



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

Date: Monday, 5 February 2018

Committee:
South Planning Committee

Date: Tuesday, 13 February 2018
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
Madge Shingleton
Robert Tindall
Michael Wood
Tina Woodward

Substitute Members of the Committee

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

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 - 6)

To confirm the minutes of the South Planning Committee meeting held on 16 January 2018.

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 no later than 24 hours prior to the commencement of the meeting.

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 (17/03661/EIA) (Pages 7 - 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 - 170)

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.

7 The Chalet, Crumps Brook, Hopton Wafers, Kidderminster, Shropshire (16/01608/FUL) (Pages 171 - 186)

Erection of replacement dwelling.

8 Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT (17/05426/VAR) (Pages 187 - 198)

Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years.

9 Schedule of Appeals and Appeal Decisions (Pages 199 - 204)

10 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, 13 March 2018 in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

13 February 2018

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 16 January 2018

2.00 - 2.52 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), Gwilym Butler, Simon Harris, Nigel Hartin, Richard Huffer, Madge Shingleton, Robert Tindall, Michael Wood and Tina Woodward

76 Apologies for Absence

An apology for absence was received from Councillor Andy Boddington.

77 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 19 December 2017 be approved as a correct record and signed by the Chairman.

78 Public Question Time

There were no public questions or petitions received.

79 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.

With reference to planning application 16/02491/REM, Councillor Robert Tindall declared that he was a member of the Shropshire Hills AONB Partnership.

With reference to planning application 16/02491/REM, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Transition Board.

With reference to planning application 17/04037/FUL, Councillor Michael Wood declared that he was acquainted with the applicant.

**80 The Leasowes, Sandford Avenue, Church Stretton, Shropshire SY6 7AE
(16/02491/REM)**

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 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, amended resolution and the change to the recommended planning conditions as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Evans, 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 he expressed his support for the application.

At this juncture, the Vice-Chairman took the Chair.

In the ensuing debate, Members considered the submitted plans and welcomed the reduction in number of dwellings, the proposed conditions regarding tree protection and the integration and location of the affordable dwellings. Members requested that the brickwork and roof tiles should be appropriate and in-keeping with the surrounding area and the Landscaping and Planting Scheme should include the planting of *Tilia Cordata* (small-leaf lime). In response to questions from Members, the Principal Planner provided clarification on the location and provision of open space, landscaping, parking provision and access arrangements.

RESOLVED:

That, as per the Officer's amended recommendation as set out in the Schedule of Additional Letters:

- Reserved Matters be approved, subject to the amended Appendix 1 as set out in the Schedule of Additional Letters;
- An additional condition requiring that the detail and colour of the brickwork and roof tiles be first agreed in writing by the Local Planning Authority prior to any development taking place to ensure an appropriate external appearance in order to safeguard the appearance and character of the area;
- The information pursuant to condition 5v of permission reference 14/01173/OUT (flood risk assessment) be discharged; and
- The information pursuant to conditions 6a (detailed landscaping) and 8a (tree protection) of permission reference 14/01173/OUT be not discharged at this stage. The Landscaping and Planting Scheme to include *Tilia Cordata* (small-leaf lime).

(The Chairman returned to the meeting and resumed the chair.)

81 11 Greenfields Road, Bridgnorth, Shropshire, WV16 4JG (17/03114/CPE)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members considered the submitted photographs.

RESOLVED:

That, as per the Officer's recommendation, a Lawful Development Certificate be issued for the following reason:

- The works to which this application for a Lawful Development Certificate relates, comprising of a loft conversion; erection of porch with pitched roof extending over the front of the garage; creation of hardstanding to the front of the property with associated dropped kerb and erection of garden boundary wall are works which constitute development under Section 55 of the Town and Country Planning Act 1990. From the information available, and on the balance of probability, all of the works were completed in excess of four years prior to the 12th July 2017. Even if any of the works did not fall wholly within the conditions and limitations of permitted development rights that were in force at the time the works were carried out, the fact that they constitute 'operational development' and were carried out more than four years ago, means the Council would be time-barred from taking any planning enforcement action. A Certificate of Lawful Development can therefore be issued.

82 Brand Oak House, 19 Rosemount Gardens, Ackleton, Bridgnorth, Wolverhampton (17/04037/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Michael Wood, 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:

- He acknowledged that the site fell within the Green Belt but also acknowledged that any harm could be outweighed by 'very special circumstances', as detailed in paragraph 6.1.2 of the report, and drew Members' attention to the medical history of the family as set out in Appendix 1 to the report;
- This application would help to ensure specific medical needs were addressed, allow the family to care and support themselves and reduce the need to rely on state intervention; and

- During the site visit it became evident that the proposal put forward by the applicant was very similar in size and proportion to other existing properties in Rosemount Gardens.

Mr P Burton, the agent, spoke for the proposal in accordance with the Council’s Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and the advice given by Officers. Members particularly noted the needs and medical needs of all family members, and it was:

RESOLVED:

That, contrary to the Officers recommendation, planning permission for the two-storey extension be granted, subject to appropriate conditions, for the following reasons:

- Following the debate, the Committee came to the view, having viewed the site that the scale of the proposed development, in combination with the existing extension to be retained, would not amount to inappropriate development in the Green Belt in this particular site context and as such would not harm the openness of the Green Belt. In addition, if it had been concluded the proposal would be inappropriate development, the Committee formed the view that the personal medical circumstances in the family context and history put forward constitute sufficient very special circumstances to override the presumption against inappropriate development in the Green Belt. The property is already not a smaller open market dwelling, being one of some substance, and the extension would not materially alter the mix of open market dwellings in the countryside.

83 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 16 January 2018 be noted.

84 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, 13 February 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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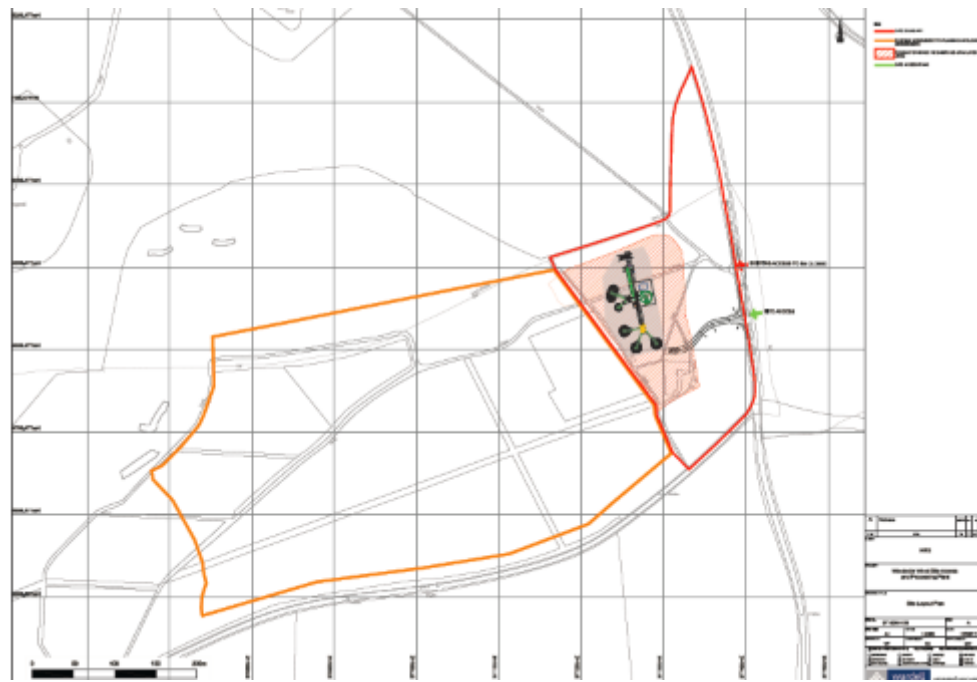
Committee and date
 South Planning Committee
 13 February 2018

Development Management Report

Summary of Application

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

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



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 shortly.
- 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.
- 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 to 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 indicates 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. Accordingly the site was 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 two 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 therefore met, having regard also 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 which is focused on 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)a – 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 MD5(iii)b 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. It 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-leafed 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 allocated sites. It is concluded that the criteria of policy MD5(iii) are also met, and hence the proposals are compliant overall with policy MD5.

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 at the site. Since that time other resources within the sub-region have been released and some of these are now themselves depleted. However, the original area at Woodcote Wood has the status of a committed site and as such, must be taken into account 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 and sustainability benefits. It is considered that the current proposals are capable of being justified 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 in a highway sense 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 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 further 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 including 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 junction with a more perpendicular alignment in place of the current narrow and acute angled one;
- A condition prohibiting HGVs from turning right into the access from the north. 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 these turning manoeuvres on the A41 would preserve the free flow of traffic in a southbound direction. The applicant is able to agree this as practical alternative routes are available to reach local markets without the need to approach from the north.

The above measures would be backed up by a legal agreement which would cover traffic routing. 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 DMRB 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 Pave Lane highway consultant has criticised the lack of a road safety audit (RSA) with respect to Woodcote Wood. An audit has now been provided by a national traffic consultant and this has not identified any problems with the design of the proposed junction. Two minor issues have been identified and the audit makes recommendations to address these:
- i. Issue – right turn restriction: The absence of physical measures to enforce the right turn ban from the A41 may tempt some drivers to turn right from the A41, increasing the risk of collision with oncoming traffic. In addition those drivers wishing to access the site from the north who comply with the restricted right turn may attempt to carry

a U-turn manoeuvre south of the access which could also increase the risk of collisions on the A41.

Recommendation: Ensure the right turn ban is self-enforcing and provide a Route Management Plan to ensure all traffic accesses the site from the south.

Officer comment: The right turn ban will be reinforced by a legal routing restriction as recommended and this will include a penalty clause for any infringements. CCTV and internal company controls on drivers will provide additional reassurance.

- ii. Issue – Access road carriageway width: There is a section on the access road where the carriageway width is insufficient for large opposing traffic to pass each other. This could result in head-on collisions.

Recommendation: Provide a priority system on the site access road or ensure the carriageway is wide enough to cater for large opposing traffic to pass each other safely.

Officer comment: The agent has confirmed that the internal access arrangement will be amended to take account of this at the detailed design stage.

7.27 The Pave Lane highway consultant has criticised the timing of publication of the RSA advising that the officer stated at the December committee that this had already been produced when it was in fact recorded as having been undertaken in the first week of January. The consultant considers that the RSA raises fundamental design issues which are not adequately addressed. The consultant considers that banning right turning movements would result in an HGV driver having to undertake an 8.5km extension to their journey to perform a U turn at the A5/A41 roundabout junction to the south, or to attempt a U-Turn at the A41/B4379 junction. The consultant acknowledges that the access road width issue would be relatively straightforward to address.

7.28 Regarding the timing of publication of the RSA the minutes of the December committee meeting state that the Principal Planner explained that ‘a Highway Safety Audit had been commissioned and undertaken but to date had not been received by Shropshire Council in written form’. Regarding the comments on junction design made by the Pave Lane highway consultant the Highways (Development Management) officer have responded as follows:

- i. It is correct that a Designers Response is usually attached to any Safety Audit, however on this occasion comments in relation to the two points raised were addressed within the email from David Bridgwood received 9th January 2018, attaching a copy of the Audit. It was considered that the comments within the email, satisfactorily provided a response to the two issues that have been raised within the Audit. Below is an extract from the email, I have also attached a copy for clarity.
- *‘The auditor has suggested that the no right turn requirement would be better if it was self-enforcing, though of course in this instance it will be covered by a legal restriction. The provision of a Route Management Plan will be developed; all employees of the site, including HGV site traffic drivers will be made aware of this document and told to adhere to the restricted right turn into the site. There is also the option for additional signage, over and above the legal requirements needed to secure and enforce the TRO, in order to make this clear. My clients have no*

objection to the provision of additional signage and we anticipate that a condition will be included to cover this’.

- *‘The auditors have raised the narrowing of the internal access road. Whilst this is outside the scope of the safety audit as it is an internal access road, and not part of the public highway, our proposal there is to implement a give-way system where the access road narrows; priority will be given to the vehicles accessing the site from the A41, with the vehicles leaving the site giving way. The safety audit didn’t need to comment on the internals of the site as this will have no impact on the local highway network (A41). However, this is a helpful contribution and will be incorporated into the internal access arrangements’.*

7.29 Regarding the concern of the Pave Lane highway consultant regarding the use of a simple priority T junction the Highways (Development Management) officer reiterates the following advice from the Council’s consultant WSP:

- *In view of the local circumstances and on the balance of probabilities, it is considered that the use a simple priority (T) junction arrangement, with the proposed visibility splays being created, together with no physical restriction on right turning vehicles, will have the least negative road safety impact, at this location, serving the development proposed. Also this junction layout scheme will provide significant betterment to the adjacent A41/B4379 junction, by providing visibility across the site frontage.*
- *Notwithstanding the above, the use of an appropriate Transport Route Agreement should be considered by the developer, to better manage all traffic movements on and off the site could help in reducing the potential number of right turning HGVs. This would also assist with managing the frequency of simultaneous entry/exit conflicts, which potentially have the greatest safety implications, both at the junction and at the narrow section of the internal road. Although this issue could be resolved by widening the access road.*

7.30 Highways: Field access: The planning authority has been approached by a farmer who uses an existing agricultural field access to the north of the site. The farmer wishes to use the proposed quarry access instead to access his fields and to close the existing field access which is sub-standard. The farmer has advised the applicant that monitoring of crops would take about 20 visits per year either early morning or late evening. The farmer also advised the applicant that various crops require more activity than others and the worst-case scenario of planting and harvesting of potatoes would result in approximately 10 visits per day for a maximum of seven days a year. The applicant advises that further detailed drawings regarding the design of the junction to the main carriageway would be provided and these would show a track extending off this access for the farmer to use. The onus would be on the planning authority to decide whether or not to accept any further detailed plans submitted by the applicant and showing a re-located agricultural access. It is recognised that closure of the field access would potentially represent a highway safety benefit, that the volume of agricultural traffic would be very limited and that the current field access represents an existing use.

7.31 Highways – Conclusion: 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

- 7.32 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.
- 7.33 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.
- 7.34 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.
- 7.35 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

- 7.36 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.

- 7.37 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:

- 7.38 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:

- 7.39 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.

- 7.40 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).

- 7.41 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.

- 7.42 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.

- 7.43 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.
- 7.44 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.
- 7.45 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.
- 7.46 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.

- 7.47 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'.
- 7.48 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 appellants 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.
- 7.49 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.
- 7.50 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.
- 7.51 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.

7.52 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.

7.53 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 and a road safety audit has found the scheme to be acceptable subject to 2 recommendations which the applicant confirms will be implemented. 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 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

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

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 - Habitats Regulations Assessment (HRA)

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 submit a scheme 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. The scheme shall include appropriate enforcement provisions and shall be implemented in accordance with the approved details.

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. 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.

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:

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

Name of plan or project	Woodcote Wood Quarry Site: <ul style="list-style-type: none"> • 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand
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	<p>& gravel extraction on adjacent Woodcote Wood site</p> <ul style="list-style-type: none"> • 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> <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

	<p>Aqualate Mere,</p> <ul style="list-style-type: none"> 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
Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site	4.5km	The Mere’s qualifying features are vulnerable to reductions in water levels from ground water and surface water	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

		abstractions, eutrophication from raised nitrogen and phosphorous and siltation entering the site via incoming water	they support. 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. Not screened out
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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
<p>Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site</p>	<p>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>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.

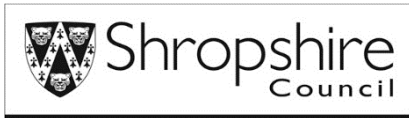
The Integrity test

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.

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Committee and date

South Planning Committee

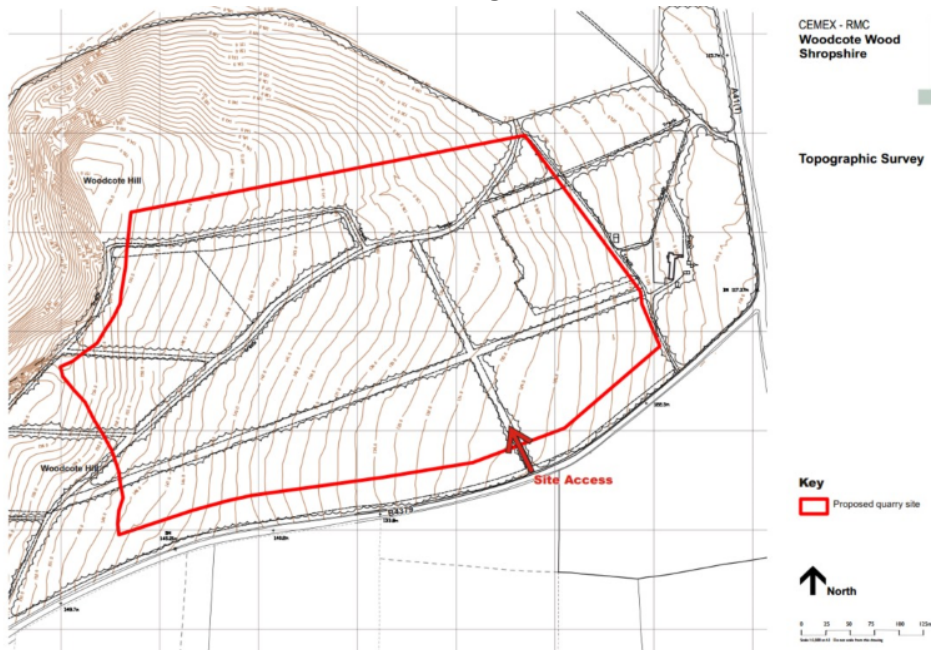
13 February 2018

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 and 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 an 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. Siedzdon). 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-leafed 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 has 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 considerationsHighway 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 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 Council's 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 inter-relationships 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 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

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

Name of plan or project	Woodcote Wood Quarry Site: <ul style="list-style-type: none"> • 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand
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	<p>& gravel extraction on adjacent Woodcote Wood site</p> <ul style="list-style-type: none"> • 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> <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

	<p>Aqualate Mere,</p> <ul style="list-style-type: none"> 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
Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site	4.5km	The Mere’s qualifying features are vulnerable to reductions in water levels from ground water and surface water	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

		abstractions, eutrophication from raised nitrogen and phosphorous and siltation entering the site via incoming water	they support. 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. Not screened out
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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	Changes to water quality and quantity causing damage to, or preventing restoration of Aqualate Mere	

<p>Ramsar Site</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>No likely significant effect, alone or in-combination</p> <p>No likely significant effect alone or in combination.</p>	
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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



<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

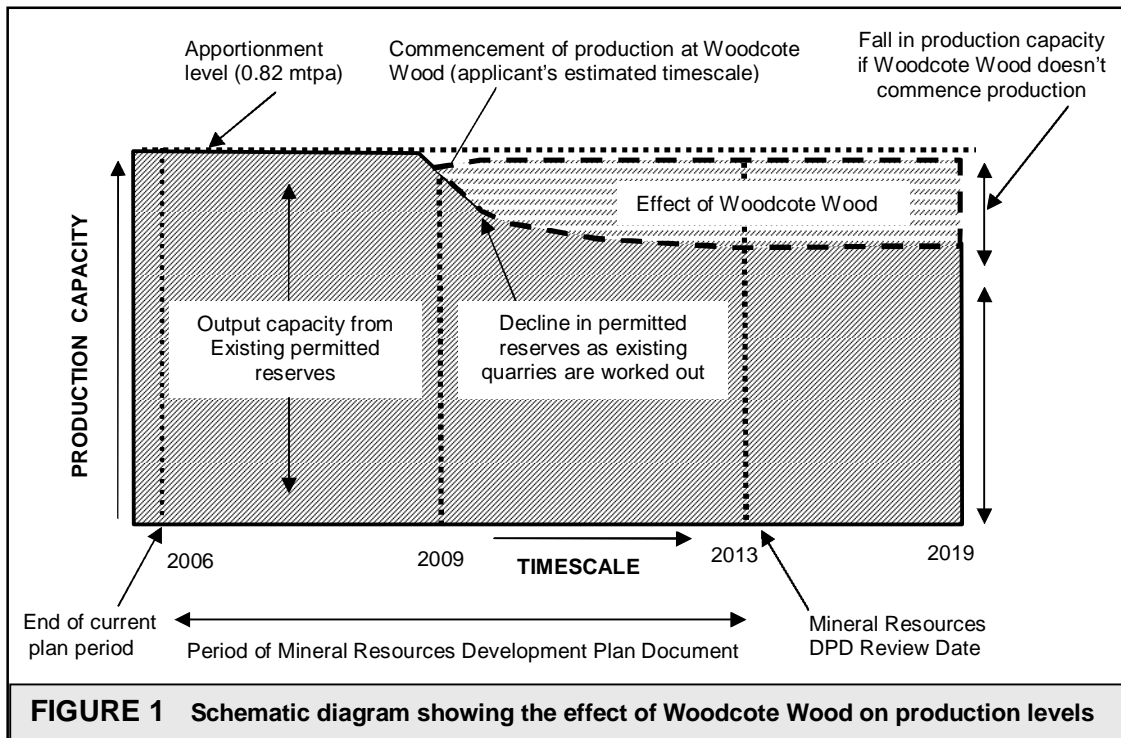
7.1 Development Plan Considerations Planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations indicate otherwise (Section 54A, Town and Country Planning Act 1990). The Minerals Local Plan (MLP), which forms part of the Development 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

13 February 2018

Development Management Report

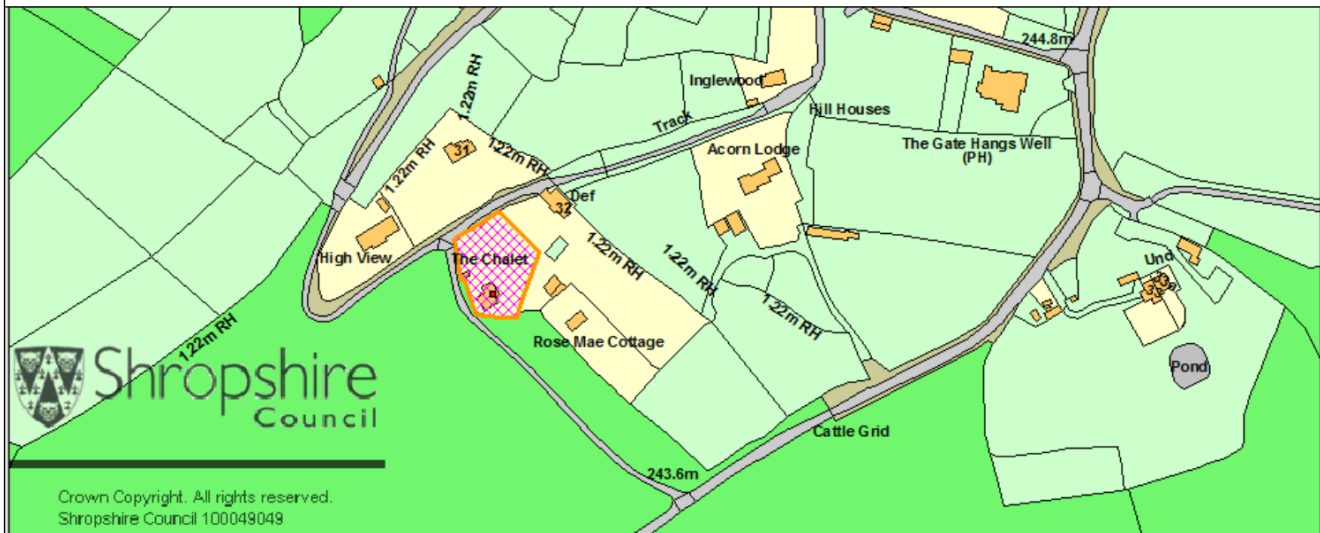
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/01608/FUL	Parish:	Hopton Wafers
Proposal: Erection of replacement dwelling		
Site Address: The Chalet Crumps Brook Hopton Wafers Kidderminster Shropshire		
Applicant: Mr & Mrs R Ireland		
Case Officer: Heather Bradley	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 363203 – 278872



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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 seeks full planning permission for the erection of a replacement dwelling.
- 1.2 The block plan submitted with the application indicates the replacement dwelling would be located in roughly the same position on the site as the existing property. The original proposal submitted sought permission for a 4 bed 1.5 storey dwelling. Following discussion with Council Officers an amended scheme has been put forward which reduces the number of bedrooms to 3 and amends the design of the upper floor, to include a step down in the ridge and eaves line in the west end of the dwelling.
- 1.3 The scheme as amended still proposes a dormer property to measure on the ground floor around 12m in width by approximately 7.6m in depth. With the upper floor set in the roof accommodation covering a slightly smaller floor area than the ground floor. The dwelling is proposed to be constructed of rendered walls under a slate tiled roof.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property known as The Chalet is a prefabricated timber framed single storey bungalow located at the western edge of a small grouping of dwellings known as Hillhouses. Access to the property is along a shared single width track which is also a public right of way, there is also access along a 'BOAT' which runs along the northern edge of the site.
- 2.2 The dwelling is set towards the front of its plot with mature tree and hedgerow planting defining the boundaries of the site. Neighbouring residential properties are adjacent to the north, east and south east side of the site.
- 2.3 Catherton Common, a Site of Special Scientific Interest (SSSI) lies to the west. The site itself is outside the SSSI, the access track which runs south from the site to the highway (Catherton Road) falls within the SSSI boundary. The whole site is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which runs along Catherton Road around 125m away.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have raised views contrary to officer recommendation. Following discussion with the Committee Chairman and Vice Chairman, it is considered that the material planning considerations in this case warrant assessment by the South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Hopton Wafers Parish Council – Re-consultation - Amended plans:

Hopton Wafers Parish Council OBJECTS to this application as very little has changed from the original application which the Council also objected to. Council feel the replacement dwelling should be the same size as the original ie a single storey property only. Due to the large increase in size of the proposed dwelling the development is out-of-proportion for the plot, out-of-keeping in this area and would spoil the visual amenity. The proposed dwelling is not acceptable in terms of our Community Led Parish Plan nor meets criteria agreed in the SAMDev for this area. The site is not within either cluster of Hopton Wafers or Doddington but is in an area classed as Open Countryside and such development is contrary to this policy. There are concerns about the impact on the common and effects on the Rights of Way adjacent to the property. Council would look more favourably on a much smaller sympathetic replacement dwelling as stated above.

Hopton Wafers Parish Council - Original scheme 08.06.2016:

Hopton Wafers Parish Council OBJECTS to this planning application due to the large increase in size on the original property. Such a large property is entirely out-of-keeping in this area and would spoil the visual amenity as well out being out-of-proportion with the size of the plot. The proposed dwelling is not acceptable in terms of our Community Led Parish Plan nor meets criteria agreed in the SAMDev and goes against building in the open countryside (Core Strategy). This area is neither a hub nor a cluster and as Council recognise that the property needs updating we would look more favourably on a replacement dwelling similar in size only. Concerns have also been raised on the proposed use of Common Land for access and parking as well as effects on Rights of Way adjacent to the property.

4.1.2 SC Highways: No objection – recommend conditions regarding the installation of gates and visibility splays.4.1.3 SC Ecologist – Final response – 18th January 2018 – No objection - recommend conditions regarding external lighting, bat and bird boxes, and informatives regarding protection of bats and nesting wild birds.

SC Ecologist – 03rd February 2017: Comments – The bat survey carried out on this building in June 2016 has found no evidence of roosting observed, although a house sparrow nest was found.

Note: Natural England have objected to this application in a letter dated 02 June 2016. They have requested further information in relation to drainage, access, parking and construction methods to ensure that the adjacent SSSI won't be adversely affected by the proposed development.

SC Ecologist – Initial response - 12th May 2016: Objection – Additional information is required in the form of a bat survey since the proposal includes the removal of

pre-1960s buildings and structures within 200m of woodland and/or water.

- 4.1.4 Natural England – Final response - 09th January 2018: Objection withdrawn – Satisfied that the issues raised in previous correspondence has now been resolved and there will be no significant adverse impacts on the adjacent Catherton Common SSSI.

Natural England – 09th November 2017: Object – Reiterate previous advice set out in 10th February 2017 letter.

Natural England – 10th February 2017: Object – The information submitted does not address all of the matters raised in original comments with the exception of the recommendation that no parking or other storage is undertaken on the SSSI.

Natural England – Initial response - 02nd June 2016: Objection - The application, as submitted, is likely to damage or destroy the interest features for which Catherton Common SSSI has been notified.

Further information needed as follows:

- Detail of foul drainage - in particular capacity and location of associated drainage field – in order to be satisfied that the existing tank provides adequate treatment for the new dwelling.
- Clarification in relation to access and parking during construction and once the dwelling is occupied – parking should not encroach onto the SSSI
- Details and methods for dealing with construction should be submitted including pollution prevention methods, material handling and storage locations.
- Ecology report to assess any potential impact on protected species.

- 4.1.5 SC Historic Environment (Conservation and Design): No comments.

- 4.1.6 SC SUDs: No objection – Recommend informatives regarding sustainable drainage system. Capacity of the existing septic tank is sufficient to serve a 3 bedroomed dwelling as proposed.

- 4.1.7 Shropshire Wildlife Trust: No response received.

4.2 - Public Comments

- 4.2.1 This application has been advertised for 21 days via site notice and direct in writing to 4 neighbouring properties.

1 objection received –

- House and garden will be overlooked and they currently are not.
- The proposed dwelling would be significantly larger than the existing bungalow in both floor area and height.
- It would effectively be two storeys not 1 " as described.
- Too large and tall for the plot – visually intrusive in this small group of dwellings.

- Any planning permission granted must taken into account the ecological importance of the area.
- The replacement dwelling should be single storey dwelling.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact, Landscaping and the Shropshire Hills AONB
Residential Amenity
Biodiversity
Right of way

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 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.
- 6.1.2 The National Planning Policy Framework (NPPF) advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.3 The application site is within a countryside location, the NPPF at paragraph 55 seeks to promote sustainable development in rural areas, stating Local Planning Authorities should seek to avoid new isolated homes in the countryside.
- 6.1.4 The rural location of the site means it is outside of any settlements identified by Shropshire Core Strategy policies CS3, CS4 and SAMDev policy MD1 as suitable for open market housing. As such the scheme is subject to Core Strategy Policy CS5 and SAMDev plan policy MD7a.
- 6.1.5 Both policies restrict residential development to affordable dwellings to meet a local need, and rural workers dwellings. Open market residential development is not acceptable. In all cases the policy is clear that residential development is only permissible when it is on appropriate sites which maintain and enhance countryside vitality and character. No specific reference is made to replacement dwellings, in policy CS5, however SAMDev Policy MD7a and the supporting Supplementary Planning Document (SPD) -Type And Affordability Of Housing does provide specific guidance.
- 6.1.6 SAMDev Policy MD7 states at point 3 that:
- 'Replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use.'*

Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.

Where the original dwelling has been previously extended or a larger replacement is approved, permitted development rights will normally be removed.

- 6.1.7 One of the aims of the SPD is to maintain and provide an acceptable stock of smaller, lower cost market dwellings and therefore the SPD seeks to control the size of replacement dwellings. In the first instance replacement dwellings in rural locations will only be permitted provided the existing building has established and continuing residential use rights and the property has not been abandoned.
- 6.1.8 In considering a planning application for a replacement dwelling the SPD expects regard to the given to the following:
- The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling.
 - A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling.
 - The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households.
- 6.8.9 The dwelling in this case is of timber framed prefabricated construction and whilst currently vacant, the Council is satisfied that the residential use of the dwelling is firmly established and has not been abandoned at this site.

6.2 Siting, scale and design of structure, visual impact and Shropshire Hills AONB

- 6.2.1 The replacement dwelling is proposed to be sited in the same position as the original property, however the scheme would introduce a new style and form seeking to provide first floor accommodation in the roof of the proposed dwelling rather than containing the accommodation on the ground floor as in the existing dwelling. The ground floor footprint of the property is proposed to increase from around 79sqm to 102sqm. With the addition of the first floor accommodation, providing approximately 88.96sqm the level of available accommodation proposed would represent an increase over the original by around 139%. The development plan expects replacement dwellings to be sympathetic to the size, mass and character of the original building, however it does not rule out dwellings which are of a larger scale and form to the unit it replaces provided the scheme respects the local character of the area, taking account of bulk, scale, height and external appearance.
- 6.2.2 The current property is a pre-fabricated bungalow which is neither of particular design merit nor in the best state of repair. The grouping of existing housing around

the site is in the majority two storey red brick dwellings, a dormer style property sits to the north east of the site. Other than the low lying nature of the property the dwelling currently makes little positive contribution to the visual amenity of the area, and it could be argued that its single storey nature and materials are currently at odds with the general character.

- 6.2.3 The existing ridge height would be raised by approximately 3m to accommodate the first floor accommodation, although a notable increase, when the property is considered in the context of its immediate surroundings, set between 2, two storey dwellings the increase in height, is in this case not considered inappropriate. The amended plans also attempt to keep the bulk and mass of the property down, placing the proposed first floor accommodation within the roof and including a step down in the ridge height.
- 6.2.4 The property is set on the southern edge of the grouping of dwellings and is open to views across the common land and from the public highway and rights of way which run in close proximity to the application site. The scheme as proposed would inevitably be more visually prominent than the existing dwelling. However the proposed use of local vernacular materials coupled with more traditional cottage style design would represent an aesthetic improvement to the site and improve its visual relations to the existing group of properties.
- 6.2.5 Taking into account the above factors as a whole in the planning balance it is considered the increase in the size of the property is acceptable and the replacement dwelling as proposed would not detract from the scale or character of the site, surrounding area of character and natural beauty of this part of the Shropshire Hills AONB.
- 6.2.6 As this scheme proposed is larger than the original dwelling in accordance with policy MD7a, permitted development rights for any extensions and alterations to the dwelling would be removed via condition should planning permission be granted.

6.3 Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 The application site is surrounded on three sides by neighbouring properties. It is acknowledged that the increase ridge height and introduction of the first floor would alter the existing amenity levels between the properties. However it is noted that there are separation distances of between around 28m and 38m between the rear of the proposed property and the neighbouring dwellings and there is also a degree of mature tree and hedge landscaping which would provide partial screening to the rear. The impact on level of residential amenity therefore whilst may alter would not be to a level which would result in significant harm to residential amenity.

6.4 Biodiversity

- 6.4.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat in carrying out their functions. 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 plan policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.
- 6.4.2 In line with the request of the Councils Ecologist and comments received from Natural England a Protected Species Survey Report by John Morgan, dated June 2016 was submitted to the Local Planning Authority at the end of December 2016. The report concluded that there is no evidence of bats or other protected species at the site. Conditions are recommended by the Councils Ecologist regarding the installation of bat and bird boxes to enhance the environmental network as encouraged in policy CS17 and MD12.
- 6.4.3 This application site is immediately adjacent to Catherton Common SSSI, the local authority has a statutory duty under the Wildlife and Countryside Act 1981 (as amended) to further conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is a SSSI.
- 6.4.4 Water quality is a significant factor on the Catherton Common SSSI as the high value habitats present are due to the presence of very clean water. As a result Natural England's initial objection (received in June 2016 requested the following additional information –
- Details of foul drainage - in particular capacity and location of associated drainage field – in order to be satisfied that the existing tank provides adequate treatment for the new dwelling.
 - Clarification in relation to access and parking during construction and once the dwelling is occupied – parking should not encroach onto the SSSI
 - Details and methods for dealing with construction should be submitted including pollution prevention methods, material handling and storage locations.
- 6.4.4 The Protected Species Survey Report by John Morgan, dated June 2016 which was submitted following receipt of these comments confirms that there shall be no parking or storage of building materials on the land within the SSSI. At this stage the applicants' agent confirmed the existing septic tank at the site is of concrete construction and the dimensions of the existing tank gives a capacity of around 5,544 litres. The Councils Drainage team confirm that for the size of the dwelling proposed (3 bedrooms) the minimum size of a septic tank should be 2,850 litres and thus in this case the existing septic tank is capable of taking the additional sewage. Whilst the comments in the Ecology report regarding parking and storage, and the information regarding the capacity of the septic tank were noted the lack of information on the location of the drainage fields and the quality of the treated effluent once left the tank resulting Natural England reiterating their objection to the scheme.

6.4.5 The applicants' agent in response submitted a new drainage scheme, proposing to replace the existing septic tank with a new system and placing the new drainage field to the north away from the SSSI. This additional information has been reviewed by Natural England, who have withdrawn their objection and are now content that subject to the installation of the new septic tank system the development would not result in adverse harm to the key features of the Catherton Common SSSI.

6.5 Access

6.5.1 The site is accessed along a rough track and it is not proposed to alter this as part of the scheme. The Councils Highways team also note there is also a Byway Open To All Traffic (BOATs) to the rear which serve a number of properties and from which the main access to this house also opens out onto. The Highways Team raise no objections to the proposed development, however recommendations have been made requiring conditions to prevent the erection of any fence or means of enclosure at the junction with the road, and requiring gates to be set back at a minimum of 5m from the highway. The NPPF at paragraph 206 states that planning conditions should only be imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this case conditions relating to the access when no alterations are proposed would fail to comply with these 'tests' as set out in the NPPF.

7.0 CONCLUSION

7.1 The site is within a rural location, however the development is acceptable in principle since it involves the replacement of an existing dwelling. Although the proposed house would be larger than the existing, on balance this is considered acceptable given its use of local vernacular materials and traditional design which would be more in keeping with the local character of the area than the present dwelling. The scheme as such would preserve and enhance the Shropshire Hills AONB and would not result in undue harm to residential amenity. Further the proposal would not be of detriment to protected species or the main character features of the Catherton Common SSSI. The application is therefore considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks

Site Allocations and Management of Development (SAMDev)Plan:
MD2 - Sustainable Design
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment

Supplementary Planning Document - Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O5MO26TD07V00>

List of Background Papers Design and Access Statement Ecological Survey Drainage data
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Members Cllr Gwilym Butler & Cllr Madge Shingleton
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 amended plans and drawings and the Protected Species Survey Report dated 23rd June 2016, carried out by John Morgan.

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. 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.

4. The dwelling hereby permitted shall not be occupied until the approved Foul Drainage Water Scheme as shown on amended block plan drawing number 1456/3A and set out in the letter dated 10th December 2017 from BM Evans, Ground Work and Drainage, Ludlow Drainage has been fully implemented and the existing septic tank system disconnected. The foul drainage system shall thereafter be maintained and retained in full working order for the lifetime of the development.

Reason: To ensure satisfactory drainage of the site and protect the water quality features of the adjacent Catherton Common Site of Special Scientific Interest (SSSI) in accordance with Core Strategy Policies CS6, CS17 and CS18 and SAMDev policies MD2 and MD12 from the Shropshire Local Development Framework.

5. Prior to first occupation / use of the dwelling, the make, model and locations of a bat box shall be submitted to and approved in writing by the Local Planning Authority. The box shall be installed prior to the first occupation/use of the dwelling and 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.

6. Prior to first occupation / use of the dwelling, the make, model and location of a bird box shall be submitted to and approved in writing by the Local Planning Authority. The box shall be installed in accordance with the details approved prior to the first occupation/use of the dwelling 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.

7. Prior to the installation of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by 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). 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.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. 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), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-
- Extensions;
 - Additions or alterations to the roof, including dormer windows and rooflights;
 - Erection of porches;

Reason: To maintain the scale, appearance and character of the development and to safeguard visual amenities in accordance with SAMDev Plan Policy MD7a.

Informatives

1. Highway Informatives

Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND

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.

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.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- o construct any means of access over the publicly maintained highway (footway or verge) or
- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o 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.

2. BATS PROTECTED SPECIES

All bat species found in the UK 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.

If any evidence of bats is discovered at any stage then development works must immediately 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.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

NESTING WILD BIRDS

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, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, 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 when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

ECOLOGY CONITIONS - FURTHER ADVICE FROM COUNCIL ECOLOGIST

BAT BOXES

A minimum of 1 external woodcrete bat box or integrated bat roost feature, 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.

BIRD BOXES

A minimum of 1 artificial bird box, of either integrated brick design or external box design, suitable for House Sparrow should be installed on site. The box should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

3. In determining this planning application the Local Planning Authority took into account the following policies: -

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Shropshire Council Core Strategy Development Plan Document
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks

Site Management and Allocations of Development (SAMDev) Plan
MD2 Sustainable Design

MD7a Managing Housing Development in the Countryside
MD12 Natural Environment

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

4. 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.



Committee and date

South Planning Committee

13 February 2018

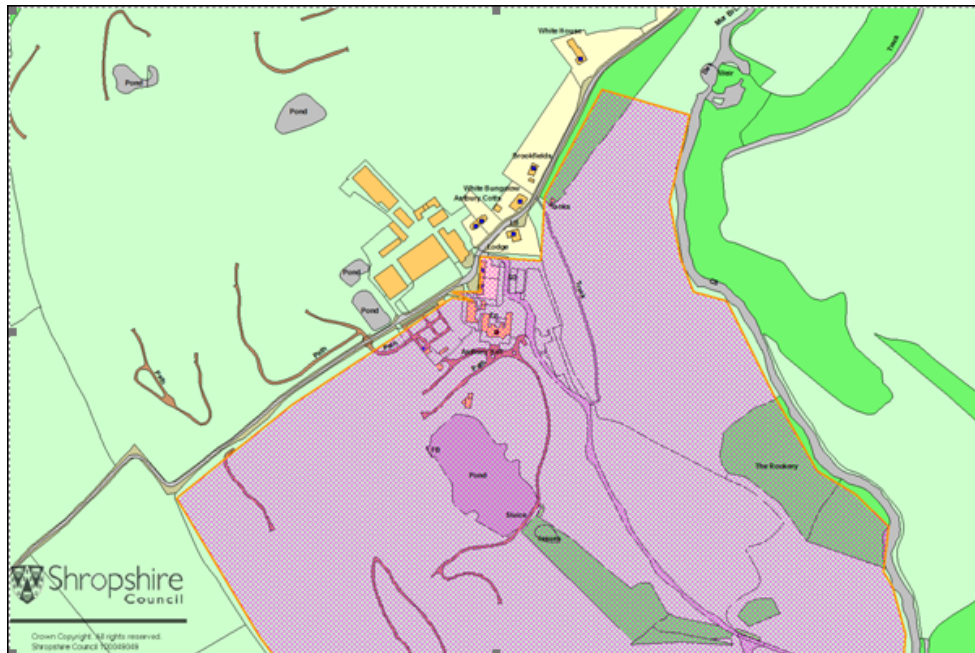
Development Management Report

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

Summary of Application

Application Number: 17/05426/VAR	Parish:	Chelmarsh
Proposal: Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years		
Site Address: Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT		
Applicant: Mr K Downing		
Case Officer: Richard Fortune		email: planningdmse@shropshire.gov.uk

Grid Ref: 372291 - 289217



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

REPORT

1.0 THE PROPOSAL

- 1.1 In March 2000 planning permission was given to renew planning permission 91/0586 for the use of land as 18 and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and temporary golf club house; use of and extension of pool house to golf club house; use of and extension to barn to provide holiday lets; erection of 12 holiday lodges and installation of sewage treatment plant at Astbury Hall, Eardington. (ref 98/0829). The planning permission has been implemented with the construction of the golf courses and the adaptation of the Hall to provide a reception and rooms for functions. Bases have also been laid for the holiday lets. All vehicular access to the site is taken from the B4555 road to the south, rather than the narrow Astbury Lane, in accordance with the planning permission.
- 1.2 There are a number of conditions attached to the planning permission including conditions 21 and 34 which state as follows:-
21. There shall be no functions, including wedding receptions or barbecues, held on the open areas outside the hotel building without the prior approval in writing of the Local Planning Authority.
- Reason: To safeguard the amenities of nearby residential properties.
34. There shall be no buildings, caravans or other structures placed or erected on the open areas of the site without the prior approval of the Local Planning Authority.
- Reason: In the interests of the visual amenities of the area.
- 1.3 A planning application was made in 2011 to vary the above conditions to allow outdoor functions including the erection of marquees in three locations in close vicinity of the Hall building (Ref 11/01774/VAR). These sites for the marquee were 1) On a paved terrace/patio area immediately to the east of the Hall building and adjacent to the main car park area; 2) Some 60 metres to the south of the Hall building on the site of the former swimming pool close to the lake and at a lower level; and 3) Immediately to the west of the Hall building in an area which is close to the kitchen and was the part of the drive approach from Astbury Lane which is no longer in use. This latter area is contained by the boundary wall to Astbury Lane and that of the walled Garden area and would require the removal of some conifer hedging and trees to create a site suitable for a marquee. The application was considered at the August 2011 South Planning Committee and a 5 year temporary permission was granted until 10th August 2016. Conditions restricted the playing of amplified sound after 23:00 hours and before 09:00 hours the following day; no more than one marquee to be erected at any time; details of the size and appearance of marquees to be approved; and any associated external lighting to be approved associated with marquees. Details of the size and appearance of the marquee were approved in December 2011 under reference 11/04126/DIS.

- 1.4 The reasons put forward in 2011 as to why the marquee options were sought were that the size of the rooms available in the Hall, which has yet to be extended, limits the maximum number of people that can be catered for to about 40. The agent explained the golf facility is an ideal location and setting for wedding functions, barbecues and corporate events. In order for these events to occur temporary marquees were needed, along with consent for live entertainment, and for the sale of beverages. He commented that the planning permission includes for the construction of a new hotel and they are seeking a variation of the conditions listed to enable these events to occur and a temporary consent, reviewed again in five years, which should coincide with phased work for the development of the new hotel. Following the grant of the temporary planning permission a marquee was erected and used for various functions. At the time of the site visit in connection with the current application a marquee remained in place in the area immediately to the west of the Hall (Location 3 in paragraph 1.3 above).
- 1.5 In August 2017 complaints were received that the marquee was still in place on the land and noise complaint relating to its use had been lodged with the Council's Regulatory Services Team. The owner was advised that the temporary planning permission for the marquee has expired and that his options were to remove the marquee or to seek a further temporary consent to retain the structure. This application has been made to retain the marquee for a further temporary period and a period of five years has been requested.
- 1.6 The applicant has explained that the marquee is needed to sustain the business. He states the marquee has been a vital lifeline for televised golf tournaments, corporate days, charity events, weddings, high school proms, wakes etc, He comments that there has only been one complaint in 5 years. The intention remains to submit a revised application for a hotel extension to replace the hotel scheme in the extant planning permission, and that would replace the temporary marquee.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Astbury Hall is a large, unlisted detached property with a range of associated dwellings and outbuildings on its northern side. It is situated in open countryside and backs onto the narrow Astbury Lane to the north, off which there is a scatter of other residential properties. The main access to the Hall is a long drive to the south which joins the B4555 road near to the railway bridge over the road. The bulk of the land associated with the Hall has been developed as a high quality golf course.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is referred to the South Planning Committee for determination because the Parish Council have expressed a view which is contrary to the recommendation of the Council's Officers and the Division Member has requested that the application be determined by Committee. The Chair of the Planning Committee considers the Parish Council response to be material planning considerations and confirms in this particular case that the application should be

determined by the Committee.

4.0 Community Representations

- Consultee Comments

4.1 Chelmarsh Parish Council – Object:

1. The current planning permission expired in August 2016.
2. Condition 2 of this permission has not been adhered to i.e. no music after 23.00 hours.
3. No details of siting of the marquee in the new application and your attention is drawn to the location of the current marquee which is too close to neighbouring residents.
4. The Parish Council has received numerous reports regarding noise levels/times music being played and SC have also been notified.

The Parish Council are concerned regarding noise disturbance for residents living close by which affects their life but also the noise travels to surrounding areas.

4.2 SC Regulatory Services (05.01.18) – Comment:

Marquee location 1 on previous application 11/01774/VAR is much closer to residential properties than marquee location 2 which is twice as far away. As a result activity in marquee location 1 may have a much more significant impact on residential properties and there may be the need to consider if this location requires additional controls to ensure it is used without impacting on the surrounding area in an unacceptably detrimental way, due to likely low background noise in the area.

Regulatory services has received a complaint about the activities at the premises.

Recommend a time restriction which allows use of outside areas and marquees for music only between the hours of 0900-2300 hours and use of the marquees by any public/guests between the hours of 0830-2330 hours. The tighter restriction than the premises license is justifiable based on complaint received and Parish Council comment.

4.2.1 SC Regulatory Services (18.12.17) – Comment:

The applicant has not stated what the marquee will be used for e.g. music, dancing etc., and how frequently the marquee is proposed to be used. This information is required in order to provide useful comment.

It is noted that, on the premises license for Astbury Hall, there is no marquee shown marked on the site plan and therefore this element may not have been fully

considered when the license was granted. The premises license provides the potential for music to be played in indoor and outdoor areas until 0100 hours. It is noted that the lapsed temporary planning permission stated 2300 hours as cut off for music in the marquees. Without any information to suggest that this is suitable and would not impact significantly on residential amenity I would recommend that 2300 hours would be suitable as the latest time available for any music in this external area of Astbury Hall.

-Public Comments

- 4.3 7 neighbouring properties consulted 07.12.17 with comments requested by 28.12.17. Site notice displayed 20.12.17 on Astbury Lane site road frontage (Expiry date 10.01.18).

No comments have been received in response to this publicity.

5.0 THE MAIN ISSUES

5.1 Principle of Development

Impact upon the residential amenities of the area (Condition 21)

Impact upon the visual amenities of the area (Condition 34).

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 Core Strategy policy CS5 relates to development in the countryside and Green Belt, and seeks the retention and appropriate expansion of existing established businesses. Sustainable rural tourism and leisure and recreation proposals which require a countryside location are also supported in principle where they accord with policy CS16 (Tourism, Culture and Leisure) and CS17 (Environmental Networks). Core Strategy policy CS13 is supportive of the development and growth of Shropshire's key business sectors, which includes developments such as that at Astbury Hall. The importance of high quality, sustainable tourism, and cultural and leisure development to Shropshire is recognised by Core Strategy policy CS16.

The National Planning Policy Framework, Section 3, relates to supporting a prosperous rural economy and paragraph 28 is supportive of the sustainable growth and expansion of all types of business and enterprise in rural areas.

- 6.1.2 This application is related to an established rural leisure/recreation/sporting and hospitality/events enterprise. There is no in principle planning policy objection to this application to retain the marquee at this property. The issue here are whether a satisfactory balance can be achieved between the benefits to this business and the rural economy of the marquee and ensuring no undue harm to neighbour amenity and visual amenity.

6.2 Impact upon the residential amenities of the area

- 6.2.1 Core Strategy policy CS6 seeks to ensure that all development safeguards residential and local amenity. Similar general development criteria applied in 1999

when the renewal of the application for the golf course, hotel and holiday accommodation development at Astbury Hall was under consideration. It was acknowledged that there would be interest in holding functions on land outside the hotel building which could potentially impact upon residential amenity. For this reason condition 21 was worded so as to require the prior approval in writing by the Local Planning Authority for such functions. The consent to hold functions in marquees sought in this application, outside of the main building, would embrace corporate events, weddings, birthdays, through to christenings and funerals.

6.2.2 The reason why the previous planning permission to allow the erection of temporary marquee was a temporary five year consent was to reflect what was applied for, to allow the functions element of the business to develop and to fit in with the then envisaged timescale for the construction of the hotel extension contained in planning permission 98/08029. While construction has not started yet on the hotel element of the planning permission, and no planning applications have been made for alternative proposals for the Hall, the marquee would appear to be an important part of the enterprise from the explanation given by the applicant at 1.6 above. Regard also needs to be paid to the current premises licence which provides the potential for music to be played in indoor and outdoor areas until 0100 hours. The reference by the Parish Council to condition 2 of the previous planning permission being breached by music being played after 23.00 hours is noted, but the matter was followed up and, had the breach continued, there are powers available to the Council to secure compliance. It cannot be implied that a similar condition on any new consent would also be breached. A planning permission goes with the land and would apply to all operators/ users of the marquee

6.2.3 It was accepted in consideration of the 2011 application that marquee type structures offer little resistance to the passage of sound and that background noise levels are low in this rural location. However, provided that the playing of amplified recorded sound/music and amplified live sound/music in any outside area, including in marquees, does not take place after 11.00pm and before 9.00am the following day, (Together with no public/ guest use of the marquee after 11:30 pm and before 8.30am the following day); and the option of locating the marquee in area 1 shown on the submitted plan is excluded (Due to the observations made by SC Regulatory Services at 4.2 above), it is considered that an acceptable balance between business needs and safeguarding residential amenity would be achieved.

6.3 Impact upon the visual amenities of the area

6.3.1 Core Strategy policy CS6 seeks to ensure that all developments take account of local context and character, so as to not detract from the visual amenities of the area. SAMDev Plan policy MD2 supplements CS6 with regard to sustainable design considerations. Condition 34 remains compatible with these objectives, requiring the prior approval of the Local Planning Authority for structures on the open areas of the site (The Hall being a non-designated heritage asset) in order to safeguard visual amenity. With the establishment of the golf courses and the completion of the ancillary facilities such as the car park and patio areas in the vicinity of the Hall, the landscape context means that a marquee of a suitable design, positioned in close proximity to the Hall, would not detract from the visual amenities of the area. The maximum size of marquees for each site identified will

be constrained by the topography of each plot. The marquee currently erected in area 3 (Immediately to the west of the Hall) measures some 9 metres by 21 metres. It has a white external finish, with a shallow dual pitched roof and side panels which incorporate full height 'windows'. The design of this particular marquee is not considered to detract from the visual amenities of the area and was approved under reference 11/04126/DIS to satisfy the condition relating to approval of the size and appearance of the marquee on the temporary planning permission 11/01774/VAR. The details of the size and appearance of any alternative or replacement marquee can be the subject of a condition on any approval issued.

7.0 CONCLUSION

7.1 The marquee currently has a key role in the business operations at Astbury Hall, which supports a number of jobs and contributes to the rural economy. At the time of writing this report the property and business is up for sale and potential purchasers, (Or the current owner should he regain in control of the business), will need to some certainty over the availability of this facility as part of the business. The marquee has previously been judged to be acceptable in this location as a temporary measure prior to replacement by a permanent function room facility. The adopted Development Plan policies, and the guidance set out in the NPPF, requires local planning authorities to, where possible, support proposals that contribute towards a prosperous rural economy and the employment such developments bring/retain. Paragraph 187 of the NPPF states that:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

7.2 It is considered that an acceptable balance can be achieved between the needs of the business (That contributes to the rural economy) and safeguarding neighbour and visual amenity by the imposition of conditions. The recommended conditions are adjusted in comparison with those attached to the previous temporary permission 11/01774/VAR in the light of the comments receive from the Council's Regulatory Services Team concerning the premise licence and the noise complaint. A condition would prohibit the playing of amplified sound/music in any outside area, including in marquees, between 23:00 hours and 09:00 hours the following day; no occupation of marquees by any public/guests after 23:30 hours and 08:30 hours the following day, with location area 1 immediately to the east of The Hall being excluded as a siting option, due to the lack of intervening structures between that location and nearby residential properties to assist in suppressing noise between the source and receptors. The proposed locations for the marquee are considered acceptable in terms of landscape impact, as was the case in 2011, provided that any changes to the size and appearance of the marquee currently erected is first approved in writing by the Local Planning Authority, which can be achieved through conditions. A condition restricting the consent to a period of five years would also be appropriate, in order to define the permission, to maintain business continuity and to allow for a review of the need for the marquee with progress on construction of the new hotel or alternative permanent function room facility which may come forward with or without a change in site ownership.

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

Shropshire Core Strategy:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS13 Economic Development, Enterprise and Employment
CS16 Tourism, Culture and Leisure
CS17 Environmental Networks

RELEVANT PLANNING HISTORY:

BR/74/0254 Conversion of existing dwelling to a hotel GRANT 6th May 1974
11/01035/AMP Amendments to planning permission 98/0829 to incorporate the additional lavatory block and pay station within the building GRAMP 2nd June 2011
11/01774/VAR Variation of condition numbers 21 and 34 attached to planning permission reference 93/0829 dated 7th March 2000 to allow for the provision of outdoor functions and erection of temporary marquees GRANT 10th August 2011
11/04126/DIS Discharge of Condition No.3 (appearance of marquees) attached to planning permission 11/01774/VAR dated 10/08/11 - Variation of condition numbers 21 & 34 (93/0829) to allow for the provision of outdoor functions and erection of temporary marquees DISAPP 12th December 2011
BR/74/402 The erection of two lodged dwellings for staff occupation REFUSE 5th November 1974
BR/76/0305 The erection of two extensions to provide additional bedrooms at the front of two existing cottages GRANT 5th July 1976
13/03715/DIS Discharge of condition 4 (Materials) on planning permission 06/0435 for the use of land for the stationing of holiday lodges at Astbury Hall, Chelmarsh WDN 7th March 2014
13/04958/VAR Variation of condition 2 of planning permission 06/0435 for the stationing of holiday lodges GRANT 10th March 2014
14/00794/FUL Erection of 11 holiday retreats GRANT 14th April 2014

14/03609/FUL Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL GRANT 16th October 2014
 16/00786/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (drainage), 10 (protective fencing) and 14 (Ecology) on planning permission 14/00794/FUL for the erection of 11 holiday retreats DISPAR 11th April 2016
 16/00798/DIS Discharge of conditions 6 (external materials), 7 (drainage), 8 (protective fencing) and 11 (ecology) on planning permission 14/03609/FUL for the siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISPAR 11th April 2016
 16/00800/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (protective fencing), 10 (habitat management plan) and 20 (construction method statement) on planning permission 14/04010/FUL for the erection of 28 residential units with a restriction for holiday use DISPAR 11th April 2016
 16/04437/DIS Discharge of Condition 9 (drainage) relating to planning permission 14/00794/FUL - Erection of 11 holiday retreats DISAPP 2nd November 2016
 16/04438/DIS Discharge of Condition 7 (drainage) relating to planning permission 14/03609/FUL - Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISAPP 17th November 2016
 17/05426/VAR Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years PDE
 BR/APP/FUL/03/0337 Variation of condition number 7 on planning permission reference 98/0829, approved 7 march 2000 GRANT 10th June 2003
 BR/APP/FUL/06/0435 Use of land for the stationing of holiday lodges GRANT 31st July 2006
 BR/APP/FUL/06/0434 Variation of condition 16 attached to permission ref 98/0829 to substitute drawing no 03/49/11A for 90/107/53 with regard to car park layout GRANT 27th July 2006
 BR/APP/FUL/06/0054 Variation of condition 28 on planning permission ref 98/0829 to allow the barn conversion and extension and the timber lodges to be used 12 months a year for holiday purposes only GRANT 6th March 2006
 BR/98/0829 Renewal of planning permission 91/0586 for use of land as 18 hole and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and temporary golf club house; use of and extension of pool house to golf clubhouse; use of and extension to barn to provide holiday lets; erection of 12 holiday lodges; installation of sewage treatment plant GRANT 7th March 2000

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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Robert Tindall
Appendices APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The temporary approval hereby granted for functions on the open areas outside the Hall building, including weddings, barbecues, corporate and charity events, inclusive of the erection of marquees in locations area 2 and 3 only shown on drawing number 03/49/116, shall expire within 5 years of the date of this permission.

Reason: To define the permission for the avoidance of doubt, to allow for business continuity and for a review of the need for the marquee at that time.

2. The playing of amplified recorded sound/music and amplified live sound/music in any outside area, including in marquees, shall not take place after 23:00 hours and not before 09:00 hours the following day. The marquees shall not be occupied by any public/guests after 23:30 hours and not before 08:30 hours the following day.

Reason: To safeguard the amenities of nearby residential properties.

3. Before any replacement or alternative marquee to that shown in the application photographs is first installed in an area approved for its erection, details of the size and external appearance of the marquee shall be submitted to and approved in writing by the Local Planning Authority. The marquee shall be installed in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

4. No more than one marquee shall be erected at any time.

Reason: In the interests of the visual amenities of the area.

5. Prior to the erection of any external lighting associated with a marquee, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK. The lighting plan shall be installed and operated in accordance with the approved details.

Reason: To minimise the disturbance to bats, a European Protected Species, and in the interests of visual amenity.

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. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS13 Economic Development, Enterprise and Employment
CS16 Tourism, Culture and Leisure
CS17 Environmental Networks



Committee and date

South Planning Committee

13 February 2018

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 13 FEBRUARY 2018

LPA reference	16/05771/PMBPA
Appeal against	Refusal (Planning Permission Required)
Committee or Del. Decision	Delegated
Appellant	Mr Carl Huntbach
Proposal	Change of use of fodder barn to one dwelling (prior notification under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015)
Location	Walks Farm Greete Ludlow Shropshire SY8 3BS
Date of appeal	04.10.17
Appeal method	Written Representations
Date site visit	4.12.2017
Date of appeal decision	05.01.2018
Costs awarded	
Appeal decision	Dismissed

LPA reference	17/02019/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Meadows
Proposal	Erection of single storey side extension
Location	Oak Fields Quatford Bridgnorth Shropshire WV15 6QJ
Date of appeal	9.1.18
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	14/04328/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Hughes
Proposal	Erection of two dwellings with garages; formation of vehicular access
Location	Land Adjoining Castle Grange Linney Ludlow Shropshire
Date of appeal	26.01.18
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/02535/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Bill and Margaret Reece
Proposal	Conversion of an agricultural building to a dwelling
Location	Proposed Dwelling NE Of The Hollows Stiperstones Shropshire
Date of appeal	26.01.18
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



Appeal Decision

Site visit made on 4 December 2017

by **K Ford BSocSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th January 2018

Appeal Ref: APP/L3245/W/17/3182104

Walks Farm, Greete, Ludlow, Shropshire SY8 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Carl Huntbach against the decision of Shropshire Council.
 - The application Ref 16/05771/PMBPA, dated 19 December 2016, was refused by notice dated 14 February 2017.
 - The development proposed is change of use of fodder barn to one dwelling (prior notification under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development is described as 'fodder barn' on the notification of Prior Approval form. I have however instead used the description on the decision notice in the banner as it more comprehensively describes what is proposed.

Main Issue

3. The main issue is whether the proposed conversion constitutes permitted development in accordance with Class Q(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GDPO).

Reasons

4. Class Q of Schedule 2, Part 3 of the GPDO allows development involving a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) (Class Q(a) development). In addition, Class Q(b) permits building operations that are reasonably necessary to convert the dwelling to a Class C3 use (Class Q(b) development). Paragraph Q1 identifies the specific circumstances under which development is not permitted and Paragraph Q2 lists the conditions applying to Q(a) and Q(b) development.
5. The conditions in paragraph Q.2 set out where development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to

the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in subparagraphs Q.2 (1) (a)-(e). Paragraph W(3) of the GPDO states that an application for prior approval may be refused where it does not comply with any conditions or limitations applicable to Class Q or where there is insufficient information to establish such compliance. In considering whether the proposal meets the requirements set out in Paragraph Q1 for the development to be permitted under Class Q(a) consideration of the criteria (a)-(m) in paragraph Q.1 is required.

6. There is agreement between the parties that the extent of the curtilage proposed would meet the requirements set out in Paragraph X and I have no reason to doubt this. Similarly there is no evidence to question that with regards Q1(a) the site has not been used for anything other than an agricultural use as part of an established agricultural unit on 20 March 2013 . On my site visit I saw that the barn contains agricultural equipment and some building rubble which may be associated with the adjacent conversion of the dairy parlour to a residential use under a separate planning permission (16/05772/PMBPA). The Council confirm that the cumulative floorspace of that development plus the proposal would not exceed 450m². They also confirm that the total number of separate dwellinghouses developed under Class Q would not exceed 3 within the established agricultural unit. There is no occupation under an agricultural tenancy and a statement by the appellant, which is undisputed by the Council, confirms that no agricultural tenancy has been terminated previously. The provisions of criteria (c)-(e) are consequently met.
7. The Council state that no agricultural permitted development rights (GPDO Part 6) have been exercised on the holding since 20 March 2013 and none of the proposed alterations would extend beyond the buildings existing external dimensions so criteria (f) and (g) are met. The evidence submitted by the appellant and the Council confirm that the matters identified in Q1(j)-(m) with regards designations covering the site or the building would not exclude the proposal from being permitted development. Sub paragraph Q(1)(i) relates to building operations that would not be permitted under Class Q(b) and is cited in the Council's reason for refusal on the grounds that the proposal would go beyond works reasonably necessary for the building to function as a dwellinghouse.
8. The Government's Planning Practice Guidance advises that the Permitted Development right to change the use of an agricultural building to residential assumes that the agricultural building is capable of functioning as a dwelling. There is recognition that for the building to function as a dwelling some building operations that would affect the external appearance of the building, which otherwise would require planning permission, should be permitted. However, it states that it is not the intention of the permitted development right to include the construction of new structural elements for the building. It is only where the existing building is structurally strong enough to take the loading that comes with the external works to provide for residential use that the building would be considered to have the permitted development right.
9. In making my assessment of the proposal I am also conscious of paragraph W of Schedule 2, Part 3 of the GPDO which states that 'the local planning authority may refuse an application where, in the opinion of the authority (a)

the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question’.

10. The existing barn is a lightweight structure with a frame formed of steel columns and cross beams. It has a high arched corrugated sheet roof with corrugated lean to’s at the sides and to the rear. The sides are essentially open with some parts of the lean to walls being prefabricated sheeting panels. The floor of the structure is made of earth that is similar to surrounding land. The principal use of the barn for storage would have significantly less loading than that likely to occur from a residential use, particularly when what is proposed would be a 2 storey development.
11. On the basis of the nature of the building I saw on my site visit and what is shown on the submitted drawings I am not satisfied that the existing building would be capable of functioning as a dwelling without extensive works being undertaken. The development required to create a dwelling would not amount to a conversion or change of use of an existing building but would in effect be the erection of a new dwelling where only the existing steel framing is retained. This would not constitute permitted development under the provisions of Class Q.
12. The appellant identifies that the development would be built to a Passivhaus standard and would be a significant improvement on the appearance of the building and the wider area with the scale, proportions and use of materials reflecting the former agricultural function. Images of other ‘dutch barn houses’ have also been provided although I have no evidence of their planning history. The appellant also suggests the site can be appropriately accessed and is not within a flood risk zone and that there are no known contamination risks on site. They also state that the proposal would not cause harm to the living conditions of the occupants of neighbouring properties. It is however not necessary for me to reach a conclusion on this and the merit of other matters relating to prior approval as I have found that the proposal would not be permitted development.

Conclusion

13. For the reasons identified, I conclude that the appeal is dismissed.

K Ford

INSPECTOR

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