p>Land South of junction, A41/Pave Lane, Newport, Shropshire (hereafter referred to as ‘Pave Lane’) (Ref: TWC/2016/0437) A proposed quarry for the extraction of sand and gravel and importation of inert fill material for the restoration of the site.</p> <p>Potential in-combination effects are considered below for each effect pathway.</p>

2.2 Description of the project

The project consists of a proposed sand and gravel quarry adjacent to a processing plant and modified site access, covered by two separate planning applications. These will be treated as one project ‘Woodcote Wood Site’ for the purposes of this HRA. Further details and associated documents are published on the Shropshire Council public website, including most of the references listed in Appendix 1 of this HRA.

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

2.3 Consultations

Natural England, and the Environment Agency were formally consulted on these applications. Their responses and additional information provided by them on request, have been considered and used to inform the conclusions reached in this Habitats Regulations Assessment.

In their consultation response dated 25th August 2017 for 17/03661/EIA, Natural England stated:

‘Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment¹ for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.’

(Natural England would normally provide a consultation response on cases which might affect a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species and/or cases or generic issues which affect a large suite of sites or may set a precedent and thereby affect a significant quantity of habitat across the country.)

The Environment Agency’s comments have been referred to as appropriate below.

2.4 Current baseline

The proposed Woodcote Wood Site consists currently of mixed plantation woodland. The Site lies c. 4.5km south of Aqualate Mere Ramsar Site and SSSI and the proposed development lies within the surface water catchment of this international site. Although the Site is subjected periodically to forestry management, there is unlikely to be a current adverse effect from such management on the international site.

The proposed quarry is subject to planning application SC/MB2005/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. The original Environmental Statement (ES) has since been supplemented with an ES addendum to bring the application up to date and enable a formal decision. It was proposed that mineral extraction would only take place above natural groundwater level and therefore no active dewatering would be required.

New proposals for a new site access off the A41 and access and installation of a processing plant to facilitate mineral extraction from the adjacent area of Woodcote Wood is covered by planning application 17/03661/EIA. Mineral washing and dust suppression will require abstraction of water and careful management of fine sediment. The Water Feasibility Assessment (ES Appendix 7.1) includes water balance calculations that are based on a review of the site water requirements (Section 4.2), potential sources of water (Section 4.3) and the onsite water storage options. The report concludes that the required volume of start-up water (228m³) and top-up water (10,000m³/a) could be provided by a number of potential sources. Machinery will be regularly active on both parts of the Site and chemicals such as fuel will be used and stored on site.

Aqualate Mere (241.00ha) is the largest of the meres in Phase 2 with the most extensive reedswamp community. The mere and its surrounds form a complex of open water, fen, grassland and woodland unrivalled in Staffordshire for the variety of natural features of special scientific interest. The esker formation on the north side of the mere is of national geomorphological importance in its own right. The large area and juxtaposition of semi-natural habitats supports an outstanding assemblage of beetles, moths and sawflies. The site has nationally important numbers of breeding herons *Ardea cinerea* and passage shoveler *Anas clypeata* and is regionally significant for breeding waders.

2.5 Initial screening for likelihood of significant effects on European Sites

Likely significant effect pathways have been identified and Aqualate Mere has been screened against these.

Table 2 – Initial screening for likelihood of significant effects

European designated site	Distance from project site	Site vulnerability	Potential Effect Pathways

<p>Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site</p>	<p>4.5km</p>	<p>The Mere's qualifying features are vulnerable to reductions in water levels from ground water and surface water abstractions, eutrophication from raised nitrogen and phosphorous and siltation entering the site via incoming water</p>	<p>Water Quality: Damage could occur through increased nutrients or pollutants entering the surface or groundwater due to fine sediments generated by soil stripping, storage, mineral extraction or spillage of chemicals or fuel contaminating ground or surface water leading to damage of designated wetland habitats and the species assemblages they support.</p> <p>Water quantity Abstraction of water in setting up the processing plant and during operation of the quarry could lead to a reduction in water levels in both ground and surface water catchments leading to degradation of qualifying habitats dependant on high water levels at Aqualate Mere.</p> <p>Not screened out</p>
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2.6 Summary of Stage 1 screening

It is concluded that there are potential pathways for a likely significant effect between the development/project and West Midlands Meres and Mosses Phase 2 Ramsar Site, (Aqualate Mere) alone and in-combination with other projects.

Shropshire Council has investigated more detailed information from the applicant in order to consider if the development will have significant effects on the Ramsar site or have an adverse effect on the integrity of this site.

Further information has also been sought from Natural England and the Environment Agency.)

3.0 HRA Stage 2 Detailed analysis of further information and Appropriate Assessment

3.1 Further assessment of possible effects on water quantity and quality

3.1.1 Baseline

Conceptual Hydrogeological Model (CHM) (See Appendix 1 Ref No. 3)

The applicant has gathered together baseline information on the regional hydrology and hydrogeology, as well as site specific information on the Woodcote Wood Site and Aqualate Mere, in order to determine if there is a hydraulic connection.

Regional surface water catchment

Aqualate Mere receives water from three watercourses and their tributaries.

The Woodcote Wood Site is located in the Bolam's Brook catchment. The Bolam's Brook is a tributary of the Moreton Brook which flows into Aqualate Mere, approximately 4.6km north of the Site, via the Back Brook and the Coley Brook. The Woodcote Wood Site is located in Flood Zone 1. (i.e. a low probability of flooding), and there are no watercourses or surface water features within the site boundary. It drains by a combination of infiltration and evapotranspiration.

Other sources of water for Aqualate Mere include precipitation, surface runoff (overland flow), unnamed watercourses and field ditches. The lake's outflow to the west of the lake is to the River Meese, which flows in a general north-westerly direction before joining the River Tern, a tributary of the River Severn.

Regional surface water quality

The catchment is monitored under the Water Framework Directive and the EA classified it in 2016 as having an ecological status of 'poor' and a chemical status of 'Good' within an overall WFD status of 'Poor'.

Regional superficial Geology

Regional superficial geology is predominantly till located in the low-lying topographic areas. Glaciofluvial deposits (sand and gravel) and alluvium (clay, silt, sand and gravel) are also present and are associated with water courses. There are no superficial deposits overlaying the Woodcote Wood Site. Aqualate Mere however, is thought to be formed in a glacial kettle hole, being a depression in the sand and gravel scoured out by the retreating glaciers which has then in filled with freshwater. According to the BGS mapping.

Aqualate Mere is underlain by the following superficial deposits:

- Peat – underlays the majority of the Aqualate Mere but mainly found in the central area, underlying the lake;
- Glaciofluvial Deposits, Devensian - Sand and Gravel are found to the northeast and south of the central peat deposits;
- Till, Devensian – Diamicton (clay, gravel and sand with poorly sorted clasts and boulders) is found to the north of the Aqualate Mere and a small area is found to the west of the central peat deposits; and
- Alluvium - Clay, Silt, Sand and Gravel are found in a small area in the western extent of Aqualate Mere, where watercourses are present.

Regional Bedrock Geology

Both Woodcote Wood Site and Aqualate Mere are situated on the western fringe of the north-south orientated Stafford Basin; with younger geological Units to the east and older units to the west. The Woodcote Wood Site is entirely underlain by the Kidderminster Formation, comprised of pebble conglomerates and sandstones. Aqualate Mere is underlain by sandstone of the Wildmoor Sandstone Formation. There are two minor faults present in a northeast-southwest orientation between the Woodcote Wood Site and Aqualate Mere.

Regional Hydrogeology

The Permo-Triassic Sandstone is a high-yielding aquifer and is regionally important for groundwater supply within the Shropshire Area. Recharge of the bedrock aquifers occurs mainly in up-gradient areas of outcrop, inducing flow down-gradient to the surrounding rivers. To the east, recharge is severely limited by the presence of overlying low permeability superficial deposits (Till). Underlying bedrock aquifers can also be recharged by inter-aquifer flows from the surrounding aquifers and by stream bed leakage from surface waters such as during high flow or flood conditions.

Based on the regional geology and hydrogeology, regional groundwater flows are likely to be to the east with recharge occurring where there is exposed Kidderminster Formation sandstone and Wildmoor Sandstone Formation sandstone. Groundwater flows thereafter towards and underneath the till covered Mercia mudstone in the east, unless captured by a public water abstraction.

Between Aqualate Mere and the Woodcote Wood Site there are many groundwater Source Protection Zones (SPZ) and associated public water abstractions. The Woodcote Wood Site and the west of Aqualate Mere are located within a SPZ 3: Total Catchment. The purpose of SPZ 3 is to define the total catchment area for a public water supply abstraction. All groundwater recharge within this area is presumed to discharge to the associated water abstraction. There are also known to be

many licenced and private groundwater abstractions located between Aqualate Mere and the Woodcote Wood Site. The presence of groundwater abstractions in the area creates uncertainty around groundwater flow directions on the regional scale. Groundwater elevations are similar either side of the fault at Pave Lane suggesting a hydraulic connection across the fault.

Regional Groundwater catchment

The Woodcote Wood Site and Aqualate Mere both lie within the Shropshire Middle Severn – Permo Triassic Sandstone East groundwater catchment. However, due to the high clay content in the Till and Glaciofluvial deposits underlying Aqualate Mere and acting as an impermeable barrier to vertical groundwater movement from the underlying bedrock aquifer, if there is a groundwater input into Aqualate Mere it is likely to be locally derived from permeable layers of sand and gravel within the glaciofluvial and alluvium deposits. Groundwater flow direction in the superficial deposits surrounding Aqualate Mere tends to reflect local topography and be towards Aqualate Mere lake.

3.1.2 Predicted Impacts

Surface water quantity

Given the permeable nature of the Kidderminster Sandstone bedrock which the Woodcote Wood Site is located on, overland flow is likely to be minimal at present. During and post development, water draining into the quarry void will recharge the groundwater. Surface water runoff from the processing plant and hardstanding will be discharged to settlement ponds within the quarry area for retention prior to being recirculated to the processing plant or to SUDs features for infiltration. To mitigate the potential increase in flood risk to downstream areas, it is proposed to manage surface water runoff from the proposed development within the Site area for all storm events, up to and including the 1 in 100 year event (including an allowance for climate change).

Sand and gravel excavation will occur above the water table (minimum of 3m above water table) and de-watering will not be required.

There is a surface water pathway from the Woodcote Wood Site to Aqualate Mere via groundwater potentially entering into the Bolam's Brook. However, the connection is remote and provides a minimum contribution to the Aqualate Mere catchment as a whole. The overall surface water catchment of Aqualate Mere is approximately 5500ha of which the Bolam's Brook catchment area represents approximately 137ha and the Woodcote Wood Site is a further approximately 22ha of this. Overall, the Woodcote Wood Site represents 0.4% of the overall catchment for Aqualate Mere. Additionally, no direct discharges are planned from the Woodcote Wood Site to the Bolam's Brook. The connection is therefore not considered to give rise to Likely Significant Effects in terms of surface water quantity.

Water Quality

It is possible that contamination could reach the surface water catchment for Aqualate Mere via the above pathway. Such contamination could include increased nutrients, chemicals or sediment.

The operation of the sand and gravel quarry (including auxiliary facilities) would not include the use of material or liquids that could lead to releases of nitrogen or phosphorus into the water environment. However, pollution could still occur through release of chemicals such as flocculants and fuel, either as spillages in the quarry or at the processing plant or through failure of storage tanks. Quarrying and processing of mineral also generate fine sediments. Contamination of the groundwater via these pathways could lead to significant effects and would need counteracting measures.

Groundwater

There are no superficial deposits underlying Woodcote Wood, and surface water percolates directly

into the bedrock. Therefore no pathway exists in superficial deposits between the Woodcote Wood and Aqualate Mere.

Aqualate Mere is located on superficial deposits that includes permeable aquifer material underlain by low permeability clays. The clays will significantly limit the interaction with the bedrock aquifer, removing the pathway between the bedrock aquifer and the superficial aquifer and hence Aqualate Mere.

The Woodcote Wood Site is located within an SPZ 3 for a number of public water supply abstractions, which, by definition, means that groundwater within these areas will be captured by the associated public water supply boreholes, again suggesting that there is no direct groundwater connection between the Woodcote Wood Site and Aqualate Mere.

Therefore, a direct groundwater connection between the Woodcote Wood Site and Aqualate Mere appears to be unlikely and no significant effects are expected.

Abstraction

The new proposals under application 17/03661/EIA will involve both mineral washing and dust suppression. The latter will be required for the quarry (SC/MB2005 0336/BR) as well as the processing plant areas. This requires water abstraction and careful management of fine sediment through an appropriate drainage strategy.

The EA state (consultation response dated 30.8.17) 'Our current position is that Groundwater and surface water abstractions over 20m³/d generally require an abstraction licence from us. In this area we have identified the Coley brook catchment as having "restricted water available for licensing". However there are opportunities for license trading and other options.'

Abstraction of water from an aquifer that is already heavily used could reduce the amount of water from the Woodcote Wood Site entering the surface water catchment for Aqualate Mere. Counteracting measures are required.

3.1.3 Counteracting (mitigation) measures

The need for counteracting measures has been identified for the following effect pathways:

- Measures to prevent contamination of the groundwater on the Woodcote Wood Site,
- Measures to prevent reduction in water levels in the groundwater beneath the Site, potentially feeding into the surface water catchment via Bolam's Brook.

3.1.3.1 Contamination

The ES (17/03661/EIA) states that the proposed development would implement appropriate pollution prevention (best practice) measures during the construction, operation and restoration phases of the Site to help avoid impact and mitigate and manage the impact if accidental pollution were to occur. Such measures are identified in Table 7.13 of the ES and include lining of settlement ponds, appropriate bunding/secondary containment of fuel oils; drip trays and spill kits for vehicles and incident response.

Pollution prevention measures will be controlled by condition (see section 3.4 below).

3.1.3.2 Drainage strategy

Though the design and implementation of a Drainage Strategy for the Woodcote Wood Site, sediment and potentially contaminant laden water would be managed, contained and treated onsite, which would limit the potential for releases into the water environment and therefore reaching Aqualate Mere.

Surface water runoff from areas of hardstanding and the access road will be recirculated to settlement ponds for use in mineral processing. If this is not feasible, surface water runoff will be dispersed by infiltration to ground via vegetated swales and detention basins. The site is located within a Groundwater Source Protection Zone and SuDS features will be incorporated in to the detailed design to provide sufficient stages of treatment to ensure there is no risk of groundwater contamination, including oil interceptors and silt traps where appropriate.

Due to the absence of a sewer in the vicinity of the site, it is proposed that foul water flows from welfare facilities will discharge to a suitably designed cesspool to be periodically emptied by tanker as required.

The detailed drainage strategy and foul-water disposal plans will be controlled by planning conditions including the requirement for the detailed design and implementation of a sustainable settlement lagoon and settlement ponds as requested by the EA (see section 3.4 below).

Abstraction of water

The water feasibility assessment report (17/03661/EIA, ES Appendix 7.1) concludes that the required volume of start-up water (228m³) and top-up water (10,000m³/a) could be provided by a number of potential sources without significant impacts on the water environment. This is based on a licence trade (with an existing licence holder), possible abstraction of less than 20m³/day (below the requirement of a licence) and re-cycling of water on the Woodcote Wood Site.

The EA state in their consultation response (30th August 2017) that 'based on the above (Appendix 7.1), we would not anticipate a significant cause for concern at this time. The next stage would be for the applicant to submit a pre-Permit application to us outlining the proposed way forward. This will start the process of obtaining the relevant permissions needed to proceed with the licence trade. The combined approach of using several sources seems sensible. The applicant will need to consider the existing conditions on the abstraction licence and as part of the Permit pre-app this will highlight whether additional conditions are required etc.'

Hence the EA will be considering any applications for an Environmental Permit for water abstraction or discharge, which would normally be limited to trading with an existing licence holder, and so would ensure no significant amount of additional water is abstracted from the aquifer by the proposed development, in addition to that already permitted. The EA will be carrying out its own Habitats Regulations Assessment when considering such a licence.

3.1.4 Residual impacts and conclusions

In view of the above, including industry best practice mitigation measures, there are no direct or indirect pathways from the proposed sand and gravel extraction, mineral processing or new access at the Woodcote Wood Site to Aqualate Mere SSSI, Ramsar Site and NNR that that would have a Likely Significant Effect.

3.1.5 In-combination effects on habitat loss

There are a number of Environmental Permits allowing abstraction of water from the aquifer underlying both Woodcote Wood and Aqualate Mere. The permitting process is controlled by the EA who will carry out their own HRA for any Environmental Permit granted (see 3.1.3.2 above).

One other major development has been identified as having potential in-combination effects in association with the Woodcote Wood Site. The proposed Pave Lane Quarry ('Land South of junction, A41/Pave Lane, Newport, Shropshire, planning application (Ref: TWC/2016/0437) for a

proposed quarry and inert waste landfill is currently subject to an appeal on the grounds of non-determination. However, Telford and Wrekin Council consider the concurrent working of the proposed development and the Pave Lane scheme unsustainable but the result of the inquiry is not yet known. Chapter 7: Water Resource (Ref. No. 1) has considered the in-combination effects of the Pave Lane scheme and the proposed development, specifically in relation to the effect on Aqualate Mere, as requested by SC. The Pave Lane Quarry would involve the importation of inert landfill for restoration which would mean it would have a longer operational life than that of the Woodcote Wood Site and hence greater potential for impacts to occur. The May 2016 Hydrogeological Impact Assessment for Pave Lane Quarry by Hafren Water Ltd provides details of proposed mitigation measures including pollution prevention measures. The HRA produced by Telford & Wrekin LPA dated 12th July 2016 for TWC/2016/0437 reached the conclusion that there was no likely significant effect on Aqualate Mere Ramsar Site and no likely effect on the international site's integrity as a result of this project.

As discussed above, the residual impacts of the Woodcote Wood Site, following mitigation measures, are considered to be negligible. Therefore, should both projects be operational at the same time there could be a minor cumulative impact in terms of water related cumulative impacts, but this is not considered to be significant.

3.4 Securing of mitigation measures

To secure the mitigation measures the following items will be covered by planning conditions to be added to the planning permissions if granted:

- a) This permission shall relate to the area shown in the approved location plan accompanying planning application reference SC/MB2005/0336/BR, 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 application form, supporting statement and environmental statement as updated, pursuant to application reference SC/MB2005/0336/BR.
Reason: To define the Site and permission

For 17/03661/EIA

- 2a) This permission shall relate to the areas edged red (and blue on the approved location plan accompanying the application (Drawing no. ST16018-102) 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 dated 25th July 2017
 - ii. The Non-Technical Summary dated July 2017;
 - iii. The planning supporting statement dated July 2017;
 - iv. The Environmental Statement dated July 2017 and the accompanying appendices.
 - iv. The submitted drawings accompanying the Environmental Statement, namely:
 - ST16018-101 – Site Context Plan
 - ST16018-111 - Restoration Plan
 - ST16018-103 – Site Layout Plan
 - SA17 - 013 – Proposed Plant Layout
 - ST16018-110 – Topographical Survey

c. The Further information comprising:

- The building inspection and bat emergence survey report from Wardell Armstrong dated October 2017;
- The email from Wardell Armstrong to Shropshire Council dated 20/10/17 and the accompanying plans, namely J32-3161-PS-011e and J32-3161-PS-019; J32-3161-PS-016c section[2].

Reason: To define the Site and permission

Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development. The drainage features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

a) No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.

b). No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

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

No development approved by this permission shall be commenced until a scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, etc. has been submitted to and approved by the Mineral Planning Authority. The scheme shall include monitoring and contingency proposals in the event of derogation being shown.

REASON: To protect the groundwater resource and the biodiversity dependant upon it.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume 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, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

17. A wheel wash 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.

4.0 Summary of re-screening including counteracting measures

The project has been re-screened with the inclusion of counteracting (mitigation) measures and conditions have been agreed with the applicant. Although Natural England have stated ‘No Objection’ to the proposals in 17/03661/EIA, Natural England is to be consulted on this Shropshire Council HRA.

Table 4 – Summary of HRA conclusions

EU Site	Effect pathway	HRA conclusion
Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site	Changes to water quality and quantity causing damage to, or preventing restoration of Aqualate Mere <ul style="list-style-type: none"> • contamination of surface or groundwater with hydrological connection to Aqualate Mere, • Excavation of sand and gravels or associated processes including abstraction of water for mineral washing causing a reduction in surface or groundwater and hence a reduction in water levels at Aqualate Mere. 	<p>No likely significant effect, alone or in-combination</p> <p>No likely significant effect alone or in combination.</p>

5.0 Final conclusions

In view of the above, and providing the development is carried out according to the details submitted and any legal undertakings and the conditions detailed above are placed on the decision notice, the proposals for excavation of sand and gravels under application SC/MB2005/BR and the processing plant and new access road under 17/03661/EIA, will have No Likely Significant Effect on West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), through the listed pathways detailed in this HRA, either alone or in combination with other plans or projects.

The Significance test

The proposed developments at Woodcote Wood Quarry Site, Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA), proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site) and (SC/MB2005/0336/BR) construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41), will not have a likely significant effect on the West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), alone or in-combination with other plans or projects.

The Integrity test

The proposed developments at Woodcote Wood Quarry Site, Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA), proposed new access & installation of processing plant to facilitate

sand & gravel extraction on adjacent Woodcote Wood site) and (SC/MB2005/0336/BR) construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41), will not have a likely significant effect on the West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), alone or in combination with other plans or projects, and hence will not have an adverse effect on site integrity.

Conclusions

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

APPENDIX 3

COMMITTEE REPORT DATED 25/7/06

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<u>Committee and Date</u>	<u>Item</u>	<u>Paper</u>
Planning Committee 10.00 am 25 July 2006	B	

MB05/0336/BR

PROPOSAL: CONSTRUCTION OF ACCESS TO B4379, EXTRACTION AND PROCESSING OF SAND AND GRAVEL, RE-PROFILING AND RESTORATION OF THE SITE, RELATED HIGHWAY WORKS TO B4379 AND A41.

APPLICANT: CEMEX UK LTD. LOCATION: WOODCOTE WOOD NEAR SHERIFFHALES

Responsible Officer Grahame French or Malcolm Bell

e-mail: graham.french@shropshire-cc.gov.uk Tel: (01743) 252595 Fax (01743) 252505
Malcolm.bell@shropshire-cc.gov.uk Tel: (01743) 252553

1. PURPOSE OF THE REPORT

1.1 To enable a decision to be taken on the above planning application for the development of a sand and gravel quarry at Woodcote Wood near Sheriffhales.

2. RECOMMENDATION

2.1 It is recommended that subject to the completion of a Section 106 Legal Agreement to cover the issues summarised in section 2.2 below the application be GRANTED subject to conditions to include the following:

- definition of the site and the limits of mineral extraction;
- definition of permission;
- completion of mineral extraction within 15 years of Commencement Date and completion of final restoration within 2 years of completion of mineral extraction;
- no access other than by means of the proposed access onto the B4379;
- adherence to a phased sequence of working and progressive restoration which minimises the amount of operational area at any one time;
- controls on traffic entering and leaving the site to avoid waiting outside the site prior to opening;
- details of construction and surface treatment for internal access road leading to plant site to be submitted for approval prior to the Commencement Date;
- scheme for treatment of redundant carriageway to be submitted for approval prior to commencement, including blocking off access to the former road and consideration of the potential to remove redundant carriageway and re-locate services adjacent to the new road alignment;
- scheme for planting up of the triangle of agricultural land severed by the proposed new road alignment with broadleaved trees and shrubs to be submitted for approval prior to commencement, including provision to undertake planting in the first available planting season;
- No working within 100 metres of the boundary of the property known as 'The Keeper's Cottage' east of the extraction unless either (1) the property is vacated, or (2) an acceptable mitigation scheme for working in this stand-off area has been submitted to and approved by the County Planning Authority;
- submission of noise monitoring and mitigation scheme for approval prior to commencement of mineral extraction, including use of attenuated reversing

- alarms;
- the normal daytime noise levels from the proposed quarrying operations shall not exceed a level of background plus 10 dBLA_{eq,1h} at the nearest sensitive properties;
 - all vehicles and plant operating within the site to include silencers working in accordance with manufacturer's specifications;
 - submission of a dust control / mitigation / inspection scheme for approval prior to commencement of mineral extraction, including details of availability of water for dust suppression, minimising drop heights and a complaints procedure;
 - control of illumination;
 - use of wheel wash;
 - details of plant / machinery, including crushing plant to be submitted for prior approval of the Mineral Planning Authority;
 - maximum height of fixed plant and mineral stockpiles not to exceed 10 metres above surrounding ground levels unless otherwise first approved;
 - removal of GPDO rights for erection of additional plant and machinery;
 - restricted hours of working for quarrying operations .0700 -1830hrs weekdays, 0730-1300 hrs Saturday and no working on Sundays or Bank Holidays;
 - restricted hours of plant maintenance . 0730-1830 weekdays, 0730-1700 Saturdays;
 - exact details of fencing / boundary treatment for the site during each phase of the development shall be submitted for approval prior to the commencement of each phase;
 - controls on stocking area and height;
 - 200,000 tonnes per annum maximum with output details to be provided at the end of each calendar year;
 - no importation of minerals to the site and no importation of other bulk materials, including soils;
 - scheme of soil bund construction to be submitted for approval, including detailed heights, gradients, working programme and seeding timescales;
 - controls on soil handling and storage and submission of detailed handling strategy, including maximising use of the seedbank of soils in the phase 5 area;
 - mineral shall be worked dry with no artificial dewatering;
 - measures for prevention of surface / groundwater pollution;
 - submission of schemes for surface water drainage works;
 - detailed final drainage scheme to be submitted for approval prior to cessation of mineral extraction, to include interceptor ditches;
 - submission of schemes for foul drainage works;
 - submission of scheme for the monitoring of groundwater levels;
 - submission of scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, and fire prevention;
 - condition to ensure any liquids are stored in a suitable impervious bunded compound.
 - supplementary survey of protected species, including badgers, to be submitted prior to entry into each new mineral phase;
 - Submission of scheme for consolidation of boundary wall;
 - submission of supplementary archaeological survey of the extent of the earthwork prior to commencement and programme for additional archaeological recording during development along the earthwork;
 - retention, protection and management of peripheral vegetation within the site, including shrubs adjacent to the B4379 frontage;
 - no felling during the bird nesting season;
 - submission of restoration scheme for each mineral working phase prior to entry into that phase, including details of treatment for worked out areas and anticipated timescales for soil replacement and cultivation.

- restoration schemes for each phase shall include detailed planting specifications including provision to plant native trees, shrubs and herbaceous material of local provenance and consideration of the potential to create heathland habitats;
- removal of all buildings, plant, roads and structures not required in connection with afteruse within 12 months of the completion of mineral extraction; submission of a plan defining the different aftercare areas and anticipated aftercare timescales, within one year of the Commencement Date;
- submission of habitat management / maintenance scheme to encourage development of the proposed habitats throughout the aftercare period;
- 5 years aftercare for normal restoration works with additional 5 years for specified habitat enhancement works;
- annual review of operations to include progressive restoration, noise and dust mitigation and related operational controls;
- retention of approved documents on site.

2.2 MATTERS TO FORM PART OF AN ASSOCIATED SECTION 106 LEGAL AGREEMENT:

- Traffic routing and management agreements including preventing mineral lorries from using the B4379 west of the site access as a through route, preventing lorries from waiting outside the site entrance prior to the site opening and prior notification of any major short-term contracts which might result in increased vehicle flows;
- Funding by the developer of the highway improvement works linked to a Section 278 Highway Agreement, including the new access and the roundabout on the A41 with completion of these works prior to the commencement of mineral extraction operations;
- Carrying out of noise monitoring at agreed frequencies at the nearest sensitive properties and implementation of a mitigation and complaints procedure;
- Triangle of land severed from agricultural field by diversion of B4379 to be planted and managed as woodland – scheme to be submitted,
- Submission of a scheme to rationalize the redundant stretch of road based upon an evaluation of services and infrastructure works within the existing carriageway, including removal and blocking off of the redundant carriageway, provision of a new low wall or equivalent boundary feature adjacent to the realigned B4379 and a proposed implementation timescale;
- Maintenance / repair of boundary wall on B4379 frontage;
- Retention of woodland providing a screening function around site for the duration of the quarrying operations and submission of a woodland management scheme to maximise screening and establish windfirm edges in strategic areas around the site in advance of felling – written confirmation of woodland management agreement with the landowner to be provided prior to commencement;
- Supplementary ecological survey for Great Crested Newts in the ponds located in the vicinity of Woodcote Hall to the north of the site to be undertaken prior to commencement, with appropriate recommendations for mitigation in the event that GCN are found to be present;
- Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme, including replacement of any planting failures and management of proposed woodland glades to prevent weed / shrub encroachment;
- Management fund for local biodiversity enhancement to include provision for enhancement of wildlife habitats within restored quarry areas and consideration of the potential for strengthening links with surrounding wildlife habitats.

3. THE PROPOSALS

- 3.1 As background to the application the applicants have indicated that the current quarrying proposals have been submitted in accordance with the phasing principles of the Shropshire Telford and Wrekin Minerals Local Plan (MLP) 1996 – 2006. The current application relates to an area of 18.6 hectares at the centre of Woodcote Wood. Part of the site (6%) falls within the administrative area of Telford & Wrekin Council (see plan) but Shropshire County Council will determine the application as the authority within whose area the greater part of the site (94%) is located.
- 3.2 The proposed scheme would involve the phased extraction of some 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The site would be progressively restored to broadleaved woodland and grassland at a lower level (without the use of imported fill). The majority of the site is covered by dense coniferous woodland with some mixed plantation woodland. The trees are approaching the age when felling normally commences and the current proposals are integrated into a phased felling programme. Trees would however be retained around the site to ensure that extraction operations are effectively concealed. The mineral processing plant would be located on a platform an average of 8 metres below adjoining ground levels. This measure and perimeter soil storage would also ensure that the plant infrastructure is not visible from any external vantage points.
- 3.3 Access to the site would be obtained via a new junction off the B4379, in the position of an existing forest access, which would be upgraded. The new site access would lie some 300 m to the west of the existing junction of the B4379 and A41. The proposals also include provision for a realigned junction of those highways, incorporating a roundabout. The applicant states that this would considerably improve the highway safety of the junction, providing a long-term benefit to the highway infrastructure of the area.
- 3.4 The applicant has requested hours of working of 07:00 to 18:00 Monday to Friday; and 07:00 - 13:00 Saturdays. No operations would take place on Sundays or Bank/Public Holidays.
- 3.5 The extraction operations would progress in six phases, commencing north of the plant site, and proceeding in a generally clockwise direction. Within each phase the timber would be harvested, stocked and removed off site. Soil stripping would then take place, with soils from initial phases placed in temporary storage for use as part of the restoration works, and soils from later phases stripped and used directly for the restoration of earlier phases. The extraction of the sand and gravel would create a gently sloping void, falling from west to east. The land in advance of the working phases would remain forested until required for felling and subsequent extraction. The land behind the working phase would be progressively restored to a combination of broadleaved woodland, woodland glades and species-rich grassland.
- 3.6 Dried out silt from mineral processing would be used to grade and improve the contours of the void for subsequent restoration. Where possible, restoration would start before the end of quarrying as part of a continuous programme of progressive restoration. The south eastern part of the site, where the mineral thickness is some 20m would be the deepest part of the excavation and would therefore be restored to species rich grassland with areas of wetland on lower lying land. The applicant states that deciduous woodland managed appropriately could create species diverse habitats, allow the continued use of the site for a pheasant shoot and produce a harvestable

crop of timber in the longer term. The applicant proposes that the site would be subject to 5 years of aftercare after planting, including nutrient applications, herbicide treatment or cultivation, to discourage competing vegetation from establishing. Plant failures would be replaced during the first three years. The management of the species rich grassland would aim to encourage species diversity. The area could be mown once or twice a year with the arisings removed to maintain low nutrient levels within the soil. Alternatively, the management techniques could include grazing or hay cropping in order to maintain low nutrient levels. This could be a useful part of the long term after-use, and management of the site. The applicant states that the restoration proposals would significantly enhance the site's current limited nature conservation potential.

- 3.7 The application is accompanied by an Environmental Statement (ES) which considers the environmental implications of the proposed development and puts forward measures to mitigate any impacts. This includes sections on landscape / visual amenity, ecology, noise, dust, geology / hydrology, traffic, soils and cultural heritage. The conclusion of the ES is that there is no single topic or combination of issues which is of such environmental significance to dictate that the scheme should not be allowed to proceed. The ES also concludes that the restoration of the site would result in positive long term biodiversity, landscape and amenity benefits.

4. THE SITE

- 4.1 The application site (area 18.6 ha) is located in an area of woodland some 5km north-east of Telford, 2km north of Sheriffhales, and 400m north of the small settlement of Heath Hill. The woodland is bounded to the east by the A41 and to the south by the B4379 (see plan). The total area of the woodland in which the site is located is some 41 hectares in extent. The majority of the site comprises densely planted coniferous woodland plantation with some mixed plantation woodland. The trees, which have been planted in compartments divided by rides, are between 50 and 55 years old, and are being managed in accordance with conventional forestry practices.

- 4.2 The centre of Heath Hill, a settlement of some 25 properties is located 650m to the south west. The nearest residential properties at Heath Hill - Pine Ridge, Keeper's Cottage and Heath Hill Lodge are located between 220m and 380m south-west of the site, behind a ridge and just beyond the western edge of Woodcote Wood. The buildings of Woodcote Hall Nursing Home (in T&W) are located 520m to the north. A number of nearby properties are also located adjacent to or in the vicinity of the A41, including 4 at Woodcote east of Woodcote Hall, 2 at Lynn 490m north east (T&W) and 6 at Bloomsbury 4-700m to the south. Two properties are also located at Cherry Tree Farm on the minor road known as Hand Lane some 550m to the south. A further tenanted property, known as 'The Keeper's Cottage' is located within the woodland to the immediate east of the site and is in the same ownership as the site. The applicant has stated that the tenancy agreement would allow the property to be temporarily vacated as operations approach. With this exception the site is well screened from the other residential properties.

5. PLANNING POLICY AND HISTORY

- 5.1 Development Plan The development plan for the site area comprises the Regional Spatial Strategy for the West Midlands, The Shropshire Telford & Wrekin Joint Structure Plan (1996-2011), The Shropshire, Telford & Wrekin Minerals Local Plan (1996-2006), The Telford & Wrekin Local Plan and The Bridgnorth Local Plan.

- 5.2 The Regional Spatial Strategy for the West Midlands (Regional Planning Guidance

for the West Midlands - RPG11) was published in June 2004 and seeks to promote the creation and development of sustainable communities across the region. The strategy includes strategic policies in relation to minerals development:

Policy M1 advises that Development Plans should make provision for release of mineral resources in a sustainable way,

Policy M2 states that Mineral Planning Authorities should continue to work together to make provision for land won primary aggregates throughout the plan period;

Policy M3 seeks to reduce the reliance on primary aggregates by increasing the contribution from alternative sources such as secondary aggregates.

5.3 Structure Plan The Structure Plan contains a number of policies of relevance to the proposals, including:

P15) Development proposals shall minimise any adverse effects on the environment, taking account of opportunities to enhance the environment, protection/enhancement of the character of the countryside and villages, sustainable transport solutions, the capacity of the road network to accommodate the development traffic, avoiding pollution, and locating vulnerable development close to sources of pollution/hazard, conserving soils, appropriateness to surroundings and availability of the necessary infrastructure.

P16) Protecting air quality;

P35) Minimising the impact of road freight, amongst other matters by encouraging heavy vehicles to use the primary road network;

P37) Improving the highway network, amongst other matters to minimise the impact of heavy goods vehicles;

P42) Protecting countryside character, by protecting landscape, agricultural land, settlements and protecting/enhancing conservation and habitats;

P44) Encouraging the protection and provision of woodland and hedgerows;

P48) Protecting and enhancing biodiversity;

P49) Ensuring no adverse effect on protected species;

P50) Mitigation for sites of nature conservation value;

P52) Protection of best and most versatile agricultural land;

P53) Protection of water resources.

P58) a sustainable approach will be adopted to minerals development, achieving the best balance of social, environmental and economic costs, benefits and need for mineral, taking into account need to conserve mineral, to minimise adverse environmental impacts, to promote recycling, to prevent sterilisation and to encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;

P59) Mineral development will only be permitted where there would be no unacceptably adverse effects on interests of acknowledged importance including good agricultural land, people and communities, landscape character, historic environment, wildlife and water resources.

P60) A landbank will be maintained for aggregate minerals including sand and gravel.

P61) Shropshire's share of the regional aggregates apportionment will be met by the allocation of sufficient sites in the Minerals Local Plan and by maintaining a landbank.

P69) Proposals for mineral or waste development must incorporate a satisfactory scheme for reclamation of the site, progressively wherever possible, to a beneficial afteruse. Restoration schemes which provide new wildlife habitats, improve landscape character, enhance public access or make use of waste from mineral working will be encouraged.

- 5.4 The Shropshire Telford and Wrekin Minerals Local Plan 1996 - 2006 (MLP) aims to ensure that there is provision for a sufficient landbank of sand and gravel throughout the plan period (up to 2006) and for a period of 7 years beyond the Plan (to 2013) (Policy M12). It is intended that this would be achieved (in Policy M14) through a combination of production from existing permitted sites and from the development of three allocated sites and a further preferred area (the latter being Woodcote Wood). When determining the landbank, the MPAs will have regard to the balance of real need and real supply, in accordance with MPG6 para 80. There is a preference for extensions to existing sites (Phase 1 allocated sites) over new sites (Phase 2 allocated site and Phase 3 preferred area). Extensions generally tend to have less environmental impact than new sites.
- 5.5 In respect of the First Phase Allocated Sites, Tern Hill Extension is permitted. Negotiations are being finalized in relation to the deepening of the present permitted area of Wood Lane Quarry, linked to a consolidated approach to mineral working from a further IDO (Interim Development Order) area within the overall quarry boundaries. The Second Phase Allocated Site at Barnsley Lane near Bridgnorth was resolved to be granted permission in July 2004, subject to completion of a Legal Agreement regulating such matters as highway improvements and vehicle routing. The remaining allocated site is Woodcote Wood, which is identified as a 'Third Phase' preferred area which may be required for release at the end of the Plan period (2006). The Mineral Local Plan states that preferred areas are those areas of known resource, proven by survey information, where planning permission might reasonably be anticipated, subject to all other considerations being met. The identification of a preferred area indicates that, should it be necessary to develop a new site, then the first area of search should be within the preferred area. The full wording of policy M14 governing the future working of sand and gravel is set out below:

M14 The future working of sand and gravel

The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted resources and then from the development of new workings within the following allocated sites and preferred areas:-

The First Phase Allocated Sites:

- i) Wood Lane Deepening, near Ellesmere
(*negotiations are continuing regarding a consolidated application*)
- ii) Tern Hill Extension, near Market Drayton

The Second Phase Allocated Site:

- iii) Barnsley Lane, near Bridgnorth

The Third Phase Preferred Area:

- iv) Woodcote Wood, near Sherrifhales

Applications involving the above areas will need to address a number of environmental issues which will be considered against the policies in the Minerals Local Plan. Applications for earlier working of first phase extension sites in conjunction with already consented areas may be considered where it can be demonstrated that a more sustainable approach to mineral development can be achieved (Policy M1).

In the event that difficulties arise with the production from sites either with planning permission or in the first phase, the Mineral Planning Authorities will consider an application for earlier development of the second phase on its merits. It is unlikely that the third phase site will be required during the Plan

period. However, should circumstances arise which prevent the required production rate being achieved from existing sites with planning permission, or those in the first and second phases, the Mineral Planning Authorities will consider a proposal to develop the third phase site on its merits.

5.6 The Minerals Local Plan contains a number of other policies which are also of relevance to the current proposals:

- M1)** A more sustainable approach to mineral development, protecting communities, amenities and environment, incorporating sensitive working practices and conserving minerals.
- M2)** Account will be taken of the need for the mineral.
- M3)** Account will be taken of the effect of the proposals on settlements/property, sensitive sites and species, the countryside and rural economy, the transport network, water resources, best and most versatile agricultural land, any cumulative impact arising from past, present and future working, derelict/contaminated land, stability, rights of way and public access.
- M4)** Account will be taken of phasing / working proposals, ancillary uses, site access and traffic, reclamation / afteruse and measures to protect people and the environment from adverse effects.
- M5)** Protecting sensitive sites and species.
- M6)** Archaeological evaluation.
- M7)** Benefits to the countryside and the rural economy.
- M8)** Planning obligations.
- M11)** Measures will be taken to protect people and the environment from any adverse effects of transporting minerals.
- M13)** The annual sub-regional apportionment agreed with the West Midlands Regional Aggregates Working Party will be considered as guidance in calculating the landbank and in determining the need to consider future development of primary aggregate resources.
- M15)** Sand and gravel working outside the allocated sites and preferred area
- M27)** Planning applications for mineral working should incorporate satisfactory schemes for restoration and afteruse including ensuring that the scheme is practical and achievable.
- M30)** Comprehensive working of mineral resources.

5.7 The MLP includes a Site Profile for the preferred area at Woodcote Wood. This identifies the following key issues:

1. The implications of the proposals for surrounding properties will need to be carefully examined (Policy M3(i)). The established woodland should ensure that the working site could be effectively screened by retaining peripheral screening belts. At the application stage, the MPAs would need to be satisfied that the proposed extent of the retained screening belts, along with any other measures put forward to minimise the impact on the surrounding properties and countryside, would be effective (Policy M3(i) and M4(i)).
2. Particular attention needs to be given to highway issues, water resources and archaeological safeguards. Consideration should also be given to general amenity and the provision of enhanced public access.
3. The after use proposals should preserve or enhance the local environment (Policy M1). An applicant will need to provide a satisfactory reclamation scheme at the application stage and must be able to demonstrate that long term management objectives have been carefully considered (Policy M27). In

this case, it would be appropriate to reinstate the woodland following mineral extraction. The applicant will therefore need to consider the standard of reclamation likely to be required by the Forestry Authority prior to drawing up detailed proposals and should consider the practical requirements specified in the Forestry Commission Guidelines²⁸. An applicant should also discuss the wildlife implications with local wildlife groups.

- 5.8 The Plan is currently being reviewed (see sections 5.11 and 5.12). The formal review process will take into account the level of permitted reserves, production levels, the latest agreed sub-regional apportionment, Government guidelines and environmental issues.
- 5.9 Telford & Wrekin Unitary Plan There is no area designation for Woodcote Wood on the proposals maps of the adopted Wrekin Local Plan, 1995-2006 or the draft Local Development Framework for the Borough of Telford & Wrekin, 2005-2021.
- 5.10 Bridgnorth District Local Plan The site is not subject to any specific allocation in the existing Bridgnorth Local Plan (adopted 1994). Policies of relevance include CN15 and CN17 (protecting/enhancing trees and woodlands); CN18 and CN19 (nature conservation interest); CE1,CE2 and CE3 (landscape character) and D3 (protecting landscape / nature conservation features and habitats). The District Council has resolved to proceed to adopt the replacement Bridgnorth Local Plan (1996-2011) following a Council meeting in June 2006. Therefore the policies of the replacement Plan have to be accorded appropriate weight. Sites for different types of development are allocated in the Plan and the Plan also encourages and facilitates development to meet local needs, particularly for housing and employment. One of the main aims of the Plan is to ensure that development is of a high quality and that proposals are developed in such a way as to protect and enhance the quality and character of the main towns and villages of the District. The Plan also aims to protect the countryside and natural environment from unacceptable development throughout the District.
- 5.11 The Planning and Compensation Act 2004 sets out a process leading to the progressive replacement of Local Plans by Local Development Frameworks, abolition of Structure Plans and the creation of Regional Spatial Strategies. It is intended that the Shropshire Minerals and Waste Local Plans will be updated and incorporated into a new Minerals and Waste Development Framework as part of this process. Preferred options reports for the Core Strategy and Mineral Resources documents were published in February 2006. Both the Minerals and Waste Local Plans will remain as extant parts of the Development Plan until the new Development Framework is adopted (estimated 2007).
- 5.12 The Mineral Resources Development Plan Document (Draft Minerals DPD) (Feb 06) The Minerals DPD is a material consideration for the current application. A timescale has been set out leading to its adoption in late 2007, at which stage it will supersede the current Minerals Local Plan. The MLP will remain as extant guidance until that stage under the transitional provisions set out in the Planning and Compensation Act 2004. The Draft Mineral Resources DPD sets out policy objectives for sand and gravel working which are similar to those of the current Minerals Local Plan, including provision for maintenance of a 7 year sand and gravel landbank. It is proposed that the landbank calculation should be specified for the first 5 years initially, with provision to roll this forward for the next 5 years when the plan is reviewed. The landbank calculations in the Draft Mineral Resources DPD have taken account of the designation of Woodcote Wood as a preferred site in the current MLP. Draft policy M9 (Sand and Gravel Resources) is of particular relevance:

M9) Sand & Gravel Resources (Draft Minerals DPD - Feb 06)

The supply of sand and gravel during the Plan period should be provided from existing permitted reserves. Proposals for new sand and gravel sites outside these areas will therefore only be granted planning permission if one or more of the following exceptional circumstances apply:

- a. there is a justifiable need for the mineral to meet annual production targets derived from the sub-regional apportionment; or
- b. there is a need to provide specialised materials which cannot be supplied from existing permitted reserves; or
- c. working would prevent the sterilisation of the resource; or
- d. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions.

Proposals for new or extended sites for sand and gravel should demonstrate that they are consistent with Policy 1: Identification and Assessment of Potential Mineral Development Sites and any other relevant policies of the Development Plan. Subject to these considerations, there will usually be a preference for extensions to existing sites rather than greenfield sites.

5.12 Other policies of relevance in the Draft Mineral Resources DPD include:

- M1)** Identification and assessment of potential mineral development sites;
- M2)** Comprehensive working;
- M4)** Ancillary development;
- M8)** Landbanks for aggregates.

5.13 Draft Core Strategy Development Plan Document (Feb 2006)

The draft Core Strategy DPD includes strategic policies relating to minerals and waste development and related environmental issues. These provide a context for the more detailed policies of the Draft Mineral Resources DPD.

- CP1)** Sustainable resource management;
- CP2)** Protecting and enhancing Shropshire's environment and communities;
- CP3)** General development control considerations;
- CP5)** Site restoration and after-use;
- CP6)** Planning obligations;
- CP7)** Reducing the impact of transporting materials;
- CP8)** Transport assessment;
- CP11)** Protecting and enhancing Shropshire's biodiversity and geology;
- CP12)** Protecting and enhancing Shropshire's air quality and soil and water resources;
- CP13)** Protecting and enhancing landscape character;
- CP14)** Protecting and enhancing archaeology and the historic environment;
- CP15)** Protecting and enhancing Shropshire's trees and woodlands;
- CP16)** Developing and diversifying the rural economy.

5.14 Minerals Policy Guidance Central government has prepared minerals planning guidance notes (MPG's) covering the main elements of mineral extraction. These will be updated as Minerals Planning Statements (MPS's) in accordance with the provisions of the Planning and Compensation Act 2004 (see 5.15 below). MPG's of particular relevance to the current application include:

- MPG1:** General considerations, (Published June 1996);
- MPG2:** Applications, permissions and conditions, (July 1998);

MPG5: Stability in surface mineral workings and tips (Jan 2000);
MPG6: Guidelines for aggregates provision in England (April 1994);
MPG7: Reclamation of mineral workings (Nov 1996).

- 5.15 Revised Guidance on Aggregate Provision In June 2003 Central Government produced revised guidance on aggregate provision. The National and Regional Guidelines for Aggregates Provision in England, 2001-2016 updates the predicted levels of demand for sand and gravel set out in MPG6. Levels of sand and gravel consumption have reduced since the preparation of MPG6 and this has resulted in an overall 17% reduction in the predicted demand for sand and gravel nationally. Shropshire County Council is a member of the West Midlands Regional Aggregates Working Party (WMRAWP) which comprises representatives from all Mineral Planning Authorities within the region. The WMRAWP seeks, through liaison with Central Government to apportion future production of aggregate within the West Midlands Region in order to secure aggregate supplies. Taking account of the revised guidance the WMRAWP has indicated that the apportionment of sand and gravel production for the Shropshire, Telford & Wrekin sub-region in the period from 2001 to 2016 will be 0.82 million tonnes per annum. This is as opposed to the level of 1.1 million tonnes per annum set out in MPG6. Central Government acknowledges that 'this reduction in the national guidelines for primary aggregates compared to those issued in 1994 should, in most cases, lead to less additional land being allocated for aggregates extraction in local authorities' Minerals Development Plans. The implications of the revised aggregate figures for the current application are discussed in section 8 of this report. The new aggregates guidance will be incorporated in the forthcoming Minerals Policy Statement 1 which will replace MPG1 and MPG6.
- 5.16 Draft Minerals Policy Statement 1 - 2005 (MPS1) Annex 1 of the draft MPS1 contains guidance on aggregates provision which is intended to replace MPG6. MPS1 contains similar guidance to MPG6, although the process of forecasting aggregate demand has been detached from the guidance. MPS1 stipulates that the minimum length of a sand and gravel landbank should be 7 years which is the same as the current MPG6 guidance. It emphasises that that the size of the landbank is a key indicator in determining an aggregate application, and that landbanks comprise the sum of all permitted reserves, including from dormant sites. MPS1 advises that steps should be taken to avoid or reduce excessive landbanks, including the following measures:
- Where landbanks are more than twice the minimum (i.e. 14 years) new permissions should only be given where it can be shown demand could not be met from the existing permitted reserves, for example, for reasons of quality and/or distance to market.
 - The industry is encouraged to agree voluntarily to the revocation of planning permissions at sites that are unlikely to be worked again.
 - In consultation with the RAWPs, MPAs should carry out, and publish the results of, regular reviews of those sites which have not been worked for 10 years to assess whether production is likely to begin again.
- 5.17 Although the length of landbank is the key indicator, other evidence and factors that may influence phasing of sand and gravel supply are:
- the actual levels of production in recent years compared to the average provision included in the development plan;
 - significant future increases in local demand that can be forecast with reasonable

- certainty; and
- constraints on the availability of the consented reserves that would significantly limit output for the period of the landbank.
- Where there is a distinct and separate market for a specific type or quality of aggregate, for example, high specification aggregate, a separate landbank calculation may be justified.”

The draft MPS states further that “the length of the landbank should be used as a guide to the phasing of provision, and not as a determinant of provision”. MPAs should review the adequacy of the landbank on an ongoing basis linked to their annual aggregates monitoring report, and should update Minerals Development Documents before the remaining provision approaches the minimum landbank.

5.18 Minerals Policy Statement 2 (March 2005) (Mitigating the environmental effects of mineral working). MPS2 is the first of a series of Minerals Policy Statements which will replace MPG’s, reflecting the new approach set out in the Planning and Compensation Act 2004. MPS2 sets out the policies and considerations in relation to the environmental effects of minerals extraction that the Government expects Mineral Planning Authorities (MPAs) in England to follow when preparing Development Plans and in considering applications for minerals development. Guidance on individual environmental effects is provided, including appendices on noise (superseding MPG11) and dust. MPS2 advises that Mineral Planning Authorities (MPA’s) should incorporate the objectives of sustainable development in minerals planning which recognise the potential conflict between the exploitation of resources and environmental aims. The need for careful mitigation is acknowledged where mineral working is in close proximity to residential properties. MPA’s should take particular care in respect of any conditions they attach to a grant of permission for working in such circumstances. Restriction or refusal of the proposal may be appropriate where it is judged that mitigation measures are not sufficient to safeguard the quality of the local environment, as experienced by neighbouring communities.

5.19 Planning Policy Guidance Notes and Statements (PPG’s and PPS’s)
Central Government has also produced a series of Planning Policy Guidance Notes (PPG’s), some of which are of relevance to the current proposals. These are being progressively updated as Planning Policy Statements (PPS’s) in line with the provisions of the Planning and Compensation Act 2004. PPG’s of relevance include:

- PPG13:** Transport (March 2001).
- PPG15:** Planning and the historic environment (Sept 1994) (as amended by Circulars 01/2001 and 09/2005)
- PPG16:** Archaeology and planning (Nov 1990).
- PPG24:** Planning and noise (Sept 1994).
- PPG25:** Development and flood risk (July 2001).

5.20 PPS’s of particular relevance to the current application include:

- PPS1:** Delivering Sustainable Development (Feb 2005).
(Replaces PPG1: General Policies and Principles - Feb 1997).
- PPS7:** Sustainable Development in Rural Areas (Aug 2004).
(Replaces PPG7: *The Countryside* - Feb 1997).
- PPS9:** Biodiversity and Geological Conservation (August 2005).
(Replaces PPG9: *Nature conservation* - Oct 1994).
- PPS11:** Regional Spatial Strategies (Sep 2004).
(replaces PPG11: *Regional Planning*).
- PPS12:** Local Development Frameworks (Sept 2004)

(replaces PPG12: Development Plans).

- 5.21 History The site is not affected by any previous planning permissions for mineral working or other development.

6. FINDINGS OF CONSULTATIONS

- 6.1 The following planning consultation responses have been jointly shared by Shropshire County Council and Telford & Wrekin Council:

Telford & Wrekin Council

- 6.2 A small part of the application site is located within the area of Telford & Wrekin Council. In its role as a Mineral Planning Authority the corporate views of the Unitary Council will be forwarded to the County Council as the as the final determining body for the whole application site. These views will be reported verbally to the Planning Committee. However, as part of the initial consultation and processing of the application undertaken by the County Council, comments were received from particular groups within Telford & Wrekin Council and these are summarised below:

- i. Ecology - If there is loss of hedgerows this should be mitigated / compensated for by the creation of at least the same length and quality of replacement hedgerow. Both the Telford and Shropshire Local Biodiversity Action Plans (LBAPs) include Hedgerows and Field Margins as Priority habitats. The ecological report lists the Common Toad as present in the Shropshire part of the site. Whilst this is not a priority species UK Biodiversity Action Plan (UK BAP) it is listed in the Shropshire LBAP as a species of concern. On a more general point the loss of woodland in the long term should be avoided and restoration/reinstatement should follow Biodiversity Action Plan guidance e.g. broadleaved, native, deciduous, etc and should include a ground/herb layer.
- ii. Landscape – In general terms Woodcote Wood is a distinctive element of the countryside in this area the loss of woodland would have an aesthetic and cultural impact. Coniferous plantations are not generally regarded as having high ecological value (although recent evidence is suggesting that some species e.g. Dormice are now using this habitat type). A restoration scheme that saw the retention of woodland and increasing the proportion of native deciduous would seem preferable. Enhancing connectivity with nearby (ancient) woodland sites such as Green's Wood (to the North West) and Lynn Wood (to the East) would be beneficial. Such measures would be supported by chapter 8 of the Regional Spatial Strategy.
- iii. Woodcote Wood lies in the "Mid Severn Sandstone Plateau" where The Countryside Agency has identified the following characteristics and objectives:
 - Part of the area lies within the Forest of Mercia which gives a high priority to landscape improvement, particularly through reclamation of derelict land and regeneration of areas of green belt and open urban land.
 - The protection and enhancement of sites for nature conservation, historic and archaeological value needs to be addressed.
 - There are excellent opportunities for the creation of heathland on marginal and reclaimed land.
 - Where conifer, plantations are reaching maturity there are opportunities for creating mixed plantations and increasing wildlife and amenity benefits.
 - Many parklands would benefit from conservation and management.
 - There is high industrial archaeological interest throughout the area and

- particularly at Ironbridge. This merits conservation and interpretation.
 - The management of intensive arable areas is increasingly likely to address nitrate pollution.
 - Links between fragmented waterside habitats along rivers, streams and canals should be considered.
- iv. The EIA has omitted to include significant horizon views of Woodcote Wood from the A518 from Swan Pit Nursery back towards Newport. The area of high land at Windmill Bank, Albrighton, upon which Hill Top House stands, also has long views on to Woodcote Wood, as have a terrace of cottages on high ground by Moreton Park. Both of these will probably overlook plant and operations in the quarry area. In the context of the visual amenity rising to a high point of Woodcote Wood as seen in the wider landscape, the shape of Woodcote Wood gives it visual impact from many directions. The impact is heightened by the dark green colour of most of most of the conifers in winter time. The highest area of Woodcote Wood is obviously the most visually significant and the proposals retain this as existing. The applicants have responded relatively sensitively to most of the potential visual problems which would be caused by quarrying Woodcote Wood. However, the restoration proposals will result in a different horizon shape to the land. The quarried area of the wood will be 16m lower at its eastern end than previously, which will give quite a dip in the tree line. The fact that the restoration proposals also propose open glades, some of significant size, will also change the visual mass of the wood and it will appear as broken woodland rather than a solid shape.
- v. With regard to the restoration proposals, sensitivity has been used in proposing replanting with native tree species, which presumably will eventually apply to the whole of the wood, through planned forestry management. The winter colour of the wood will change. There is some concern with the proposal to introduce species rich grassland in the woodland glades. Mowing twice a year will be required to retain the grassland areas which would otherwise be quickly colonised by hawthorn, willow and wild rose, which is proposed as underplanting to the tree planting. Who will inspect to check that the maintenance is being carried out during the first 5 year period? The long term maintenance of these areas needs to be assured otherwise it would just as well be tree planted.
- vi. Cultural Heritage: Woodcote Hall appears in Shropshire County Council Historic Parks and Gardens publication (1997) as a "Site of Local Importance". The Woodcote Wood EIA acknowledges the site's SMR listing but does not add any further research information. The SCC Parks and Gardens document advises that "because parkland was sometimes insulated from agricultural and other pressures, the survival of archaeological sites and features unrelated to garden history can also be significant". This has relevance for the chapelry boundary on the northern side of the wood. The EIA states that "feature is of local importance, but it is not considered to be of sufficient interest to warrant preservation in situ". It is recommended that further consultation is carried out with the County Archaeologist to establish the extent to which this conclusion can be supported.
- vii. Highway Engineer: From the proposed rate of extraction, the applicants expect up to 90 Heavy Goods Vehicles (HGVs) each way to and from the site during the working day. All HGV traffic will enter and leave from the A41 via a new roundabout with the B4379, rather than use the B4379 through Sherriffhales. There will also be employee's cars, though in terms of impact these will not be significant. The main destination of the excavated material is predicted to be Telford, as the nearest large built-up area. There are three potential routes available – the A518, the A41 south and thence the A5, and the A41 south to the M54. Each route has its merits

depending on the final destination within Telford and so traffic is likely to be spread over all three, with probably no more than 40 loaded trips daily using any individual one. These are strategic routes already carrying a number of HGVs and so the relative impact will be small. For example, the A518 carries about 750 HGV movements a day east of Trench Lock and the A5 about 500 HGVs a day at Redhill. In fact the applicant expects most movements to use the A41 south to the M54, which although the longest is the best route for HGVs. A length of approximately 4km of the A41 north of the site lies within the Borough of Telford and Wrekin. This carries about 1350 HGVs/day so again, the addition of quarry traffic should not represent a significant increase. Accordingly, it is considered there are no highway grounds on which the Borough could object to the application.

- viii. Environmental Health. The EIA makes assessments for both noise and dust. The methodologies used in the EIA have assumed stable metrological conditions with non-existent winds. Using these conditions, no allowance has been made for the effects that any wind may have on the dispersal of noise and dust. The strength of the wind in the area is unknown but the wind direction will be predominantly from the south west. It is quite feasible for wind direction to affect noise dispersal by +-3dB. Dust dispersal will also be subject to differential dispersion, being subject to wind direction. A major source of noise and dust will be from stripping of any overburden from the site. Noise during the operation can be minimised by ensuring that all plant is contained inside the area designated by the soil bunds that re proposed to be formed around the perimeter of the site.
- ix. During the initial stripping operation dust will be a major concern as it will be so close to the surrounding surfaces. Wind equipment will be the predominant source of this dust. It is suggested that this operation is only carried out as periods where the likelihood of the stripped soil containing sufficient moisture to control dust can be assured. Until consolidated of the bunds is achieved the surface drying of the bund will release dust into the atmosphere. Dust control measures are not mentioned for this stage but it can be effectively achieved by spraying at the end of each working day with a liquid which is capable of forming a crust at the surface. One of the suggested measures for the control of dust is to put the plant into the ground. This is stated to be up to 8m below the adjoining ground level. It is assumed that this 8m is the base of the plant. As most of the dust will not be generated at the base level but at some higher point up to the highest point of the plant and m/c, it is important that the top of the plant remains below the surrounding ground levels. It is suggested that the top of any plant or machinery used for sand and gravel extraction and/r grading is at a height which is at least 3m below the surrounding ground levels. Similarly, stockpiles should have a maximum height that is at least 3m below the surrounding ground levels.
- x. Vehicle movements will also be a likely source of dust arising from vehicle movements. Either road surfaces which can be swept must be employed or the surface must be constantly kept in a state (dampened) where dust is not allowed to be generated. Dust from the grading and screening operations, but not necessarily the quarrying process, will be controlled by the Pollution , Prevention and Control Act. It is important therefore that all the necessary controls for dust and noise are imposed by other means. The applicant's have suggested that the noise levels at residential properties are set at background +-10dB. The background levels move throughout the 24 hour period and unless the background at any time is known, the enforcement of such a condition will be impossible. It is suggested therefore that the background needs to be fixed and the 10dB from site activities added to this figure. The background level will be fixed at the appropriate level for the most sensitive period of the operations, probably first thing in the morning when site operations will be

commencing.

- xi. As with the dust problems, noise will not emanate from the lowest part of the machinery but at varying heights of the plant. To control the noise (like the dust) it is suggested that the top of any plant or machinery used on the site must be at least 3m below the surrounding ground levels.
- xii. Engineering Maintenance No objections.

6.3 Bridgorth District Council:

- i) Planning – This Council has concerns at the effect of the proposal on Woodcote Hall and other nearby residential properties and the loss of high quality agricultural land. The County Council should only grant permission if it is satisfied that:

- justifiable circumstances exist to warrant permission for this third phase site under policy M14 in the Minerals Local Plan;
- satisfactory mitigation measures and operational controls are conditioned to environmentally protect the public and the ecology/archaeology of the site and area;
- satisfactory concurrent restoration and after use conditions are attached; that access should be solely from the A41 and not from the B4379;
- satisfactory legal controls are in place to ensure that vehicular traffic does not go along the B4379 through Heath Hill and Sheriffhales;
- no blasting takes place.

- ii) Environmental Health – In order to ensure that noise levels from the proposed development do not exceed noise limits recommended in Minerals Planning Guidance 11: The Control of Noise at Surface Mineral Workings at the nearest noise sensitive premises it is recommended that a condition is applied to any permission requiring noise monitoring to be undertaken on a regular basis at all four sites mentioned in the applicant's report, to ensure that noise levels do not exceed the above noise limits. A condition should also be imposed to ensure that noise from the proposed activities do not exceed 10dB above the measured background level up to a maximum of 55DbL_{Aeq,1hr}, as measured at the facade of The cock Inn, Pine Ridge and the Sacred Heart Church. This condition is in line with the proposed noise limits of chapter 5 of the environmental assessment and in accordance with MPG11.

6.4 Sheriffhales Parish Council: Concerns are expressed on the following points:

- i. Traffic The Parish Council is concerned about the traffic impact of the proposals and the potential for cumulative traffic impacts. Already there is deep concern in the Parish about the volume, nature and speed of traffic on the B4379, especially that traffic which uses the road as a short cut off Newport bypass to South Telford in busy periods. The provision of an island at the A41/B4379 junction would serve to increase the attraction to motorists of the short cut through Sheriffhales. A scheme is already drawn up for work to be carried out on the B4379 in Sheriffhales village towards pedestrian safety, and those plans include a reduction in the speed limit from 40 to 30mph. Separately, there are plans for traffic lights at the Crackley Bank junction of the A5 and B4370. The Parish Council considers that if this application were to be approved, it would be essential for both of these schemes to be carried out also, concurrent with the new A41/B4379 junction work. There is already a weight limit on the B4379 and the Parish Council takes it from the description, that the intention is for all traffic associated with the proposed working to use the short stretch of the B4379 to the A41. The Parish Council will absolutely

- oppose the use of the B4379 through Sheriffhales to and from the site, even if unladen and below the existing weight restriction. The Council is alarmed that despite the description of proposed traffic movements, the arrows seem to show some mineral traffic moving from Sheriffhales towards the site.
- ii. Separately the Parish Council has deep concerns about the prospect of more HGV's on the A41 in view of the bends and undulations from the King's Street junction northwards through Bloomsbury beyond Woodcote Hall as far as New Lodge. This application needs to be viewed together with:
- the dangerous nature of this length of the road
 - the prevailing increase in traffic, especially lorries
 - the absolute standstill that has happened from time to time recently when it seems that traffic has been re-directed here when the M6 is closed.
 - the prospect of increased traffic connected with the envisaged expansion of operations at Muller, Market Drayton.
- iii. The Parish Council wish serious consideration to be given to a scheme to improve and update this stretch of the A41 in view of the factors shown above. So far as the A5 is concerned, the Parish Council considers Red Hill completely unsuitable for traffic associated with this proposed development. What measures would be taken to ensure that such traffic using the A41 Southwards from the site would actually use the M54 to Telford and not the A5? All of the highway concerns apply equally in respect of the tree felling and removal of the trees from the site.
- iv. Working Hours The declared working hours (0700 to 1800) would involve traffic movements in the hours of darkness in winter months. What would the effect be for the neighbourhood of the associated working and traffic movements?
- v. Noise More details are requested on current and predicted noise levels, including extraction and plant and confirmation of what would be an acceptable limit. There is also concern about the nature of individual sounds, such as reversing beepers. What account is taken of this factor in considering an application, and what can the applicant do to reduce the impact of the irritation element? Will the County Council please make it a condition-of any planning consent that regular and frequent noise monitoring be undertaken in order to ensure that noise levels are within specified limits?
- vi. Dust Assurance is sought that the proposed operations would be able to proceed without dust nuisance to residents. The Parish Council wishes the County Council to consider a planning condition requiring the applicants to monitor dust levels and eliminate dust nuisance.
- vii. Light Pollution Assurance is sought that there would be no light pollution, for instance from inappropriately positioned lights.
- viii. Hydrology Assurance is sought that the proposed workings would have no detrimental effect on the surrounding area and its water resources.
- ix. Reinstatement The Parish Council wish to have absolute reassurance that if this application were to be granted, the site would indeed be reinstated according to the application and not be used for waste disposal of any description.

- x. Cultural Confirmation is requested that all references to the chapelry boundary relate to the boundary of the Parish and not to the boundary of the property of the Sacred Heart Church. The ancient Church referred to in the noise report is St Peter's Church Woodcote. Sacred Heart is the name which attached to the modern building at the back of Woodcote Hall, when it was built as a Chapel.
- xi. Plant Design The Parish Council wishes to have an opportunity to comment on the detailed design of the proposed plant.
- Xii. Redundant Carriageway The Parish Council hopes that the applicant will be required to plant the severed triangle of land as suggested.

6.5 Chetwynd Aston & Woodcote Parish Council (Telford & Wrekin) - The following observations are made:

- i. Is there a better site elsewhere?
- ii. In view of the proximity to an Old People's Home Councillors consider that the working hours should be restricted to 8-5 on weekdays, with no weekend or Bank Holiday noise.
- iii. Woodcote already has a problem with surface water from this site causing flooding at Cock Hollow. Provision must be made for the disposal of surface water from the immediate entrance and the improved Island to be routed to Bolams Brook.
- iv. Councillors would like a guarantee that the landscape will be restored. 5. Telford and Wrekin Council should strictly monitor environment issues.

6.6 Staffordshire County Council (neighbouring Mineral Planning Authority) – Staffordshire County Council has taken into account the details of the application and has noted that the proposed site is identified as a 'preferred area' for sand and gravel extraction in the Shropshire, Telford and Wrekin Minerals Local Plan 1996-2006. This site is understood to be allocated within this Plan as a 'Third Phase' preferred area and therefore should not be brought forward and developed until the end of the current Plan period (e.g. 2006). The submitted application therefore seeks the working of an allocated site in accordance with the phasing principles set out in an existing adopted development plan and therefore in respect to minerals planning policy issues Staffordshire County Council has no objections to the development.

6.7 Environment Agency – An initial holding objection has been withdrawn following the receipt of additional information from the applicant.

a. Comments in relation to initial planning consultation:

- i. There is a need to ensure adequate drainage and wash/dust suppression/domestic water for the site.
- ii. Mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required. However, reducing the unsaturated zone thickness and vegetation cover may lead to ponding at the lowest point during periods of high rainfall. There is a need to know where water will be obtained for the processing plant. There are no abstraction licences in the vicinity and the site lies within the Aqualate groundwater unit

where there is a presumption against any large new abstraction proposals. Any dewatering/abstraction proposals may need to be tied to a S106 obligation covering monitoring of existing sources and/or water features and actions to be followed if derogation outside predetermined parameters is found.

- iii. The ES has not addressed the issues of foul drainage or presented any statement regarding the refuelling and maintenance of vehicles. Due to the nature of the development, soakaways are not recommended for the disposal of foul drainage. The plans show the existence of a settlement lagoon, however no mention is made of whether any discharge to controlled waters will take place. The prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may also be required for any discharge of surface water, sewage or trade effluent.
- iv. The submitted EIA does not address the impact of the proposals on the general drainage of the site or the surface water drainage method of the roads. There must be no interruption to the surface water drainage system of the surrounding land and all existing drainage systems should continue to operate effectively. Provided satisfactory revised/amended details (possibly including legal agreement under Section 106 Town and Country Planning Act 1990) are submitted, it is unlikely the Agency would raise further objections subject to imposition of detailed planning conditions covering drainage and pollution matters.
- v. The objectives in the restoration proposal are supported. The mix of native broad-leaved woodland and species rich grassland will constitute a significant ecological improvement. However, a number of additional habitats and features could be created to further enhance the ecological value of the restoration scheme. Principle among these is the creation of wetland/pond habitats through areas of ephemeral or longer standing water. These would provide valuable habitat for aquatic flora and fauna including dragonflies, damselflies and amphibians which could potentially include Great Crested Newts. With regard to the other habitats of value, nutrient poor sandy gravelly soils often left after quarrying has finished, provide the opportunity to develop heathland and acid grassland mosaics. If the drainage is such that wet and dry heath develops this will be even more ecologically valuable. Waste materials produced from timber removal such as old stumps, and rock and stone from quarry activities, can be used to form habitat piles for hibernating amphibians and reptiles and a home to invertebrate species. Woodland edges should be maximised by use of glades and rides. A varied structure including shrubs and different tree species provides a richer habitat for woodland birds and foraging bat species. With regard to the creation of a species rich grassland habitat, there may be the potential to source seed/hay from a local Wildlife Trust Nature Reserve or a SSSI. Finally, during the working phases of the site certain species may colonise or habitats form of operational features such as the lagoons. A watching brief, and the flexibility to incorporate such features in the final design, will enable the restored sites ecology to be maximised. Species such as Great Crested Newts, wading birds may often make use of such features.

b. Comments of Environment Agency in relation to additional information:

The additional information includes a series of options which the developer could incorporate in order to satisfy the Agency's concerns. Whilst it has been demonstrated that the issues can be addressed, details will have to be agreed, which can be covered in negative conditions including the following.

- submission of schemes for surface water and foul drainage works;
- submission of a scheme for the monitoring of groundwater levels;
- submission of a scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, etc;
- submission of a scheme for dust suppression;
- condition to ensure any liquids are stored in a suitable impervious bunded compound;
- Mitigation measures in the event that Cessation of development contamination not previously identified, is found to be present at the site;
- submission of a scheme for restoration has been approved by the Local Planning Authority.

6.8 Department for the Environment, Food and Rural Affairs – No objection in view of the fact that the site is woodland. Soils should be stripped, stored and restored using low ground pressure equipment. Trees require deep, un-compacted soil and it is vital that the soil condition meets this restoration requirement. Further guidance for the handling of soil is given in the MAFF Code of Good Practice for the Protection of Soil. The sustainable use of the available topsoil, subsoil and soil making materials in the restoration of the site is welcomed. It is noted that approximately 0.245 hectares of best and most versatile agricultural land currently in agricultural production would be lost. Additionally, a triangular area will be severed from the main field. The following comments are made:

- a) The shape and size of the small triangular field north of the road realignment will limit its agricultural uses, as the use of modern agricultural field cultivation equipment in such a small awkwardly shaped area will not be practicable or viable. However, the views and preferences of the landowner of the severed land will be key to its future use and management.
- b) The topsoil from the net loss of 0.25hectares of land could be utilised to restore new road verges and other deficient areas (subject to landownership issues and agreements). Moreover, surplus topsoil could be utilised to augment the restoration inside the quarry, particularly as soil depth is a little shallow in some areas. However, best and most versatile soil should ideally be used to restore land to this quality and maintain the principle of sustainable development. The depth of topsoil should not exceed approximately 40cm.

DEFRA have provided a schedule of detailed agricultural conditions which they request are imposed on any subsequent planning permission.

6.9 Campaign to Protect Rural England – Objection on the following grounds:

- i. Notwithstanding the status of Woodcote Wood as a Phase 3 site in the 1996-2006 Minerals Local Plan, we object to the application at this stage, believing it to be contrary to MLP Policy M1 on a more sustainable approach to mineral development and Policy M14 on the development of new workings. Policy M1 seeks to conserve minerals within the county as far as possible in pursuit of the Council's firm commitment to sustainable development, managing its resources to minimise the use of primary minerals to the level actually needed by society. There is clearly no need for the development in strict planning policy terms - the landbank of currently permitted sand and gravel reserves maintained under Policy M13 being quite sufficient to meet the county's requirements to 2013 and beyond at the agreed sub-regional apportionment of 0.82 million tonne/year.
- ii. There remains a question over the 7 million tones of already permitted reserves at

Sleap Airfield. However, we believe, it is disingenuous of the applicant (as well as extremely dangerous in sustainability terms) to suggest that this reserve can effectively be discounted from the currently available landbank. The fact remains that Sleap Airfield has been granted permission. So, unless the MPA revokes the Sleap permission (which the CPRE believe warrants serious consideration given the repeated delays in its development), it must remain a valid element of the official landbank; especially since it could be developed at any time by its owners to contribute some 0.25 tonnes of sand and gravel per year (more than a quarter of the County's annual supply requirement).

- iii. Certainly, there is no case to be made for a shortage of mineral supply within the immediate future. All the more so, as permission granted for the Barnsley Lane site adds a further 1.5 million tones to the permitted reserves, and 0.18 million tones/year to the supply from 2009. Under these circumstances, we feel it would be premature in the extreme to add a further 0.20 million tonnes of supply in the immediate future just to address a possible shortfall in the 'usable' medium-term landbank. In fact, the CPRE considers that to do so would contravene MLP Policy M14, which advises that the MPA will consider a proposal to develop the Phase III site only in the event of circumstances which prevent the required production rate being achieved from existing sites, or those in the first and second phases.
 - iv. While the applicant advances a complex of 'need' arguments based upon considerations of the extent of and prospects for the landbank (both theoretical and real) the CPRE considers that these are irrelevant to M14. The CPRE considers that there remains no problem with the production rate, nor is there likely to be within the foreseeable future. At the same time, there has been no problem with the development of either the Phase I or II sites. Under these circumstances, we feel very strongly that any issues as far as both a possible decline in production rates in the next decade and the landbank beyond it are concerned at this very late stage in the 1996-2006 Plan period are more properly addressed through the replacement Minerals Local Plan process currently underway. This will allow a full and detailed examination of the complexities of the current landbank status and supply issues in public with the accent firmly on the sustainability of County's mineral resources, so ensuring reserves are brought on stream strictly in line with agreed need rather than the commercial requirements of rival mineral operators.
 - v. We consider such an approach vital to avoid any unnecessary over-exploitation of the county's minerals, while minimising the annual impact of mineral developments on our countryside. With the priority clearly on minerals sustainability, we urge the County Council to reject the present application as contrary to important current MLP policies and defer consideration of it pending development of the new minerals planning policies covering the period over which the extraction will take place.
- 6.10 Shropshire Wildlife Trust – No objection. It is recommended that the ponds to the north of the site are assessed for the presence of great crested newts (GCN). Newts require an extensive area of terrestrial habitat around a breeding pond to forage and hibernate (they spend 2/3 of their lives on land) and therefore with regard to the proposed extraction, any newt populations close to the site would probably colonise the lagoons excavated as part of the proposed works. Therefore if GCN are identified mitigation measures would need to be included into any scheme to prevent harm to this protected species.
- 6.11 English Nature – On the basis of the information provided, English Nature has no comment to make on this application. The proposal does not appear to have an adverse effect on a Sites of Special Scientific Interest (SSSI). English Nature's

records do not indicate the likely presence of a protected species on the site but the applicant must ensure that the development does not conflict with the legal protection of species as set out in ODPM Circular 06/2005.

- 6.12 Shropshire Badger Group – No response received.
- 6.13 Health and Safety Executive - No response received.
- 6.14 Severn Trent Water PLC - No response received.
- 6.15 Government Office for the West Midlands - No objections received.
- 6.16 Chief Fire Officer - No response received.
- 6.17 Forestry Commission - No objections. The main interest of the Forestry Commission lies with the restoration proposals, which would represent a net gain in public benefit. It is assumed that the restoration to woodland would be a condition under which permission is granted. The Forestry Commission would prefer that the restoration is to 'locally native broadleaves' rather than the wider title of 'broadleaves' as this would prevent the restocking using species such as Beech and Sweet Chestnut which are not native to Shropshire.
- 6.18 The Coal Authority – No objection. According to the Coal Authority's records the property is not within the zone of likely physical influence on the 'face from past underground coal workings.

Internal Consultations:

Sustainability Group

- 6.19i. Archaeology - Comments on initial planning consultation - The archaeological assessment undertaken as part of the EIA for the application has demonstrated the existence on the site of a linear earthwork postulated as defining part of the boundary of Woodcote chapelry. An approximately 450m length of this earthwork would be removed by the proposed sand and gravel extraction. Further historical research indicates that the boundary along which the earthwork runs was, in the 11th century, the actual county boundary between Shropshire and Staffordshire and also the boundary of the administrative unit of Bradford Hundred. Therefore, in the late Anglo-Saxon period this boundary was one of considerable regional importance. This fact has been overlooked, or at least not mentioned, by the consultants in their assessment of the earthwork in the Cultural Heritage section of the EIA. This significantly alters the potential historical and archaeological importance of the linear earthwork, especially if in origin it dates to the Anglo-Saxon period, as now seems a strong possibility. Consequently, a further archaeological evaluation and assessment of this earthwork should be carried out prior to the determination of the minerals application and in accordance with PPG 16. This evaluation would seek to further clarify the date, nature and function of the earthwork in order for a fully informed assessment of its significance to be made and an informed planning decision taken.
- ii. Archaeology - Further observations - The revised archaeological evaluation report relating to the above which has now been submitted has satisfactorily addressed the weakness of the original report. In view of this, the archaeological evaluation is now considered to have been satisfactorily completed. On the basis of the information provided by the evaluation, it is not considered that preservation in situ would be essential for the section of linear earthwork to be impacted on by the proposed

quarry. Clearly though, it would be preferable if the earthwork could be retained in its entirety. If however removal of the section of earthwork is unavoidable should the quarry proceed, it would then be necessary for further archaeological work to be undertaken to mitigate the impact. Accordingly, any planning permission for the proposed extraction should be made subject to a condition requiring a further programme of archaeological work to be undertaken in accordance with an agreed scheme.

6.20i Ecology The SCC Environmental Record shows no nature conservation site designations or records of protected species within 1 kilometre of the proposed quarry site. Records of species rely on chance finds and are far from complete. Hence absence of records should not be taken to show absence of a species. Woodcote Wood is not listed as being an ancient woodland or a plantation on an ancient woodland site. The majority of the proposal area is shown as open or with scattered trees on the 15th edition OS map of 1891. However, the southern boundary adjacent to the B4379 appears to have been well wooded, as was a band along the northern edge of the proposal area, on the slopes of the hill. These older wooded areas are more likely to support a better woodland flora and ideally as much as possible should be retained for landscape as well as ecological reasons. The southern boundary is described in the proposals as being retained as a screen. The further up the slopes of Woodcote Hill the extraction progresses, the more visible the workings will be from a distance. The high proportion of conifers and even, relatively young age (50 years) of the plantation trees tend to produce a less diverse woodland habitat. The small triangle of farmland which will be isolated by construction of the access route should be planted up with native tree species of local provenance. Where possible the existing hedges should be retained and snowberry should be eradicated if possible because of its highly invasive nature.

ii. Ecology - Comments on protected species: Amphibians - There are no ponds suitable for breeding amphibians in the woodland although a toad was found under a refuge during the reptile survey. The nearest ponds are between 350 and 400m away from the closest part of the proposed quarry, on farmland to the west and in another small block of woodland to the north-west, separated by agricultural land. Great Crested Newts are the only protected amphibians. The current English Nature guidance states that a survey may be indicated when there are:

- Any historical records for GCNs on the site, or in the general area.
- A pond on or near the site (within around 500m), even if it holds water only seasonally.
- Sites with refuges (such as piles of logs or rubble), grassland, scrub, woodland or hedgerows within 500m of a pond.

iii. However, recent research commissioned by English Nature (Research Report 576) has shown that during mitigation work, by far the most captures are within 50m of ponds and few animals are captured at distances greater than 100m. The report goes on to say 'the most comprehensive mitigation, in relation to avoiding disturbance, killing or injury is appropriate within 50m of a breeding pond. It will also, almost always be necessary to actively capture newts 50 - 100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality. At distances greater than 200 - 250m, capture operations will hardly ever be appropriate'. In view of the above, the current proposal is very unlikely to impact on any existing population of Great Crested Newts. However, under certain conditions the proposed lagoons might develop into suitable habitat for newts in the future. If permission is granted, the two ponds should be checked for

GCNs in spring of 2007 following English Nature guidelines. Should GCNs be found, before each phase of the work commences, the likelihood of GCNs being attracted to the site should be assessed and any suitable mitigation plans should be drawn up, and be submitted for the planning authority's approval.

- iv. *Reptiles* - the supplementary survey has adequately shown that there should not be a significant impact on populations of reptiles in the area.
Badgers - similarly the additional badger survey indicates that the woodland is not being used by badgers to any great extent. Badgers are very mobile and free ranging animals and again there should be a resurvey before each new phase of the work.
Birds - a condition should be imposed to prevent felling of trees, scrub or hedgerow removal during the nesting season (mid February to late August). Diversification of habitats during the restoration phases should increase the range of birds present.
Bats - the relatively recent age of the trees make the presence of bat roosts less likely but felling contractors should be made aware of relevant legislation and, where possible, trees with cavities should be checked before felling.
 - v. Ecology - Comments on restoration: A phased approach to the work will allow restoration to begin early in the scheme and reduce negative impacts on landscape and biodiversity. The seed and bulb bank in the woodland topsoil will be extremely important for the restoration. Where possible, soil stripped to start a new phase should be spread immediately on the finished land form of the old one, to optimize the viable seed bank. Any topsoil which has to be stored should be treated according to the relevant British Standard. Native broadleaved woodland, glades and rides with species rich grassland and heathland could be created through the restoration, together with ponds if the hydrology permits. Smaller scale features such as cliffs, amphibian/reptile hibernacula, bird or bat boxes could also be installed. Any areas to be left as glades, rides or heathland should not be covered in topsoil as a nutrient poor substrate is essential. Nutrient poor soil will also reduce the management input after restoration. Topsoil should not be imported from other sites as inappropriate seeds etc may be imported with it.
 - vi. If permission is granted, a condition should be made requiring a detailed landscape and biodiversity mitigation plan to be submitted to the planning authority for approval before each phase of the work. Resurvey for particular species may be necessary due to the lapse of time and mobility of protected species. This phased approach will allow the restoration to address up to date targets in the national, Regional and Shropshire Biodiversity Action Plans. Measures should be considered to ensure management of the restored habitats beyond the ten year period as this would be essential for long term biodiversity gain.
- 6.21 Highways – The current junction between the A41 and the B4379 is poor in terms of its geometry, visibility and vertical alignment on its approach from the north direction. The proposed new traffic island on the A41 and realignment of the B4379 is considered to be a welcome feature. Given however that there is also an accident record a Stage 1 Safety Audit should be undertaken for the proposed roundabout scheme. The alignment of the new section of the B4379 to the site access should be to a minimum of 6.5 metres and kerbed and appropriately drained. The new section is relatively straight and may attract vehicles to overtake on exiting the roundabout traveling towards the site access. Given the nature of slow moving HGV's associated with the sand and gravel extraction this is a highway safety concern. Forward visibility for drivers travelling from the east to west direction could be restricted unless adequate land is acquired to provide the requisite forward visibility when approaching the junction, potentially behind a waiting right turning vehicle into the access. A Stage 1 Safety Audit is also therefore requested on the new section of the B4379. The

proposed new site access provides visibility splays of 9 x 215 metres and junction radii of 20 metres. I have reservations on a number of counts.

1. The realignment of the B4379 and site access visibility splays will attract high vehicle speeds and may induce overtaking manoeuvres to take place in the vicinity of the site access. There is some reservation about the merits of providing 20 metre junction radii. There is clearly no need to provide such a radius on the western side since no HGV's are to turn in that direction. The 20 metre radius on the eastern side together with a 9.0 metre 'X' distance may induce HGV's to exit onto the B4379 at a faster approach speed than is desirable. An 'X' distance of 4.5 metres is considered acceptable and a 15 metre radius on the eastern side should be considered.
2. A Stage 1 Safety Audit is requested for the new junction as with the new section of the B4379 and new roundabout. The audit should recognise the nature of the proposal for sand and gravel extraction and the types of vehicles associated with this activity. I would anticipate that as part of the Safety Audit, consideration would be given to any proposals for the provision of advance signing and road markings to alert drivers of the access ahead and slow moving turning vehicles.
3. The current weight restriction on the B4379 clearly would not prohibit the use of the B4379 past Sherriffhales by mineral HGV's. However the junction with the site access could be designed so as to direct HGV's to the east via kerbed islands within the junction, whilst allowing exiting cars to turn right.

Note: The applicant has carried out safety audits of the proposed highway scheme as required. The results of this exercise are considered in section 8 of this report.

6.22 County Councillor Mr S.West has been informed of the proposals.

6.23 In addition to the above the proposals have been advertised in accordance with statutory provisions and the 131 nearest residential properties have been individually notified. The County Council has received letters of objection from 14 local residents. The principal concerns are as follows:

- Traffic safety – the A41 is already dangerous – traffic will approach the proposed roundabout too fast – particularly southbound. The number of heavy vehicles on the A41 is already too high. Will speed cameras and traffic lights be employed on the approach to the roundabout?
- The increased levels of heavy traffic from the proposed quarry will have an adverse impact on noise levels, road safety and pollution;
- Traffic increases massively on the A41 when there is an accident on the M6;
- A roundabout on the A41 would be a disaster – at rush hour there would be extensive queues and slow moving lorries on the B4379 and turning onto the busy A41 would lead to accidents;
- Drivers would become impatient behind slow moving heavy quarry vehicles, leading to accidents;
- Concern that because the site is allocated in the Minerals Local Plan it will be difficult to refuse. Why cant the permitted site at Sleaf Airfield be worked instead?
- It is already impossible to gain access to the A41 at junctions north of the B4379 at certain times of the day and the addition of more slow-moving heavy traffic would make this situation worse;

- The speed of some drivers using the B4379 is excessive - what assessment has been made of this? – A speed limit should be imposed on the B4379 between Heath Hill and the A41;
- How will vehicle movements be controlled / enforced?
- Concern that vehicles will queue on the B4379 to enter the site;
- No assessment has been undertaken of the speed of traffic on the B4379 west of the proposed site entrance though the recent accident record indicates quite a problem on this stretch;
- There are regular flooding problems on the A41 at Cock Hollow which may have contributed to traffic accidents. There is concern that the quarrying proposals may exacerbate this by changing local drainage / hydrology and adding silt / mud to the highway drainage system;
- Concern about the length of the proposed hours of working (0700-18.00 weekdays, 07.00-13.00 Saturdays). No other forms of operation such as maintenance should take place outside of the specified hours;
- Questioning the need for the sand and gravel at the site at this stage rather than towards the end of the post-plan landbank. – There is a need to consider whether demand could be met from existing quarries.
- The application is premature and changes in demand should be addressed through the emerging development plan framework;
- Concern that the proposals may be linked to future quarrying proposals at Pave Lane north of Woodcote Hall;
- Will adversely affect the environment and general feel of the historic town of Newport. This quiet area is an amenity for the people of Newport and Telford;
- Invasion of greenbelt land / impact on countryside;
- Devaluation of properties – will there be compensation?
- Proposed hours of working would be an intrusion;
- Concern about health damage including respiratory problems from dust;
- Noise nuisance – will noise be monitored? The noise report has set a noise limit of background plus 10 decibels. Only by adopting this relatively high increase has the report been able to include that the development may proceed. This is an exceptionally quiet rural area and a 10dB increase will be easily heard;
- Noise from wheel cleaning;
- Dust nuisance – no specific assessment has been undertaken of the effect of dust on nearest properties – only potential sources of dust have been listed – the air is very pure in the vicinity of the site at present;
- Where will the required water come from? Many small pools providing important habitats have dried out. Mineral working could exacerbate this;
- Damage to ecology of woodland – an wildlife survey should be undertaken – has the site been surveyed for badgers – buzzards live in the trees around this area and would be upset by quarrying disturbance;
- The corner plot of trees nearest to Woodcote Hall should be retained for screening;
- The retained tree belt around the site will not have sufficient density to provide a screening function as foliage is restricted to upper branches. New tree planting should be undertaken around the site as early as possible to strengthen screening;
- Flowering trees such as rhododendrons should be replaced with the same species – rhododendrons give a beautiful display on the B4379 frontage in late spring;
- Will archaeological sites be affected (including burial mound and ice house)?
- Visual impact - the landscape would be damaged by removal of so many trees which would not need to all be felled as part of conventional forestry operations

- The estate boundary wall is looking unkempt and should be repaired.
- 6.24 A letter has been received from a consultant acting on behalf of local residents making the following observations:
- No assessment has been undertaken of the speed of traffic on the B4379 and the accident record relating to this area.
 - No assessment has been undertaken of the effect of vehicle speed and the sharp right-hand bend just north of Heath Hil when traveling along the B4379 to the A41;
 - Why has the need for a speed restriction on the B4379 not been considered given the speed of vehicles and the volume of slow mineral traffic turning onto the B4379?
 - The main potential sources of dust have been listed but there has been no assessment of the potential effects of dust deposition. In the absence of this, the assessment of effects cannot be relied upon. Dust is listed as an effect which could be controlled to an acceptable level, but there needs to be a firm commitment that such levels of control will be achieved.
 - BS4142 acknowledges that complaints are likely to arise where a specific noise source exceeds background levels by more than 10dB. In view of this, why have noise limits been set for nearby properties on the basis of background plus 10dB? Surely additional noise mitigation measures should be considered to achieve greater noise attenuation.
- 6.25 The Lilleshall Resident's Association has objected to the proposals on the following grounds:
- The Applicant has not shown that a justifiable need exists for additional sand and gravel reserves to come forward at this time. To this end, the proposed development will result in an excessive provision of land-won aggregates.
 - The over provision of primary won aggregates will discourage initiatives to promote secondary and recycled aggregates i.e. aggregate recycling facilities, and may discourage the efficient use of mineral. Both of which are fundamental facets in the delivery of sustainable mineral development.
 - The Site at Woodcote Wood represents a new extraction operation rather than an extension to an established Site. As noted in paragraph 69 of MPG6 and paragraph 6.63 of the Adopted Local Plan, extensions generally tend to have less environmental impact than new sites. To this end, the favoured approach should be to bring forward extensions to current operations in preference to new sites.
- 6.26 The owners of Woodcote Hall have objected to the proposals on the following grounds:
- This is a large proposal for a long period and needs rigorous scrutiny, notwithstanding the site's allocation in the Minerals Local Plan;
 - A lot of vulnerable people live at the nearby Woodcote Hall nursing home which is a particularly sensitive location;
 - The effect of noise and dust on Woodcote Hall needs to be evaluated scientifically before any approval;
 - The cumulative impact of noise and dust generated by the operation could mean unacceptable effects on the amenity and well-being of Woodcote Hall residents who are restricted in their movements and thus could not escape the impacts of the workings;

- Questioning need for the mineral given the opportunity for use of secondary aggregates;
- Potential ecological impacts need thorough examination.

6.27 The following objection has been received from Lilleshall Golf Club:

The Golf Club has been in its present location since 1937 and has benefited from being part of a serene countryside environment. The planning application for the extraction and processing of sand and gravel in the vicinity of our course is unacceptable for the following reasons:

- The level of noise that will be generated by mechanical equipment, safety warning devices and heavy haulage is going to have a dramatic adverse affect on the pleasure we derive from the game of golf at Lilleshall.
- The species of bird and animals that thrive in the vicinity are going to be disrupted and redistributed as a result of this action with the removal of trees and fauna in the affected area.
- Heavily laden lorries will commence their journey by way of the A41, an already busy road. This will lead to vehicles being slowed down even more and increasing the risk of traffic accidents due to higher volumes.
- Mineral traffic will give the hedgerows a dirty, grimey and lifeless appearance, not only in the immediate vicinity of the site but over a much wider area due the heavy haulage making their way to Shifnal , Telford , Newport, and Donnington.
- The dust that will be created by these workings will carry on the prevailing winds towards Lilleshall Hall Golf Club, harming and choking our environment. It can be said that there is a potential risk to health over the long term to our members.
- Elderly residents being comforted in their last years would have to endure discomfort by way of noise and dust. Why should they have to endure such conditions for the benefit of corporate profit?
- The golf course presents a facility for both members and visitors. If the plans go ahead it could have a negative effect on the revenue that we receive due to a reduction in green fees and resignations from members. Ultimately this will have an adverse effect on infrastructure and forward planning.
- As a golf club management committee we are empowered to make representation on behalf of 700 members and therefore wish to register our objection to the proposal and application that will scar our beautiful Shropshire countryside.

7. ASSESSMENT OF THE PROPOSED DEVELOPMENT

PLANNING POLICY CONTEXT

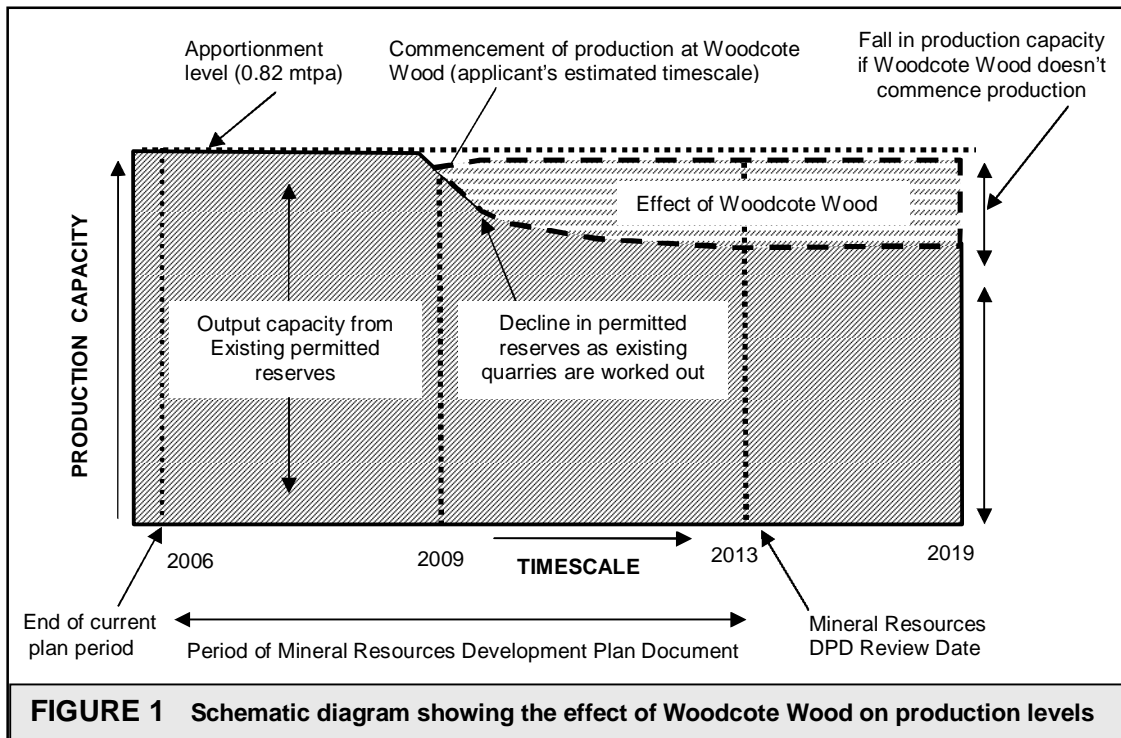
7.1 Development Plan Considerations Planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations indicate otherwise (Section 54A, Town and Country Planning Act 1990). The Minerals Local Plan (MLP), which forms part of the Development Plan, identifies the site as potentially suitable for mineral working. This is provided that the much greater level of detail in the current application shows that the proposals are capable of satisfactorily addressing land use issues, local factors and other material considerations. The MLP identifies the site as the Third Phase Preferred Area for mineral working (Policy M14) following the Plan's site selection and assessment process.

- 7.2 Need for the Mineral - Introduction Policy M2 of the Minerals Local Plan states that 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 the planning benefits, or when an Environmental Statement is necessary, the applicant will be required to demonstrate that there is a need for the mineral. Whilst recognizing that Woodcote Wood is a Preferred Site in the MLP, the applicants have provided further information to substantiate the need for the mineral from the site. They have also indicated the potential timescale for actual mineral extraction and production from the site in keeping with a managed approach. In addition, they have produced within the Environmental Statement and other supporting information details to demonstrate that any material planning objections can be satisfactorily mitigated and confirming other potential benefits arising from the overall scheme. These matters are addressed in subsequent sections.
- 7.3 The CPRE and some local residents have questioned the need and justification for working of the Woodcote Wood site at this stage. It is accepted that sand and gravel sales have reduced relative to the levels assumed in the MLP and that consequently, permitted reserves in the total landbank have not been used up at the levels anticipated. However, there are a number of factors which also have a bearing on this situation. In particular, issues related to individual sites mean that only a proportion of the total permitted landbank reserve will be available for production within the next Plan period (i.e. to 2019). At the same time reserves at some permitted quarries are becoming depleted, whilst Telford's role as a sub-regional growth centre is likely to ensure a sustained demand for local supplies of sand and gravel. All these factors will influence the need for sand and gravel in the new Plan period, including from the current application site. The following sections describe how the Shropshire, Telford & Wrekin sub-region contributes to the supply of sand and gravel for the West Midlands, including agreed output levels and the implications of this has for the current proposals. The section concludes that, based on current information, if the Woodcote Wood site were not to be released at present, with extraction operations planned for approximately 3 years time, the Shropshire, Telford & Wrekin sub-region may well encounter difficulties in achieving its agreed annual apportionment at that stage.
- 7.4 Need – Detailed Considerations Shropshire Telford & Wrekin are members of the West Midlands Regional Aggregates Working Party (WMRAWP) which takes account of recent output and production trends in order to provide guidance on the demand for aggregates (the 'apportionment') across the region. The WMRAWP is part of a national network of Working Parties providing the basis for the national guidance on aggregates provision. The apportionment determines the size of the sand and gravel landbank for individual sub-regions. The current Minerals Local Plan advises that a landbank will be maintained sufficient for 7 years supply of sand and gravel, in accordance with the guidance in MPG6. The period of the landbank reflects the lead-in times that may be involved in obtaining planning permission and bringing a site into full production.
- 7.5 The levels of sand and gravel demand assumed in the current Minerals Local Plan are based on the production levels which applied at the time of the 1989 aggregates survey. There has however been a reduction in aggregate output relative to predicted demand since the publication of MPG6, as was acknowledged by the publication of revised aggregate forecasts by central government in 2003. This reduction means that the existing sand and gravel reserves have depleted less rapidly than was anticipated, and more mineral therefore remains in the landbank. The latest published annual report of the WMRAWP (2003) states that in December 2003, Shropshire had approximately 14.8 million tonnes of permitted sand and gravel

reserves (including active and dormant sites). Sales of sand and gravel in 2003 amounted to 822,000 tonnes which was 9.0% of regional sales for sand and gravel. A similar trend has been recorded for the Aggregates Monitoring report in 2004, publication of which is imminent.

- 7.6 Since 2003, production of sand and gravel in Shropshire has averaged around 0.82 million tonnes per annum. No new sand and gravel sites have been permitted, but the County Planning Committee resolved in July 2004 to permit a 1.5 million tonne site at Barnsley Lane near Bridgnorth (the phase 2 site in the Minerals Local Plan) which will replenish landbank reserves. The planning permission will be issued when the associated legal agreement has been completed. Whilst in simple arithmetic terms, the level of reserves is significantly above that required to maintain a 7 year landbank as specified in the present MLP, a number of other detailed factors also need to be taken into account.
- 7.7 The draft MPS1 recognises that there is a need to avoid overprovision of aggregate, but also acknowledges that detailed factors may influence the supply of sand and gravel and the ability to achieve agreed apportionment levels. This includes constraints on the availability of consented reserves, significant anticipated future increases in local demand and where there is a distinct and separate market for a specific type or quality of aggregate. The current Minerals Local Plan includes a commitment to provide a landbank for 7 years beyond the current plan period extending to 2013. In the case of the Shropshire, Telford & Wrekin sub-region three significant factors which will limit the ability to achieve the agreed apportionment in the period between 2006 and 2013:
- i) One site still to commence full production (Sleap near Wem) has 7 million tonnes of permitted reserves (i.e. half the current landbank) but is limited by planning conditions to a maximum output of 250,000 tonnes per annum. The company in question already operates another sand and gravel quarry south of Shrewsbury with permitted reserves extending beyond the current Plan period.
 - ii) Available information indicates that other currently permitted sand and gravel sites are likely to have exhausted present reserves in the 2006-2013 period.
 - iii) Two dormant sites are included in the current sand and gravel landbank. The operator has indicated that there are unlikely to be any circumstances in which these sites would re-commence production in the period between 2006 and 2013.

When these factors are taken into account it is evident that there are considerable limitations in terms of the reserves in the current sand and gravel landbank which will actually be available for production of mineral in the period between 2006 and 2013. As such, the Shropshire Telford & Wrekin sub-region may have difficulty in maintaining agreed apportionment levels unless new reserves are permitted. Figure 1 illustrates this situation. A decline in output capacity is likely to be experienced in the period commencing after the end of the current Plan, as reserves at existing quarries become depleted. Output potential from the remaining quarries is likely to fall below the agreed apportionment level of 0.82 million tonnes per annum if no new reserves are permitted. The effect of Woodcote Wood site is to add up to 200,000 tonnes per annum of new production capacity, assisting in maintaining the apportionment figure attributed to Shropshire, Telford & Wrekin.



7.8 The CPRE has argued that whether or not the Sleaf site becomes fully operational within the post-plan landbank period is a strictly a commercial issue and should not be a material consideration with regard to the current application. However, the possibility that permitted reserves may not achieve full production within the current plan period was one of the reasons why the Inspector at the Minerals Local Plan Inquiry accepted the allocation of the Woodcote Wood site. It is now clear that the Sleaf site is unlikely to commence full production in the early post-plan landbank period. At the same time, recent increased housing demand forecasts and the status of Telford as a sub-regional growth-centre could place further requirements on the demand for sand and gravel at sites in proximity to Telford. There are currently no sand and gravel sites within Telford & Wrekin and the majority of this demand is therefore supplied by sites in Shropshire. However, the permitted reserves at some of these sites are becoming depleted. The application site is located on the border of Telford & Wrekin and would be capable of producing a wide range of construction aggregates. It would therefore be well placed to supply a proportion of Telford's future demand for sand and gravel in terms of proximity and access considerations. The applicant has confirmed that if the site were permitted it would be at least 2 years before production would commence, given the lead-in time required to provide the necessary infrastructure (see 7.10 below).

7.9 The main purpose of the aggregates forecast and apportionment system set out in MPG6 and the draft MPS1 is to ensure a stability of aggregate supply for construction purposes based upon an equitable system of apportionment. The sand and gravel landbank is not an end in itself but a mechanism for ensuring that this stability of supply is maintained. MPS1 recognises that even where the landbank may appear sufficient, detailed factors may affect the ability to supply mineral at agreed production levels. In such circumstances MPS1 acknowledges that the release of additional reserves may be appropriate. The County Council's analysis of detailed landbank and supply factors indicates that difficulties will be encountered in maintaining agreed production levels unless additional reserves are released. The current site would provide added confidence regarding the ability of the subregion to meet its share of regional aggregate production, and to supply the requirements of

the Telford market at a time when reserves at other sites are becoming depleted. In these circumstances it is concluded that the current proposals are consistent with the advice in MPG6 and draft MPS1 and the phased release provisions of the Mineral Local Plan. (Minerals Local Plan Policy M2 (need), M14 (future sand and gravel working; MPG6).

7.10 Commencement Date The applicant has confirmed that the quarrying proposals would be associated with significant pre-development works, including:

- implementation of the highway improvement scheme to the A41/B4379;
- realignment of the B4379 from the A41 to the vicinity of the site entrance;
- construction of the site entrance and associated works to reconstruct the boundary wall along the B4379 visibility splay;
- implementation of a tree felling programme for the plant site, stockpile area and Phase 1 mineral extraction area;
- stripping of soils from initial operational areas;
- preparation of the plant site, stockpile areas and construction of the silt lagoons.

In view of this, the applicants consider it unlikely that actual mineral extraction/sales would commence for at least two years after the date of issue of any planning permission. Thus, any mineral extraction/sales would be unlikely before the summer of 2008 (i.e. outside the period of the current Minerals Local Plan).

7.11 Minerals Development Plan Document (20007-2017) The Preferred Options Draft Minerals Development Plan Document was published in February 2006. It is anticipated that this document will be adopted (and will replace the Minerals Local Plan) as part of the minerals and waste development framework by the end of 2007. The calculations of sand and gravel demand used to prepare the Draft Minerals DPD reinforce the need for the mineral at Woodcote Wood, to ensure that the Shropshire-Telford & Wrekin sub-region is capable of continuing to maintain its agreed supply of sand and gravel throughout the new plan period. These calculations take account of the allocated status of Woodcote Wood in the current Minerals Local Plan.

CONSIDERATION OF ENVIRONMENTAL ISSUES

7.12 The extent to which the application is capable of addressing detailed technical / land use issues and offering environmental benefits is considered in the following sections. These sections take into account Structure Plan Policy P58 (sustainable minerals development) and P59 (the need to protect interests of acknowledged importance) and the policies of the Minerals Local Plan, including M1 (sustainable approach), M2 (need for minerals), M3 (development control considerations), M4 (operational considerations), M7 (benefits to countryside), M11 (transport) and M27 (Reclamation / afteruse).

7.13 Highways The Development Plan contains policies designed to ensure that proposals likely to generate significant levels of vehicle movements do not give rise to an unacceptably adverse impact on the local highway system. The quarry proposals would generate a significant number of heavy vehicle movements. The anticipated output of 200,000 tonnes per annum would equate to between 32 and 36 loads (64 – 72 movements) for 20 tonne loads assuming a working year of between 275 and 305 days. The principal market for the mineral would be the Telford area. It has therefore been assumed that some 80% of the traffic would travel south along the A41 towards the A5 and A54, with some 20% of the traffic traveling north along the A41 towards

the A518. With the exception of strictly local deliveries, all HGV traffic would be routed from the site entrance to the new A41 junction. The applicant recognises that the geometry of the existing A41 / B4379 junction has limitations and would benefit from being realigned to improve visibility and safety. Accordingly, the development includes proposals for the creation of a new roundabout junction off the A41/B4379. The applicant considers that this would more than adequately cater for the traffic generated by the development, and would be a positive benefit of the scheme which would improve the highway infrastructure of the locality.

- 7.14 The Environmental Statement includes a Traffic Impact Assessment (TIA) which considers the effect of the proposed quarry traffic on the local road system. The development would result in an increase in daily traffic of approximately 1.4% on the A41, and 9.6% on the B4379. The TIA concludes that the predicted increase in HGV traffic on the A41 would be minimal in the context of the likely day-to-day fluctuations in traffic flows on this road. The predicted percentage increase in traffic on the B4379 is greater due to the low volume of base traffic, but would be limited to a short 300m length of this road between the site and the A41. The results of the junction capacity assessments indicate that the proposed site access onto the B4379 would operate well below capacity in the morning peak hour. The proposed A41/B4379 roundabout junction would also operate below capacity in the morning peak hour of both the 2006 and 2016 assessment years, although some minor queuing delay is predicted on the A41 north arm in the 2016 design year.
- 7.15 The Highways (Development Control) team has acknowledged that in capacity terms there are no overriding objections to the anticipated level of quarry traffic. The proposal to construct a new traffic island on the A41 and to realign the B4379 junction is acknowledged as a highway improvement. The need for 20 metre junction radii as originally proposed has been questioned as this may lead to increased lorry speeds. In particular, the wider radius would not be needed on the western (Sherrifhales) side as quarry traffic would not be dispatched in this direction. The B4379 west of the site access is not considered to be suitable for use by quarry hgv's. The location of the current weight restriction on the B4379 would not prohibit this but relocation of the weight restriction to the immediate west of the site access would achieve this objective and the Highway Authority would support such a measure. It is also considered that the junction should be designed so as to direct hgv's to the east via kerbed islands within the junction, whilst allowing exiting cars to turn right. The applicant has submitted a revised junction layout which is acceptable to the Highway Authority and these matters could be covered by a Highways Legal (S278) Agreement. The applicant has also carried out Stage 1 Safety Audits on the new access and the highway improvement scheme. These Audits make recommendations regarding detailed design measures such as signage but indicate that slow moving quarry traffic is capable in principle of safely joining the B4379 and the A41.
- 7.16 Highways – Conclusion The site is well placed to serve local markets and the proposed highway improvements will allow good access links to the primary road network. It is considered that, provided the proposals are subject to appropriate planning conditions and a Legal Agreement to cover traffic management, routing and highway improvements they are capable of complying with Development Plan policy relating to highway and access considerations. (Mineral Local Plan Policy M8 (planning obligations), M3 (Development Control Considerations); M11 (Transport of Minerals); Structure Plan Policy P15 (protecting the environment), P31 (sustainable transport), P35 (Road Freight) and P37 (the highway network).
- 7.17 Redundant carriageway and agriculture The proposed highway improvements would

lead to a 220m stretch of carriageway becoming redundant along the old course of the B4379 (area 0.14ha). The new road realignment would also sever part of the existing best and most versatile quality agricultural field and produce a small triangular field (0.8 ha) to the north of the realigned B4379. DEFRA has not objected to any overall loss or severance of agricultural land associated with the proposed highway improvement, and is aware of the highway benefits of the scheme as put forward by the applicant. DEFRA do advise verbally however that the small size and awkward shape of the severed field area will limit its agricultural versatility. The applicant has agreed to plant up the severed field area as deciduous woodland to reinforce the retained woodland area of the eastern side of Woodcote Wood and would accept a condition on any planning permission requiring the submission of a woodland planting scheme for this area. The applicant has also agreed in principle to incorporate removal of the redundant carriageway into the overall scheme. Subject to the imposition of appropriate conditions it is concluded that the proposals can be accommodated in relation to the relevant development plan policies. (Structure Plan Policy P52, P59; Minerals Local Plan Policy M3)

General Amenities

- 7.18 Noise Central Government has provided advice on the control of noise from mineral workings in Minerals Planning Statement 2 (MPS2). The guidance states that in areas with typical background noise characteristics of 45 decibels an upper limit of 55dBLA90 is appropriate for normal quarrying operations. In quieter rural areas however noise from quarrying should not exceed background levels by more than 10 decibels. The Environmental Statement contains a noise assessment which identifies the main sources of noise within the site, predicts noise levels at four sensitive receptor locations around the site and puts forward noise mitigation proposals. Background noise levels for the area around the site are measured at between 35 and 38dBLA90 and noise limits have therefore been defined on the basis of the 'background plus 10' noise criteria. This gives appropriate daytime noise limits of between 45 and 48dBLA90. The noise assessment contains predictions of noise levels associated with mineral extraction based upon factors such as the anticipated type/level of plant activity. These predictions establish that the 'background plus 10' limit for normal quarrying operations would not be exceeded at the four nearest properties. The study concludes that the development could proceed in accordance with the noise limits set out at each noise sensitive property.
- 7.19 Temporary operations such as soil stripping can generate more noise than normal quarrying operations and MPS2 allows for this by temporarily relaxing the recommended noise limits. The applicant states that such operations would however be undertaken only occasionally at the site with typically one such episode a year lasting for a period of less than two weeks. During such periods the applicant states that noise level may marginally exceed the normal working criterion of 45 dBL_{aeq}. However, they would remain well below the temporary limit for such operations of 70 dBLA_{eq} specified by MPS2 which applies for up to 8 weeks a year.
- 7.20 The applicant has confirmed that the noise predictions are based on a 'worst case' scenario. This assumes that all mobile plant involved in the extraction operation would be working on the surface of the land, in direct line of sight of the existing receivers (i.e. the four properties assessed as part of the noise study). In practice, whilst operations would take place on the surface for short periods during soil stripping and initial excavation, the vast majority of extraction and haulage would take place at increasing depths below ground level, and would thereby benefit from the acoustic attenuation of working at such depths. The noise calculations also assume that activities are taking place at the Woodcote Wood site boundary, rather than the

more distant extraction site boundary within the confines of the wood. In addition, the calculations of noise emissions from the processing plant assume that the plant would benefit from a barrier of only 3 metres whereas, in practice, the plant would benefit far more substantially from existing topography due to the slope of the land. There is no 'direct line of sight' to the closest property to the southeast (Pine Ridge), which is separated by an intervening ridge some 20 metres higher than the highest part of the application site. Nevertheless, even on the basis of these 'worst case' assumptions, all noise calculations are within the criteria levels which have been set at the four properties. In these circumstances, it is considered unlikely that the predicted noise levels at the respective properties will be realised and that in reality, lower noise levels will be experienced.

- 7.21 The applicant has agreed to accept a planning condition requiring noise monitoring to be undertaken at periodic intervals in order to check compliance with the noise limits, and to verify that, in practice, the noise levels are considerably lower than predicted. A number of established control measures are also available in order to minimise noise disturbance. In particular, the provision of smart reversing alarms on plant / vehicles operating within the site can reduce the noise impact of reversing sirens. Internal haul roads can also be designed for circular vehicle flow, thereby minimising the need for reversing movements. Maintenance of an even running surface can reduce 'body slap' caused when vehicles run over potholes. The applicant has agreed in principle to incorporate these and other noise mitigation provisions and such measures can be conditioned in the event of planning permission.
- 7.22 Noise & Working Hours The Environmental Statement confirms that background noise levels in all 4 monitoring locations (and particularly the 3 roadside locations) are significantly quieter at 7.00am than 8.00am, presumably as traffic related noise increases. The quieter conditions at 7.00am underscore concerns raised by local residents regarding the proposal to commence working at this time. In particular the predicted noise is close to exceeding the 'background plus 10' criteria of MPS2 at Pine Ridge between 7.00am and 8.00am. The company has indicated that it would be necessary to dispatch some vehicles shortly after 7.00am in order to supply local markets. The company has however emphasized that the noise predictions are based on the worst case scenario (see preceding section) and has agreed that measures would be employed to ensure that noise was minimised during the early morning period – such as loading vehicles the day before. The noise predictions suggest that the indicative levels set out in MPS2 would not be exceeded at 7.00am and the company's requirement to dispatch vehicles at this time to supply local markets is acknowledged. Notwithstanding this, any quarrying activity would be linked to a requirement to undertake noise monitoring at the nearest properties. If such monitoring indicates heightened noise sensitivities associated with 7.00am working then appropriate noise mitigation measures would be required.
- 7.23 In conclusion, the noise predictions in the Environmental Statement demonstrate that the proposals are capable of complying with the noise limit criteria for quieter rural areas set out in MPS2. The recorded background noise levels comply with the methodology in MPS2 and are considered to form an acceptable basis for the noise predictions. It is accepted that the noise predictions are based on realistic assumptions about the levels of plant and activity within the site. The topography of the site relative to the nearest properties will also provide a significant amount of natural attenuation and the design of the site does not require a high intensity of plant use. Conditions can be imposed on any planning permission to ensure that noise mitigation complies fully with best practice throughout the proposed quarrying and restoration operations. To provide added reassurance however, it is also recommended that any planning permission includes a requirement for submission of

a scheme to monitor noise from quarrying, with identification of additional detailed noise mitigation measures where appropriate. This is acceptable to the applicant. Noise control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress. Subject to these provisions it is concluded that the proposals can be accepted in relation to Development Plan policy relating to noise issues. (Mineral Local Plan Policies M3 and M4; Structure Plan policies P58 and P59; MPG11).

- 7.24 Dust The Environmental Statement recognises that mineral extraction has the potential for dust generation. The principal sources of dust are identified and a number of dust mitigation measures are described. The report concludes that, with the adoption of these measures the proposed mineral working is unlikely to have a significant effect on local air quality. The company states that the dust section of the ES is based upon practical experience of dust emissions and controls. The type of activities likely to give rise to dust emissions can be readily predicted based upon experience at other sand and gravel quarries, and conventional dust controls would be an integral part of day to day site management. The specific dust controls highlighted in the ES would be assisted by the overall design of the development which seeks to confine quarrying activities within the retained woodland fringe. Whilst the principal purpose of that design is to minimise/eliminate visual impact, the retained woodland fringe would assist in attenuating dust emission. The majority of the mineral workings would be set down relative to surrounding ground levels, thereby providing further attenuation. The sand and gravel strata within the site have relatively high moisture content and can therefore be worked and processed without significant dust emission. Stockpiles of sand and gravel would not contain dust or silt as this would have been removed by washing and processing. The progressive nature of the working and restoration would also minimise the areas of bare ground capable of generating dust. The Applicants have similar experience of dust control at their Rugeley Quarry in Staffordshire, which is working a similar deposit within a woodland area, and where no dust emission problems are apparent.
- 7.25 Water would be required for use in the washing and screening plant (see item 9 below), and there would therefore be a readily available supply of water for use in a bowser. The haul roads to the plant site would generally be located in the central area of the quarry and would be below adjoining ground level which would assist in controlling dust. The internal access into the processing plant would also be located towards the centre of the site. It is concluded that, provided the proposals are subject to appropriate dust control measures they should not give rise to any unacceptably adverse dust impact. The effectiveness of dust control measures would be monitored on an ongoing basis throughout the operational life of the site. Dust control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress. Subject to these provisions and submission of a detailed Dust Management Scheme it is concluded that the proposals can be accepted in relation to Development Plan policy relating to dust issues, including Mineral Local Plan Policies M3 and M4 and Structure Plan policies P58 and P59.
- 7.26 Landscape and Visual Amenity The wooded scarp of Woodcote Hill provides a setting for the historic Woodcote Park. The landscape around the site is potentially sensitive to change as a result of mineral proposals and there are a number of sensitive visual receptors in the surrounding area, including the Woodcote Hall Nursing Home. Structure Plan policy 42 seeks amongst other matters to ensure that change is sympathetic to landscape character and quality. The Minerals Local Plan

recognises that the site's woodland setting offers screening benefits for a minerals operation and the proposals have been designed to maximise these benefits. The site is centrally located within the area of search identified in Minerals Local Plan, allowing surrounding trees to be retained for screening. Extraction would be phased to limit the amount of land subject to quarrying disturbance at any one time and would be preceded by phased woodland felling. The mineral extraction phases have been designed, where practicable, to follow existing forest rides and woodland compartments. The processing plant and stocking area would also be cut into the gently sloping topography to further enhance screening of these areas. The applicant has confirmed that the agreement with the landowner will allow woodland to be retained in the area around the site for as long as it is required in order to screen the site. It has also been confirmed that localised planting would be undertaken if necessary at the north east corner of the site to ensure that there is no visual gap in this area where mineral extraction would come close to the woodland edge. It is recommended that these provisions are incorporated as conditions in the event of planning permission being granted.

- 7.27 The Environmental Statement includes a visual impact assessment. This acknowledges that the change in landscape character from existing woodland to an area of mineral extraction would have a temporary adverse effect, notably associated with the woodland felling. However, felling would occur as part of conventional forestry operations and would take place irrespective of any minerals development. The phased nature of the felling, working and restoration proposals means that only a limited proportion of the overall site would be subject to disturbance at any one time. The changes to the topography associated with mineral working would only be slightly perceptible from outside the site, as the ground level around the periphery would not change. The visual impact assessment concludes that the site would be generally obscured from view by the retained plantation around the site. The main source of visual impact would be associated with the felling of a narrow strip of plantation on the B4379 to create the site access. With that exception, the visual impacts from the appraisal viewpoints are assessed as either slight or as no change. The extent of woodland clearance would however be minimised due to the proposed realignment of the B4379 and also the revised site access design which takes account of the comments of the Highways Authority. Whilst rhododendron is not a native species, it does provide good low-level screening on the B4379 frontage and emphasise the parkland landscape. Local residents have remarked upon the attractive roadside display when the flowers are in bloom. The applicant has agreed to conserve the rhododendron edge adjacent to the B4379.
- 7.28 The stone walls and stone piers at access points are features which contribute to the landscape character of Woodcote Wood and the surrounding area. The boundary walls would be retained intact with the exception of a short section at the proposed site access where the existing wall would be removed. New walls would be constructed to form the site access using similar style and material to existing walls. This would result in a slight adverse impact. The impact on the proposed quarry on scheduled ancient monuments would be insignificant due to their distance from the site. Woodcote Wood is a recognisable landscape element in the setting of listed buildings at Woodcote hall, Heath Hill and Chadwell Mill. There would be an impact upon the landscape setting of these listed buildings but this impact is not significantly greater as a result of the proposed quarry. The felling and re-planting of the plantation would lead to a dramatic change in the landscape with or without the proposed quarry.
- 7.29 The visual appraisal advises that positive impacts would result in the longer-term from the proposed restoration scheme which would increase the diversity of the

landscape and vegetation. In the longer term the area would be returned to woodland which it is considered would blend well with the surrounding landscape and land uses. The restoration proposals would complement the ridge feature of Woodcote Wood. The Sustainability Group has put forward suggestions regarding detailed measures for enhancing the biodiversity of the site within the overall restoration / afteruse proposals. It is concluded that provided the proposals are subject to appropriate planning conditions governing screening, restoration and planting they can be accommodated in relation to Development Plan policy relating to landscape / visual impact. It is recommended that this includes a condition requiring prior approval of plant and stockpile design and location and restricting the maximum height of stockpiles and plant to 10 metres above surrounding ground levels unless otherwise approved, in order protect the visual amenities of the area. (Minerals Local Plan Policies M1v, M3, M5Ci; Structure Plan Policies P15, P42; Bridgnorth Local Plan policy CE1).

- 7.30 Woodcote Hall Nursing Home The owners of the Woodcote Hall Nursing Home located 500 metres to the north of the proposed quarry have objected to the proposals. They state that the proposals are large scale and for a long period and that a lot of vulnerable people live at the nursing home. Concern is expressed that the cumulative impact of noise and dust generated by the operation could mean unacceptable effects on the amenity and well-being of Woodcote Hall residents who are restricted in their movements and thus could not escape the impacts of the workings. Rigorous scrutiny should therefore be given to the effect of noise and dust on Woodcote Hall. The noise assessment accompanying the Environmental Statement confirms that predicted 'worst case' noise levels at the Hall would remain within the 'background plus 10 decibel' recommended level set out by MPS2. The site would be screened behind the retained woodland edge and located behind a ridge of higher ground. As such, the quarrying operations should not be visible from the hall. The felling of trees may have some impact on the appearance of the ridgeline as viewed from Woodcote Hall, but such felling would need to occur in any event as part of a normal forestry management regime. Given the location of the site, the screening effect of intervening topography and vegetation and the detailed noise and dust control measures which would be applied it is concluded that the quarrying proposals would be capable of proceeding without any unacceptably adverse impact on the occupiers of Woodcote Hall. This is provided that the operations are subject to appropriate operational controls. An ongoing review of noise and dust mitigation would take place during quarrying operations, including further noise monitoring at Woodcote Hall. This would provide an opportunity to identify the scope for any further improvements to noise and dust control measures.
- 7.31 Lilleshall Golf Club Lilleshall Golf Club has objected to the proposals citing concerns in relation to noise, dust, heavy vehicle movements and ecology. Concerns are also cited that there will be a general negative effect on the environment which will affect the Club's revenue. The Golf Club is set in a wooded area 1km to the west of the proposed site. The quarry would be totally screened from the golf course by the intervening wooded ridge of Woodcote Hill. It is not considered that noise or dust would be an issue for the golf club, given distance, the screening effect of the ridge and intervening woodland and the detailed controls which mitigation measures which are proposed for the quarrying operations. In terms of vehicle movements it is not proposed to use the two roads nearest to the golf course for quarry traffic (the B4379 west of the proposed site access and Lilyhurst Road). Access to the golf course and the National Sports Centre is obtained via a turning off the A41 at Church Aston to the north of the site and the A41 would be used by quarry traffic. However, the Transport Assessment accompanying the environmental statement confirms that the volume of heavy vehicle traffic which would result from the quarrying proposals would

be insignificant in relation to the general levels of heavy vehicle traffic on the A41. The proposed roundabout at the B4379 / A41 junction would also represent a significant improvement to A41 in this vicinity. In conclusion, provided the quarrying proposals are subject to appropriate controls it is not considered that there would be any unacceptably adverse effect on the golf course.

- 7.32 Conclusions on general amenity Concerns have been expressed by local residents, the Parish Council and the CPRE that the proposals could lead to adverse amenity impacts in relation to traffic, noise, dust, and visual impact. These issues have been considered and it is concluded that the potential effects of working are capable of being controlled satisfactorily by good management practices and conditions controlling site operations.
- 7.33 Ecology Development Plan policies seek to protect features of ecological / habitat interest and to conserve and enhance biodiversity (e.g. Structure Plan Policy P48, P49). The application site covers approximately 16ha of plantation woodland, mainly conifers, all of which are approximately 50 years old. Much of the woodland is subject to rhododendron invasion. Based on the results of survey and habitat quality assessment, there are no grounds to predict the presence of uncommon or important plant species or fauna. The removal of the woodland would result in the loss of a limited assemblage of common plants and fauna, the effect of which would be small and not significant. A supplementary survey has not identified the presence of any reptiles or badgers within the site. The applicant states that appropriate restrictions would ensure no negative effects on nesting birds. It is proposed to restore the site to woodland and this is consistent with the restoration concept set out in the Minerals Local Plan. However, the opportunity has been taken to introduce a more diverse range of woodland and complementary land uses (woodland glades, rides and open areas) and limited exposures of sandstone faces. The applicant states that this would contribute to a number of UK and local BAP objectives and have the potential to considerably enhance the nature conservation value of the area.
- 7.34 A supplementary survey of protected species including badgers would be required prior to entry into each mineral working phase. The phase 5 area comprises beech and sweet chestnut trees which have greater potential habitat value than other coniferous woodland within the site (i.e. in terms of nesting birds and ground flora including bluebells). It is considered that an additional habitat survey should take place prior to entry into phase 5 and specific safeguards should be put in place to conserve the soil resource in this area and its associated seed bank. The Environment Agency has highlighted the potential for additional ecological benefit associated with the production of wetland or ephemeral wetland habitats using silt from settlement lagoons. The applicant has agreed to incorporate these suggestions into the detailed site design. The Agency has also highlighted the potential for establishment of heathland and acid grassland habitats through use of nutrient poor sandy soils. This has been queried by the applicant as such a habitat may not flourish as it would be divorced from other such habitats.
- 7.35 The Shropshire Wildlife Trust has requested that a survey of Great Crested Newts is undertaken in the ponds around Woodcote Hall which are located 350-500m north of the site. This is requested because GCN may forage as much as 500m away from a potential habitat, although recent research by English Nature indicates that the vast majority of foraging takes place within 50 metres of the main wetland habitat. The ponds are described as fish ponds on historical Ordnance Survey maps and fish are known to eat newt eggs. The applicant has however agreed to undertake a newt survey of the ponds prior to commencement and appropriate newt exclusion measures are capable of being imposed in principle around key areas of the site

such as silt lagoons in the event that newts are found to be present in the ponds. Subject to the above provisions and to appropriate restoration / afteruse conditions it is concluded that the proposals can be accepted in relation to Development Plan policy regarding ecology and wildlife. (Minerals Local Plan policies M1v, M3ii, M5c, M27; Structure Plan policies P44, P48, P49).

Technical / Operational Issues

- 7.36 Mineral Resource The current application site defines the full extent of the identified mineral resource. The site is located on Triassic sandstones and conglomerates which the applicant states are widely worked as a source of sand and gravel in the Midlands. The mineral resource which has been proven by drilling boreholes and trial pits is principally soft sandstone and gravel which can be dug by a hydraulic excavator. Silt present within the sand and derived from mineral washing would be used to restore the site. The mineral occurs below a thin soil cover with no intervening overburden and the low ratio of overburden to mineral compares favourably with the ration at other sand quarries. The site also benefits operationally from the fact that it is above the groundwater table and can therefore be worked dry. The company has provided borehole data which supports the above conclusions. The Applicants are confident that the anticipated output of 200,000 tonnes per annum will be realised. This is based upon the intention to market some 120,000 tonnes per annum to existing CEMEX batching plants within the defined market area. Cemex consider that the external market would readily consume some 80,000 tonnes per annum for concrete aggregates, concrete products and drainage gravels. In those terms the Applicants are satisfied that there will be a strong and sustained market for the aggregate from the site, and that the intended output of 200,000 tonnes per annum is a reasonable and readily achievable figure. The site is strategically well located to provide aggregate raw material to construction projects in Telford, which is identified in the Joint Structure Plan as a key location for economic growth.
- 7.37 Water Resources The site is located on the Aqualate groundwater unit, a major aquifer where there is a presumption against new groundwater abstraction licenses (Structure Plan Policy P53, Minerals Local Plan Policy M3). There are no groundwater abstraction licenses within 1km of the site but a number are located within 5km. Although there are some ponds/watercourses within 1km of the site boundary but no surface water features within Woodcote Wood itself. The applicant states that groundwater levels are between 129mAOD in the western corner and 97mAOD in the eastern corner of the site. As groundwater would not be intercepted during excavation there would be no impact on groundwater resources. The applicant has confirmed that a minimum freeboard of 3m would be maintained above the groundwater table. The Environmental Statement recommends that before starting phases 3 and 5, additional borehole installations and monitoring are undertaken to determine the exact level of the groundwater in these phases.
- 7.38 The Environment Agency have not objected to the proposals. However, the site's location on an aquifer means that particular care will be required to prevent leaks of oil / fuel associated with site plant. The applicant's boreholes confirm that the mineral would be worked dry and the nature and thickness of dry strata between the base of the working/restored area and the water table is such that silt would not be carried into the groundwater. The absence of streams / brooks within or in the vicinity of the site significantly reduces the risk of pollution to surface water resources. The phased nature of the working and restoration proposals should minimise the surface area subject to disturbance at any one time. Therefore it is not considered that the current proposals would pose any significant risk to groundwater quality. The applicant's hydrologist has provided further information in relation to a

number of detailed hydrological issues, including the source of water for washing and dust suppression, measures to prevent ponding at the lowest part of the site (Phase 5) during high rainfall, measures for dealing with foul drainage and proposals for discharge from settlement lagoons. The Environment Agency has confirmed that these and related drainage / hydrological issues are capable of being dealt with satisfactorily by appropriately worded planning conditions.

Restoration / Afteruse

- 7.39 Reclamation and Afteruse Development Plan policy states that proposals for mineral development must incorporate a satisfactory scheme for reclamation of the site, progressively wherever possible, to a beneficial afteruse (Structure Plan Policy P69; Mineral Local Plan Policy M27). Schemes which provide new wildlife habitats, improve landscape character, enhance public access or make use of waste from mineral working will be encouraged and restoration and afteruse schemes should be practical and achievable (SP P69). It is considered that the proposals would allow restoration to a landscape and afteruse which is complementary with the surrounding area, and would facilitate significant ecological enhancement. The nature of working and restoration proposals ensures that much restoration would be achieved progressively throughout the working timescale. This is preferable to undertaking the majority of restoration after mineral extraction has ceased, and would allow the Mineral Planning Authority to undertake an ongoing review of the progress of restoration works throughout the operational life of the proposed site. However, the largest area of restoration would be restored following the cessation of mineral working and the proposed restoration habitats will take some time to become properly established. During this timescale management will be required for instance to replace planting failures and arrest any scrub incursion into the proposed glades. It is considered that proper establishment of the proposed afteruse will necessitate a 10 year aftercare period for restored areas rather than the normal 5 year period given the nature of the proposed restoration habitats. The applicant has confirmed that this would be acceptable in principle. Any planning permission would incorporate conditions governing restoration works to ensure that progressive restoration objectives were achieved and the aftercare became properly established. It is concluded that provided the proposals are subject to appropriate planning conditions they are capable of complying with development plan policy relating to reclamation and afteruse. (Structure Plan Policy P69; Mineral Local Plan Policy M27)
- 7.40 Archaeology The only archaeological resource likely to be affected by the proposed development is a length of some 450m of the linear earthworks along the line of the chapelry boundary. No further previously unknown archaeological remains were encountered within this area and there was no evidence for metalworking activity. Those features identified such as the ice-house and the avenue etc all lie outside the extraction area and therefore would remain unaffected by the development. The Historic Environment Officer has recommended that a condition is imposed on any planning permission, requiring a programme of archaeological works to be undertaken, including monitoring of all topsoil stripping, with provision for the recording of any archaeological features which may be encountered. This is acceptable to the applicant and can be addressed by means of an appropriately worded planning condition. (SP P25).

8. CONCLUSION

- 8.1 The proposed site is allocated for sand and gravel extraction in the Minerals Local Plan (1996-2006), for release at the end of the Plan period. It is not considered inappropriate for the current application for the next site in line in the Plan to come

forward at this stage. Objections have been received in relation to the proposals from local residents and some planning consultees, in particular in relation to environmental and amenity matters such as noise, dust, visual impact and HGV movements. These matters have been considered in the Environmental Statement and are assessed in this report. It is concluded that appropriate safeguards are available in all circumstances to allow the effects of any impacts to be satisfactorily mitigated.

- 8.2 The location of the site on a wooded hilltop, above the water table, with good access to the principal roads and major markets offers inherent advantages in terms of technical and amenity issues, which were recognised when the decision was taken to identify the site in the Minerals Local Plan. The progressive nature of the proposals should also serve to restrict the area subject to disturbance at any one time, and would allow close control to be exercised over mineral extraction and restoration operations. A scheme of highway improvement works and management measures to accommodate the development has been agreed with the Highways Development Control Group. The afteruse proposals are also considered to be in keeping with the landscape character of the area and environmental criteria listed in Structure Plan Policy P59. Provided the proposals are subject to appropriate planning conditions and a Legal agreement to cover the matters listed in section 2 above it is concluded that the proposed development can be accommodated in relation to Development Plan policies and other relevant local considerations.

Human Rights Act Appraisal

1) The application needs to be considered in the context of the Human Rights Act 1998 generally, and the provisions of Article 1 of the First Protocol, and Article 8 of the Convention in particular. These provide as follows :-

a) Article 1 - "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

b) Article 8 - "Everyone has the right to respect for his private and family life, his home and his correspondence. There should be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

2) The HRA effectively introduces a statutory obligation on public authorities such as the County Council to act consistently with the Convention rights. At the same time, it needs to be appreciated that the rights set out above are conditional rather than absolute, and that individual rights can be justifiably interfered with if this is in the interests of the public generally. In deciding whether or not private rights can be justifiably interfered with on the basis of public interests, it is necessary to reach a fair balance between private/ personal rights and the consequences for the wider public of a planning application being approved (or refused). The "fair balance" test is really another way of recognising that decisions which a public authority takes have to be proportionate.

3) In this particular case, a number of individuals and organizations are objecting to the proposed development. However, it is concluded that the individual environmental and amenity issues raised by the proposals are capable of being satisfactorily addressed in principle by detailed planning controls and that the need for the mineral in the site has been satisfactorily demonstrated. It is also considered that the proposed highway improvements and restoration proposals would result in wider benefits to the local community. On balance, it is felt that approval of the application would be consistent with the concept of proportionality, and would therefore not be contrary to the Human Rights Act.

Financial Appraisal This report is based on land use planning considerations in accordance with the provisions of the Town and Country Planning Act 1990 and does not include a financial appraisal.

Environmental Appraisal The main environmental considerations in relation to the current extension of time proposals are discussed above.

Community / Consultations Appraisal Included in the report.

Local Member SHIFNAL Mr S.J.West
District Council Bridgnorth District Council

Appendices None

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Committee and date
 South Planning Committee
 19 December 2017

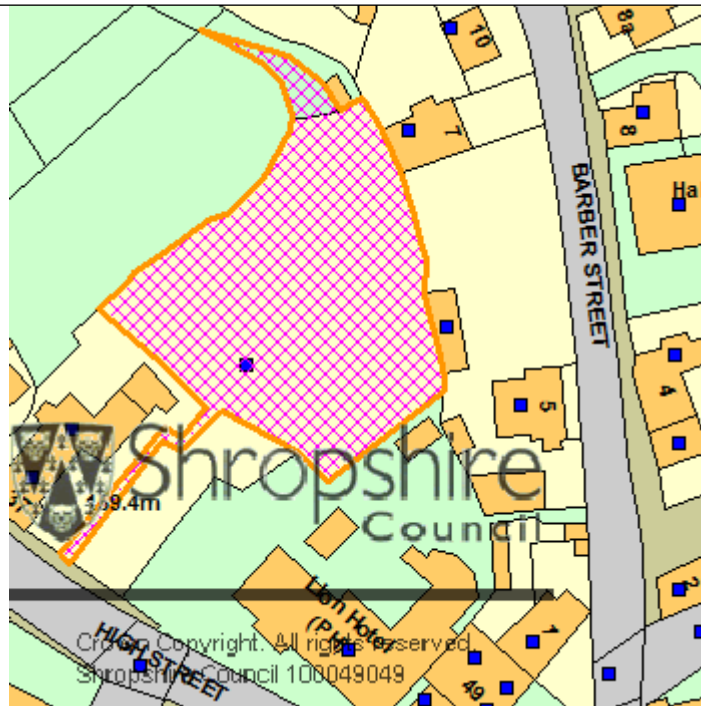
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/05697/FUL	Parish:	Broseley
Proposal: Erection of a detached 3 bedroom dwelling		
Site Address: Proposed Dwelling To The North Of 37 High Street Broseley Shropshire		
Applicant: Mr Jerry Phillips		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	

Grid Ref: 367375 - 301887



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 The application seeks planning permission for the erection of a 2 storey detached 3 bedroom dwelling. The proposed dwelling would be separated from the existing building at 37 High Street by a gap of some 3m at the closest point. The dwelling, as originally submitted, would be two storey with a dual pitched roof and would feature short projecting two storey gables to the northwest and southeast facing elevations. The first floor openings in the northwest elevation would be limited to two windows serving bath and shower room and two high level rooflights to a bedroom, in order to protect neighbour privacy. The southeast elevation would face the large garden area to the proposed dwelling and would feature a dormer window and gable end windows serving bedrooms, and a rooflight to the landing area. A monopitch ground floor element below the dormer would sit with the 'L' formed by the projecting gable and would contain a porch and part of the lounge. The south west facing rear elevation facing 37 High Street would contain no openings and would feature a chimney. The north east facing front elevation would feature a full width single storey monopitch projection with a gabled porch detail. The external facing materials would be painted facing brick with plain clay roof tiles. Vehicular access would be from the existing access onto Fox Lane and there would also be a separate pedestrian access to High Street available to the proposed dwelling.

1.2 Members will recall that this application was considered at the South Planning Committee on 6 June 2017, following a site visit. No objection was made to the principle of development. It was agreed:

☐ *The application be deferred to a future meeting in order for the applicant to give further consideration to the layout and design;*

☐ *a further site visit be made prior to any decision being made and the site to be marked and pegged out accordingly*

1.3 Some alterations were subsequently made and considered by Chair and Vice-Chairman at the agenda setting meeting prior to Committee meeting of 26 September. The discussion between the Chair and Vice Chair and Officers at that meeting concluded the alterations made were unlikely to be acceptable and the applicant was invited to make further amendments. The following decision from the agenda setting meeting is recorded:

- *Chair and Vice Chair note amendments to ridge height and removal of extension to address committee concerns. However question why this redesign has led to reduction in windows. Request fenestration treatment of side elevation where single storey lean to has been removed is reconsidered. Suggest these matters be considered before application is*

returned for consideration by planning committee.

- 1.4 Since then further alterations have been made which include:
- Clarification that the front of the dwelling faces SE. Single rooflight removed from this elevation in favour of second dormer. Front porch moved from NE elevation to front SE elevation.
 - Removal of single rooflight on NE elevation in favour of 2 x dormers.
 - Glazing detail changes all round. SW elevation as before with no openings
 - Wider drive and Increased turning area with provision for access to No37 retained.
 - Existing workshop and double garage correctly illustrated on plans
 - Boundary to 37 High Street defined by existing hedge and proposed double timber gates.

1.5 Pre-application advice was sought prior to first submission of the application which confirmed the principle of development on the site, in as far as the provisions of SAMDev Plan Policy S4 (Broseley) apply only.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is in the same ownership of 37 High Street which is Grade 2 listed, in Broseley Conservation Area. The site forms part of a large curtilage and has its own vehicle access from Fox Lane.

2.2 37 High Street has a substantial existing extension projecting to the north east, approved under references 11/02042/FUL and 11/2043/LBC. The NE elevation of the extension is two storey, and comprises a pitched roof facing NE with velux windows on the first floor.

2.3 37 High Street is itself connected to No. 37a which is positioned immediately adjacent to the road to the SW and under separate ownership.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers. The Area Planning Manager considers that the application raises material considerations that warrant consideration by the South Planning Committee.

4.0 Community Representations

Consultee Comments

4.1 **Broseley Town Council- objection** **Initial Comments received**

Object on grounds of access and design.

The junction with Fox Lane is difficult at best and dangerous at worst. There is poor visibility and a very tight turn is necessary to join the narrow road which is Fox Lane. The design is disappointing for a prominent position within the Conservation Area and does not attempt to incorporate vernacular features such as chimneys and window lintels.

After Members decision on 6th June, amended plans attracted the following comments from the Town Council

Proposed dwelling to the north of 37 High Street, Broseley. Amendments.

The Council maintains its objection to the development: there is poor access, it is inappropriate for the Conservation Area and no information has been provided with regard to building materials.

4.2 **Conservation- no objection subject to conditions**

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application proposes the erection of a detached dwelling on land adjacent to 37 High Street, Broseley. The main property is Grade II listed and lies within the Broseley conservation area. A previous approval for a large two storey extension to the listed building is currently under construction. It is proposed to site a detached dwelling on the remaining land within the applicants ownership. There is an historic planning approval for a larger detached dwelling on the site in a similar location to that now proposed but before the new extension was present. This consent has now lapsed. There is some historic mapping evidence of a linear form of development continuing along the site, however this may well have been outbuildings associated with the main listed building rather than further dwellings in this location, but shows that there has been built form historically to the rear of this site.

The design of the proposed dwelling mimics the design of the existing new extension, it is simplistic in design and basically is a continuation of a theme replicating a similar form to 37 High Street. It is considered that the addition of this further dwelling, in this similar form proposed, would not overly detract from the setting of the listed building and would generally be in line with policies, guidance and legislation as outlined above. The site is a large site and therefore the additional built form could be accommodated without appearing as a substantial

overdevelopment of the site. However it is considered that if the proposal were to gain permission this would be the limit to any potential development on this site.

4.3 Archaeology- no objection

No comments to make

4.4 SUDS – no objection subject to condition and informatives

4.5 Fire and Rescue- no objection

4.6 Highways- no objection subject to condition

The development seeks to erect a single three bedroom dwelling in the grounds of 37 High Street. No new vehicular access is proposed and will remain as existing via a private drive off Fox Lane.

Highway advice to a recent pre application supported the development in principle and the application also refers to a previous planning approval for a similar dwelling with a larger footprint which expired.

Access onto Fox Lane has poor visibility, however due to the narrow nature of the surrounding roads traffic speeds are generally lower than the 30mph limit.

The proposal offers adequate parking and turning within the development site to allow for vehicles to exit in a forward gear and it is considered that the added movements associated with the development will not have any significant impact on the current situation.

4.7 Affordable Housing- no objection

4.8 Public Comments-

Three objections have been received covering the following issues:

Privacy – new dwelling will overlook neighbours

Harm to visual amenity

Parking, loading, turning

Highway safety

Increased traffic

Noise and disturbance

Overdevelopment

Already significant construction on site

Density of development on one plot

Access and parking

Lack of detail on plans showing neighbouring properties

Harm to conservation area

Earlier schemes have attracted the following objections, though none have been received in relation to most recent amendments

- Inaccurate site plans
- Existing bungalow on site not mentioned
- Existing workshop has been extended since it was approved in 1992 and is drawn incorrectly
- Overlooking from upper windows
- Loss of light
- Access for emergency vehicles

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Visual impact and landscaping
- Residential Amenity
- Highway Safety
- Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 6 of the NPPF seeks to deliver a wide choice of high quality homes and create sustainable mixed communities.
- 6.1.2 Core Strategy Policy CS3 (Market Towns and Other Key Centres) indicates that housing development is in principle acceptable within Broseley settlement boundary, subject to meeting the core requirements of CS6 (Sustainable Design and Development) which seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design.
- 6.1.3 In this case CS17 (Environmental Networks) and SAMDev Plan MD13 are relevant. These policies seek to ensure that heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.1.4 The proposed site is situated within the Broseley Conservation Area and within the setting of a listed building (37 High Street). The development has the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation

Areas) Act 1990.

- 6.1.5 The application site lies within SAMDev Plan S4 Inset 1 (Broseley) where the principle of housing development on windfall sites is acceptable. There are no allocated housing sites in Broseley.
- 6.1.6 Subject to meeting the requirements of main issues identified below the principle of development is established and acceptable.
- 6.2 Siting, scale and design**
- 6.2.1 Chapter 12 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.2.2 CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.2.3 MD2 seeks to contribute to and respect locally distinctive or valued character and existing amenity value by:
- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13.
- 6.2.4 MD13 goes further and seeks to ensure that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. The design principles set out in the Broseley Town Plan 2013-2026 are referred to in SAMDev policy S4.1, which seek to ensure that proposed designs include features that are in keeping with the form and materials that define the town's heritage.
- 6.2.5 The proposed dwelling is to be constructed in such a way as to continue a linear pattern of development in a north east direction from 37 High Street. The submitted block plan indicates that 37 High Street will continue to be accessed from Fox Lane, inside the boundary of the residential curtilage of the proposed dwelling.

A shared pedestrian access to the High Street is also proposed.

- 6.2.6 The design changes made since the application was considered by Members on June 6 are set out at para 1.4 above. It is considered the proportions and detailing of the revised design are improved and acceptable.
- 6.2.7 The SW gable has no openings and directly faces the end of the 37 High Street extension. The dwelling would be constructed from concrete block, though faced with a combination of brick and render in order to improve the visual distinction between the neighbouring extension. External materials can be conditioned for later approval.
- 6.2.8 The concept of continuing a linear form of development from the existing dwelling and extension at 37 High Street is considered appropriate in this location. Indeed it has been noted that there is a historic planning permission (albeit expired) for a dwelling nearby. Moreover, the Conservation officer has also noted that according to historic mapping, there is likely to have been a linear pattern of outbuildings in this location previously.

The relationship between 37 High Street and the proposed dwelling is unusual, though not considered harmful to either dwelling, taking into account existing character and the setting of the Conservation Area. The site is set within and generally concealed in the “triangle” of development enclosed within High Street/Fox Lane/Barber Street. Within this setting, most existing dwellings are traditional two storey facing the highway with an assortment of extensions in various curtilage sizes to the rear which gives the setting an irregular layout. The Lion Hotel lies immediately to the South East with the lower level intervening space used as a car park. It should be noted that a tall leylandii screen which formed the boundary has now been replaced by a close boarded fence.

- 6.2.9 The applicant has confirmed that an established honeysuckle shrub will be removed. Otherwise no trees are affected.
- 6.2.10 Options to site the dwelling elsewhere in the application site have been discussed with the agent. In response the agent has submitted a letter from a structural engineer stating that due to poor ground conditions, special foundations would be required to site the dwelling elsewhere. With the issue of overdevelopment in mind, it is considered necessary to impose a condition removing permitted development (PD) rights. On balance, and taking into account comments from the Conservation Officer, this evidence is considered adequate to justify siting the dwelling in its proposed location.

6.3 Visual impact and landscaping

- 6.3.1 Visually, the proposed development is considered to be appropriate in its setting, taking into account the character of existing development at 37 High Street and its position in its setting referred to above. The dwelling will be visible from

neighbouring properties, though not from short range, and glimpses will be possible from public locations. Otherwise, the dwelling is reasonably well concealed especially at lower levels.

6.3.2 A combination of hedge and timber gates defines the residential curtilage and provide a physical separation between the two dwellings.

6.4 Residential Amenity

6.4.1 CS6 seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. In this case, there is a relationship between the proposed dwelling and 37 High Street, by virtue of the limited physical separation and access arrangements. That said, the boundary hedge and gates will define the respective curtilages.

6.4.2 The outlook to the NE from 37 High Street towards the two storey gable of the proposed dwelling is unusual, but not considered significantly harmful. There are a sufficient number of openings in the NW and SE elevations of the existing dwelling to offset this harm and the proposed dwelling is not considered to be over bearing to an extent which would justify refusal.

6.5 Highway Safety

6.5.1 Core Strategy policy CS6 seeks to secure safe developments. With regard to transport considerations, which include highway safety, the National Planning Policy Framework (NPPF) advises at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Town Council's comments about the access are noted but the assessment of the access and local road network by SC Highways Development Control, set out at paragraph 4.6 above, means that the refusal of an additional single dwelling with access from Fox Lane on highway safety grounds could not be sustained. There would be adequate off road parking available within the application site.

6.5 Affordable Housing

6.5.1 National Planning Practice Guidance (NPPG) advises that affordable housing/ contributions should not be sought on development on 10 units or less and/or 1000sqm floor area. This guidance is a material consideration. In this case given the fact that the development proposed would be acceptable in principle with the proposed new build dwelling being within a Core Strategy policy CS3 settlement (Market Town and other Key Centres), it is considered that the later NPPG outweighs the development plan policy CS11 with respect to Affordable Housing contributions. Therefore an affordable housing contribution can no longer be justified and no weight should be given to this in the overall planning balance.

7.0 CONCLUSION

- 7.1 The principle of development is established having regard to CS3 and SAMDev Plan S4.1 (Broseley Town Development Strategy). Although the position of the proposed dwelling is unusual within the space which might otherwise be available, the development is not considered to be harmful given the character of the existing historic context, or in terms of the amenity of occupiers.
- 7.2 In terms of design, materials are appropriate and have been amended to give sufficient distinction between the existing adjacent dwelling. Chimneys and brick detailing have responded to concerns originally raised by Broseley Town Council. The changes made to design and layout as requested by Members on 6 June are considered acceptable and would result in a development that would not detract from the character or appearance of the Broseley Conservation Area or the setting of heritage buildings in the vicinity. The proposed development would not conflict with the requirements of the NPPF, CS6, CS17, MD2, MD13, or Sections 66 or 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3 The residential curtilage would be adequately defined and highways, access, parking issues are satisfactory in accordance with policy CS6.
- 7.4 The agent has confirmed no objection to proposed pre-commencement conditions.
- 7.5 Planning permission is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made a) promptly and b) in any event not later than six weeks 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.

8.2 Human Rights

Article 8 gives 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.

8.3 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 1990.

9.0 Financial Implications

There are likely financial implications if 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 dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Core Strategy and SAMDev Policies:
CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD3 – Delivery of Housing Development
 MD13 - Historic Environment
 Settlement: S4 – Broseley

SPD on the Type and Affordability of Housing
 Broseley Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

15/03304/FUL – Erection of dwelling attached to existing building – Withdrawn 02.03.16
 15/03305/LBC – Erection of dwelling attached to listed building – Withdrawn 02.03.16

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Simon Harris
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before 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 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors

- loading and unloading of plant and materials

- storage of plant and materials used in constructing the development

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- wheel washing facilities

- measures to control the emission of dust and dirt during construction

- a scheme for recycling/disposing of waste resulting from demolition and construction works

- a Traffic Management Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area

4. Prior to the commencement of development, full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area.

6. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

7. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the character and appearance of the Conservation Area.

8. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in the interest of the visual amenity of the Conservation Area.

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

10. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, details of a surface water drainage system to intercept water shall be submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details and to a timetable which has been approved in writing by the local planning authority.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

- 11. Demolition, construction works and deliveries associated with the construction of the dwelling hereby approved shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B, C, D, E, F, G, H shall be erected, constructed or carried out without express prior approval of the Local Planning Authority.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and visual amenities.

Informatives

- 1. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings

- 2. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (footway or verge) or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public

highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

No drainage to discharge to highway

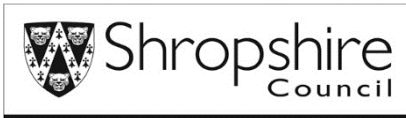
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

3. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework, paragraph 187.

-



Committee and date

South Planning Committee

19 December 2017

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/01834/FUL	Parish: Broseley
Proposal: Demolition of existing dwelling and construction of 5no. bungalows with rooms in roof space (Amended description)	
Site Address: Gestiana Woodlands Road Broseley Shropshire TF12 5PU	
Applicant: Mr David Poyner	
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk

Grid Ref: 367193 - 302604



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to a site which was granted outline planning permission on 19th March 2009 (ref 09/0023) for the erection of three dwellings on land at this property. The existing Gestiana bungalow would have been retained in that development. All matters were reserved for later approval in that application, with the exception of an altered access, with visibility splays, onto Woodlands Road. No reserved matters were submitted and a further outline application was made in 2014 for the erection of three dwellings in 2014 (ref 14/01605/OUT). That application also retained the existing Gesttana bungalow. The layout of the site was not reserved for later approval in that application. It was resolved, following consultation with the Shropshire Council Division Member, to grant outline permission subject to the completion of a Section 106 Agreement to secure an affordable housing contribution. The outline planning permission issued, with layout approved, is dated 14th December 2015 and remains extant, with appearance, access, scale and landscaping reserved matters needing to be submitted by 14th December 2018.
- 1.2 The present application, as originally submitted, proposed the erection of six dwellings on this site after the demolition of the existing Gestiana bungalow. The new dwellings would have comprised of five 1.5 storey two bedroomed dwellings (Each with an ensuite bedroom and store room in the roof space), with a full two storey four bedroomed dwelling (plot 6) at the southern end of the site. A number of concerns were raised with the applicant and agent about the impact of the proposed development layout and the design of the dwellings on the amenities (privacy/overlooking and overbearing impacts) of adjacent residential properties, the appropriateness of the proposed scale, density, pattern and design of the six dwelling scheme for this location, the impact on trees and hedges of dwellings in the positions proposed. It was suggested that a number of these issues could potentially be addressed if the proposed number of units is reduced by the removal of plot 6. This in turn would allow for the plot 5 dwelling to be moved further back and away from the east boundary hedgerow, allow for retention of the existing trees close to the southern boundary and a larger rear, private garden to plot 4, for the turning area to be moved to create larger curtilages for plots 2 and 3 (And potentially remove the conflict of the detached garage proposed for that plot with the tree noted on site), and increase their separation distances from retained trees on the site frontages, and for the realignment of the drive right of way to no. 8 that would allow the proposed dwelling to plot 1 to be moved out from under the canopy of the trees on the site boundary with no. 12. It was suggested also that the dwelling designs for the area of the site shown for proposed plots 4, 5 and 6 should be single storey only to address both the privacy and overbearing impact concerns.
- 1.3 In response, amended drawings have been submitted amended drawings. The number of dwellings proposed has been reduced to five. The proposed dwelling mix has been changed from two type A, three type B and one type C dwelling to four type A and one type B dwelling. The large two storey (type C) dwelling has been removed.

- 1.4 The single type B dwelling would occupy plot 1, which is situated at the western end of the site road frontage. It would be sited in the same position relative to the road (Some 5.8 metres back) and further from the trees than the dwelling shown on the approved layout in the extant outline permission 14/01605/OUT for this part of the site. The vehicular access position would be essentially the same position as the access in the approved layout for 14/01605/OUT.
- 1.5 The type A dwelling on plot 2 would be set back some 8.5metres from Woodlands Road with the three existing trees on the site road frontage retained. It would be orientated with its principal elevation facing west onto the internal access road. The rear elevation would be some 3.6 metres from the eastern site boundary and the east facing elevation would not contain any first floor windows, with the bedroom in the roof space being lit by a dormer on the south facing side elevation. The plot 3 dwelling would be a handed version of that on plot 2 and positioned in line with it. Again there would be no first floor windows in the east facing rear elevation and the bedroom within the roof space would be lit by a dormer on the south facing side elevation.
- 1.6 Plot 5 would be situated at the southern end of the application site and would retain the existing tree in the south eastern corner of the site. The rear elevation gable projection at the closest point would be some 2.8 metres to 4.8metres from the 1.8m high close boarded fencing on the southern site boundary(Due to the angling of the dwelling on the plot) with the south west rear corner some 4 metres and with no first floor openings to that elevation. The east facing dormer lighting the bedroom in the roof space would be some 9.5 metres from the eastern site boundary, beyond which are the bottom sections to the long rear gardens of adjacent dwellings.
- 1.7 The plot 4 dwelling would be bounded by the existing leylandii tree screen and a 1.8m high close boarded fence to the south, the internal access road to the north/northeast, plot 5 to the east and the access drive to an existing dwelling, accessed through the application site, to the west. The principal elevation would face north east onto the internal access road and turning head, with the dormer lighting the first floor bedroom accommodation on the south east facing side elevation.
- 1.8 Both of the proposed house designs would be dormer bungalows. The type A design would have 'T' shaped plan comprising of a rectangular plan, dual pitched roof full gabled central element, providing a hallway, dining kitchen, utility and lounge with ensuite bedroom over, with single storey hipped roof wings on either side. The smaller of these wings would contain a second bedroom and a bathroom, and the larger wing would contain a double garage. The Type B dwelling floor plan would be the same, but omits the double garage wing and would light the first floor bedroom accommodation by a window in the rear elevation gable, rather than the side elevation dormer that would feature in the Type A design. Both designs would feature a short projecting front gable that would contain part of the stairway and an open porch. The external facing materials would include red brindled facing brick, vertical tile hanging, Staffordshire blue plain tiles with a banding detail, blue cant headers to the window openings and lead cladding to the dormers. Each plot would

have two parking spaces, with plots 2 to 5 also having double garages in addition to these spaces. The garden boundaries within the site and to Woodlands Road would be defined by hedging.

2.0 SITE LOCATION/DESCRIPTION

2.1 Site is located in a residential area within the town boundary. It is situated adjacent to the Broseley Conservation Area which borders the western side of the site. Woodlands Road runs along the north western site boundary, on the opposite side of which are existing dwellings. Existing dwellings and their gardens border the western, southern and eastern site boundaries. The existing Gestiana bungalow is positioned approximately central on the application site, through which there is a right of way to an existing dwelling to the south. There are hedges and trees within the site, with three trees on the Woodlands Road frontage (A sycamore, birch and cherry) being the subject of a Tree Preservation Order dated 1st November 2017 on a temporary basis and remains in force for a period of 6 months, during which time it will be decided whether the order should be confirmed and given permanent status.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Town Council view contrary to Officer recommendation; call-in request from Shropshire Ward Member for determination by Committee. The Committee Chairman, in consultation with the Principal Planning Officer, consider that the sensitivity of the site and its locality raise material planning considerations that warrant Committee consideration of the proposed scheme.

4.0 Community Representations

- Consultee Comments

4.1 Broseley Town Council (01-08-17) - Object to amended proposals:

Density of development – the density of the proposed development is inappropriate for this semi-rural location.

Access and highway safety – the proposed development is located on a blind bend, on a narrow road with no pavement. The development would increase traffic to the site as well as in the local area.

Overlooking – Councillors were concerned that neighbouring properties would still be overlooked, because of the elevated position of the development site.

4.1.1 Broseley Town Council (26-05-17) – Object to original proposals:

Overlooking – Gestiana has a higher ground level than adjacent properties and the proposed dwellings would overlook and overshadow them, impacting on their privacy.

Density of development – the density of the proposed development is inappropriate for this semirural location.

Access and highway safety – the proposed development is located on a blind bend, on a narrow road with no pavement. We would draw the attention of planners to the recommendation of refusal in the interest of highway safety submitted by the highway authority in relation to the original outline application.

Loss of boundary features - the development site is located adjacent to the Conservation Area.

The application proposes the removal of established hedges and an old brick wall, contrary to the Broseley Town Plan.

4.2 SC Highways Development Control (01-08-17) No Objection:

The site is the existing bungalow, Gestiana, Woodlands Road, Broseley Wood. Woodlands Road is a narrow, two-lane road of varying width but is without footways. Although classed as urban, Woodlands Road, the U6711 is of semi-rural appearance and operates as a shared space for highway users. It is governed by a system of low-level street lighting and a 30mph speed limit.

The proposal is to demolish the existing bungalow and its swimming pool and replace it with a group of five dwellings, one being a four bedroom house and the other four are to be two bedroom, dormer bungalows with integral garages.

The parking and turning for the two bedroom bungalows is adequate, with the ability to park four vehicles at each plot (two in the garage) with some visitor parking apparent within the development. Plot 1, the four bedroom house has no garage and parking is in-line on a driveway. It is preferable that parking is side by side to negate the need for unnecessary reversing manoeuvres into the shared service road.

Sight-lines provided are adequate as provided by the moving back of the hedge and the grass-only verges. Mature trees being left on site or new trees planted behind the boundary must not be allowed to encroach into the visibility splay and must be maintained at all times.

As tracking has been added to the plan it is expected that refuse and recycling wagons will enter the development service road to perform their services and delivery trucks will do the same. With this in mind it may be judicious to kerb the radii up to the highway boundary to prevent rutting in case of over-running of the verge.

4.2.1 SC Highways Development Control (30-05-17) – Insufficient information to make a technical assessment.

4.3 SC Archaeology – No comments to make in respect of archaeological matters.

4.4 SC Regulatory Services – Comment:

Due to historic land use and features noted on historic maps the following condition is recommended:

Contaminated land

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

[http://shropshire.gov.uk/committeeservices/
Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-
%20Appendix.pdf](http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf)

4.5 Severn Trent (07-08-17) – No Objections:

As the applicant is proposing to discharge all foul sewage to the public foul sewer, and all surface water is to discharge to a soakaway, we'd have no objections for the discharge of the drainage related condition.

4.5 Severn Trent – No Objections:

With Reference to the above planning application the company's observations regarding sewerage are as follows. I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or avoid exacerbating any flooding issues and to minimise the risk of pollution.

4.6 SC Affordable Housing – Comment:

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.7 SC Conservation - Comment that overall the scheme would appear to have a neutral effect on the setting of the Conservation Area, which subject to detailing to be controlled through conditions, has the potential to be an enhancement.

4.8 SC Trees (02-11-17) – Provisional Tree Preservation Order made in respect of trees on land adjacent to Gestiana, Woodlands Road, Broseley.
No changes made to the scheme and recommendation of refusal stands: The proposal will seriously harm important trees, does not align with current best practice and is contrary to local policy.

4.8.1 SC Trees (14-09-17) - Recommend Refusal (Revised scheme):

Outline planning permission has been granted for the erection of 3 dwellings 14/01605/OUT.

Unfortunately the tree team was not consulted and did not comment on this application.

I have assessed the arboricultural information submitted to support the proposal for 5 dwellings and make the following comments:

Trees located within the site boundary make a significant contribution to the amenity of the area. I am concerned that important trees will be harmed and/or lost if the current proposal is given consent. Little space would remain for mitigation planting and the proximity of dwellings to existing trees would put pressure on them to be onerously pruned or removed.

More specifically:

Root protection areas (RPA) of T2, 3, 4, 18 - rooting for these trees is limited by the highway therefore it is not appropriate to represent RPAs as circles as shown on AIA drawing REV A Aug 2017. RPAs should be adjusted to represent the most likely area of soil where roots will be found e.g. where root growth is not inhibited by

site conditions (Refer to BS5837:2012; 4.6.2/3).

Houses in plot 1, 2 & 5 are well within minimum recommended RPAs. Construction activity in these areas will harm trees and is not acceptable or sustainable.

Houses in plot 1, 2 & 5 are in very close proximity to trees shown as retained (within the site and offsite). This is not sustainable and puts pressure on them to be onerously pruned or removed.

Other issues:

There are inconsistencies with the tree schedule and the conclusion of the arboricultural report.

The arboricultural impact of the development has not been fully considered.

No tree protection/removal plan provided.

A clear tree pruning specification is not provided

- 4.8.2 SC Trees (01-08-17) – Recommend Refusal - Insufficient details have been submitted to make a technical assessment.

To ensure trees are given adequate consideration specialist arboricultural advice is required. This should demonstrate that the scheme is viable/sustainable and that public amenity or the character of the area will not be adversely affected.

Requirements:

An arboricultural implications assessment (AIA) (in accordance with BS5837:2012)

Tree protection plan/removal plan (in accordance with BS5837:2012)

An arboricultural method statement (AMS)*

A detailed landscaping/mitigation scheme *

* These may be dealt with by way of planning condition, subject to prior approval of a satisfactory

AIA/ Tree protection plan/removal plan.

- 4.8.3 SC Trees (19-06-17) – Object in the absence of further arboricultural information and analysis as being contrary to Core Strategy policy CS6 and SAMDev Plan policies MD2 and MD12.

The site is bounded by numerous established and mature trees of a variety of species, both coniferous and deciduous. Some of these I consider to have high public amenity value and others have a more specific screening role between neighbouring properties. Such trees can be considered to be natural assets in the context of adopted SC SAMDev Policy MD12 (Natural Environment). The basic principle should be to ensure that significant trees on and adjacent the site are not damaged or harmed as a result of the proposed development.

Although the submitted Design & Access Statement (Thorne Architecture, 17017/LA/JT, 19 April 2017) states that specimen mature trees will be retained to the frontage and beyond, consider that this will be impossible with the number of properties and layout as currently submitted. Construction will entail removal of such a large proportion of the canopy and roots of many of the road front trees as to make their safe retention unviable. Even if the properties could be constructed

without directly killing the trees, consider that the juxtaposition of trees and dwellings would be unsustainable, with inevitable pressure from future occupants leading to further excessive pruning or removal of the trees. Further, the proposed site plan shows all the trees on the eastern boundary and two apparently offsite trees in adjacent properties to the south as being removed.

In order to take proper account of the trees and hedges on and adjacent this site it is necessary for a competent arborist to undertake a tree safety survey in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The trees and hedges should be accurately plotted on a topographical plan and an assessment made of their species, size (height, canopy spread, stem diameter and root protection area), health, condition and suitability for retention in light of the proposed development. The constraints posed by the trees should be evaluated and used to inform site layout and design.

It is expected that an application should be able to show how it has responded to the constraints and opportunities posed by the existing trees, bearing in mind the impacts of development upon the trees and vice versa. An arboricultural impact assessment should be undertaken to evaluate the implications of the proposed development, taking account of trees and hedges to be lost, those to be retained and any new planting associated with the development.

Any unavoidable loss of significant trees and hedges should be quantified and justified in light of the proposed development, with suitable mitigation and compensation measures proposed in accordance with SAMDev Policies MD2 (Sustainable Design) and MD12.

- 4.9 SC Ecology (13-09-17) – No Objection:
A Preliminary Ecological Appraisal and Bat Survey was carried out on this site in August 2017 by Gerald Longley Ecological Consultants.

Habitats

Habitats on the site consist of a bungalow, a shed, amenity grassland, native and non-native hedgerows, a line of *Leylandii* trees, mature and immature trees (both broadleaved and coniferous), non-native shrubs, a swimming pool, a brick wall and a section of stone wall.

Replacement and enhancement hedgerow, tree and shrub planting should be carried out, using native species of local provenance.

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

Bats

No potential roosting opportunities were identified in the buildings and no evidence was observed. An emergence survey was carried out on 10th August and no roosting behaviour was recorded. Small numbers of common and soprano

pipistrelles foraged in the site during the survey, 'particularly along the south edge where shrubs and trees created a sheltered area with plenty of insects.'

'None of the trees on or adjacent to the site offered suitable roosting habitat for bats.'

The lighting scheme for the site must be sensitive to bats and follow the Bat Conservation Trust's guidance.

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

Birds

The buildings and vegetation provide potential nesting opportunities for birds.

'A wren was recorded flying out of the base of a window trough on the south side of the bungalow and a small hollowed out nest in the moss was found.'

Removal of the buildings and vegetation should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for birds.

Herptiles

Limited terrestrial habitat exists 'under rocks and slates in shrub beds and in longer vegetation along the bases of hedges.'

The amenity grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

Removal of debris should take place during the active season for reptiles (approximately 31st March to 15th October) when the weather is warm.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Conditions and informatives

The following conditions and informatives are recommended for inclusion on the decision notice:

Bat and bird boxes condition

Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 3 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes) and/or sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

Nesting birds informative

General site informative for wildlife protection

Landscaping informative

- 4.9.1 SC Ecology (08-07-17) – Ecological Assessment required before a decision can be made.
- 4.10 SC Drainage – No Objection:
The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.
- Public Comments
- 4.11 9 Neighbours have objected to the original proposals. Their comments are summarised below and can be read in full on the application file:

- Understood permission had been granted for single storey bungalows only.
- All six dwellings are in reality two storey.

- Overlooking of rear garden and loss of privacy.
- Overshadowing as the land at Gestiana is at a higher level than adjoining properties.
- Will prevent children playing in a safe environment.
- Noise levels will increase in what is a peaceful and quiet area.
- Security risk to neighbouring properties.
- Loss of property values and making neighbouring properties harder to sell.
- Affect outlook from neighbouring properties.
- Trees under the control of neighbours will impact on light to the proposed dwellings.

- Six dwellings replacing one not in keeping with existing nature of Broseley Wood. Broseley Wood is referred to in the Town Plan as an area with a “strong rural character” and a density of 10 dwellings per acre would be more in keeping with an urban setting.

- Need to retain and protect open spaces.
- Loss of hedge at entrance harmful to conservation area and a loss of wildlife habitat.

- Some mature trees missing from the developers plans.
- Adverse impact on sycamore tree and wall on boundary at 12 Woodlands Road.

- Additional pressure on Woodlands Road, which is narrow, without pavements and contains blind bends.

- Construction traffic is a serious safety concern.

- Potential parking on Woodlands Road by residents and visitors.

- Double yellow lines required along both sides of Woodlands Road.

- Have a legal right of access over the existing site access in its current position, there is no current problem with visibility that could be improved with a relocation of the entrance.

- Additional strain on electricity supply and drainage system.

- There has been no community consultation.

- Question need for housing with the Dark Lane development building c.90 additional homes, which are not all sold/reserved; assume that the town Plan housing policy limit of 36 additional homes over and above the Dark Lane development is being approached, 9 years ahead of the 2026 schedule.

- Limited impact on the local economy.

- Concerned about land stability and the plugged mineshaft below the existing dwelling.

- Not factually correct for supporting statement to describe application as entirely sustainable.

-Proposals should be revised to be less dense and single storey, less intrusive to neighbours and retaining existing walls and hedges to be more sensitive to the character of Broseley Wood and the adjacent conservation area.

4.12 9 Objections to amended proposals:

-Changes do not address previous objections submitted.

-New access would be on inside of a blind bend in narrow road with no pedestrian pavement.

-Will add to volume of traffic accessing and exiting site, increasing highway safety issues.

-Outline application in 2014 originally objected to by the Highways Authority.

-No provision for visitor parking and no immediate safe off-site parking available.

-Acknowledge revised design has made efforts to minimise impact on adjacent properties, but 5 units still seem excessive in this semi rural area.

-Not a suitable site for housing, detrimental effect on the tourism initiative in Broseley.

-Properties are still not single storey bungalows.

-Acknowledge the proposal has considered local amenity by intending to preserve many of the mature trees, but how can it be ensured this is kept after the development is completed?

-Meeting Highways recommendations would remove much of the mature hedge and trees and historic walls along site frontage.

-The ground is still moving and development could cause further movement, endangering neighbouring property.

-Affects neighbour privacy and outlook; overshadowing and overlooking.

-Dormer window on one dwelling would overlook garden or property, invading privacy.

-Disruption from construction traffic.

-Water mains of 27 Woodlands Road and Sunny Ridge within the area that would be plot 2.

-Fails to address concerns raised by Planning Officer about original proposals.

-Bats are present at the Gestiana property and all UK bats and their roosts are protected by law.

5.0 THE MAIN ISSUES

Principle of development

Design, scale and character

Landscaping and Trees

Affordable Housing

Highway Safety
Residential Amenity
Drainage
Biodiversity
Land Stability and Contamination

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and needs to be given weight in the determination of planning applications. The NPPF in itself constitutes guidance for Local Planning Authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.
- 6.1.2 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.
- 6.1.3 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.
- 6.1.4 The proposed site falls within the Key Centre of Broseley in which the principle of erecting open market dwellings is supported by LDF Core Strategy Policy CS3 – The Market Towns and Other Key Centres, as a more sustainable form of development. The Market Towns and other key centres are identified in LDF Core Strategy Policy CS1 – Strategic Approach as maintaining and enhancing their traditional roles in providing services and employment and accommodating around 40% of Shropshire's residential development over the plan period. Greater self containment is the key objective of the Market Town revitalisation programme. SAMDev Policy S4 identified that housing developments should be small scale to reflect local character and meet the design principles in Policies DS1 – DS9 of the Broseley Town Plan. The indicative housing development guideline for Broseley for the period to 2026 is around 200 dwellings and, at the time of publication of the SAMDev Plan at the end of 2015, there was a requirement remaining for 24 homes to be met through windfall developments. The permission for three dwellings on this

site was included in the housing supply calculations. Policy MD3 of the SAMDev Plan sets out criteria to be taken into account in situations where settlement housing would be exceeded and the net addition of one unit on this site compared to the extant planning permission would not be a sustainable basis to refuse the principle of housing development on this windfall site.

6.1.5 Both the National Planning Policy Framework (NPPF) and LDF Core Strategy Policies CS6 and CS17 direct that a high quality development should be created whilst contributing to local character, and protecting and enhancing the natural, built and historic environment.

6.1.6 Broseley Town Plan supports new housing within its development boundary and within its Conservation Area, provided that proposals offer a conservation gain, either by sympathetic restoration of a heritage feature or property, or via an infill development or conversion with a design that compliments the surrounding townscape (Policy H.3). Additionally, the Broseley Design Statement which forms part of the Town Plan, but which can be taken as a separate document, requires proposed designs to be in keeping with the form and materials that define the town's heritage (DS.1), and blend in with the town vernacular, including in DS.2:

- a) Floor area, roof pitch and roof height
- b) Size of windows and facades
- c) Style and colour of brickwork and roof tiles

6.1.7 Therefore there is no in principle planning policy objection to new housing in this location, as it is positioned within the development boundary of the Key Centre of Broseley, the surrounding environment is predominantly residential, the plot has been previously residential and has an extant Planning Permission for construction of three dwellings on it with the existing bungalow retained. The acceptability or otherwise of the proposal therefore rests with the consideration of the detailed matters in the following sections of this report.

6.2 Design, scale and character

6.2.1 Paragraph 60 of the NPPF states that:

'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

6.2.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have regard to the desirability of preserving or enhancing the character or appearance of conservation areas and their setting in exercising statutory functions. Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable

design will be achieved, specifically stating that for a development proposal to be considered acceptable it is required to:

2. Contribute to and respect locally distinctive or valued character and existing amenity value by:

- (i) Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and;
- (ii) Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- (iii) Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv) Enhancing, incorporating or recreating natural assets in accordance with MD12.

LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored. Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved. The design principles set out in the Broseley Town Plan seeks to ensure that proposed designs are in keeping with the form and materials that define the town's heritage.

- 6.2.3 The amended proposed dwelling designs would feature a materials palette that would be in keeping with the immediate site surroundings and the precise details would be the subject of conditions on any approval issued. The proposed form and massing of the dwellings, with combinations of hipped and gabled roofs, projecting short gables, and a low set form achieved through first floor accommodation being within only part of their roof spaces, would not be out of scale with the locality, and would accord with the Design Principles set out in the Broseley Town Plan. The layout, as amended with the reduction in the number of dwellings from six to five, would provide adequate private amenity space for each dwelling. The informal layout, with hedging enclosing the garden areas, retention of existing trees on the roadside and eastern site boundaries and a road layout similar to that of the extant permission would result in a development of a density comparable with parts of the Broseley Conservation Area to the bulk of the residential development to the south and east of the plot. It is considered that the proposed development would not detract from the character of the locality or the setting of the Broseley Conservation Area.

6.3 Landscaping and Trees

- 6.3.1 Policies CS17 and MD12, alongside CS6 and MD2 support NPPF policies and seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. There are a number of established trees and hedges bordering and within the application site. The original site layout proposal for six dwellings would have sited three of the dwellings partly under the canopy of existing trees along the site road frontage, which would have required pruning/lopping works to be carried out to them and would be likely to impact upon the root systems of the trees. The close proximity of the trees to the dwellings would also be likely to lead to pressure for the removal of trees in the future. The amended site layout for five dwellings reduces the number of dwellings on the site road frontage from three to two and repositions the two dwellings so that they would be further from the trees. The existing hedging to the roadside is a mix of cypress, privet and berberis, with that to the eastern boundary including hazel, privet and damson. A scots pine on the eastern site boundary would be retained and the revised site layout has deleted a detached garage that was originally proposed close to this tree. Trees within the site that would be removed comprise of a small cherry tree on proposed plot 1, an apple tree on plot 3, a goat willow and apple tree on plot 5, a magnolia on plot 4, and a larch and holly on plot 1. It is considered that the removal of these specified trees would not detract from the character or appearance of the area.
- 6.3.2 While the current planning application has been under consideration, the Council's Trees Team has made a provisional tree preservation order in respect of a sycamore, birch and cherry tree on the site road frontage with Woodlands Road. All these trees would fall within the garden of plot 2 in the amended proposed site layout. The tree report submitted with the application advises that the birch tree would require some pruning for the development to proceed, but that the sycamore and cherry can be retained in their present form. Plot 2 would have the largest garden of the five dwellings in the proposed redevelopment and part of the garden, with a southern aspect, would be clear of the tree canopies.
- 6.3.3 It is noted that the Council's Trees Team are maintaining an objection to the revised site layout. However, account must be taken of the extant planning permission 14/01605/OUT which includes an approved site layout. The making of the tree preservation order does not prevent that planning permission being implemented once the remaining reserved matters are approved. It is considered necessary therefore to compare the likely impact of the approved site layout on the trees now subject to the provisional tree preservation order with that of the site layout now proposed. With regard to the Sycamore tree, identified as T1 in the preservation order, the proposed position of the access into the development is effectively the same in the two layouts, with the current proposal having the advantage of not including visitor parking under the canopy of this tree. The Birch Tree, identified as T2 in the preservation order, would be a similar distance from the dwelling that would be plot 2 in both schemes, and the current proposal would have no greater impact on that tree than the permitted site layout. With regard to the Cherry Tree, identified as T3 in the preservation order, would have an access drive to plot 1 in the approved site layout of planning permission 14/01605/OUT passing close to its trunk and aligned under the eastern side of its canopy, but in the current proposal there is not such a drive and the area would be garden land to plot 2. While not the subject of the tree preservation order, the trees on the

southern boundary to plot 1 would benefit from the proposed dwelling on that plot being some 5 metres from them and the construction method and surfacing of the proposed tandem drive at the side of the dwelling would be conditioned on any approval issued to ensure that account is taken of their root systems. On balance it is considered that the site layout now proposed is preferable to that shown in planning permission 14/01605/OUT in respect of securing these trees for the future. An arboricultural method statement and tree protection plan would be required through a planning condition on any approval issued to ensure that the impact of the proposed development on the health of these trees is minimised during the construction period.

6.4 Affordable Housing

- 6.4.1 LDF Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and to create, mixed, balanced and inclusive communities by securing an affordable housing contribution on all new open market residential development. For a development which would be a net increase of four dwellings on this site it would equate to a financial contribution.
- 6.4.2 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas.
- 6.4.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court (Case Ref 76.2015) and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.
- 6.4.4 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on 11th May 2016 (Case Ref C1/2015/2559). Consequently the WMS still applies and reflected in amended NPPG of the 19th May 2016. In addition to this the Housing & Planning Act gained Royal Assent on May 12th 2016 and this gives power to Government to make secondary legislation to achieve the same result – i.e. set minimum thresholds for affordable housing contributions.
- 6.4.5 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not automatically require an AHC for applications for 10 or less dwellings and less than 1,000m² floor area in the majority of cases where the site is not located in a designated rural area.
- 6.4.6 However this cannot be a blanket rule and as such there may be exceptions to this. The Court of Appeal judgement referred to a statement made by the Government's Counsel in the High Court that:-

*“(i) As a matter of law the new national policy is **only one of the matters which has to be considered under section 70(2) of TCPA 1990 and section 38(6) of TCPA 2004 when determining planning applications or formulating local plan policies (section 19(2) of PCPA 2004), albeit it is a matter to which the Secretary of State considers ‘very considerable weight should be attached’;***”

The Court of Appeal agreed with this proposition and confirmed that the development plan remains the starting point for decision taking although it is not the law that greater weight must be attached to it than other considerations. The WMS is policy, not binding law and does not countermand the requirement in s38(6) of the 2004 Act or s70(2) of the 1990 Act.

6.4.7 The Council’s position is therefore that the WMS is a significant material consideration but it does not replace or automatically override the development plan as the starting point for planning decisions. Consequently there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.

6.4.8 The development plan remains the starting point for decision taking, and this includes Policy CS11 of the Core Strategy which requires an affordable housing contribution on all new open market residential development and the applicant has indicated a willingness to provide such a contribution by submitting an Affordable Housing Contribution Proforma and entering in to the Section 106 Agreement process. The WMS is a significant material consideration and postdates the Core Strategy therefore can be regarded as more up to date in relation to affordable housing contributions, but does not replace or automatically override the development plan as the starting point for taking decisions. This development proposes a provision of five dwellings, a net gain of four, which is below the thresholds in the WMS. The proposed development site is not within a designated protected rural area and there is no exceptional evidenced need for affordable housing in Broseley, compared to other areas, which would outweigh the Government advice. For these reasons, it is considered that greater weight can be given to the WMS than the development plan and the affordable housing contribution would not be required in this case having regard to the material change in national policy discussed above.

6.5 Highway Safety

6.5.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to secure safe developments.

6.5.2 There would be adequate space within the application site for service vehicles to enter, turn and leave in a forward gear, as demonstrated by the vehicle tracking

drawings supplied. The provision made of on site parking within each plot and the space available for visitor parking should ensure that there would be no 'overspill parking' onto the adjacent local highway network. The proposed access into the site is in the same position on the site road frontage as that shown in the approved layout for planning permission 14/01605/OUT. While it would serve five properties rather than four in the development now proposed, Highways Development Control remain content that the local road network and the access would be able to accommodate safety the type and scale of traffic likely to be generated. The visibility splays shown at the access would require a realignment of part of the existing wall and hedgerow boundary, the details of which can be controlled through condition on any approval issued to ensure that adequate visibility is provided and that the means of enclosure on the visibility splay lines does not detract from the appearance of the street scene.

6.5.3 It is considered that a refusal on highway safety grounds could not be sustained in this case.

6.6 Residential Amenity

6.6.1 Policy CS6 requires that development should safeguard residential and local amenity. The house designs and site layout originally proposed would have resulted in the privacy of adjacent properties being significantly affected. It was suggested to the agent that the dwelling designs on the southern half of the site (Plots 4, 5 and 6 as originally proposed) should be single storey only to address both the privacy and overbearing impact concerns. In response the large, full two storey dwelling at the southern end of the site has been deleted from the scheme. The remaining dwellings, while retaining accommodation in the roof space, have been re-designed to avoid having gable end windows directly overlooking neighbouring properties and their gardens and to avoid mutual loss of privacy conflicts within the development itself. While there would still be some oblique views from the dormer windows over parts of the rear gardens to neighbouring properties, the impact would be lessened and would not unduly harm neighbour amenity. Permitted development rights for extensions and the insertion of new doors and windows would be withdrawn on any approval issued to safeguard neighbour amenity.

6.6.2 There is a gentle slope to the site and the proposed finished ground floor level of the dwellings, relative to existing ground levels, would also be controlled by condition on any approval to ensure that the outlook from ground floor windows, coupled with any necessary reinforcement of boundary treatments, would not unduly impact on neighbour amenity.

6.6.3 It is inevitable that there will be some temporary disturbance to residential amenity during the construction period. This temporary impact can be mitigated satisfactorily by the condition requiring the submission, approval and implementation the construction management plan and a condition on construction working hours.

6.7 Drainage

6.7.1 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by

the use of sustainable drainage systems within developments. The application proposes the use of soakaways for surface water drainage. The Drainage Team is content that the detailed drainage design can be dealt with through a pre-commencement condition. Foul drainage is proposed via main sewer connection and the Drainage team raise no objections to this, although a separate consent of the main sewer provider will be required and who would ensure there is capacity.

6.8 Biodiversity

6.8.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.

6.8.2 This application is accompanied by a Preliminary Ecological Appraisal and Bat Survey, dated August 2017. The report concludes that the retained trees would remain food and potential nest sites for birds and foraging for bats; the lawn area is of low ecological value; the site contains no suitable breeding habitat for great crested newts and, with no ponds within 250m of the site, great crested newts are unlikely to be present; no reptiles were found during the survey and there is little suitable habitat for them. The inspection of the existing bungalow on site that would be demolished and evening bat survey confirmed the bungalow was not being used by bats for roosting. There was no sign of activity by other protected species. The report recommends that existing hedges be retained where they are not part of the new access and that new planting be of domestic species; retained trees are protected during the works; that bat boxes are incorporated into the walls of at least two of the new dwellings. The Council's Ecology Team is content with the findings of this report and raise no objections, but recommends an additional condition with respect to external lighting to minimise disturbance to bats.

6.9 Land Stability and Contamination

6.9.1 The National Planning Policy Framework (NPPF) at paragraph 120 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It continues, with respect to land stability, that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, and any proposals for mitigation. It states also that adequate site investigation information, prepared by a competent person, should be presented.

6.9.2 The previous applications for residential development on this site have included a Coal Mining Report from the Coal Authority and a mining report by M and J Drilling Services Ltd who sunk five boreholes, three of which were within the current application site. This report was checked by ARUP who were retained by Bridgnorth District Council to review such reports. They concurred with the conclusion of the mining report that there was no evidence of past mining, and that development could take place without further consideration to shallow mine

workings. They endorsed the recommendation that the mine shaft may require further investigation/treatment prior to the development taking place, and were satisfied that the applicant had adequately demonstrated the mining stability of the application area. (A letter from the Coal Authority confirmed that the 1.2m diameter clay mineshaft was treated under supervision in 1979, in accordance with the NCB western area specification). M and J Drilling Services have reviewed their original report produced in 2007 relating to the rotary site investigation boreholes drilled across the application site and it is their view that this information and their report findings can still be relied upon today.

- 6.9.3 A condition has been attached to the previous planning approvals for residential development on this site stating that:

“Before development commences an investigation into the mine shaft on site, together with details of any necessary treatments to ensure the structural integrity of the site, shall be submitted to and approved in writing by the Local Planning Authority. Any works required by this report shall be completed before any of the dwellings hereby permitted are occupied.”

It would be appropriate to repeat this condition on any approval issued in respect of the current proposal. The Council’s Regulatory Services Team, in their comments at 4.4 above, have identified a potential for contamination but are content that this matter can be addressed satisfactorily through the planning condition which they recommend.

7.0 CONCLUSION

- 7.1 There is no in principle planning policy objection to new housing in this location. The proposed built form of the amended scheme in terms of the design and scale of the proposed dwellings and the site layout would be in keeping with the locality and would not detract from the setting of the adjacent conservation area. The proposed development would retain the existing significant trees on the site and, in comparison with the extant planning permission for three new dwellings on the site which would also retain the existing bungalow, would be preferable in respect of the prospects for the retention of these trees in the future. Significant weight must be attached to the possibility of implementing the extant planning permission that was granted before the three roadside trees were made the subject of the provisional tree preservation order.
- 7.2 The amended site layout and house designs, coupled with conditions withdrawing permitted development rights for subsequent external alterations and extensions; site levels and boundary treatments would ensure that the residential amenities of adjacent properties would not be unduly harmed by the proposed development. The proposals would not be detrimental to highway safety. Drainage and ecological interests can be safeguarded through planning conditions, as can measures to address land stability and an investigation into potential contamination. The development would make a positive contribution to the three dimensions of sustainable development: Economically during the construction period and subsequently through the occupiers’ use of local services and facilities; Socially by providing an addition to the supply of two bedroomed accommodation in the town in an accessible location and Environmentally through being in sympathy with the site

surroundings and being in a location where the occupants would not be dependent upon the use of the private car to access local services and facilities.

8.0 Risk Assessment and Opportunities Appraisal

8.1 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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made a) promptly and b) in any event not later than six weeks 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.

8.2 Human Rights

Article 8 gives 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.

8.3 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 1990.

9.0 Financial Implications

There are likely financial implications if 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 dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:
CS3 The Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD12 Natural Environment
MD13 Historic Environment
S4 Broseley Area

SPD on the Type and Affordability of Housing

Broseley Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

14/01605/OUT Outline application (layout included all other matters reserved) for the erection of 3 dwellings GRANT 14th December 2015
BR/APP/OUT/09/0023 Outline application (including vehicular access) for the erection of three dwellings GRANT 19th March 2009
BR/78/0394 The erection of a single storey front and side extension to provide enlarged living room and private garage GRANT 17th July 1978

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>Design and Access Statement</p> <p>Ecology Report</p> <p>Arboricultural Impact Assessment</p>
<p>Cabinet Member (Portfolio Holder)</p> <p>Cllr R. Macey</p>
<p>Local Member</p> <p>Cllr Simon Harris</p>
<p>Appendices</p> <p>APPENDIX 1 - Conditions</p>

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before 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 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Before development commences an investigation into the mine shaft on site, together with details of any necessary treatments to ensure the structural integrity of the site, shall be submitted to and approved in writing by the Local Planning Authority. Any works required by this report shall be completed before any of the dwellings hereby permitted are occupied.

Reason: This is a pre-commencement condition to secure the safe development of the site.
4.
 - a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agencys Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
 - b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
 - d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation

is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: This is a pre-commencement condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6. Before development commences details of the proposed finished ground floor levels of the dwellings and garages, relative to existing ground levels, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in the interests of the visual amenities of the area and to safeguard neighbour amenity.

7. Prior to the above ground works commencing samples and/or details of the roofing materials, the materials to be used in the construction of the external walls and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.
- g) Details of the appearance, positioning, height and materials for garden boundary walls (Including those on the alignment of the visibility splays), fences and gates.

The plan shall be carried out as approved, with garden boundary walls and fences constructed/installed before the dwellings that they are associated with are first occupied.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and in the interests of the visual and residential amenity.

- 9. The access, turning area, parking areas and visibility splays shall be constructed in accordance with details to be approved in writing by the Local Planning Authority, with the access and turning area constructed to at least base course macadam level and the visibility splays provided before any dwelling is first occupied. The turning and parking areas shall thereafter be retained for those purposes and the visibility splays shown on the approved drawings kept clear of obstruction.

Reason: In the interests of highway safety.

- 10. No ground clearance, demolition, or construction work shall commence until a scheme (Tree Protection Plan and Arboricultural Method Statement) has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

- 11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - a Traffic Management Plan

Reason: This is a pre-commencement condition to avoid congestion in the surrounding area and to protect the amenities of the area.

12. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

13. Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

14. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 3 artificial nests, of either integrated brick design or external box design, suitable for swifts, sparrows, house martins, starlings, and/or small birds shall be erected. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

15. Before the dwelling on plot 1 is first occupied details of the form of construction for the parking area and path within the curtilage of that dwelling shall be submitted to and approved in writing by the local planning authority, and the work carried out in accordance with the approved details. No changes shall be made subsequently to the parking area and path without the written approval of the local planning authority.

Reason: In order to mitigate the impact of the development on the adjacent trees, in the interests of the visual amenities of the area.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

16. All hard and soft landscape works shall be carried out in accordance with the approved plan, with all new planting carried out in the first planting and seeding seasons following completion of the development, or in accordance with a timetable which has first been approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

17. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A - F shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

3. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season for reptiles (approximately 31st March to 15th October) when the weather is warm. Any reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of reptiles or amphibians are present.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

4. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.
5. In the Design and Access Statement, it states that the proposed surface water drainage from individual plots will discharge into Tobermore Hydropave system. No drainage details, plan and calculations have been provided. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in

100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

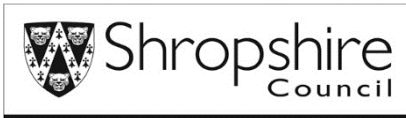
6. Consent is required from the service provider to connect into the foul main sewer.
7. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
8. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:
CS3 The Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD12 Natural Environment
MD13 Historic Environment
S4 Broseley Area

SPD on the Type and Affordability of Housing

Broseley Town Plan 2013-2026



Committee and date

South Planning Committee

19 December 2017

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/03311/FUL	Parish:	Kemberton
Proposal: Erection of an affordable dwelling		
Site Address: Proposed Residential Development SE Of Kemberton Cottage Mill Lane Kemberton Shifnal Shropshire		
Applicant: Mrs Elizabeth Southern		
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk	

Grid Ref: 373046 - 304597



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Recommendation:- Grant Permission subject to the completion of a S106 Agreement to ensure that the dwelling remains affordable in perpetuity and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a dwelling under the Council's single plot affordable scheme on uncultivated, but maintained, garden land south of Kemberton Cottage, Mill Lane, Kemberton. The proposed plot covers approximately 990m² and is rectangular with the dwelling being located centrally approximately 16.25m into the plot. The dwelling proposed would have the first floor accommodation contained within the roof space. It would have a gross internal floorspace of approximately 100m², measuring approximately 12.7m wide x 5.95m in depth x 7.15m to ridge height, 3.8m to eaves resulting in a footprint of approximately 75m². It would accommodate a living room/kitchen, bedroom and bathroom at ground floor level, and a bedroom, shower room and carer's room at first floor level. Design features include dual pitched roof dormer windows – 2 no. on the front elevation and 3 no. on the rear, a chimney and a single pitched roof lean-to style front porch.
- 1.2 Materials are proposed as facing brick walls, and plain roof tiles to Local Planning Authority approval and timber windows. A new vehicular and pedestrian access are proposed from the public highway, including the alteration of the existing boundary wall. A driveway and parking/turning area with space for 2 no. vehicles is indicated within the plot directly to the front of the dwelling. Foul sewage is proposed to be disposed of to the mains sewer, and surface water to soakaway.
- 1.3 During the course of the application in response to officers' concerns, the proposed porch design has been altered to become a dual-pitched open timber porch. Additionally consideration of the affect of the proposed development on the Conservation Area has been included in an amended Design and Access Statement, and further details of the trees within the site have been provided.
- 1.4 An Environmental Appraisal by Greenscape Environmental Ltd dated July 2017 has also been submitted. This document concludes that no designated sites were found within the vicinity, the site is not within a Shropshire Environmental Network core habitat or ecological corridor. Records of protected species within 2km include typical bat species. None of the trees are considered mature enough for supporting bat species so no Phase 2 surveys are necessary. Evidence of regular passage of badgers onto and off the site was recorded, but no setts currently. Ponds within 250m were taken into consideration, however access to them after the preliminary observations was denied. It is recommended that work will need to follow a method statement following reasonable avoidance measures for newts in order to create a scenario in which risk to individual newts is negated. The site should also be

enhanced for bats and birds, once developed, via the inclusion of bat and bird boxes. Landscaping should be improved with the inclusion of fruit trees particularly to support mammals.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open Green Belt countryside, but is located centrally within the settlement of Kemberton. It is also within Kemberton Conservation Area. The plot is accessed directly from Mill Lane on its west side via minor roads from the A4169 and B4379 to the west. Kemberton is characterised by a mixture of traditional properties such as cottages, farm houses and converted barns, and modern detached dwellings which form ribbon development along the roads. There are 3 no. Listed dwellings located directly across Mill Lane from the plot. Two storey Kemberton House and The Cedars, which is three storey, are substantial detached properties set back from the road by a minimum of 25m.

2.2 The site is generally overgrown and contains some saplings and smaller trees, but appears to be at the same height as the adjacent road, and fairly level. The plot is formed from the south western half of a larger rectangular area which is an undeveloped green space flanked by a traditional three storey dwelling to the north east and a modern (c.1990) two storey dwelling to the south west. Mill Lane runs along the north western boundary which is defined by a low stone wall, and there is agricultural land on its south east rear side. The south western boundary with the modern dwelling at Aurora House is marked by standard 1.8m high timber fencing.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Kemberton Parish Council - Following Parish Council meeting 13/09/17 the council objected to the application for the following reasons:

- o Grade 2 Listed Buildings with historic value within vicinity
- o Application is within Conservation Area
- o Plans not in keeping with surrounding area
- o Development is highly visible from surroundings and would not enhance village backdrop
- o Nearby town Shifnal offers affordable housing options and have amenities to hand
- o Parish plan tended to favour infill housing options, however given the

location this would not seem suitable

- o Application Ref 15/03794/FUL was refused - no major differences identified.

4.1.2 SC Affordable Housing - I can confirm that Mrs Elizabeth Southern has demonstrated strong local connections to the administrative area of Kemberton Parish Council. After considering her housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

4.1.3 SC Conservation - Whilst the loss of this green open aspect will have an impact upon the character and appearance of the Conservation Area and the setting of nearby Listed Buildings, it is considered that the current scheme has minimised this impact and will be to some extent screened by existing trees in roadside views. Therefore on balance a Conservation objection cannot be sustained in this case.

4.1.4 SC Archaeology – No comments to make on this application in respect of archaeological matters.

4.1.5 SC Ecology – Conditions recommended in relation to badgers, bats and birds and working in accordance with the submitted Environmental Appraisal.

4.1.6 SC Highways – No objection subject to the development being carried out in accordance with the approved details and recommended conditions.

4.1.7 SC Trees – Recommend Refusal as insufficient details have been submitted that allow a meaningful assessment to be made. Trees within the curtilage may be affected by the proposal and to ensure they are given adequate consideration an Arboricultural Impact Assessment and Tree Protection/Removal Plan are required.

4.1.8 SC Drainage – Informative recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development.

4.2 - Public Comments

4.2.1 Site notice erected on 22nd August 2017. Proposal advertised in the Shropshire Star as being with a Conservation Area on 8th August 2017.

4.2.2 Eight public representations have been received which are available to view in full online, however the concerns are summarised as follows:

- o The proposed site has for many years been placed outside the development boundary, so no residential building could take place.
- o The village of Kemberton is not a suitable location as there are very limited public transport facilities and practically no opportunities for

employment.

- o Regardless of building materials used, this will be a modern style 'new build' house of outstandingly small proportions compared to the properties that will surround it.
- o A low cost self build home is entirely unsuitable for this area of the village.
- o Four of the surrounding properties are Listed and date back to the early 17th Century.
- o Mill Lane is home to architecture of merit from the Georgian and Queen Anne era.
- o Any development could compromise the archaeological importance of the site.
- o My outlook over a protected Conservation Area (open space) would be lost.
- o The loss of this open green space and its views would have a detrimental impact upon this part of the Conservation Area.
- o The application has not provided sufficient justification or detail for this loss.
- o It is recognised planning policy that there is a need to preserve open spaces within rural villages as a means of maintaining village character.
- o The site is the only open space left in the village centre and as such has extra rarity.
- o The area is Green Belt and should be protected.
- o The nearby town of Shifnal has a plentiful supply of this proposed style of house and the infrastructure to support.
- o The accuracy of the Design and Access Statement is questionable as it is structured to suite the planning application process and not in any shape or form reflection of fact or the real situation.
- o No Ecological Assessment has been provided.
- o The present sewage system was not designed to cope with additional development and already exceeds the number of dwellings that it was originally installed to cope with.
- o I would suggest that this is assisted housing not affordable housing.
- o I understand that the applicant has developed several properties in the village and then sold them on, so am not sure of the veracity of this application.

5.0 THE MAIN ISSUES

- o Principle of development
- o Green Belt
- o Design, scale and character
- o Impact on the historic environment
- o Impact on neighbours/residential amenity

- o Trees
- o Ecology
- o Access

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances. This proposal, however, is for an affordable dwelling and not an open market property.
- 6.1.2 The site is positioned in open countryside outside of any development boundaries designated under existing Planning Policies. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National Planning Policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, Policy CS5 identifies specific types of development which may be acceptable, including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5.
- 6.1.3 As noted above under LDF Core Strategy Policy CS5 new development in the countryside is strictly controlled, however, potentially acceptable development does include the erection of new dwellings which provide affordable housing/accommodation to meet a local need in accordance with Policy CS11. In support, SAMDev Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirement.
- 6.1.4 The build your own affordable home on a single plot exception site scheme is detailed in Chapter 5 of the SPD Type And Affordability Of Housing beginning at paragraph 5.10. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling and must qualify for the scheme by demonstrating the following points (summarised) to the satisfaction of the Housing Enabling Officer.

1. That they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site.
2. That they have a strong local connection to the area. Applicants are expected to be proactive obtaining formal written confirmation of their 'strong local connection' from the relevant Parish Council.
3. That their housing need should be met in the local area

6.1.5 The Local Housing Need elements of this application were established as follows from information presented to the SC Housing Enabling Officer by the applicant and her Agent in April 2017.

- o Mrs Southern intends to construct a 100m² (max) affordable dwelling on the site to occupy as her long-term home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, limiting current/future size and restricting any potential future sale value.
- o Mrs Southern lives in a large property near to the proposed site and even though she would not be currently described as frail, this property and its garden are becoming increasingly unsuitable for her needs particularly as she gets older and her needs and capabilities inevitably change. Mrs Southern medical needs as confirmed by her doctor, means that she is likely to struggle with the overall scale of her current home over the long term. She is therefore proposing to downsize into
- o the affordable dwelling which will not only provide more suitable accommodation but also be significantly cheaper to run and easier to maintain.
- o Mrs Southern has lived in the area since 1962, she is a long-term resident raising her children within Kemberton and generally contributing towards village life over the years. In addition to her personal and emotional ties, Mrs Southern has been involved with the local church and has friends and family living locally. Mrs Southern has expressed an overwhelming desire to stay within her home community.
- o Kemberton Parish Council has confirmed Mrs Southern's long standing connection with the village. That her own parents lived in the village until their deaths and how she has been a resident for many years with her children living in the village until they were married. They also confirmed her connections with the local church.

Mrs Southern has therefore demonstrated housing need, strong local connections and a need to live in the local area. Due to a lack of suitable alternative accommodation in the immediate area, she is unable to satisfy her specific housing needs through the local open housing market.

- 6.1.6 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development, as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. Sites that do not lie in a settlement, constituting isolated or sporadic development or which would adversely affect the landscape, local historic or rural character are not considered acceptable.
- 6.1.7 The selected site is considered to be within a recognised named settlement and would be accessed directly from the main road through Kemberton. It is therefore considered to be a sustainable location. The plot size is just under 0.1 hectare and the dwelling size indicated does not exceed 100m² gross internal floor space.
- 6.1.8 Therefore, whilst not in a location where housing would normally be permitted, for the reasons given above, the principle of this development is considered to be acceptable.

6.2 Green Belt

- 6.2.1 Green Belt Policies CS5 and MD6, and Section 9 of the National Planning Policy Framework (NPPF) require that the openness, permanence and visual amenity of the land within its boundaries are preserved. Paragraph 87 of the NPPF states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It further advises that planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt inappropriateness, and any other harm, is clearly outweighed by other material considerations. In particular paragraph 89 advises that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. However, exceptions to this include limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.
- 6.2.2 As the dwelling is proposed under the Council's single plot affordable scheme, centrally within a settlement, it is acceptable in accordance with Green Belt policy.

6.3 Design, scale and character

- 6.3.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design should contribute to and respect locally distinctive or valued character and existing amenity value by:

- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale density, plot sizes and local patterns of development; and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.3.2 LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built and natural environment and does not adversely affect the values and function of these assets. Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.3.3 Whilst the scale of the proposed dwelling is significantly smaller than some of those adjacent, it's gross internal floor space is governed by its affordable status. The property would be detached, as are the adjacent properties, and the plot size is approximately equivalent to those existing along the same side of the road. It would reflect locally characteristic materials in its use of brick and tiles with timber windows, all of which would be first subject to Local Planning Authority approval. The design as amended is that of a traditional cottage with dormer windows, a chimney and dual pitched roof open porch. It is a design that would not be out of place within this settlement and there are examples of similar existing dwellings, adjacent to the south at Aurora House, sporadically along Mill Lane and on Hall Lane. The proposed layout of the plot is also respectful of the local pattern of development in that the dwelling is set centrally within the plot allowing for a generous front garden (as well as a large rear garden) containing a driveway, parking and turning areas in addition to substantial areas of soft landscaping.

6.4 Impact on the historic environment

6.4.1 Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of the same Act contains a similar obligation with regard to the desirability of preserving or enhancing the character or appearance of conservation areas and their setting in the exercise of statutory functions.

6.4.2 The NPPF at section 7 places an emphasis on achieving good design in development schemes. Its themes are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment. SAMDev Plan policy MD2 seeks to ensure that developments respond positively to local design aspirations set out in Neighbourhood Plans, with the protection, conservation and enhancement of the historic context and character of heritage assets, their significance and setting, being sought by policy MD13.

6.4.3 Following on from previous comments made by SC Conservation, additional amended plans and Design and Access Statement have been submitted providing more detail in relation to the justification for the scheme and details of screening provided. Whilst the Design and Access statement is lacking in some detail, the plans provided enable reasonable consideration of the impact of the proposals on the setting of nearby listed buildings and the conservation area. The proposed dwelling is of a modest scale and features traditional architectural details which are considered appropriate to the Conservation Area. The dwelling is proposed to be located to the southern end of the parcel of land edged in blue and sits adjacent to an existing modern dwelling. It is considered therefore that the proposed dwelling would sit better within the street scene than the previously refused scheme 15/03794/FUL which featured a much larger dwelling located centrally within the site. The current proposal indicates that existing screening provided to the edge of the site would be retained, this is considered to be appropriate and would help to screen the new dwelling from the roadside. It is considered that the proposal would not have a detrimental impact upon the character or appearance of the conservtion area or the setting of listed buildings.

6.5 Impact on neighbours/residential amenity

6.5.1 It is unlikely that there would be any overbearing, overshadowing or overlooking impacts from the proposed development on neighbouring dwellings due to the distances between them and the positioning of proposed openings. The closest neighbouring property is at Aurora House approximately 26m to the south. The dwellings across the road to the west at The Cedars and Kemberton Hall are approximately 55m away. No windows are proposed to either the north or south facing side elevations of the dwelling.

6.6 Trees

6.6.1 SC Trees have commented that an Arboricultural Impact Assessment and Tree Protection/Removal Plan are required in order to provide sufficient details to allow an assessment of the site. However, in response, the agent has confirmed that the (relatively) small fruit trees and one self seeding tree to the road frontage have been measured and plotted. These are 13m away from the proposed unit which will therefore have no effect on their stability or visa versa. The one fruit tree which requires removal has been indicated on the amended proposed plans (Rev C).

Additionally, native hedging has been proposed to the visibility splay rather than a wall as submitted to avoid any related problems with footings. It is intended that the front part of the driveway would be hand dug as a precautionary measure and tree protection would be provided during construction.

6.6.2 Although re-consulted following the submission of this information, no further comments have been received on SC Trees. However, given the information provided it is considered that tree protection and the driveway construction method, can be satisfactorily managed by conditions.

6.7 Ecology

6.7.1 An Environmental Appraisal has been submitted confirming: that ponds in the vicinity have suitability to support Great Crested Newts (but access to survey these ponds was denied by the landowner); there was clear signs of badger activity and a badger sett was observed but 32m from the site boundary where it is just beyond the distance where a licence from Natural England would be required; there are no suitable roosting opportunities for bats on the site, although bats may use the site to forage; bird nesting has been observed in the hedgerow and trees to the front of the site.

6.7.2 For these reasons it is considered that pre-commencement GCN RAMMS implementation as detailed in the Appraisal, and provision of a badger survey will be required via conditions along with site clearance being carried out in accordance with Section 6.3 of the Appraisal, in order to satisfactorily manage the potential for European Protected Species at the site. Enhancements in the form of bat and bird boxes will also be requested to be installed prior to the occupation of the dwelling.

6.8 Access

6.8.1 The site is a field in the centre of the village of Kemberton off Mill Lane, the U6624. It is considered that it is unlikely that the addition of a house here, will significantly adversely affect highway safety or local conditions.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies as it meets the criteria for a single plot exception site and would not detract from the character and appearance of the adjacent built and historic environment, or harm the residential amenities of neighbouring dwellings. Materials details, tree protection during construction, the potential for European Protected Species to be present and ecological enhancement of the site, and access formation can be satisfactorily managed by conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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, i.e. written representations, hearing or inquiry.
- ② The decision may be 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 made a) promptly and b) in any event not later than six weeks 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.

8.2 Human Rights

Article 8 gives 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.

8.3 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 1990.

9.0 Financial Implications

There are likely financial implications if 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 dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Core Strategy Policies:

Policy CS1: Strategic Approach

Policy CS5: Countryside And Green Belt

Policy CS6: Sustainable Design and Development Principles

Policy CS11: Type and Affordability of Housing

Policy CS17: Environmental Networks

Policy CS18: Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1: Scale and Distribution of development

MD2: Sustainable Design

MD6: Green Belt

MD7a: Managing Housing Development in The Countryside

MD12: The Natural Environment

Supplementary Planning Documents (SPDs):

Type and Affordability Of Housing

RELEVANT PLANNING HISTORY:

15/03794/FUL - Erection of a detached dwelling with attached garage. Refused 16th November 2015

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSQFJITDMWE00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Design and Access Statement as amended to include historical context received on 7th September 2017.
- Environmental Appraisal by Greenscape Environmental Ltd dated July 2017.
- Agent Email Accompanying Amended Plans received on 7th September 2017.

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Michael Wood

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before 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 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Details and samples of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the character and appearance of the conservation area.

5. All site clearance and development shall occur strictly in accordance with section 6.3 of the Environmental Appraisal (Greenscape Environmental, July 2017), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of and enhancements for badgers, under the Protection of Badgers Act 1992.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

7. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

8. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to safeguard trees to be retained on site as part of the development. This should include details on the driveway area to be hand dug to avoid any adverse impact on the trees to be retained. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

9. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the Local Planning Authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

10. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

11. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Great Crested Newts Reasonable Avoidance Measures Mitigation Strategy (GCN RAMMS), as set out in section 6.5 of the Environmental Appraisal (Greenscape Environmental, July 2017).

Reason: To demonstrate compliance with the GCN RAMMS.

12. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

14. The dwelling hereby permitted shall not exceed 100sq.m gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the affordable housing market.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1 shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the Council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains/sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

5. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

6. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

7. This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

8. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

9. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

10. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
11. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Core Strategy Policies:
Policy CS1: Strategic Approach
Policy CS5: Countryside And Green Belt
Policy CS6: Sustainable Design and Development Principles
Policy CS11: Type and Affordability of Housing
Policy CS17: Environmental Networks
Policy CS18: Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1: Scale and Distribution of development
MD2: Sustainable Design
MD6: Green Belt
MD7a: Managing Housing Development In The Countryside
MD12: The Natural Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

12. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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Committee and date

South Planning Committee

19 December 2017

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/00298/FUL	Parish:	Eardington
Proposal: Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings		
Site Address: 9, 10 And 11 Lower Forge Cottages Eardington, Bridgnorth Shropshire WV16 5LQ		
Applicant: Mr And Mrs Turner		
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk	

Grid Ref: 373243 - 289493



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application was deferred at the 24th October 2017 South Planning Committee in order to enable the applicant to reconsider the design, materials and impact on the neighbouring property. Committee Members previously raised no issues with regard to the principle of the development, including the erection of a two-storey extension, and use of a flat roof for the single storey element. However, concerns were expressed regarding the modern design; materials and the use of aluminium, glazing and timber cladding, and the impact on the neighbouring property (no. 8 Lower Forge Cottages).
- 1.2 Amended plans have now been submitted in response to these issues and are re-presented to Committee for consideration. The external proportions and internal layout remain as per the amended plans previously considered by Committee (see paragraphs 1.3 – 1.7 below). However, the external appearance has now been amended as shown on Drawing No. PL-005 Rev C to comprise:

Two Storey Extension

Side elevations and gable surround in brick to match the existing. Fully glazed gable consisting of Oak posts/beams framing and timber framed double glazing. Tiles on the dual pitched roof to match the existing.

Single Storey Extension To Front Elevation

Brick elevations to match the existing. Oak posts/beams framing openings. Timber framed, multi-paned, double glazed windows and timber framed, double glazed rooflights. Timber doors. A single ply membrane flat roof.

Additionally Drawing No. PL-005 Rev C details the proposed treatment along the boundary with no. 8 Lower Forge Cottages showing how the land would be raised to form a patio of 3m in depth outside the single storey extension across the front elevation, including a retaining wall and fencing arrangement.

- 1.3 This application is for conversion, upgrade of and extension to the property known as no. 9, 10, and 11 Lower Forge Cottages, Eardington to form 3 no. larger dwellings. Lower Forge Cottages were originally constructed in the 18th Century to house iron workers, however are currently derelict and uninhabited following the demise of the previous owner who used them as a single property. The building requires updating to modern standards in order to make it habitable again as the current dwellings are too small for a family to live comfortably. The intention is to achieve this by:

- o Retaining as much of the original building as possible.
- o Clearly defining extension to it by using a different materials palette.
- o Extending to the elevations where there is available space and away from the road.
- o Providing large areas of glazing through which the original fabric is viewable.
- o New pathways created from the parking provision to the cottages.

1.4 The scheme previously presented to Committee had itself been amended to propose the single storey extension with a flat roof containing rooflights and measuring approximately 16.5m wide x 3.75m in depth x 2.5m in height and indicating a front entrance door and full height large window for each property. The two storey extension was altered to a part single/part two storey addition with the single storey element proposed to the north east side, having a single pitch roof and measuring approximately 2.15m wide x 6.5m max depth x 2.75m to ridge height, 2.25m to eaves. The two storey element was proposed to the south east facing elevation with large scale windows inset from the corner, and with a reduced depth of 3.75m to match that of the proposed single storey extension across the front elevation.

1.5 Internal accommodation is proposed as follows:

Nos 9 and 10

Ground Floor – kitchen/dining/living, bedroom 1

First Floor – bedroom 2, bathroom

No. 11

Ground Floor – kitchen/dining/living, utility, pantry, WC, bedroom 3

First Floor – master bedroom, bedroom 2, bathroom, storage.

1.6 Vehicular access would be gained from the lane to the east and parking provision created for 2 no. vehicles per dwelling. Foul sewage is proposed to be disposed of via a septic tank and surface water to soakaway. No trees or hedges would be affected by the development.

1.7 In addition to the Design and Access Statement, the following documents have been submitted in support of the application:

Structural Condition Survey Report by Geomitre Consultants Ltd dated 24th March 2016.

This document contains observed defects and recommended works.

Ecological Appraisal by Salopian Consultancy dated 21st August 2017

Identifies that all three cottages support features that could be used by both crevice and void dwelling species of bat. During inspection, clusters of droppings were found on the first storey and at the bottom of the stair well in the middle cottage. A series of Phase 2 Bat Surveys were undertaken between May and July 2017 to determine the presence/absence of the species. A single Lesser Horseshoe Bat was observed light testing within the stair well of the first storey of no. 10. Two Soprano Pipistrelle roosts were also identified below the guttering of no. 10 and within a crevice associated with damaged brick work of no. 11. Therefore an EPS licence from Natural England would be required for any works to the building.

Evidence of nesting birds were noted in all buildings. It is recommended that works are undertaken between September and February outside of the bird nesting season.

No water bodies were identified within a 250m radius nor were any other habitats considered suitable to support protected species identified on or immediately off site.

No evidence of other protected species were identified on site. The proposal has the opportunity to provide enhancements for protected species by way of the inclusion of bat and bird boxes within the built form and a stand alone structure to replace secure long term opportunities for Lesser Horseshoe Bats on site.

The Lower Forge Viability Calculations received on 12 April 2017

Compares the cost of renovating with the cost of rebuilding.

Lettings Advice Letter from Mcartneys LLP dated 7th April 2017

Confirms that there is a demand for two and three bedroom rural properties to rent.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open countryside in the settlement of Lower Forge approximately 3km to the south east of the Market Town of Bridgnorth. It is accessed via an unclassified road from the B4555 to the west. Lower Forge is positioned on the west side of the River Severn set into the bank which slopes down to it. The settlement comprises mainly traditional properties of varying sizes including terraced cottages and large detached dwellings which are set either side of the road. Nos 9, 10 and 11 Lower Forge Cottages are on the north east side of a terrace which also contains nos. 5 – 8. The front elevations of the terrace face south east towards the river approximately 45m away, as the road is set closely to the north west side, in fact the corner of no. 11 at the end of the terrace is angled such to accommodate the road which it abuts. The space to the rear consists of a retaining wall preventing the steep bank up to the road from encroaching on the cottages. The amenity space for the plots is therefore in the majority located between the front elevations and a vehicular track serving the terrace which is positioned along the bank of the river. The associated land for no. 11 is significantly larger as it is the end property with a span of approximately 20m to the adjacent

dwelling at Coachmans Cottage owned by the applicants.

2.2 The cottages are constructed in mixed brick with a tiled roof and 3 no. chimneys of varying ages. Whilst the external structure appears solid the internal space has been gutted, some of the windows are missing and it is clear that the living accommodation was fairly basic. No. 11 is essentially one room up, one down internally and is not connected through to the other properties at ground floor level. It has basically been used as storage space. The other two properties have a linear format where rooms are accessed through others and again appear to have had very limited internal space. Whilst in a poor state, the cottages can be said to have a traditional vernacular design and construction and relate to the historic use of the area.

2.3 No.9 is attached on its south west side to no. 8, a white painted cottage which has benefitted from a front porch and a two storey rear extension where it has more space between the north west facing rear elevation and the road than nos. 9, 10 and 11. No. 7 beyond also has a two storey rear extension and there are other front porches further along. The original completely linear format of the terrace has been permanently altered by these previous extensions to nos. 5 – 8. The front side boundary line between nos. 9 and 8 is defined by hedging, otherwise there the land on this side of the terrace is fairly open. There is a further terrace of cottages approximately 11m to the west containing nos. 1 – 4, and a neighbouring dwelling across the road approximately 32m to the north. All these properties are set at a higher level as they are further up the bank.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Eardington Parish Council – Have considered the amendments currently proposed and wish to make the following comments:

The proposed extension is not in keeping with the row of cottages. Whilst the forward/east elevation has improved, the new proposed south elevation (not shown before) shows the extension projecting c. 3 – 4 metres beyond the porch. However, as the extension will sit right on the boundary of 8/9, there is concern that the extension is likely to make the ground floor of number 8 very dark. The design maximises the value of number 9 but will diminish the appeal and value of number 8.

Councillors therefore object to the proposals.

4.2 - Consultee Comments (as previously presented to Committee)

4.2.1 Eardington Parish Council - Members of Eardington Parish Council have considered the amendments to the original plans at 9,10 and 11 Lower Forge Cottages and object to the proposals.

4.2.2 SC Conservation - The amended plans have taken on board previous concerns and advice and have resulted in a scheme that is felt to reach a balance between the extension of the properties to enable their functional use and the impact upon the character of the terrace. The proposed scheme is now considered to be acceptable from a Conservation perspective to enable these derelict properties to be retained.

4.2.4 SC Ecology – An Extended Phase 1 Survey was carried out on this site in April 2017 by Salopian Consultancy. This was followed by bat activity surveys between May and July 2017. Conditions and informatives are recommended in relation to the Survey content. Additionally, a European Protected Species 3 Tests Matrix must be included in the Planning Officer’s Report and discussed/minuted at nay Committee at which the application is considered.

4.2.5 SC Drainage – Informative recommended in relation to designing a sustainable drainage scheme for the disposal of surface water from the development.

4.2.6 SC Rights Of Way - The application proposes access over a route that is recorded as public footpath no 17A and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Informative recommended in relation to the use of the right of way.

4.3 - Public Comments

4.3.1 Additional Representations were reported at the South Planning Committee of 24th October 2017. Eardington Parish Council and neighbours were notified of the amended Drawing No. PL-005 Rev C on 17th November 2017. In addition to the Parish Council comments reported in paragraph 4.1.1 above, one public representation has been made from the neighbour at no. 8 Lower Forge Cottages reiterating objections to the proposed wall 60cm from the property line of number 8, and blocking of view. That it is an example of a transfer of value, taking the amenities of number 8 and transferring that value to numbers 9, 10 and 11 is added.

4.3.2 Site notice erected on 10th February 2017. Two public representations received objecting to the proposal as originally submitted. These are available to view in full on file, however are summarised as follows:

- o The extension has a footprint larger than the original.

- o The current footprint of the building could have been used to create 2 rather than 3 dwellings.
- o It would have a huge visual impact not just on the development site, but on the terrace as a whole, and the neighbouring properties.
- o The granting of permission for this development would set a precedent which will see further development of a similar scale in the hamlet.
- o The extension constructed of large expanses of glass, timber cladding and render will not harmonise with the current row of cottages.
- o The materials are not appropriate for a small historic hamlet in the countryside.
- o At present the row of cottages and other properties adjacent are served by two lanes which meet and run across the frontage of the development site. These lanes are largely of soil and rubble and are often in a poor state needing regular repair by residents to deep them useable. There are approximately 12 car drivers living in or close to the cottages, the proposed 6 parking spaces will mean around a 50% increase in the sue of the lanes.
- o It will damage the open aspect and reduce the natural light to no. 8 Lower Forge Cottages.

4.3.3 Following notification of the amended plans previously presented to Committee, a further two letters of objection have been received which repeat the previous representations and add the following concerns;

- o The amendments do not address the valid informed comments made by the Conservation Officer on 24th February 2017.
- o The NPPF states that where there is evidence of deliberate neglect or damage to a heritage asset this deteriorated state should not be taken into account in any decision.
- o It is understood that the applicant wishes to off-set the renovation costs by increasing the accommodation, but in extending across the entire front, the proposals do not comply with local policy.
- o The proposed conversions will be 60cm off the neighbouring property line with the wall 3.12m high, extending out by 4.1m which will block the next door property.
- o Suggested plan provided showing very similar, but broken up, single storey flat roof extensions.

5.0 THE MAIN ISSUES

- o Principle of development
- o Affordable housing
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Ecology
- o Access

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 A key objective of both National and Local Planning Policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within Market Towns, other 'Key Centres' and certain named villages ('Community Hubs and Clusters') as identified in the SAMDev Plan. Sporadic new residential development in open countryside is unacceptable unless there are exceptional circumstances.
- 6.1.2 The proposed site falls within open countryside, outside of any development boundaries designated under existing local planning policies. Under LDF Core Strategy Policy CS5 – Countryside and Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local and community benefits, particularly where they relate to a list of specific types of development which includes open market residential conversions, in addition to affordable dwellings, development for agriculture and economic purposes, farm diversification and schemes for the benefit of tourism. However, open market residential conversions will only be considered where respect for a heritage asset and high standards of sustainability are achieved.
- 6.1.3 This proposal is unusual in that it concerns 3 no. cottages which have most recently been used as a single dwelling and which are now proposed to be reinstated as 3 no. properties but require extension in order to achieve modern living standards (substantial refurbishment/internal re-configuration works would also be required if the building were to be used as a single dwelling). Additionally, the cottages are considered to be Non Designated Heritage Assets worthy of protection.
- 6.1.4 Paragraphs 2.25 and 2.26 of the Supplementary Planning Document (SPD) on the Type and Affordability of housing note the following in relation to sub-divisions in the countryside:
- 2.25 Core Strategy Policy CS5 controls the countryside and Green Belt from inappropriate development whilst allowing, "development proposals on appropriate sites which maintain and enhance countryside vitality and character. . . where they improve the sustainability of rural communities by bringing local economic and community benefits". Sub-divisions of existing residential properties can improve sustainability by helping rebalance the housing stock, particularly in the countryside where there can be a shortage of smaller dwellings.
- 2.26 Sub-divisions also enable rural communities to be adaptable and more resilient to changing economic and demographic needs. In rural areas there are fewer properties available and this can make it difficult for residents to find suitable property in their local area to accommodate their changing needs. For example if they wish to downsize, and/or accommodate the needs of other family members,

sub-division is an option that avoids them having to leave the local community and its social support network. Such sub-divisions may be eligible for a nil or reduced affordable housing contribution, either as some form of “low cost ownership” or on the ground of meeting specialist housing needs, where they enable a current resident to meet their needs without leaving their home community.

6.1.5 The proposal would provide 2 no. two bedroom and 1 no. 3 bedroom open market dwellings as smaller properties within a rural community in accordance with the SPD as detailed in 6.1.4 above. Justification has been submitted by the agent with this application to demonstrate that provision of fewer dwellings from the cottages would not be financially viable, and whilst extension is required to achieve 3 no. properties which offer modern living standards, it is considered that significant works would be required to the property however many dwellings resulted. The rest of the terrace has benefitted from a number of extensions, including two storey additions, which have already impacted on its original character. It is considered that the proposed plans as amended show respect for the cottages as a Non Designated Asset and which would bring these units back into a sustainable residential use, preserving the building for future generations. The principle of the development is therefore acceptable.

6.2 Affordable housing

6.2.1 LDF Core Strategy Policy CS11- Type and Affordability of Housing, requires an affordable housing contribution on all new open market residential development. For one dwelling this would equate to a financial contribution.

6.2.2 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas.

6.2.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court (Case Ref 76.2015) and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.

6.2.4 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate’s decision on 11th May 2016 (Case Ref C1/2015/2559). Consequently the WMS still applies and reflected in amended NPPG of the 19th May 2016. In addition to this the Housing & Planning Act gained Royal Assent on May 12th 2016 and this gives power to Government to make secondary legislation to achieve the same result – i.e. set minimum thresholds for affordable housing contributions.

6.2.5 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore

accepts that the WMS applies as a significant material consideration and this means that the Council will not automatically require an AHC for applications for 10 or less dwellings and less than 1,000m² floor area in the majority of cases where the site is not located in a designated rural area.

- 6.2.6 However this cannot be a blanket rule and as such there may be exceptions to this. The Court of Appeal judgement referred to a statement made by the Government's Counsel in the High Court that:-

*“(i) As a matter of law the new national policy is **only one of the matters which has to be considered under section 70(2) of TCPA 1990 and section 38(6) of TCPA 2004 when determining planning applications or formulating local plan policies (section 19(2) of PCPA 2004), albeit it is a matter to which the Secretary of State considers ‘very considerable weight should be attached’.**”*

The Court of Appeal agreed with this proposition and confirmed that the development plan remains the starting point for decision taking although it is not the law that greater weight must be attached to it than other considerations. The WMS is policy, not binding law and does not countermand the requirement in s38(6) of the 2004 Act or s70(2) of the 1990 Act.

- 6.2.7 The Council's position is therefore that the WMS is a significant material consideration but it does not replace or automatically override the development plan as the starting point for planning decisions. Consequently there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.

- 6.2.8 The development plan remains the starting point for decision taking, and this includes Policy CS11 of the Core Strategy which requires an affordable housing contribution on all new open market residential development and the applicant has indicated a willingness to provide such a contribution by submitting an Affordable Housing Contribution Proforma and entering into the Section 106 Agreement process. The WMS is a significant material consideration and postdates the Core Strategy therefore can be regarded as more up to date in relation to affordable housing contributions, but does not replace or automatically override the development plan as the starting point for taking decisions. In this case, the site does not fall within a location where a significant need for affordable housing is evidenced. However, the building is already in situ as an uninhabitable single dwelling and significant work including some extension, is to be carried out in order to make it fully habitable as 3 no small scale dwellings for which there is a demand in Shropshire's rural communities. The work required to reinstate the building to three dwellings of a smaller scale, more desirable and sustainable within their rural location, attracts some cost for the developer, and would provide a net social gain of two, with or without an affordable housing contribution. For these reasons, it is considered that greater weight can be given to the WMS than the development plan and the affordable housing contribution would not be required in this case having

regard to the material change in national policy discussed above.

6.3 Design, scale and character

6.3.1 The amended scheme now presented to Committee proposes a change to the visual appearance and inclusion of boundary details, the external proportions and internal layout remain as previously put forward. It is considered that the materials and design now indicated, respond to the request of Members as expressed during the 24th October 2017 South Planning Committee i.e. that they are of a more traditional nature. Additionally a greater level of detail has been provided in relation to the treatment along the boundary with no. 8 Lower Forge Cottages to provide reassurance in relation to stability and visual appearance.

6.3.2 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the emergent SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. For a development proposal to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.3.3 LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and does not adversely affect the values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored. Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.3.4 The National Planning Policy Framework supports the local policy outlined above under paragraph 17, where one of the listed overarching roles of the planning

system in decision taken is to always *'seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*. Paragraphs 58, 60 and 64 within Section 7 – Requiring Good Design, further promote the requirement for a development to respond to local character, reinforce local distinctiveness, and improve the character and quality of an area and the way it functions, not just for the short term, but over the lifetime of the development.

6.3.5 For this particular proposal, there is a balance to be achieved between ensuring that the building can be brought back into a use viable for both the rural community and for the developer, and doing so in a way which secures high quality design and good standard of amenity for all future occupants of the building. Detailed discussions have taken place during the course of this application in relation to the design, scale, massing and materials of the proposed extensions. The cottages are not Listed nor are they within a Conservation Area and whilst they are regarded as Non Designated Heritage Assets, the character of the terrace as a whole has already been affected by previous extensions, some of which are substantial two storey additions, on the cottages at nos. 5 – 8.

6.3.6 The amended plans previously presented to Committee most significantly showed a reduction in projection of both the single storey and two storey extensions out to the front, and a pitched roof over the single storey extension being exchanged for a flat roof thus allowing for more of the original cottages to remain exposed. The first floor under the eaves windows would remain unadulterated with brick walls on three sides therefore retaining the upper visual proportions of the cottage. At ground floor level, a clean lined modern extension was proposed across the front elevation in order to avoid competition with the traditional appearance of the cottage. Large areas of glazing were to be included to allow reference to the original ground floor level exterior, but not so many as to impede the personal privacy of the occupiers. The shortening and widening of the two storey extension into a part single/part two storey addition intended better proportioned structures to respect the context of the existing terrace, the single storey pantry/kitchen to reference an existing lean-to brick outbuilding located on the end of the terrace. The revised elevational treatment shown on the latest drawings, retaining the proportions of the amended plans, is considered to be an acceptable, more traditional approach in the context of the Development Plan policies relating to design, scale and character.

6.4 Impact on neighbours/residential amenity

6.4.1 The additional detail now provided by Drawing no. PL-005 Rev C indicates that the land directly outside the proposed single storey front extension would be built up to a level that would provide a patio of 3m in depth. This has the advantage of ensuring that a retaining wall would be constructed along the boundary in order to protect the land levels at the adjacent property, and to provide an attractive outside space for future occupiers of the properties. A 1m high picket fence is proposed to define the remainder of the southern boundary which would appropriately follow the slope of the land downwards. The proportions of the proposed extensions equate to those previously presented to Committee, and therefore the following paragraphs

considering their impact on neighbours/residential amenity still apply.

6.4.2 It is not considered that there will be a significant impact from overlooking, overbearing or overshadowing on neighbouring residential properties. Nos 9, 10 and 11 Lower Forge Cottages are located on the north east end of the terrace, and therefore in a location where any extension to them is highly unlikely to interfere with the daily path of the sun in relation to the remainder of the terrace to the south west. The proposed two storey extension will be located a minimum of approximately 18m from nos. 5 - 8 Lower Forge Cottages and the nearest neighbour otherwise is the applicants' property approximately 30m to the north east. Whilst the proposed single storey extension is indicated to be adjacent to the boundary at no. 8, it would only project approximately 3.75m forward and be a height of 2.5m, 0.5m above the height of fencing which could be erected under permitted development rights along the divide.

6.4.3 No openings are proposed on elevations which face towards nos. 5- 8 Lower Forge Cottages, and the large window on the single storey extension closest to no. 8 is inset from the boundary by approximately 2.35m. The main views from the proposed extensions will therefore be directly to the south east towards the River Severn. There is a first floor bedroom window proposed on the north east elevation facing towards Coachmans Cottage, however it is considered that the 30m distance between the properties – 20m to the boundary, is sufficient to minimise any overlooking potential.

6.5 Ecology

6.5.1 As bat roosts have been identified within the building, the proposed works would need to be carried out under a European Protected Species Licence from Natural England, however this necessity is recognised within the submitted Ecological Appraisal. It is also noted within that document that the works provide an opportunity for protected species enhancements by way of the inclusion of bat and bird boxes. SC Ecology consider that an EPS 3 Tests Matrix should be included as part of this report and otherwise conditions and informatives can be applied which would appropriately manage the potential for European Protected Species at the site.

6.6 Access

6.6.1 Vehicular access to the site is currently gained from the track at the end of the plots between them and the river. This track serves all the cottages in the terrace and is looped around the two terraces and Coachmans Cottage. Whilst it is likely that vehicular activity along this track would increase as a result of the proposal, the level incurred from two additional dwellings (which in any case previously existed) is not considered to result in a sufficiently adverse impact to raise concern. The area of outside amenity space allocated at the front of the dwelling is more than adequate to accommodate the 6 no. car parking spaces proposed. The cottages at nos. 5 -8 already benefit from parking spaces and garages along the track so that the new spaces proposed would continue along the same line.

6.6.2 SC Public Rights of Way have noted that the track between the plots and the river is recorded as public footpath no. 17A and does not appear to carry public vehicular rights. This is a matter which could apply to the whole Lower Forge Cottages terrace and is however one which is not a material consideration as the grant of Planning Permission would not imply the existence of any right for the benefit of the applicant to use that way with vehicles. The agent has been made aware of this, and the information will also be imparted as an informative.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies as it is an appropriate division of and extension to a building to form three smaller dwellings resulting in a more sustainable form of development within the countryside. The plans as amended have achieved a balance between ensuring that the building can be brought back into use and securing a high quality design and good standards of amenity for all future occupants of the building. By its scale and design the proposed scheme would respect the character of this previously altered traditional terrace and the context of the site without adversely impacting on the residential amenities of neighbouring dwelling. Any potential for European Protected Species at the site can be satisfactorily managed as described in the submitted Ecological Appraisal and by condition.

8.0 Risk Assessment and Opportunities Appraisal

8.1 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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made a) promptly and b) in any event not later than six weeks 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.

8.2 Human Rights

Article 8 gives 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.

8.3 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 1990.

9.0 Financial Implications

There are likely financial implications if 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 dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing

CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

RELEVANT PLANNING HISTORY:

BR/78/0418 – The installation of a septic tank to serve a single dwelling at 9 and 10 Lower Forge. Granted 14th August 1978.

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OK3E5RTDJC800>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):

- Design and Access Statement dated January 2017.
- Structural Condition Survey Report by Geomitre Consultants Ltd dated 24th March 2016.
- Ecological Appraisal by Salopian Consultancy dated 21st August 2017
- Lower Forge Viability Calculations received 12th April 2017
- Lettings Advice Letter from McCartneys LLP dated 7th April 2017

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Robert Tindall

Appendices
APPENDIX 1 – Conditions
APPENDIX 2 – EPS 3 Tests Matrix

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before 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 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Samples of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

5. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

6. No development shall take place until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or
- b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

7. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a Landscaping Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

10. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the area.

11. Prior to first occupation/use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for sparrows, starlings, swifts and/or small birds shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

13. All demolition, development and biodiversity enhancements shall occur strictly in accordance with Section 3 of the Ecological Appraisal (Salopian Consultancy, 21/08/17.), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

14. No construction and/or demolition works shall take place before 09:00 hrs on weekdays and Saturdays, nor after 17:00 hrs on weekdays and 13:00 hrs. on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

15. No further windows or other openings shall be formed in any elevation of the extensions other than those hereby approved.

Reason: To preserve the amenity and privacy of adjoining properties.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class A, B, C, D or G shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities.

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

5. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season for reptiles (approximately 31st March to 15th October) when the weather is warm. Any reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of reptiles or amphibians are present.

6. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

7. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

8. The application proposes access over a route that is recorded as public footpath no 17A. Please ensure that the following criteria is adhered to:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

9. You are advised that this application proposes access over a route that is recorded as public footpath no 17A and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of Planning Permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles.

10. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

11. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

APPENDIX 2

EUROPEAN PROTECTED SPECIES: The ‘three tests’

Application reference number, site name and description:

17/00298/FUL
9, 10 And 11 Lower Forge Cottages Eardington Bridgnorth Shropshire WV16 5LQ
Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings

Date:

4th September 2017

Officer:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Test 1:

Is the development ‘**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The building is a deteriorated set of cottages of some historic merit. The reinstatement of its residential use and the preservation of the building is therefore in the public interest by providing high quality accommodation within a Non-Designated Heritage asset. The preservation of the property can only be assured by restoring it to its functional use to warrant its continued upkeep. Additionally, the proposal would help to address the requirement for smaller residential units within the rural area.

Test 2:

Is there ‘**no satisfactory alternative?**’

No, the alternative is for no maintenance or extension work to be carried out on the building leaving it to deteriorate and potentially harm the character and appearance of the surrounding rural environment. A high quality refurbishment with mitigation, compensation and enhancement measures for the bats is preferred.

Test 3:

Is the proposed activity ‘**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range’?

Bat surveys between May and July 2017 identified an individual lesser horseshoe day roost and feeding perch and two soprano pipistrelle day roosts.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the buildings are going to be converted.

Section 3 of the Ecological Appraisal (Salopian Consultancy, n.d.) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- An Ecological Clerk of Works (ECW) will oversee the works.
- The ECW will carry out a pre-commencement walkover.
- The ECW will provide a toolbox talk to site workers.
- Two Schwegler 2F bat boxes ‘will be erected on the southern eastern face of the brick shed to ensure place of refuge ... throughout the construction period.’
- Demolition will take place between October and March when bats are least likely to be present.
- ‘Works on the building in areas highlighted as having the potential to support Bats, will occur under the direct supervision of the ECW. These works will be undertaken following four consecutive nights and days above 5°C.’
- If a bat is found at any stage, works will halt and the ECW will be informed. ‘The Bat(s) will either be allowed to disperse naturally or the ECW will carefully lift the Bat in gloved hands and carefully place it into a Bat box or suitably dark place on the site.’
- A lesser horseshoe roost will be created ‘within a stand alone structure separate to the proposed re-built.’ ‘The brick shed ... would provide a suitable replacement night perch/day roost for this species.’
- Crevices will be created under roofing tiles, under ridge tiles and ‘under the gables onto the wall plate using ... beneath sections of barge board/soffit.’
- Integrated bat boxes will be installed on ‘the east gable end and northern aspect of the proposed cottages.
- Bituminous roofing felt will be used ‘to avoid the risk associated with spun-bond filaments in modern roofing membranes which are well document as causing entrapment and death of bats.’
- ‘Lighting around the site will be on a short timed setting and down lighting to avoid disturbing [bats] and retain dark corridors for [bats] to forage and commute through the surrounding landscape.’

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of lesser horseshoes and soprano pipistrelles at a favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 4th September 2017) are included on the decision notice and are appropriately enforced.

The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence; and
- Lighting plan.

Guidance

The ‘three tests’ must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer’s report, and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

Preserving public health or public safety must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there ‘no satisfactory alternative?’

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

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<u>Committee and date</u>
South Planning Committee
19 December 2017

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT 19 DECEMBER 2017

LPA reference	17/01050/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Timothy Grice
Proposal	Erection of a two storey side extension
Location	Manor Court Manor Farm Lane Bridgnorth WV16 5HG
Date of appeal	7.9.17
Appeal method	Fast Track
Date site visit	2.10.17
Date of appeal decision	16.10.17
Costs awarded	
Appeal decision	Allowed

LPA reference	17/01146/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Hughes
Proposal	Erection of two-storey extension and porch
Location	Secret Cottage Britons Lane The Smithies Bridgnorth Shropshire WV16 4SZ
Date of appeal	8.9.17
Appeal method	Fast Track
Date site visit	2.10.17
Date of appeal decision	16.10.17
Costs awarded	
Appeal decision	Dismissed

LPA reference	15/03805/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs E M Jones
Proposal	Erection of one dwelling and detached double garage; improvements to existing vehicular access
Location	Land East Of Field Lane Bishops Castle Shropshire
Date of appeal	01.08.2017
Appeal method	Written Representations
Date site visit	25.9.2017
Date of appeal decision	19.10.2017
Costs awarded	
Appeal decision	Dismissed

LPA reference	16/04704/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Ms A Sykes
Proposal	Erection of replacement dwelling following demolition of existing
Location	The Walls Chesterton Bridgnorth Shropshire WV15 5NX
Date of appeal	20/11/2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/01000/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Baines
Proposal	Outline application for the erection of a dwelling (to include Access and Layout)
Location	Haughton Grange Haughton Village Shifnal Shropshire TF11 8HR
Date of appeal	20/11/2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/01250/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs B Perry
Proposal	Erection of 4 No dwellings with vehicular access and parking
Location	Land Opposite Village Hall Hopton Wafers Shropshire
Date of appeal	30 November 2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/00720/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Chris Geddes
Proposal	Erection of 3-storey block of sheltered accommodation comprising 55 apartments for the elderly and lodge manager's accommodation; communal facilities; vehicular access and car parking; landscaping scheme to include removal of trees and boundary treatment (amended description)
Location	Former Builders Yard Innage Lane Bridgnorth
Date of appeal	3/4/2017
Appeal method	Hearing
Date site visit	19/07/2017
Date of appeal decision	7/12/2017
Costs awarded	No
Appeal decision	Dismissed

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Appeal Decision

Site visit made on 2 October 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th October 2017

Appeal Ref: APP/L3245/D/17/3179107

Manor Court, Manor Farm Lane, Bridgnorth WV16 5HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Timothy Grice against the decision of Shropshire Council.
 - The application Ref 17/01050/FUL, dated 3 March 2017, was refused by notice dated 28 April 2017
 - The development proposed is erection of a two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey side extension at Manor Court, Manor Farm Lane, Bridgnorth WV16 5HG in accordance with the terms of the application, Ref 17/01050/FUL, dated 3 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: existing and proposed elevations A1/01 Rev B; existing and proposed floor plans A1/02 Rev B.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 4) No development shall take place until details of the design of all external windows and doors and any other external joinery have been submitted to and approved in writing by the local planning authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. The development shall be carried out in accordance with the approved details.
 - 5) Prior to first occupation/use of the extension hereby permitted, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the local planning authority demonstrating implementation of the Great Crested Newt Method Statement (John Morgan, June 2016).

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host buildings and whether it would preserve or enhance the character and appearance of the Oldbury Conservation Area.

Reasons

3. The appeal building forms part of a small complex of former agricultural buildings which have been converted to residential use. I understand that they were part of an historic farmstead. These buildings appear to have evolved over time, though today form a rough 'U' shape with Manor Court comprising the southern section. The conversion of these buildings has retained much of their appearance as a group of traditional farm buildings, and notwithstanding their division into separate units they retain their close knit relationship. That said, the slight variations in scale, form and design within this grouping, along with some modern additions such as windows and porches, creates a degree of informality.
4. The existing 'U' shape configuration is typical of the layout of a farmstead, creating a central courtyard area. I accept that the location of the proposed extension on the southern elevation of Manor Court would be outside of the main 'U' shape. Nevertheless, as noted above, there is an existing degree of variance within this group, including the westernmost addition to Manor Rise. I also note that the courtyard area itself has been divided by a high brick wall. Overall my view is that it would be possible to accommodate a further modest addition in this location without undermining the character and appearance of this complex.
5. The proposed two storey addition would be positioned adjacent to the existing attractive sandstone gable wall. Whilst the appellant states that the importance of this wall would be enhanced by making it a feature of the planned addition, presumably by the extensive use of glazing to the southern elevation, it is clear that the visibility of this element externally would be lost. I also accept that such extensive glazing would itself be a departure from the traditional appearance of the barn structure. Nevertheless, for the most part a complementary range of architectural elements and palette of materials is proposed. Also, as the glazed wall would appear as part of the less visible southern elevation this would not in itself undermine the character of this complex.
6. As this addition would be close to the full height of the highest part of the barn complex it would be a sizable structure. However, the existing buildings themselves are of some scale and as such this addition would not appear disproportionate. Also, the fact that it would be stepped down slightly from the existing ridge height and would be less than full width would mean that it would reflect the variation in size seen within the main components of this complex. Overall my view is that the proposal would not undermine the characteristic qualities of the host buildings.
7. The Council refers to the appeal site being a non-designated heritage asset. The Planning Practice Guidance (PPG) states that local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, but which are not formally

designated heritage assets.¹ However, in this particular case no evidence that the Council has identified these buildings as a non-designated heritage asset has been presented.

8. Turning to the effect of this scheme on the Oldbury Conservation Area which covers most of this rural village, I note that these buildings are located on its western edge. The significance of the Conservation Area derives from the eclectic and dispersed mix of dwellings which are seen against the backdrop of surrounding rural views. The northern section of the barn complex and high stone wall associated with Manor Rise forms the boundary with Manor Lane. As this is a narrow single track road bound by mature landscaping Manor Court itself is to a large degree screened from the wider Conservation Area. As such there would be limited visibility of the proposed addition from either Manor Farm Lane or the B4363 to the south. It would therefore not damage the character or appearance of the Oldbury Conservation Area.
9. I therefore conclude that the proposal would not have a detrimental effect on the character and appearance of the host buildings and that it would preserve the character and appearance of the Oldbury Conservation Area. In reaching this conclusion I am satisfied that this scheme would not conflict with the requirements of the Shropshire Council Local Development Framework Core Strategy 2011 Policies CS6 and CS17, or the Shropshire Council Site Allocations and Management of Development Plan 2015 Policies MD2 and MD13. Taken together these policy provisions require high quality design that conserves the historic environment, taking into consideration local context and character, whilst also embracing opportunities for contemporary design solutions which take reference from and reinforce local characteristics.

Conditions

10. I have had regard to the conditions suggested by the Council which I have amended in part with reference to the PPG and in the interests of precision and enforceability. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions relating to materials and detailed design are required in the interests of the character and appearance of the building. These conditions need to be discharged before work commences on site as they are fundamental to a satisfactory scheme. Finally, a condition relating to the implementation of the Great Crested Newt Method Statement is required to ensure compliance with requirements relating to this protected species.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

AJ Mageean

INSPECTOR

¹ National Planning Practice Guidance, Paragraph: 039 Reference ID: 18a-039-20140306

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Appeal Decision

Site visit made on 2 October 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th October 2017

Appeal Ref: APP/L3245/D/17/3179651

Secret Cottage, Britons Lane, The Smithies, Bridgnorth, WV16 4SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Hughes against the decision of Shropshire Council.
 - The application Ref 17/01146/FUL, dated 8 March 2017, was refused by notice dated 18 May 2017.
 - The development proposed is a two storey extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area; and,
 - Whether the proposal would result in the loss of a smaller low cost market dwelling.

Reasons

Character and appearance

3. The appeal site comprises a detached property within a large plot in the dispersed settlement of Linley Brook. It is located on a north facing slope and is surrounded by a range of mature trees and shrubs. Dwellings in this local area vary in terms of their form and size, though most appear to be of traditional appearance. The settlement itself is classified as open countryside with the extent of green space and its mature landscape setting giving this area a rural character.
4. Whilst I understand that this was originally a 1.5 storey 19th Century cottage of modest size, it has been substantially extended. Most notably a 1.5 storey gable addition on its eastern side has more than doubled its original size. There is also a full width single storey addition to the rear, with a cat slide roof, with smaller single storey additions on either side elevation. However, whilst the size of the cottage has been more than doubled, when viewed from the front the overall cottage-style scale and modesty of appearance have prevailed. This is due to the largest gable addition being at right angles to the original property, with two modest windows in its front elevation, thereby retaining the visual emphasis on the original frontage.

5. The proposal would substantially increase the size and alter the appearance of the cottage by placing a new central entrance on what is currently the side gable addition and effectively replicating the appearance of the existing cottage on the eastern side. I accept that this addition would bring an overall symmetry to the building centred on the gable, and that design elements such as the eaves dormers and materials would resonate with the existing cottage. However, the resulting proportions of the building when viewed from its front elevation would appear overly long and in this sense incongruous. Whilst I accept that the new gable porch would create a focal point, this significant feature would draw attention away from the traditional elements of the cottage. Overall the scale of the proposed addition would dominate and subsume the character of those elements of the original cottage that remain.
6. The appellant argues that in this case it would not be appropriate to seek a subservient addition as the character of the original cottage has been lost, and that the proposal would create a property of different character. However, I have noted that the original character of the cottage remains visible and in this sense it is appropriate to apply those aspects of the Shropshire Core Strategy 2011 (CS) Policy CS6 and the Shropshire Site Allocation and Management of Development Plan 2015 (SAMDev) Policy MD2 which require new development to respect locally characteristic architectural design and details, taking into account their proportions and scale.
7. The appellant also argues that the resulting dwelling would not be materially larger than surrounding houses. Whilst I have noted that local properties vary in size and character, they are largely of traditional appearance. In this case my view is that the implementation of this scheme would result in the loss of the character of this modest dwelling.
8. I accept the appellant's point that the visibility of the appeal dwelling in public views from the surrounding area is limited by virtue of the trees surrounding this property. However, this point does not overcome the design concerns identified.
9. I have also had regard to the appellant's assertion that the proposal would comply with paragraph 60 of the National Planning Policy Framework (the Framework). This advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes. However, paragraph 58 of the Framework also advises that it is proper for planning policies and decisions to aim to respond to local character and promote local distinctiveness. As noted above, the proposal would not respect the character of the appeal building or wider area.
10. On this point I conclude that the proposal would have a detrimental effect on the character and appearance of the host dwelling and surrounding area. In this respect it would conflict with the relevant aspects of the CS Policies CS6 and CS17 and the SAMDev Policy MD2 which, taken together, seek to ensure that development respects the local context and character of the built and natural environment. It would also conflict with the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) which at paragraph 2.12 states the need to ensure that development is sympathetic to the character and appearance of the original building.

Loss of a smaller low cost market dwelling

11. The SPD paragraph 2.20 notes the trend in countryside locations towards providing larger and more expensive dwellings which can exclude the less well off, including those who need to live and work in rural areas. This guidance therefore advises that, in relation to both house extensions and replacement dwellings, it is important to control size in order to maintain and provide an appropriate stock of smaller low cost market dwellings.
12. I have noted that the appeal dwelling remains of reasonably modest size, though is located on a substantial plot. Whilst the appellant has not provided either a valuation of the existing property, nor comparative figures for other properties, I accept the point that in relative terms this does not appear to be a smaller or low cost dwelling.
13. As such, I do not consider that this scheme would result in the loss of a smaller low cost market dwelling and it would not conflict with the SPD in this regard.

Conclusion

14. Whilst I have accepted that this scheme would not result in the loss of a smaller low cost market dwelling, I have also concluded that the proposal would have a detrimental effect on the character and appearance of the host dwelling and wider area. Therefore, as material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR

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Appeal Decision

Site visit made on 25 September 2017

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th October 2017

Appeal Ref: APP/L3245/W/17/3177257
Field Lane, Bishops Castle, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Bryan Leslie and Eunice Mary Jones against the decision of Shropshire Council.
 - The application Ref 15/03805/FUL, dated 25 August 2015, was refused by notice dated 6 February 2017.
 - The development proposed is the erection of a single open market dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would accord with the Council's housing strategy in terms of its location.

Reasons

3. The appeal site comprises a field accessed directly off Field Lane via an existing gated access. Development along Field Lane is sparse and sporadic. The site lies on the edge of the settlement of Bishop's Castle, as defined in the Shropshire Council's Adopted Policies Map - S2 Inset Map 1, which is to the north and east of the site.
4. Policy CS1 of the Shropshire Council Adopted Core Strategy (CS) 2011 and Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 focus new development towards Shrewsbury, the Market Towns and other identified Key Centres and, in the rural areas, the Community Hubs and Community Clusters. Policy CS3 of the CS and Policy MD3 of the SAMDev identify Bishop's Castle as a Market Town. The site does not fall within the settlement boundary of Bishop's Castle.
5. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in identified Community Hubs and Community Clusters. The site is not within any identified Community Hub or Community Cluster. Therefore, for the purposes of the development plan, the site is located within the open countryside.
6. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of

particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5; however, I accept the appellant's contention that the list is not exhaustive.

7. The appeal site is currently an undeveloped field. Whilst it is on the edge of a Market Town, the openness of the site, the surrounding trees and hedges and the lack of intervisibility with nearby built forms, with the exception of the dwelling directly to the north, results in it being read as part of the open countryside rather than the settlement. Therefore the introduction of an open market dwelling on the site would detract from its openness and represent an encroachment into the open countryside. As such, it would fail to enhance the countryside vitality and character. I note that the site has good access to shops, services, facilities and employment opportunities in Bishop's Castle. However, I do not consider Bishop's Castle to be a rural community as envisaged by Policy CS5. Accordingly, I do not consider that the proposal would comply with Policy CS5.
8. Policy MD7a of the SAMDev supports Policy CS5, and goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Notwithstanding the explanatory text's reference to isolated dwellings, as the proposal is clearly a new market house outside any of these identified areas I find that this policy is relevant. It sets out various types of residential development that would be permitted in the countryside, including exception site dwellings, residential conversions and essential rural workers' dwellings. Therefore, although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does. As the proposal is for an open market dwelling, the proposal would fail to accord with Policy MD7a.
9. Policy MD3 of the SAMDev has regard to the delivery of housing development. Paragraphs 2 and 3 of Policy MD3 relate to settlement housing guidelines, with paragraph 2 confirming that they are a significant policy consideration. Where the settlement housing guideline is unlikely to be met, paragraph 3 allows for additional sites outside the development boundary, subject to satisfying paragraph 2.
10. Policy S2 of the SAMDev sets out a housing guideline of 150 dwellings to be delivered in Bishop's Castle for the period of 2006-2026. To date, 76 dwellings have been completed. A further 39 dwellings have been granted planning permission and there is an allocated site for 40 dwellings. I acknowledge that all of these sites may not be developed within this period. Nevertheless, just over half of the guideline figure has already been met and there is more than the remaining guideline of 74 dwellings committed through permissions and allocations. In addition, there is no evidence to suggest that other windfall sites within the settlement boundary would not come forward. As the delivery period is only just over halfway through its lifetime, I find that the Council is on track to providing the guideline figure of 150 dwellings.
11. Whilst Policy MD3 does allow for additional sites outside the settlement boundaries this is only if the settlement housing guideline is unlikely to be met. Based on the evidence before me, there is no substantive evidence to suggest

that the settlement housing guideline would unlikely be met. As such, the proposal would conflict with Policy MD3. I accept that the settlement housing guideline is not a maximum figure. However, this in itself does not justify permitting new dwellings outside the settlement boundary contrary to Policy MD3.

12. Paragraph 3 of Policy MD3 does not identify the only circumstance where dwellings outside settlement boundaries would be acceptable. As I have identified above, Policy CS5 of the CS and MD7a of the SAMDev also allow new dwellings in the countryside. However, as I have set out above, such development is restricted to exception site dwellings, residential conversions and essential rural workers' dwellings.
13. The Council confirms that they have a five year supply of deliverable housing land. The appellant does not dispute this. Therefore, paragraph 49 of the National Planning Policy Framework (the Framework) is not engaged. The SAMDev has relatively recently been adopted and therefore found to be in accordance with the Framework. In addition, I find no inconsistency between the relevant policies within the CS and the Framework. The development plan has policies that are relevant to the supply and location of housing against which the appeal proposal can be considered. Accordingly, the relevant policies are considered to be up to date and consistent with the Framework. As such, bullet point 4 of paragraph 14 of the Framework is also not engaged.
14. A number of appeal decisions have been referred to me by the appellant and the Council, which indicate different interpretations of Policy MD3 of the SAMDev. Although I recognise that these schemes share similarities with the appeal proposal before me, in that they were in the open countryside, I have no details of the evidence presented to the Inspectors at the time. In this instance, the Council have presented a compelling case that the proposal conflicts with the relevant policies within the CS and the SAMDev.
15. I have also had regard to the recently published *Shropshire Local Plan Review Consultation on Preferred Scale and Distribution of Development*, dated October 2017. Whilst I note that the Council is seeking to provide 150 dwellings in Bishop's Castle, there is no indication that these cannot be accommodated within the boundary of the settlement, where the development plan focuses development. In addition, this document represents a very early stage in the Plan preparation and is subject to changes. Accordingly, I can only attribute it very limited weight.
16. I find therefore that the proposal would fail to accord with the Council's housing strategy, as embodied in Policies CS5 of the CS and Policies MD3 and MD7a of the SAMDev.

Other Matters

17. The appeal site lies within the Bishop's Castle Conservation Area (the CA). The Council have raised no objection to the proposal in respect of whether it preserves or enhances the character or appearance of the area. Based on the evidence before me and the observations I made during my site visit, I find that it would have a neutral effect on the significance of the CA and therefore would preserve its character and appearance. However, this does not outweigh the harm I have identified above.

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should... "be genuinely plan-led."
19. The proposal would have good links to services, facilities and employment opportunities. Also, it would provide some economic benefit, albeit limited, by creating construction jobs and using local materials. Furthermore, it would make a positive contribution, again albeit limited, to the supply of housing. However, as I have found that the development plan is not absent or silent, or the relevant policies out of date, the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply. Whilst these benefits weigh in favour of the proposal, I do not find that, individually or cumulatively, they outweigh the harm it would have by virtue of it undermining the Council's housing strategy.
20. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR



Appeal Decision

Hearing Held on 19 July 2017 and 10 October 2017

Site visit made on 19 July 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th December 2017

Appeal Ref: APP/L3245/W/16/3161114

Former Builder's Yard, Innage Lane, Bridgnorth, Shropshire WV16 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living against the decision of Shropshire Council.
 - The application Ref 16/00720/FUL, dated 9 February 2016, was refused by notice dated 10 October 2016.
 - The development proposed is for the demolition of the existing buildings and redevelopment to form 66no. sheltered apartments for the elderly including lodge manager's accommodation, communal facilities, access, car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development set out in the application differs to that shown in the Council's decision notice. This follows revisions submitted during the course of the application. The Council's decision does not include the element of the development that involves the demolition of existing buildings but otherwise accurately reflects what is proposed. I have therefore amended the description of development to include the demolition of existing buildings and erection of 3-storey block of sheltered accommodation comprising 55no. apartments for the elderly and lodge manager's accommodation; communal facilities; vehicular access and car parking; landscaping scheme to include the removal of trees and boundary treatment.
3. A revised draft Statement of Common Ground (SoCG) was submitted prior to the Hearing. The parties confirmed that the document dated June 2017 had been agreed between them.
4. During the Hearing, the Council confirmed that it has now revised its position in relation to affordable housing. The Council explained that when the application was being considered it incorrectly took the view that this form of development represented a Class C2 use that would not trigger the requirements for affordable housing as set out in its Type and Affordability of Housing Supplementary Planning Document (2012) (SPD). Furthermore, the Council also confirmed that it wished to present evidence in respect of affordable housing.

5. The Hearing was adjourned on 19 July 2017 to enable the parties to present further evidence and reconvened on 10 October 2017.
6. The appellants' case is supported by a development viability appraisal¹ and supplementary report².
7. The Council's case is supported by a Review of Development Viability Appraisal³ and supplementary report⁴.
8. An application for the award of costs was made by the appellants at the Hearing held on 10 October 2017. This application is the subject of a separate decision.

Main Issues

9. From the above, I consider the main issues are:
 - The effects of the proposed development on the settings of the Innage Gardens Conservation Area and the Bridgnorth Conservation Area and on the character and appearance of the wider area. In considering this issue, it is necessary to assess the contribution which the non-designated heritage assets make to the settings of those Conservation Areas; and
 - Whether the proposed development should make an appropriate financial contribution towards off-site affordable housing provision.

Reasons

Effects on setting of conservation areas

10. Situated partly within but substantially outside the adjacent Innage Gardens Conservation Area (IGCA), the appeal site fronts and is accessed from Innage Lane opposite the public car park and the fire station. Immediately to the south-west lies Bridgnorth Hospital, to the west is a medical centre and a primary school and to the north-west are residential properties that either front Innage Lane or are accessed from Innage Gardens. The extensive Bridgnorth Conservation Area (BCA) lies to the south and south-east. The site contains several structures that combined to form the premises of a one-time builder's merchants and include the non-designated heritage assets comprising Innage Lea, a former dwellinghouse and separate associated outbuildings, together with a former barn that has been extended to form part of the showroom.
11. The proposed development would demolish the buildings on site, including three non-designated heritage assets as well as the modern showroom and warehouse structures and provide an 'L'-shaped residential structure of two and three storeys set back approximately 5-6 metres behind Innage Lane with a slightly larger set-back from the adjoining hospital complex. The building would follow the line of the boundary with Innage Lane, taking a slight change in direction mid-way along the street elevation before turning east at the corner, which will be articulated by the addition of an octagonal tower feature before extending along the boundary with the hospital. Access from Innage

¹ Affordable Housing & Viability Appraisal dated July 2017 incorporating and updating findings of an earlier appraisal undertaken by Levvel Ltd dated February 2016

² Affordable Housing – Response to DVS Review of Viability Appraisal – Churchill Retirement Living October 2017

³ Review of Development Viability Appraisal – DVS dated 9 October 2017

⁴ Review of Development Appraisal – DVS dated 16 October 2017

Lane would be taken at the north-westernmost point alongside the substation and lead to a 27-bay car park. A formal garden and amenity area would be provided between the south-western elevation and the boundary with the medical centre.

Innage Gardens Conservation Area

12. A small part of the appeal site comprising a low electricity sub-station and part of a modern storage building lies within the IGCA. The parties agree that the demolition of the modern structure and screening to the sub-station would enhance the character and appearance of the Conservation Area. For the purposes of exercising my duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, I would concur with this assessment.
13. Beyond the sub-station and within the IGCA are the Edwardian terraced houses of Edward and Alexandra Terraces set in two mirror-image rows incorporating a third storey timber framed gable to the front. Directly opposite is the former Bridgnorth Union Workhouse, an imposing Gothic Revival style building. Built of blue brick with contrasting limestone dressings to the gables, string courses and "Tudor"-arched doorways and chamfered stone mullioned and transomed windows under a plain tiled roof this is the pre-eminent and dominant structure in the IGCA. Leading off Innage Lea is Innage Gardens, comprising arts and crafts style cottages grouped around a large communal garden, opposite which are a group of three modern infill dwellinghouses dating from the 1940s.
14. The significance of the IGCA is derived from the subdivision of the area into four distinct parts and the connection of parts of this area with the Apley Estate, a one-time major landowner in Bridgnorth and the rural hinterland. Whilst the buildings within the four parts constitute a rather disparate group, their quality is based on the survival of their detailing from the various periods of their development helped by the management of some of the buildings by the Apley Estate.

Bridgnorth Conservation Area

15. Bridgnorth is an important market town set in an attractive rural landscape above and astride the River Severn. The extensive Conservation Area is mostly characterised by its historic street pattern which is defined by its topography and how the town has developed in response.
16. The part of the BCA closest to the site is the area of the town beyond Northgate, which includes the Infirmary building now part of the hospital and the Endowed School elevated above high stone retaining walls to the south-east beyond which are the historic buildings of Northgate. This area forms part of a once mediaeval suburb lying just outside the town gate. Beyond, lies the former infirmary now part of the hospital and the Endowed School buildings built on the former rural edges of Bridgnorth. These comprise attractive late Victorian/Edwardian style public buildings with a mixture of materials including timber-framing detailing, tile hanging and small-paned windows.
17. The significance of the Conservation Area is derived from the rich variety of styles, forms and materials of the historic buildings, the successful integration of later buildings, the spaces, including the river and the steeply sloping topography. Together these features and characteristics illustrate Bridgnorth's

gradual development as a regionally important and outstanding historic settlement and tourist destination.

Non-designated heritage assets

18. It is common ground that the three buildings comprising Innage Lea, its outbuildings and a barn are non-designated heritage assets. As such, and in accordance with the National Planning Policy Framework (the 'Framework'), and Planning Practice Guidance (the 'PPG'), they also have a degree of significance meriting consideration in this decision. The grouping lies yet further out in the once rural hinterland and beyond the former infirmary and the Endowed School.

Innage Lea

19. Dating from the early 19th century the house was originally built by the Apley Estate to house an estate tenant. The importance of the property to the estate subsequently increased and it was occupied for some period by the Borough Surveyor, engineer and land agent before occupation by the Estate surveyor during the period including when Innage Gardens was constructed on land belonging to the Estate.
20. Innage Lea comprises a two storey 'T'-shaped house of red brick under a clay tile roof with bay windows to the front that faces towards the Medical Centre. The property is typically early Victorian with use of robust traditional materials, strong gabled forms, tall brick stacks at each gable and a variety of casement and sash windows dating from the same period and later. Although concealed from wider public vantage points by the plethora of unsightly modern additions within the appeal site, the scale and form of the former house is clear. Moreover, the built form, features and broad symmetry together with its domestic scale, are important to its character as a modest but nonetheless handsome historic dwelling of local importance.

Innage Lea outbuilding

21. Located immediately to the north of the house, the outbuilding comprises a simple rectangular single storey structure of brick under a shallow hipped slate roof with two large stacks and a lean-to projection at the south-eastern end. Although this building has been subject to substantial alteration including the insertion of new sliding door and the rebuilding/adaptation of the external walls, nevertheless it has retained its strong connection with Innage Lea itself.

The Barn

22. The building was originally built as a timber framed structure dating back to the medieval to post-medieval period, which was later extended and clad with brick and further extended by the addition of two later nineteenth century cart sheds. The barn very much later has been subsumed by large modern showroom structures associated with the builders' merchants. The building although retaining some original roof timbers has itself been extended which has resulted in the extensive loss of historic fabric and obscured its legibility and agricultural provenance. However the structure that now exists occupies a prominent position on the Innage Lane frontage.
23. The parties agreed that the significance of Innage Lea and its outbuildings and, to a lesser extent, the barn, is derived principally from its association with the

Apley Estate and its location historically on the once rural edge of Bridgnorth. This Estate included both substantial areas of land surrounding the town as well as a large number of properties within it. Despite alterations to Innage Lea, the house retains much of its original architectural character whilst the outbuilding has the architectural qualities of a service range for the house. The historic form and values of both Innage Lea and its outbuilding in particular have not been eroded by their alterations and they tell the story of the site's development from forming part of an agricultural estate on the rural fringes of Bridgnorth to a more modern land use as the town expanded.

24. By contrast, the architecture of the barn structure has been substantially altered and extended over time. It is no longer legible as an agricultural barn, has largely lost its defining historic fabric and there is no documentary evidence that it played an important part of the Apley Estate.
25. None of the non-designated buildings have been identified formally in a local list or as a positive contributor in the Council's Conservation Area Appraisals for either the IGCA or BCA. The Council also fully accepts the decision by English Heritage not to statutory list the buildings. However, these factors do not undermine the value of the buildings either in terms of the significance of the buildings themselves or in turn to the settings of the Conservation Areas.
26. In terms of the contributions that the non-designated heritage buildings make to the settings of the two Conservation Areas, I agree with the appellant that the heritage significance of the IGCA in terms of its architectural interest would not be affected by the proposed demolition of the non-designated heritage assets. From the evidence, I am satisfied that the character of the setting of the IGCA is already very appreciably influenced by twentieth century development, including the car park, the fire station and the various modern buildings and hardstanding areas of the builder's yard, which all conspire to detract from the setting and streetscape. Importantly, appreciation of the collection of buildings within the IGCA would remain unaffected as they are viewed independently as four distinct parts.
27. Neither am I convinced that there is sufficient evidence to demonstrate that there is significant historical association such that the setting of the designated heritage asset would be affected. In this regard, there is little evidence, other than circumstantial, to suggest that any of the buildings were purpose built to accommodate the function of development of Innage Gardens.
28. In terms of the BCA, I also consider that the historic buildings on the edge of Northgate have been absorbed into the town and the legibility of the former landscape setting consisting of the rural hinterland has been significantly reduced by the continued urban development of modern Bridgnorth. The site is not legible in terms of its original use and the non-heritage buildings do not contribute architecturally to the setting of the BCA. Neither party offered convincing evidence of any historical association between the non-designated heritage assets and the BCA.
29. I am therefore satisfied that the removal of the non-heritage buildings at the appeal site would not result in any unacceptable harm to the setting of either Conservation Area.
30. Paragraph 135 of the Framework in terms of proposals that affect the significance of non-designated heritage assets advises that in weighing

proposals that affect directly heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case for the development to go ahead, the three non-designated heritage assets would have to be removed and would be lost. Therefore consideration of the scale of harm from their loss is required having regard to their significance identified above.

31. As stated above, the scale and form of Innage Lea together with its features and broad symmetry represents a historic building of local importance. Despite the recent fire damage, I agree with the Council that it has not resulted in irreparable damage, particularly to the external fabric.
32. I appreciate that Innage Lea is of architectural interest. However, based on the evidence of this case, I do not consider that it makes a strongly significant contribution to the character and appearance of the immediate area and its integrity has been diminished by the loss of internal historic fabric. English Heritage assigned a level of local interest noting also its alterations over time that has diminished the building's importance. The connections with the Apley Estate are also not unique and the appellant identified other buildings within the Apley Estate holding, one of which is located within a similar former rural hinterland of Bridgnorth and which is now statutorily listed. From the evidence, I would agree with the appellant that at best the building is of no more than regional importance and this is not dissimilar to English Heritage's assessment that the building overall is of *strong* local interest.
33. Turning to the outbuilding, this structure is legible as the service range to Inner Lea. However, its historic fabric has been denuded over time and its form changed considerably. That said, it is difficult to separate any assessment of the outbuilding from Innage Lea due to the very strong historical and architectural connections. Therefore from the evidence, this building is at best of regional importance due to its association with Innage Lea; however, due to the building's degradation, overall I consider this building is of local importance.
34. There is some disagreement in relation to the importance and indeed provenance of the barn. The appellant's historic building appraisal concludes that the building has been significantly altered and extended over various periods; indeed, there is a suggestion that the surviving medieval to post-medieval timberwork that remains may not have been original to the site. But most certainly the principal fabric of the building is brick dating from the eighteenth century with later additions. I would concur that the building is of local interest.
35. Accordingly, based on the evidence before me, I do not consider that the significance of the three non-designated heritage assets of Innage Lea and its outbuilding and the Barn would justify resisting permission for development of this site.

Character and appearance

36. In establishing that the loss of the non-designated heritage assets would not diminish the setting of either Conservation Area, it is the quality of the proposed building to replace them which remains a contention in this case. Paragraph 131 of the Framework sets out that it is desirable for new development to make a positive contribution to local character and

distinctiveness. Moreover, paragraph 132 explains that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*"

IGCA

37. The essential character of the locality including the approach to the IGCA from the town is derived from the presence of generally two storey development located close to the highway edge. Due to their generally low form and height, neither the fire station nor the modern buildings and barn located within the appeal site dominate those buildings at the point of arrival in the IGCA. I agree with the Council that the openness of the surface car park on the opposite side of the road does not in any way detract from what is an attractive approach to the Conservation Area. I also agree that the car park allows open aspect views across the site, to the Edwardian terraces within the Conservation Area and back down towards the infirmary, the Endowed School and the historic buildings on the edge of Northgate.
38. The defined edge to the IGCA is further emphasised by the steep road leading from the town passing important historic buildings comprising the infirmary and the Endowed School either side. Despite the appeal site appearing elevated behind a brick retaining wall, vegetation and railings at this point, the buildings sit comfortably within the site due to their relatively low height. The dominant views at this location are the Edwardian Terraces and the former Bridgnorth Union Workhouse opposite and which defines the Conservation Area at this juncture. There is a verdant quality to these views and beyond.
39. The proposed building would extend some 60 metres along Innage Lane and would be predominantly of full three storey height with an octagonal tower 'stop-end' feature at the site's southernmost point and eastern corner before the building turns the corner. The IGCA Appraisal explains that the majority of dwellings are two storey with the exception of the Edward and Alexandra Terraces which have an additional faux timber framed third storey projection. It also explains that great attention to building detail and craftsmanship were incorporated both to the Edwardian terrace buildings and the union workhouse. Despite the breaking up of the principal elevation along Innage Lane, the building would appear as a single mass with a few setbacks in roofline and the introduction of gable elements at third floor.
40. Contributed in part by the fall in the road at the southernmost point, the scale and mass of the front elevation would be over-dominant in the context of the road frontage and dominate views of important historic buildings within the Conservation Area. I therefore consider that the appeal development would have an unacceptably overbearing and unduly dominating effect on the streetscape as well as undermining the harmonious scale and massing of the historic buildings beyond.
41. There is an effort to pick up on some local detailing in the scheme, particularly the faux timber framing; however, the varying width of the gable features, the articulation of the timberwork and windows positioned below the gable roof rather than positioned within the roof fails to capture the charm and authenticity of the 'arts and craft' styled terraced houses. The use of modern detailing, including the regimented and repetitive window patterns and details

such as the Juliet balconies, uPVC windows and doors and the variation in roof tiles would introduce incongruous pastiche elements that would detract from the character and appearance of the area and be particularly jarring against the more traditional compositions of the nearby historic buildings.

BCA

42. At a position within the BCA in the immediate area of Northgate, the views up Innage Lane are dominated by the former infirmary and hospital, which again takes its cue from the 'arts and crafts' movement. From this location and due to its projection closer to Innage Lane, the octagonal tower would protrude into this scene. Although taking its inspiration from the robust timber framed tower of the Endowed School, the narrow and slender form would fail to create any sense of drama or purpose. Instead, it would be a pastiche addition of limited quality that would project as a slender form beyond the building line of the more important historic buildings within the Conservation Area below. This in turn would unacceptably compete with and seriously detract from these historic buildings and represent an incongruous, almost unnecessary addition to the street scene when viewed from the BCA.

Conclusions - the effects on conservation areas

43. Accordingly, I find that the proposed development would fail to respect or enhance the quality, character and distinctiveness of the area. In turn it would be out of kilter and cause significant and demonstrable harm to the character and appearance of the local area. Furthermore it would not enhance or better reveal the significance of either the IGCA or BCA that I have identified and in this regard, I find that that the development would harm the settings of both Conservation Areas. Notwithstanding the impact on their settings, the character and appearance of the Conservation Areas themselves would be unaffected.
44. In assessing the level of harm, I have found that the proposed development would give rise to less than substantial harm to the significance of the Conservation Areas as heritage assets. Paragraph 134 of the Framework indicates that such harm should be weighed against the public benefits of the proposal.
45. A number of benefits would flow from this development as explained further in the document submitted at the Hearing⁵. This form of housing brings a range of benefits in the form of housing for the elderly people normally from within a ten mile radius and who would then likely release under-occupied properties. Residents would be close to facilities in the town centre and thus reduce the need to travel by car. They would have an increased level of security leading to improvements in health and well-being thus reducing the burden on health and social services. Future residents would help sustain local facilities and services. The proposal would also make more efficient use of land on a previously developed site.
46. In acknowledging these benefits, I do not consider that they would outweigh the harm identified to the setting and thereby the significance of the two Conservation Areas affected. I reach that conclusion largely because there seems to me to be no good reason why those self-same benefits could not be

⁵ Retirement Living Explained – A Guide for Planning & Design Professionals

secured by a more contextually appropriate design. Therefore the proposal would be contrary to the Council's Core Strategy Policies CS6 and CS17 and the Sites and Development Management of Development (SAMDev) Policies MD2 and MD13, and the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Affordable Housing

47. Core Strategy Policy CS11: Type and Affordability of Housing seeks to ensure an overall target of 33% local needs affordable housing from all sources for the first five years of the plan period. This requirement has been refined in the SPD following an update to the affordable housing policy requirement. Bridgnorth is located in Area A as identified in the SPD which outlines that a target of 20% affordable housing target would be applied with a 70:30 tenure split of affordable rented to intermediate housing. There is no dispute between the parties that a commuted sum payment towards offsite affordable housing provision would be an acceptable way of achieving affordable housing in the case of the appeal scheme.
48. Paragraph 173 of the Framework explains that viability is an important consideration whilst noting that development should not be subject to such a scale of obligations and policy burdens that threaten their ability to be developed. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. Local planning authorities are encouraged to apply flexibility in their approach to viability⁶.
49. On Day 1 of the Hearing, the Council was not in a position to question the appellants' viability assessment and sought to deal with the matter of affordable housing by way of an overage clause to be included within a Unilateral Undertaking or section 106 Agreement. This clause would require a viability review to take place and a contribution paid to the Council should the viability review demonstrate an increase in the viability of the appeal scheme. However the appellants argued that this request would not be reasonable or necessary in the terms set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the 'CIL Regulations') and cited a number of appeal decisions⁷ to support this. In addition, the appellants cited a case⁸ in Sidford, East Devon, which is presently the subject of High Court challenge with particular reference to the issue of overage clauses. I have paid due regard to these cases.
50. Dealing with the question of the review mechanism, I note that the overage clause requirement does not form part of the development plan but is included as an option at paragraph 4.1 of the SPD in cases where viability might be an issue.

⁶ PPG Ref. ID: 10-001-20140306

⁷ APP/W0340/S/16/3153625; APP/P5870/W/16/3159137; APP/N0410/A/13/2207771; APP/Q1255/S/15/3005876; APP/Z6950/A/15/3119189; APP/L5810/W/14/3002030; APP/V5570/W/16/3151698

⁸ APP/U1105/W/17/3167556

51. The Planning Practice Guidance (PPG) was published in March 2014 and post-dates the SPD. Paragraph 17 is clear that viability assessment in decision taking should be based on current costs and values and planning applications should be considered in today's circumstances. The only exception to this is where a scheme requires a phased delivery over the medium and longer term and in these circumstances, changes in the value of development and changes in costs of delivery may be considered. The appellants confirmed that the scheme would be built out as a single phase. The construction programme identified by the appellants and to some extent included within the Council's subsequent appraisal of the appellants' viability assessment, cannot be regarded as medium to long term. Consequently I am satisfied that the PPG supports the appellants' case in this regard and that the requests for an agreement incorporating overage clause would not be necessary in the terms set out in the tests in Regulation 122 of the CIL Regulations.
52. One of the key considerations in viability assessment is the Benchmark Land Value (BLV). PPG sets out three principles that should be reflected in determining a site value⁹. In all cases, land or site value should:
- (a) Reflect policy requirements and planning obligations and any Community Infrastructure Levy charge;
 - (b) Provide a competitive return to willing developers and land owners; and
 - (c) Be informed by comparable, market-based evidence wherever possible.
53. PPG gives further advice on the concept of a competitive return to developers and land owners¹⁰. In this case, the appellants seek a developer profit of 20% and this was accepted by the Council. However, the appellants submitted an opinion of Site Value at £660,000 for benchmarking purposes, which included a 20% premium to the proposed site value of £550,000 to reflect an "incentive to sell" on the part of the landowner. The appellants believe that an 'Existing Use Value plus a premium' approach is increasingly being used for benchmarking purposes as evidenced in the Islington case¹¹.
54. By comparison, the Council favoured the approach adopted in the RICS Professional Guidance, Financial Viability in Planning (GN94/2012) (RICS Guidance) where "site value, either as an input into a scheme-specific appraisal or as a benchmark, is defined...as follows:

*"Site Value should equate to the market value subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan"*¹²

Based on the Chesters Commercial report on comparable, market based evidence that accompanied the appellants' submissions, the Council importantly agreed that the Site Value of £550,000 but without the percentage uplift to incentivise the landowner should be used for benchmarking purposes.

⁹ PPG Ref. ID: 10-023-20140306

¹⁰ PPG Ref. ID: 10-024-20140306

¹¹ APP/V5570/W/16/3151698

¹² Box 7 Page 12 Financial viability in planning – RICS Professional Guidance, England

55. The appellants' appraisal seeks to demonstrate that the development would not be viable with affordable housing contributions as well as the required CIL infrastructure contributions (amounting to £170,990). The parties agreed that off-site affordable housing, unlike on-site provision, would not qualify for CIL reduction as the appeal scheme itself is for 100% market retirement housing. The appellants' assessment concluded that with a policy compliant 20% affordable housing contribution, there would be a significant deficit in excess of £240,000; even with nil affordable housing contribution, there would be a deficit in excess of £110,000.
56. In response, the Council in applying the market value approach considered that the scheme would be capable of providing a reduced affordable housing contribution in the sum of over £575,000.
57. A significant amount of time was taken up at the Hearing to identify the principal areas of dispute and to confirm or otherwise whether the scheme would generate sufficient funds for affordable housing contributions. The figures have since been recalculated where agreement on certain inputs have been agreed. Although not exhaustive, the remaining principal areas of dispute comprised:
- Capitalised ground rents forming part of the GDV
 - Contingencies
 - Empty property costs
 - Sales and marketing costs
 - Professional fees
 - Landowner's premium/incentive

Capitalised ground rents forming part of the GDV

58. The appellants made an allowance in their viability appraisal for the ground rent income from one-bed apartments to generate £475 per year and £550 per year from two-bed apartments. By capitalising this revenue at a gross initial yield of 5.5%, this would equate to a capital value in the assessment of £493,636. The Council on the other hand believes that ground rents are a 'safe risk bet' that would support a lower yield of circa 4%, which would equate to a larger capital value. However, the appellants maintain that with the changing political scene surrounding the issue of ground rents nationally with indications that they will be capped in future, the capitalised sum contained within the appellants' appraisal may not materialise. There does seem to me to be a degree of uncertainty. However by the appellants' own admission, it also seems that should ground rents be reduced (or opportunities to charge taken away), then the purchase price of properties "will have to increase"¹³. I would accept that the Council's evidence in this regard is compelling and that the appellants have under-valued the contributions that capitalised ground rents make to the appraisal.

¹³ The UK needs more housing for older people...- a summary of Churchill Retirement Living's response to Housing White Paper of February 2017 (pamphlet)

Contingencies

59. The appellants considered that a 5% contingency should be built in to the costs given the uncertainties of what may unfold when development commences. However this was disputed by the Council who believes the appeal scheme to form a low risk new build development with no evidence of any known presence of issues such as land contamination, asbestos etc. From their experience in the disposal of 81 Homes & Community Agency (HCA) owned sites in 2015, the DVS surveyor confirmed that a median contingency allowance was included at a rate of 2.77%.
60. No further evidence was offered by the parties but I note that in relation to the Cheam appeal decision¹⁴, the Inspector found that there was no evidence to suggest that 5% was excessive. I have no further evidence of the basis for the HCA percentage figure. The Cheam decision is relatively recent and 5% would not in my view be unreasonable.

Empty Property Costs

61. Whilst the appellants' calculation of total empty property costs were not challenged, the Council pointed out that the Council operates a discount in relation to council tax liability for initial periods. The point was made that the appellants' calculations are consequently overstated. However, in my view, this would be limited to the omission of the Council's policy in relation to council tax reductions in the appellants' submissions but would nonetheless result in lower costs to the appellants. Nevertheless it would result in some reduction in the costs of the scheme to the appellants.

Sales and marketing costs

62. The 6% sales and marketing fee was considered extremely high by the Council which would equate to prolonged sales and marketing exercise. The DVS surveyor confirmed that sales rates are strong in this locality, which would indicate that application of an allowance that appears to be universally applied would be inconsistent with the DVS' evidence of local circumstances and demand. The appellants subsequently reduced this to 5.5%. Given the appellants' stated build programme and likely sales rates together with the Council's evidence of other schemes, I would agree with the Council that 5.5% of gross capital value of the scheme appears excessive and the Council's revised % figure of 4% would be proportionate and lead to a reduction in the costs of the scheme to the appellants.

Professional fees

63. The appellants explain that 10% represents an industry accepted practice for professional fees, which has been accepted by other Inspectors at appeal. However, I have not been furnished with decisions that itemise professional fees in such detail. By way of retort, in the experience of the DVS, a figure between 6 to 8% would be more reflective of current trends. In the Council's review of the viability appraisal, an allowance was given based on an upper figure of 8%. However, I find the evidence presented not convincing either way and this is a neutral consideration to my findings.

¹⁴ APP/P5870/W/16/3159137

Landowner's premium

64. I am aware of the Inspector's decision at Cheam in respect of incentivising landowners to sell. Whilst the details of that appeal are not before me, the Inspector pointed out that in the circumstances of that particular case, a 20% premium to the landowner was justified having regard to the fact that the existing property, a house, was occupied and in good state of repair and that there was no intention to sell. Thus, it appears to me that an incentive over and above Site Value would only be necessary where there is an imperative to suppress an existing use or where the current use value or its value for a realistic alternative would be greater than the market value.
65. In this regard, the appellants provided no substantive evidence for the 20% uplift. A representative of the holding company stated that as current holding costs at this site were minimal, in the absence of an incentive, the site would merely be land-banked for future development opportunity. However, the condition of the buildings on site continues to deteriorate with the dwelling, Innage Lea having been subject to vandalism and fire damage. Moreover, it was not disputed that the site has not generated any income for the holding company for several years. In my view, there is substantial uncertainty as to whether the existing buildings can be put to alternative higher value uses without considerable further investment. The DVS confirmed that there are other surplus commercial premises in the area able to provide better opportunity.
66. On balance and taking into account all the evidence presented, I do not consider that the appellants have provided compelling justification for the addition of a 20% landowner premium incentivising the sale of the site. Neither do I consider that the experience of London authorities should necessarily be applied to other regions given the much vaunted disparity in market conditions. The omission of this incentive would therefore result in a considerable reduction in the costs of the scheme to the appellants.

Conclusions – affordable housing

67. Having regard to the above, I am not persuaded that the appeal scheme would be unable to make a financial contribution towards the provision of off-site affordable housing albeit on a reduced scale than planning policy would require. I therefore conclude that the lack of affordable housing contributions would fail to accord with CS Policy CS11 which seeks to meet affordable housing need. In the absence of affordable housing contributions in the form of a prior legal agreement or undertaking, the development would not be acceptable in planning terms and be in conflict with paragraph 203 of the Framework.

Overall Conclusion

68. With regards to the above reasons and having considered all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Appearances

DAY 1:

FOR THE APPELLANT:

Mr Chris Geddes	Planning Issues Ltd
Carl Tunnicliffe	Regional Design Manager, Planning Issues Ltd
Dr Paul White	Head of Heritage, ECUS Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Dr Andrew P Wigley	Natural and Historic Environment Manager, Shropshire Council
Frank Whitley	Planning Case Officer – Shropshire Council

INTERESTED PARTIES: None

DAY 2:

FOR THE APPELLANT:

Andrew Burgess, BA(Hons) MRTPI FRSA –	Group Land & Planning Director – Churchill Retirement Living Ltd
Simon Mitchell, BA(Hons) FCIH ARTPI -	Head of Affordable Housing – Planning Issues
Kim Langford, LLB(Hons) PGCert BSc (Hons) ARTPI –	Senior Associate Planner – Planning Issues

FOR THE LOCAL PLANNING AUTHORITY:

Frank Whitley -	Planning Case Officer – Shropshire Council
Lewis Prosser, BSc(Hons) MRICS -	Senior Surveyor, DVS

INTERESTED PARTIES:

Michael Bennett	Folkes Holdings Ltd
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Documents submitted at the Hearing:

1. Retirement Living Explained – A Guide for Planning & Design Professionals
2. Application to the High Court of Justice filed on 3 October 2017 – in respect of Appeal decision Reference APP/U1105/W/3167556
3. Review of Development Viability Appraisal – DVS dated 9 October 2017
4. Letter from DVS detailing areas of disagreement between the parties dated 9 October 2017
5. Financial Viability in Planning – RICS Professional Guidance in England

Documents submitted following close of the Hearing:

- a) Affordable Housing – Response to DVS Review of Viability Appraisal 4th (9th) October 2017 – Churchill retirement Living (October 2017)
- b) Letter from DVS dated 16 October 2017 – Review of Development Viability Appraisal