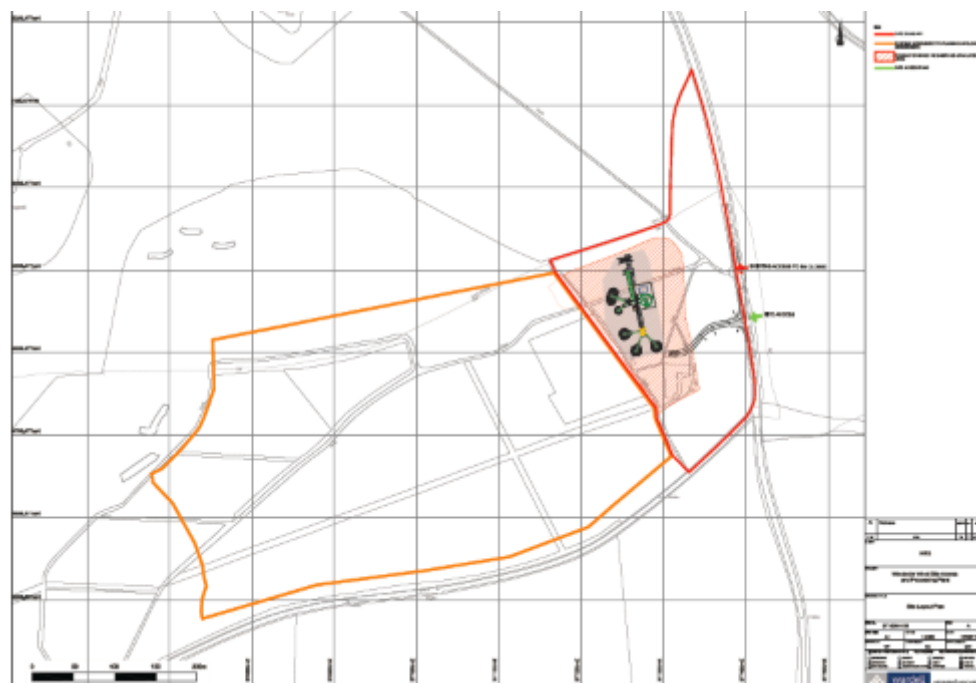


Development Management Report

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 The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the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. The details of this are listed in Appendix 1.
- 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, ultimately leading to the current proposals. The landowner Apley Estates has also selected the applicant NRS as the new developer for the 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 and re-location of the sand and gravel processing plant. Under the original scheme this was to be located at the western end of the site. The current application is interlinked with proposals to re-ratify the original approval resolution 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 site directly to the west. Approximately 2.55 million tonnes of sand and gravel at a rate of 200,000 tonnes per annum would be extracted from the proposed quarry, processed through the processing plant and transported off site. The site would therefore have an operational life of approximately 13 years. The application site will also contain an area for product storage, a weighbridge and facilities area.
- 2.3 The plant would occupy an area of approximately 57 metres x 123 metres, and include: 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 oak and birch 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 from the site and restored. This would include a net gain of approximately 1.5 hectares of permanent broad leaved woodland compared to the previously plantation woodland managed as a crop.

- 2.6 It is anticipated that the construction of the processing plant and site access will begin towards the end of 2017 and will finish early 2018. The Site will be operational for 13 years, with an estimated completion date of 2031.
- 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.

2. SITE LOCATION / DESCRIPTION

- 2.1 The site is 5.2ha in size, and is located approximately 4.6km to the south of Newport, Shropshire. It is currently planted with a commercial plantation woodland. A portion of this woodland has already been removed as part of the commercial woodland activities. The site is bound by arable land to the north, which is currently cropped for wheat, and to the west is mainly bare ground that was previously coniferous plantation. The A41 bounds the site to the east and the B4739 bounds the site to the south.
- 2.2 An unoccupied residential dwelling known as 'The Keepers Cottage' and associated garden and outbuildings are located within the site boundary and would be utilised for operational 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.
- 2.3 The site straddles the boundary between the Shropshire Council and Telford & Wrekin Council areas. Most of the site lies within the former; an area of approximately 0.8 hectares at the north of the site lies within Telford & Wrekin.

3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4. COMMUNITY REPRESENTATIONS

- 4.1 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
- 4.2 Telford and Wrekin Council (adjacent planning authority) No response received.
- 4.3i. 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).
- 4.4i. 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.
- 4.5 SC Ecology: No objection (verbal comment).
(Detailed comments and Habitat Risk Assessment to follow).
- 4.6 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.
- 4.7 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.
- 4.9 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.
- 4.10i. 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 following conditions / informatives.
- 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.
- 4.11 SC Drainage: No objection. A Flood Risk Assessment has been provided.

Public Comments

- 4.12 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:-
- 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.

5. 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)

6. OFFICER APPRAISAL

Development Context

- 6.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise material considerations include the National Planning Policy Framework (NPPF), including the accompanying Technical Guidance to the NPPF which provides additional guidance to planning authorities in relation to mineral extraction.
- 6.2 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 given on 25th July 2006 but an accompanying legal agreement was not completed and the permission was never issued. However, the mineral within the site has continued to be counted as a part of sand and gravel landbank for the Shropshire Telford & Wrekin sub-region.
- 6.3 Ten years has elapsed since the approval resolution 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.
- 6.4 The committee is also considering another application relating to Woodcote Wood on this agenda. The application seeks re-ratification of the original 2006 committee approval resolution following the receipt of updated environmental information (SC/MB2005/0336/BR). 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.

Justification for the development

- 6.5 As noted above, the principle of quarrying at Woodcote Wood has already been established by the previous allocation and committee resolution. At the time the original application was being considered it was accepted that there was a justification to release the mineral in the site. Since that time other resources within the sub-region have been released / worked and have subsequently become depleted. However, the original area at Woodcote Wood has the status of a committed site and must be taken account of as such in assessing the demand for new sites.
- 6.6 Under the Managed Aggregate Supply System (MASS) Shropshire is required to ensure that sufficient permitted reserves of sand and gravel are available to allow the county to continue each year to meet its agreed proportion of the West Midlands region's overall requirements (the 'sub-regional apportionment'). The Government sets the county's apportionment on the basis of work by the Regional Aggregates Working Party of which Shropshire is a member. The county must therefore identify sites in its minerals policy documents with sufficient capacity to meet the agreed apportionment level throughout the plan period. Woodcote Wood forms one of these sites by virtue of its allocation in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006.
- 6.7 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 current applicant to identify an alternative access arrangements. It is also accepted that re-location of the quarry plant site to a lower position which is also closer to the highway and easier to access will also yield operational benefits.
- 6.8 It is considered that the current proposals are capable of being justified as sustainable given the above considerations and the allocated status of the site. This is provided there would not be any unacceptably adverse environmental or amenity impacts after mitigation has been applied.

HIGHWAY SAFETY

- 6.9 Sheriffhales Parish Council and 20 local residents have objected to the proposals. The main concern is one of highway safety. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a 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. Moreover, construction of a roundabout would entail significant cost which the applicant advises would render the development unviable.
- 6.10 As the proposed roundabout is no longer an option the applicant has had to look at other access options. The preferred option is 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 and the current application was submitted.
- 6.11 A Transport Assessment considers existing and potential traffic generation. 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 concluded that there are no highway safety issues that will need to be addressed.

- 6.12 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 but that an extra 2.1m stand-off from the highway is. The applicant has agreed to this and amended plans have been submitted.
- 6.13 A travel demand analysis has been undertaken and indicates that the site is forecast to generate a total of 114 two-way vehicle movements over an 11.5-hour period (07:00-18:30), of which 70 are forecast to HGV movements. This equates to approximately 6 two-way movements per hour. This level of generated traffic is not considered to be significant and the existing local highway network is not anticipated to be adversely affected. The transport Assessment concludes that the proposed development can be accommodated within the local area without adverse highway impacts. The Highway Authority has not objected.
- 6.14 The Highway Authority has not objected to the proposals but has requested that a formerly proposed ghost island junction is removed and that a further 2.1m 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.
- 6.15 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. However, the Highway Authority has maintained its position and the applicant's highway consultant has also written in support of the scheme. 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. Notwithstanding this, in recognition of local concerns the applicants have indicated that they would be prepared to enter into a legal agreement providing amongst other matters funding for off-site highway improvement works (included in Appendix 1).

OTHER ENVIRONMENTAL EFFECTS

Residential amenity

- 6.16 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.
- 6.17 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.

- 6.18 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.
- 6.19 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

- 6.20 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.
- 6.21 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:

- 6.22 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:
- 6.23 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.

- 6.24 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 habitat matrix will be forwarded separately.
- 6.25 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.
- 6.26 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.
- 6.27 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.
- 6.28 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.

- 6.29 Mineral Processing The processing equipment to be chosen would be able to process the clay mineral smectite.
- 6.30 Cumulative Impact 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.

7. CONCLUSION

- 7.1 In conclusion, the proposals would assist in allowing implementation of an historical permission at Woodcote Wood. This would be achieved by facilitating an amended access. The proposals would also facilitate a more comprehensive restoration scheme achieving afteruse benefits in terms of habitat creation and agriculture.
- 7.2 Objectors have expressed concerns particularly in relation to highway safety. They maintain that the roundabout on the A41 proposed in the original scheme should be reinstated. However, the roundabout is not deliverable as the third party land required is not available and there is insufficient land within the applicant's landholding to deliver a realigned roundabout. The Highway Authority has not objected. The requirement to provide an additional 2.1m 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.
- 7.3 The individual effects of the proposals have been assessed in detail, including through a comprehensive planning consultation process. It is considered that no issues have been identified which would be likely to give rise to unacceptable impacts on the local environment or amenities which would justify refusal. This is having regard to the inbuilt safeguards in the design of the scheme and the recommended planning conditions. It is concluded that 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.

8. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

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

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

Human Rights

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

Equalities

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

9. FINANCIAL IMPLICATIONS

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

Additional Information

10. PLANNING POLICY

10.1 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

- 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

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

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

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

List of Background Papers:

1) Planning Application reference 17/03661/EIA and the accompanying Environmental Statement, Regulation 19 submission of further information.

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 - Conditions

APPENDIX 1**Legal Agreement Clauses:**

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

- i. 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;
- 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;
- iii. Carrying out of noise monitoring at agreed frequencies at the nearest sensitive properties and implementation of a mitigation and complaints procedure;
- iv. 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;
- v. 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.

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 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 entitled Regulation 19 Consultation Response prepared by David Walker Limited dated August 2011 and the accompanying appendices comprising:
 - Appendix 1 - Regulation 19 Request from Shropshire Council dated 21 July 2011
 - Appendix 2 - Copies of Relevant Consultation Responses
 - Appendix 3 - Site Conceptual Model
 - Appendix 4 - Great Crested Newt HSI Assessment

Reason: To define the Site and permission

TIME LIMITS

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

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

4. Unless otherwise previously approved in writing by the Mineral Planning Authority extraction of sand and gravel from the site shall cease at the site within 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. Prior to entry into each new mineral working phase the limits of that phase shall be physically defined by wooden posts or other appropriate means. The boundaries so marked shall be inspected and approved by the Local Planning Authority as being in accordance with the permitted plans, and shall be thereafter retained in position for the duration of the extraction operations within that phase.

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

OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 200,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

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

NOISE AND DUST

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

Location	Noise Limit LAeq (1hr)
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 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.

15. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) 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.

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

- 16a. 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 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.

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.

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

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

Reason: In the interests of visual and general amenities.

REMOVAL OF G.P.D.O. RIGHTS

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

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

PHASING

21. 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

- 22a. 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.

23. Details of the proposed settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development in accordance with sustainable design principles. The settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

- 24a. Prior to the extraction of any minerals beneath the water table a groundwater monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include: a groundwater monitoring dataset over a 'minimum 12 month period' and appropriate monitoring for the Boars Head Farm well. Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme throughout the remaining duration of the mineral extraction operations hereby approved.
- b. If the monitoring scheme required by condition 24a shows any adverse risk of deterioration to groundwater and surface water quality then proposals to (1) investigate the cause of deterioration, (2) remediate any such risk and (3) monitor and amend any remedial measures shall be submitted for the approval in writing of the Local Planning Authority, in consultation with the Environment Agency. The approved remedial measures shall be implemented in accordance with the approved details.

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

Archaeology

25. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). 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

26. 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.

27. 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. Wherever possible, both topsoil and subsoil shall be directly placed in sequence as part of restoration, following stripping. 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.

28. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to

this condition. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth this deficiency shall be made up, where possible and appropriate, from soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

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

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

SITE MAINTENANCE

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

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

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

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

SLOPE STABILITY

32. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any significant stability problems are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial

measures, as determined by the competent person, shall then be employed as soon as practically possible, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

ECOLOGY

33. Prior to the Commencement Date a scheme providing mitigation for the loss of nesting opportunities associated with any clearance of existing vegetation within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the installation of identified mitigation measures such as bird boxes within or adjacent to the site within one year of the Commencement Date.

Reason: To mitigate for the loss of nesting opportunities for wild birds on the site.

Note:

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.*
 - ii. *Operations shall be managed to avoid the need to commence work affecting vegetation or structures in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation or structures to commence in the nesting season then a pre-commencement inspection of the vegetation, machinery and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation or structures shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*
- 34a. All trees, hedgerows and shrubs within the Site boundary but outside the limits of extraction shall be retained and managed and, where appropriate, protected during excavation and restoration works in accordance with the Management Plan to be submitted under Condition 30 above.
- b. No disturbance shall take place to any established trees or shrubs within or surrounding the Site until after the end of the bird nesting season (March - June inclusive), unless a supplementary ecological survey has been submitted to and approved in writing by the Local Planning Authority which shows that the affected vegetation is not being used by any nesting birds.

Reason: To preserve and protect existing vegetation within the Site which is not allocated for removal (31a) and to safeguard any nesting bird species (31b).

RESTORATION OF HABITAT AREAS

35. Prior to the Commencement Date a detailed landscape planting scheme of shall be submitted for the approval of the Mineral Planning Authority. The submitted schemes shall provide information on the final position of benches and faces, treatment of benches, engineering specifications for drainage provisions, planting, after use and

management proposals to take place on-site. 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

36. Prior to the Commencement Date a detailed habitat management plan for the site shall be submitted to the Mineral Planning Authority. The submitted scheme 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 a 5 year project register, 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. Monitoring and remedial/contingencies measures triggered by monitoring.

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

Reason: To protect features of recognised nature conservation importance and maintain created habitat.

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

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

REMOVAL OF PLANT AND STRUCTURES

- 38a. All buildings, plant and machinery within the permitted Site which have been installed in connection with the operations authorised under this permission or any previous permission relating to the Site, shall be demolished, destroyed or removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the schemes referred to in Conditions 42 and 43 above.
- b. All access and haul roads which have not previously been approved for retention by the Local Planning Authority in connection with the approved restoration and aftercare schemes shall be removed in accordance with the provisions of the schemes required by conditions 43 and 44 above.

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

AFTERCARE

39. 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;
 - iv. cultivation works;
 - v. reseeding where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - vi. grass cutting or grazing;
 - vii. replacement of hedge and tree failures;
 - viii. weed and pest control;
 - ix. drainage including the construction/maintenance of ditches and soakaways;
 - x. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - xi. habitat management proposals within the aftercare period;
 - xii. track maintenance within the Site;
 - xiii. repair to erosion damage;
 - xiv. Drainage including the construction/maintenance of ditches, ponds or soakaways;
 - xv. A system of under drainage where natural drainage is not satisfactory;
 - xvi. Field Water Supplies.

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

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

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

ANNUAL REVIEW

- 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 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.