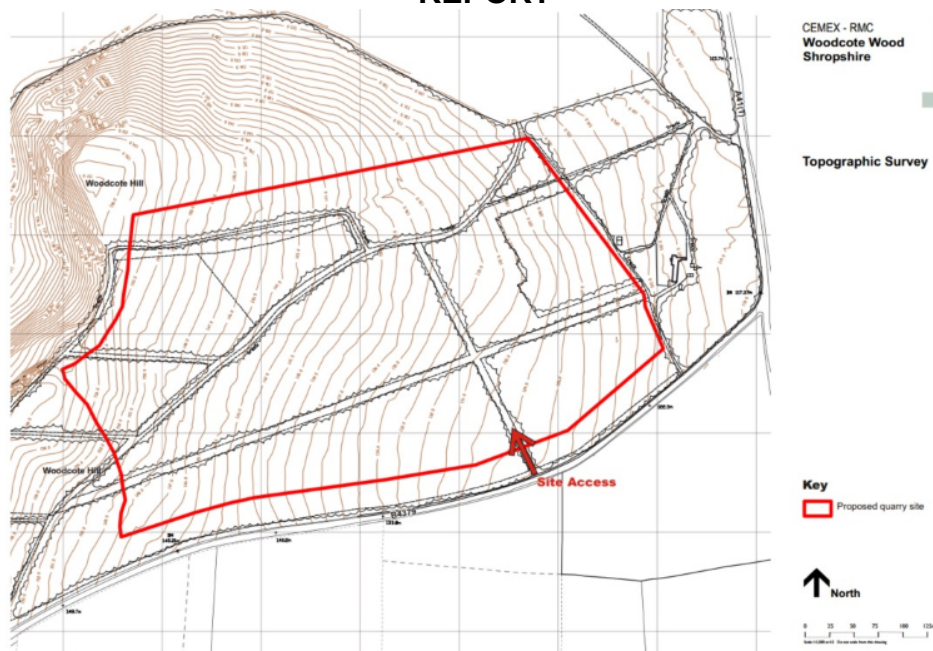


Development Management Report

Summary of Application

Application Number: SC/MB2005/0336/BR	Parish:	Sheriffhales
Proposal: Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site		
Site Address: Woodcote Wood, Weston Heath, Shropshire		
Applicant: NRS Limited		
Case Officer: Graham French	email: planningdmc@shropshire.gov.uk	

REPORT



Recommendations:-

1. That Members note the updated environmental information submitted in support of the Environmental Statement accompanying the application and are minded to approve the application, thereby re-ratifying the original approval resolution dated 25th July 2006. This is subject to the conditions set out in Appendix 1.
2. That subject to clause 4 below, officers be given delegated authority to issue the permission if Natural England has no objections following completion of the statutory Habitat Regulations Assessment consultation period.

3. **That the requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 is updated and transferred to planning application 17/03661/EIA which forms a separate item on this agenda on the basis that the substantive issues are more appropriately dealt with in that application than the current proposals.**
4. **That in the event that application 17/03661/EIA is not approved by the Committee both applications shall be reported back to a subsequent committee for determination.**

REPORT

1.0 BACKGROUND

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 The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the Shropshire Council administrative area by the Shropshire Core Strategy and the SAMDev plan.

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

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

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

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

1.6 A separate application before this committee (17/03661/EIA) proposes an alternative access directly off the A41 to the east of the site and re-location of the quarry processing plant. The current application is therefore interlinked with the application for mineral extraction which is considered separately.

2. THE PROPOSAL

2.1 The original planning application was accompanied by an Environmental Statement prepared under the Town and Country Planning (Environmental Impact Assessment)

(England and Wales) Regulations 1999. The applicant is seeking to re-ratify the original committee approval resolution and has accordingly submitted updated environmental reports. The updated reports have been submitted under Regulation 19 of the 1999 EIA Regulations as these were the Regulations in force when the application was submitted (Regulation 19 is replaced by Regulation 21 of the 2017 EIA Regulations for current applications).

- 2.2 The updated reports cover ecology, noise, dust, ground and surface water, archaeology, landscape and visual impact. They supersede the reports which accompanied the original Environmental Statement. The reports were provided to the Planning Authority In March 2017 but the applicant requested that consideration of the current application was deferred to allow time for it to be considered with the new access proposals (17/03661/EIA) which form a separate item on this agenda.
- 2.3 Consultations have been undertaken on this additional information. Details of the findings of these reports, the matters raised as part of the consultation process and an assessment by Officers in relation to current policies, are set out below. The original Committee report which was considered by the County Council's Planning Committee in 2006 is attached as Appendix B, and this provides details of the proposed development.
- 2.4 The applicant's consultant has identified the need for some amendments to the original site layout including an easterly extension to accommodate a revised access onto the A41 and re-location of the proposed quarry plant site. As noted above, these proposals form part of a separate planning application under reference number 17/03661/EIA. Given that the two applications are interlinked it is considered that they should be assessed together by Members.

2. SITE LOCATION / DESCRIPTION

- 2.1 The site is generally as described in Section 4 of the 2006 Committee report attached as Appendix A. However the site itself has been cleared of trees. It is enclosed by trees in the surrounding plantation woodland. These trees would be retained to ensure the site is screened during operation. Access would be derived via a new access directly onto the A41 to the east. This access is subject to a separate planning application, ref. 17/03661/EIA.
- 2.3 The site straddles the boundary between the Shropshire Council and Telford & Wrekin Council areas. Most of the site lies within Shropshire which accordingly is the lead authority for the application.

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 The representations received in relation to the original planning application are set out in the Committee report of 25/7/06, reproduced in Appendix B below. The

representations received in response to the current submission of the addendum reports are set out below.

4.2 Sheriffhales Parish Council: Objection:

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

Specific comments to Planning Application 17/03661/EIA are listed in the report for the application which forms a separate item on this Agenda.

4.3 Telford and Wrekin Council (adjacent planning authority) No response received.

4.4 Environment Agency: No objection. [The following comments have been extracted from the response provided in relation to the linked application ref. 17/03661/EIA]:

- i. We note that the proposed sand and gravel quarry on the adjoining Woodcote Wood site is subject to planning application MB05/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. It is understood that the original Environmental Statement (ES) has since been supplemented by an ES addendum to bring the application up to date and enable a formal decision.
 - ii. For completeness, our previous reply of 4 November 2005, to MB05/0336/BR, identified a number of issues which were subsequently addressed. The geology, hydrogeological setting and proximity of this site to licensed abstractions and surface water features were previously covered within the original ES. The main emphasis of the groundwater component of the ES report accompanying the application had been to illustrate that mineral extraction will not require a dewatering strategy or be groundwater consumptive. The thrust of the debate was to show that mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required.
- 4.5 Natural England: No comments received. (Natural England has not objected to the linked application 17/03661/EIA).
- 4.6 SC Ecology: No objection (verbal comment).
(Detailed comments and Habitat Risk Assessment to follow).
- 4.7i. SC Trees: No objections. Having read the submitted plans and tree impact assessment I have no objection in principle given the rural situation of the site and that works being internal to the site means removal of the majority of trees from compartments C1 and C2 are commercial plantation woodland (and not woodland of public amenity or with access). I agree that impact of the tree removals is moderate, but will not have a detrimental effect on local visual amenity.
- ii. Removal of trees for the access road is limited to One category 'A' tree, three category 'B' trees, four category 'C' trees, two category 'U' trees and two category 'C' tree groups which would seem acceptable for a scheme of this size. I support the management proposals to improve retained woodland and the long term restoration scheme for the site and new tree and shrub planting proposed to augment screening of the site.
 - iii. A full application would require that, where development proposals identify a need for working within the RPA/crown spread of retained trees, the project arboriculturist is contacted to advise and prepare an Arboricultural Method Statement (AMS) and identify appropriate stages of arboricultural supervision of the works prescribed in the method statement.
- 4.8i. SC Conservation: The application site for sand and gravel extraction lies within the boundary of the historic parkland associated with Woodcote Hall, which, together with its associated church – which is Grade II* listed – and ancillary service buildings, is Grade II listed. These assets lie to the north of the site, and are well screened as a result of intervening topography and mature tree cover. The site of a former pheasantry and the extant associated keeper's dwelling, which are likely to date to the same period as the Hall and the laying out of the estate in the mid 19th century, lies in

close proximity to the east of the extraction area and within the area proposed for machinery and plant, outside this application boundary but covered by a parallel application. These would be considered to be non-designated heritage assets, together with the sandstone boundary walls along the roads to the east and south of the site.

- ii. In considering this application for planning permission, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Chapter 12 of the NPPF is of most relevance. Each of the above makes specific provision for the protection of the historic environment as a key element in the promotion of local distinctiveness as part of sustainable development.
- iii. As the proposal is located in close proximity to the designated heritage assets identified above, the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, as the Act identifies the need to pay special regard to the preservation of listed buildings and their settings. Paragraph 135 of the NPPF makes provision for the consideration of non-designated heritage assets, where their significance is likely to be affected.
- iv. The Heritage Assessment provided as part of the Environmental Statement has addressed the potential effects of the extraction site on the setting of heritage assets in the immediate vicinity and within a 1km radius; wider landscape setting impacts have been assessed in the accompanying LVIA. We concur with the findings of these assessments, and agree with the mitigation measures proposed, which will result in a neutral effect on the landscape setting through the retention and replanting of woodland swathes on all boundaries. Together with the distance and form of intervening topography, the impact on the setting of the heritage assets is negligible and their significance preserved.
- v. The recent application 17/03661/EIA, to extend the site to the East for the provision of plant and processing, and provide site offices in the former Keeper's Cottage, which will be restored, has been the subject of a separate response. The use of appropriate materials in this work and re-use of stone from the boundary wall is essential to enhance the character and local distinctiveness of the surrounding built environment and historic landscape.

4.9 SC Archaeology: No comments received.

4.10 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.

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

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

Public Comments

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

Public/Neighbour Representations:

- Related application (17/03661/EIA - Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site) was validated by Shropshire Council in July 2017. Referring to application SC/MB2005/0336/BR, the Supporting Statement for the July 2017 application mentions in section 1.1.2 'an ES addendum which was submitted to Shropshire Council (SC) in March 2017 to bring the application up to date and enable a formal decision to now be issued.' It is of significant concern that the ES addendum relating to application SC/MB2005/0336/BR has not yet been published online, whilst the determination schedule for the associated application 17/03661/EIA is progressing. Clearly, these interdependent applications should be determined in parallel, and this cannot proceed under effective public scrutiny without publication of the ES addendum.
- It is also unfortunate that all but one of the documents posted online in the past week (ie early September 2017) has been given a publication date of 29th March 2017.

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

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

5. THE MAIN PLANNING ISSUES

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

6. OFFICER APPRAISAL

Policy Context

- 6.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In resolving to grant planning permission for mineral extraction at Woodcote Wood in 2006 the application was assessed in relation to the planning policies in force at that time. The Development Plan at that time comprised the Regional Spatial Strategy for the West Midlands, the Shropshire Telford & Wrekin Joint Structure Plan 1996-2011, the Shropshire, Telford & Wrekin Minerals Local Plan 1996-2006 and the Bridgnorth Local Plan.
- 6.2 Since then there have been a number of significant changes to the planning policy context. The Regional Spatial Strategy has been revoked. The Joint Structure Plan, Minerals Local Plan and Bridgnorth Local Plan have now been superseded by a revised policy framework including the Core Strategy and SAMDev Plan. The National Planning Policy Framework (NPPF) was published in 2012 and, along with the accompanying Technical Guidance to the NPPF, provides additional guidance to planning authorities in relation to mineral extraction.
- 6.3 Para. 142 of the NPPF confirms the importance of the working of minerals and of maintaining an adequate and reliable supply. Para. 144 requires that mineral planning authorities give great weight to the benefits of the mineral extraction, including to the economy. It states that planning authorities should:
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
 - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
- 6.4 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.
- 6.5 Whilst there have been changes in mineral policy the general thrust of policy remains unaffected. The Government still requires mineral planning authorities to make advanced provision for the supply of aggregate by ensuring suitable sites are allocated in planning policy documents. The same detailed considerations relating to sustainable working of minerals still apply although the individual policies have changed.
- 6.6 The National Planning Policy Framework has been published since the application was originally submitted. This has placed greater emphasis on the need to demonstrate

sustainability and the policy support to be afforded to sustainable mineral working in accordance with the development plan. However, this does not affect the fundamental thrust of mineral policy. It is concluded that there have been no material changes in mineral policy since 2006 which would suggest that the original committee approval resolution should not be re-ratified.

Geographic Context

- 6.7 Ten years has elapsed since the approval resolution and the current applicant (NRS) is now seeking to progress the site. It is necessary therefore to consider whether there have been any changes in the local environment or development context would have a material bearing on the sustainability of the proposals. The updated environmental information is considered in succeeding sections. In addition, it is necessary to consider whether the local environment has changed in a way which could affect the sustainability of the scheme.
- 6.8 There are no material changes in relation to the geography of the site. No new houses have been constructed in the immediate vicinity of the site which would be classed as sensitive receptors. Nor has any other development has taken place in the immediate vicinity which might impact on the sustainability of the proposals. The closest property (The Lodge) is owned by the landowner and is no longer occupied. The centre of the plantation woodland was clear felled in 2016 as a consequence of normal forestry management practices.
- 6.9 A rival prospective mineral operator is proposing an alternative site at Pave Lane 1.5km to the north (in Telford & Wrekin). The Pave Lane proposals also involve landfilling with inert materials. The operator has appealed against non-determination and a Public Inquiry will be heard in early November. The officer is advising Telford & Wrekin Council who are objecting to the Pave Lane site.
- 6.10 The Pave Lane applicant has questioned the deliverability of Woodcote Wood on the basis that the third party land required for the access (namely the roundabout on the A41) is not available (the land is owned by the landowner for the Pave Lane site who is supporting that application). However, it is not considered that this amounts to a material change in context because Woodcote Wood is an allocated site with a committee approval resolution. It has also been acknowledged as a better site than Pave Lane through independent assessment, including at Public Inquiry. If Members were to accept the officer recommendations then this would be a further material consideration with respect to the Pave Lane appeal.
- 6.11 It is considered on this basis that there has been no material change to the geographic context which would suggest that the mineral allocation at Woodcote Wood should not proceed.

Justification for the development

- 6.12 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.

- 6.13 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.
- 6.14 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

- 6.15 The application as originally submitted proposed that access to the site would be gained from the south, onto the B4379. An alternative access point is now being proposed. This is to the east of the site, directly onto the A41. A planning application for this alternative access has been submitted (ref. 17/03661/EIA) and is being considered in conjunction with the current application. As such the current application itself does not raise highways issues.
- 6.16 Sheriffhales Parish Council have objected to the amended access proposals. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a new roundabout is needed now more than ever. These concerns are acknowledged. However, the proposed roundabout is no longer achievable as the third party land required to construct it is not available. Moreover, construction of a roundabout would entail significant cost which the applicant advises would render the development unviable. As the proposed roundabout is no longer an option the applicant has had to look at another access options which forms the subject of a separate application. These issues are being considered as part of the separate planning application.

Other environmental effects

- 6.17 Landscape and visual impact: The Environmental Statement submitted in 2005 included a Visual Impact Assessment. The Officer assessment of this, detailed in the 2006 Committee report, concluded that provided the proposals are subject to appropriate planning conditions governing screening, restoration and planting they can be accommodated in relation to Development Plan policy relating to landscape /visual impact. The resolution to grant planning permission was subject to a condition requiring prior approval of plant and stockpile design and location and restricting the maximum height of stockpiles and plant to 10 metres above surrounding ground levels in order protect the visual amenities of the area.
- 6.18 Update to landscape and visual impact assessment: The addendum to the

Environmental Statement includes a new Landscape and Visual Impact Assessment (LVIA). It states that this has been prepared in acknowledgement that the landscape is the aspect that has most changed since 2005. The LVIA identifies that there is a Grade II Registered Park and Garden (Lilleshall Hall) approximately 1km west of the site, and a number of listed buildings within the surrounding area. It also identifies visual receptors in relation to the site. It assesses the overall sensitivity of the landscape resource to this type of development as low-medium.

- 6.19 Landscape effects for the proposed development are assessed as slight-moderate adverse, which is not considered to be a significant effect. It considers that the greatest visual effects will result from the construction of the access road. However, these effects will be temporary, and following construction of the access road, and implementation of mitigation in the form of the additional planting, visual effects will generally not exceed negligible adverse. It goes on to note that these effects will not be permanent, and following restoration of the site there will be nil to negligible beneficial residual landscape and visual effects.
- 6.20 The updated landscape assessment supports the original landscape assessment and confirms that no additional issues have come to light which would suggest any grounds for objection in visual amenity terms. It should also be noted that the recommended planning conditions and legal agreement include measures to manage peripheral vegetation and preserve and enhance screening within the site.
- 6.21 Historic environment considerations: Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.
- 6.22 In the 2006 Committee report Officers stated that the only archaeological resource likely to be affected by the proposed development is a length of some 450m of the linear earthworks along the line of the chapelry boundary. No further previously unknown archaeological remains were encountered within this area and there was no evidence for metalworking activity. The Historic Environment Officer recommended that a condition is imposed on any planning permission, requiring a programme of archaeological works to be undertaken, including monitoring of all topsoil stripping, with provision for the recording of any archaeological features which may be encountered.
- 6.23 Update to archaeology matters: The applicant's agent has reviewed and re-assessed the heritage impact reports that were included in the 2005 Environmental Statement. This re-evaluation concludes that the physical impacts of the development on the assets identified in the Historic Environment Record would be no higher than a slight adverse significance, and that this impact is not considered to be significant. Officers consider that the measures that were proposed in the 2006 Committee report, i.e. to require a programme of archaeological work, remains appropriate for the proposed development.
- 6.24 Ecological consideration: Core Strategy policy CS17 seeks to protect and enhance the

diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

- 6.25 In the 2006 Committee report Officers considered that based on the results of survey and habitat quality assessment, there were no grounds to predict the presence of uncommon or important plant species or fauna. It stated that the removal of the woodland would result in the loss of a limited assemblage of common plants and fauna, the effect of which would be small and not significant. Furthermore a supplementary survey has not identified the presence of any reptiles or badgers within the site. It noted that appropriate restrictions would ensure no negative effects on nesting birds. Officers were of the view that the proposed restoration of the site to woodland would be consistent with the restoration concept set out in the Minerals Local Plan, and noted that the opportunity has been taken to introduce a more diverse range of woodland and complementary land uses (woodland glades, rides and open areas) and limited exposures of sandstone faces. It was noted that supplementary surveys of protected species would be required prior to entry into each mineral working phase, and that the applicant had agreed to undertake a newt survey. Officers concluded that subject to the above provisions and to appropriate restoration/afteruse conditions the proposals could be accepted in relation to Development Plan policy regarding ecology and wildlife.
- 6.26 Updated ecological assessment: As an update to the previous ecological assessments a preliminary Ecological Appraisal and a further assessment were undertaken in 2015. These confirm that there are no nature conservation designations within the site or its surroundings. The habitats within the site are predominantly conifer forest clear-felled with young, unmanaged natural regeneration surrounded by mature standing conifer and mixed woodland. The proposed mineral extraction would be undertaken within the clear-fell area. The ecological value of the clear fell area is low due to the long history of conifer tree cover. Species surveys undertaken comprise Great Crested Newt, breeding birds, bats and reptiles. The updated ecological assessment concludes that the protected species value of the site is relatively poor. The restoration of the site would provide opportunities to enhance biodiversity.
- 6.27 Based on the above the addendum Environmental Statement considers that the original assessment that the proposals would not result in any significant adverse ecological effects is still valid. The Councils ecologist has confirmed verbally that there are no objections. A habitat risk assessment is being prepared and will be circulated before the Committee meeting. It will be necessary to provide Natural England with 21 days' notice before a decision can be issued on the application and this is reflected in the officer recommendation. Natural England have not objected to the linked application for a new access and did not object at the time the application was originally considered in 2006.
- 6.28 Ground and surface water considerations: Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.29 In the 2006 Committee report Officers noted that whilst there are some ponds/watercourses within 1km of the site boundary there are no surface water features within Woodcote Wood site itself. The application confirmed that a minimum freeboard of

3 metres would be maintained above the groundwater table. Officers reported that, as groundwater would not be intercepted during excavation, there would be no impact on groundwater resources. The Environment Agency had not objected to the proposals and considered that matters relating to foul drainage, discharge from settlement lagoons, and related drainage/hydrological issues area capable of being dealt with satisfactorily by appropriately worded planning conditions. Following assessment of relevant information Officers concluded that the proposals would not pose any significant risk to groundwater quality, and this was accepted by Members of the County Council's Planning Committee in resolving to grant planning permission.

- 6.30 Updated hydrological assessment: The applicant's agent has undertaken a review of the data provided in the 2005 Environmental Statement and water resources investigations of 2015. This review concludes that there have been no large scale alterations in the groundwater usages locally, and therefore the groundwater elevations are not likely to have altered significantly since the 2005 Environmental Statement was undertaken. As such the applicant's agent considers that there has been insufficient change to the baseline hydrogeology and hydrology conditions as to require an updated water features survey or assessment.
- 6.31 An investigation carried out in 2015 stated that there is an absence of suitable waterbodies and watercourses in the vicinity of the site from which a new surface water abstraction licence could be attained. The applicant's agent acknowledges that at the current time it is not clear that a suitable water source has been identified for the site. Further work on this aspect of the development is required. Officers acknowledge that water abstraction is dealt with under separate legislation. The applicant's agent proposes that a water monitoring and management plan should be developed for the site, in order to satisfy the Environment Agency to allow the issue of an abstraction licence for water management at the site. It is considered that these matters can be agreed through appropriate planning conditions.
- 6.32 Drainage considerations: The planning application submitted in 2005 proposed that a series of lagoons would be formed at the site to retain process water and allow for the settlement of silt, with this water being recycled for use in processing. The resolution that was made in 2006 to grant planning permission for mineral extraction at Woodcote Wood was subject to conditions to deal with surface and foul drainage.
- 6.33 Update to drainage strategy: As part of the addendum to the Environmental Statement, surface and foul water drainage strategies have been produced. It is proposed that surface water attenuation for any increased runoff during operational phases would be conveyed to one of a series of detention basins strategically located around the development. Surface water runoff would be allowed to infiltrate to ground and evaporate. Additional detention basins would be constructed and existing basins relocated as and when required. Following the completion of restoration works, a single detention basin will be located at the base of the restored woodland slope.
- 6.34 Treatment would be provided for runoff from vehicle maintenance and fuel storage areas prior to discharge to lagoons. Foul water is proposed to be managed on site by a septic tank and drainage field or a sealed cesspool, subject to further investigation.
- 6.35 In principle the drainage strategy that has been put forward is acceptable. However, as was the case for the 2006 resolution, it would be appropriate for detailed schemes to be

agreed as part of planning conditions.

- 6.36 Residential and local amenity considerations: Core Strategy policy CS6 requires that developments safeguard residential and local amenity. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 6.37 Noise: The NPPF makes it clear that minerals planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. It further recognises that mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 6.38 The Environmental Statement submitted as part of the original planning application contained a noise assessment which identified the main sources of noise within the site, predicted noise levels at four sensitive receptor locations around the site and put forward noise mitigation proposals. The noise predictions established that the 'background plus 10' limit for normal quarrying operations would not be exceeded at the four nearest properties. The study concludes that the development could proceed in accordance with the noise limits set out at each noise sensitive property. In relation to temporary soil stripping operations, which can generate more noise than normal quarrying operations, the Environmental Statement confirmed that such activities would be undertaken only occasionally at the site with typically one such episode a year lasting for a period of less than two weeks. It was acknowledged that during such periods the noise level may marginally exceed the normal working criterion of 45 dBL_{Aeq}, but would remain well below the temporary limit for such operations of 70dBL_{Aeq} specified by the prevailing planning guidance (MPS2) which applies for up to 8 weeks a year.
- 6.39 These noise predictions were based on a 'worst case' scenario and, in the 2006 Committee report, Officers were of the view that the predicted noise levels at the respective properties would be realised and that in reality lower noise levels will be experienced (para. 7.20). The applicant previously agreed to accept a planning condition requiring noise monitoring to be undertaken at periodic intervals in order to check compliance with the noise limits and to verify that, in practice, the noise levels are considerably lower than predicted. Officers concluded that the noise predictions in the Environmental Statement demonstrate that the proposals are capable of complying with the noise limit criteria for quieter rural areas set out in MPS2. The topography of the site relative to the nearest properties would also provide a significant amount of natural attenuation and the design of the site does not require a high intensity of plant use. The resolution of the County Council's Planning Committee to grant planning permission was subject to the imposition of conditions to ensure that noise mitigation complies fully with best practice throughout the proposed quarrying and restoration operations, and to require the submission of a scheme to monitor noise from quarrying with identification of additional detailed noise mitigation measures where appropriate. Noise control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress.
- 6.40 Update to noise assessment: The applicant has re-assessed the findings of the 2005 noise assessment as part of an addendum to the Environmental Statement. The addendum states that due to the rural location of the site, it is assumed that the baseline noise levels will not have changed. In addition, it can be assumed that the magnitude of

change in noise levels, and resulting effects, have not changed.

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

7. CONCLUSION

- 7.1 In conclusion, updated environment information has been submitted in support of an historical 2006 permission for quarrying at an allocated site at Woodcote Wood near Newport. The information confirms that there have been no material changes in the environmental or geographic context of the site which would suggest that the

proposals should not proceed. This is having regard also to the inbuilt safeguards in the design of the scheme and the recommended planning conditions.

7.2 A related application for a new access at the site is a separate item on this Agenda. The inter-relationships between the two applications is addressed in the respective committee resolutions.

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

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

List of Background Papers:

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

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

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 - Conditions

APPENDIX 1**Legal Agreement Clauses to be transferred to application 17/03661/EIA**

- 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;

Note: For the sake of consistency and with the exception of Condition 2 defining the permission the conditions hereby recommended are the same as those which have been recommended to be applied with respect to application reference 17/03661/EIA. This is given the inter-relationship between the two applications.

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 approved location plan accompanying planning application reference SC/MB2005/0336/BR, hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the application form, supporting statement and environmental statement as updated, pursuant to application reference SC/MB2005/0336/BR.

Reason: To define the Site and permission

TIME LIMITS

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

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

- 4. 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)
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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.

APPENDIX 2

COMMITTEE REPORT DATED 25/7/06