

## Development Management Report

### Summary of Application

**Application Number:** 17/05303/MAW

**Parish:**

Worfield & Rudge and Claverley

**Proposal:** The phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration

**Site Address:** Land near Shipley, Bridgnorth Road, Shipley, Shropshire

**Applicant:** JPE Holdings

**Case Officer:** Graham French

**email:** [planningdmc@shropshire.gov.uk](mailto:planningdmc@shropshire.gov.uk)

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

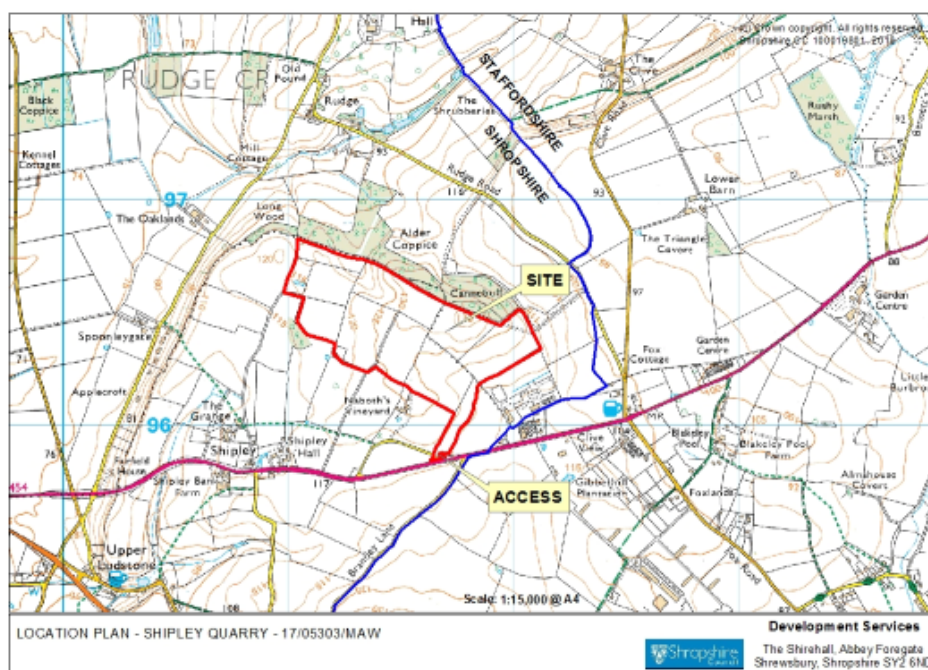


Figure 1: site location

## REPORT

### 1. THE PROPOSAL

- 1.1 The applicant JPE Holding Ltd is applying for full planning permission for the phased extraction of sand and gravel from the Site with progressive restoration and aftercare.

The current planning consent for mineral production from the company's nearby quarry at Seisdon (circa 2.7km southeast of the Site) is due to end such that export of mineral must cease by 31st December 2018. The company states that the current proposals will allow continuity of mineral supply to its established local markets following the closure of Seisdon.

- 1.2 The Proposed Development' comprises the phased extraction, processing and export from Site of c.3.5 million tonnes of saleable sand and gravel aggregate (the total amount excavated would be 4.13mt but this would be reduced by mineral processing). The mineral would be exported from the site at an average annual rate of c.250,000 tonnes. Mineral production would last for a period of c.14 years, with an initial preparatory period of up to 1 year and a final c. 2 year restoration period. Initial works would involve formation of screening mounds around the periphery of the site and installation of the plant site, access road and related infrastructure.
- 1.3 The applicant states that the deposit is geologically similar to that at Seisdon and would be capable of supplying the same market. Around 50% of the reserve is fine to very fine building sand. This can be used for mortar and as plastering sand which comprises a core part of the applicant's existing trade from Seisdon Quarry. Around 25%-30% is estimated to be sharp (coarse) sand for use primarily in concreting and asphalt products. The rest of the reserve would produce 10mm, 20mm and 40mm gravel. The workable sand and gravel deposit falls mainly in central and eastern parts of the Site and ranges up to 30m deep in places, averaging 17.9m. The western part of the site does not contain workable mineral. The maximum extraction depth of 106m AOD would only occur over 3 hectares and this would remain over 10m above the regional groundwater table which fluctuates between 93mAOD – 96mAOD. Working gradients at the edge of the extraction area would not exceed 1 in 3.
- 1.4 The equipment used at the Site would primarily consist of long-arm excavators (around 2 no.), backacters (around 2 no.), front-loaders (around 4 no.), articulated trucks (around 3 no.), static wash plant, and (mobile) mineral processing plant. Provision may also be made for a conveyor to aid in the transport of material across the Site. If required, this would be established during the middle of the operational time period. No blasting would be required. A new access route connecting to the A454 Bridgnorth Road would be placed in a shallow cutting near the southern boundary of the site and would include wheel wash facilities.
- 1.5 The mineral processing and wash plant and mineral stocking areas would be established on lower land within the western margin of the Site. The primary processing method would be screening. Any requirement for crushing would be undertaken infrequently / intermittently on a campaign basis. Topsoil and subsoil storage mounds and overburden stocks would be established according to the phasing of operations. Soil making materials would also be saved for use in restoration. Soils would be replaced to an average depth of 1.5-2m across the site. Freshwater and silt lagoons would facilitate water storage and processing operations.
- 1.6 The site would be restored progressively to a combination of agricultural land, with nature conservation interest and enhanced habitat diversity including species rich grassland, acid grassland / heath mosaic and woodland. The amount of best and most versatile agricultural land would remain unchanged. No importation of material would be required.

Proposed hours of operation would be between 7am and 6pm Monday to Friday and between 7am to 1pm on Saturdays, similar to those permitted at Seisdon Quarry.

- 1.7 All vehicle access would be via the A454 Bridgnorth Road. The access proposals allow for a right turn lane and improvements to the junction layout with the A454. All works can be undertaken on publicly owned highways land under the jurisdiction of Shropshire Council Highways. The proposals are likely to result in an average of circa 96 individual HGV movements on average (48 return movements) per operational day assuming standard 20 tonne loads, 48 week working year and 5½ day working week.
- 1.8 Environmental Statement: The application is supported by an Environmental Impact Assessment (EIA) which considers matters including noise, dust / air quality, traffic, ecology, landscape, soils, cultural heritage and the water environment. A Scoping Opinion issued by Shropshire Council on 16<sup>th</sup> August 2016 (ref: 16/01952/SCO) provides advice on the scope and content of any Environmental Statement. The applicant's Environmental Statement concludes that the proposed development is unlikely to result in any significant adverse environmental impacts. Following the initial planning consultation process additional information was requested by the Planning Authority under Regulation 25 of the 2017 EIA Regulations and this has been the subject of further planning consultations. Matters addressed by the Environmental Statement are considered in section 6 below.

## 2. SITE LOCATION / DESCRIPTION

- 2.1 The Site (NGR SO 81533 96443) is located within the Green Belt on the eastern boundary of Shropshire (see figure 1). It is 2km south-southwest of the Staffordshire village of Pattingham, c.5km west-southwest of Wolverhampton and c. 9km east-northeast of Bridgnorth. The Site will have direct access on to the A454 Bridgnorth Road which links Bridgnorth to Wolverhampton. The planning application area totals 44.53ha of agricultural land, of which 23ha would be subject to mineral extraction operations.
- 2.2 Currently the site comprises a mix of arable and pasture uses. Land use to the immediate south of the Site comprises agricultural land and a residential dwelling (Naboth's Vineyard). The residential curtilage of the property is located 90m south of the edge of the landscaped edge of the quarry site and 130m south of the proposed extraction limit. A paddock owned by the property shares a boundary with the application site. A property known as Ridge View is located on the north side of the A454 some 280m east of the proposed site access. The hamlet of Shipley, Shipley Hall and Thornescroft Restaurant are located approximately 0.5km southwest and west of the Site's boundary. Land use to the southeast of the Site comprises agricultural land, the Gardenland's Garden Centre (Wyevale Nurseries), Walford and North Shropshire College and a residential property. Land use to the north comprises a large block of mixed woodland ('Alder Coppice', known locally as Cannebuff) and agricultural land. Other scattered development primarily follows the A454 Bridgnorth Road and adjoining roads, including farmsteads and commercial farming buildings.
- 2.3 The landform of the Site comprises a gently undulating south facing slope, which leads up to the localised highpoint of 'Cannebuff' north of the Site. Ground levels vary between approximately 115mAOD in the south west and 136m AOD at the northern site boundary. There are no public rights of way within the site and no statutory designations, other than

Green Belt, though an area of ancient woodland is located to the immediate north. The Site is on a major aquifer and within a total catchment protection zone.

### 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 the Committee.

### 4. COMMUNITY REPRESENTATIONS

#### 4.1a Claverley Parish Council (26/02/18): Objection. The following comments are made:

- i. Hydrology: Hydrological changes may substantially alter ground water and surface water quantity and quality. The supply of water to individual boreholes, pools and businesses could be seriously affected and there is great concern about the sustainability of the moat and monastic fish pool at the Grade I Listed Ludstone Hall as a result of the disturbance to the water table as it is a site source to Claverley Brook. There has been a precedent with regards to hydrology disturbance in the parish. When Hilton bore hole was sunk it resulted in mains water having to be supplied to two thirds of the parish as private water supplies dried up. Because of the serious implications for private water supplies, an independent hydrology report should be obtained prior to determination of this planning application.
- ii. Road safety: The significant increase in traffic from the proposed development would exacerbate the safety risks along the A454 which is a very busy road. The proposed entrance to the site is close to the entrance to Naboths Vineyard which will pose a hazard. The report on the local road network contains inaccuracies and uses out of date data. The Parish Council fears the estimate of 100 lorry movements per day is likely to be exceeded and there would also be additional vehicles movements to and from the proposed site. The number of slow moving agricultural vehicles pulling out on to the A454 adds to the impact on the safety of road users. The likelihood of mud being left on the road as the lorries leave the site is another concern.
- iii. Archaeology: As this is a site of archaeological interest, the Parish Council is concerned the proposed development could have an adverse effect on the site and supports the comments of 23/11/2017 made by Shropshire Council Archaeology (Historic Environment) that an archaeology field evaluation of the proposed site be undertaken and submitted to the Local Planning Authority prior to the planning application being determined.
- iv. Damage to ancient woodland and wildlife: The Parish Council is concerned the proposed development would have a detrimental impact on the ancient woodland with a damaging effect on the woodland ecosystem. Protected animal species would be at risk. The Parish Council supports the contents of the Woodland Trust's letter of objection dated 18/12/2017 which states a minimum boundary of 50m between the woodland and the proposed site with a suggested boundary of 100m in order to protect the ancient woodland from disturbance and pollution.
- v. Noise and Dust Pollution: The Parish Council is concerned about the inevitable effects of noise and dust on those living and working in the vicinity of the proposed site.

- vi. In conclusion, Claverley Parish Council considers this inappropriate development in the Green Belt. The proposed site has not been allocated as being a preferred site for the extraction of sand and gravel in Shropshire Council's SAMDev Plan and both Shropshire and Staffordshire Councils have sufficient sites to supply sand and gravel. No special circumstances have been put forward to justify approval and Claverley Parish Council considers this application should be refused. Claverley Parish Council would like to request a site visit is arranged for members of the Planning Committee before determination of this planning application.
- 4.1b. (Comments 14/06/18) Councillors believe that this will have a significant impact upon the volume of traffic that will use the A454 Bridgnorth to Wolverhampton Road. This the very road which is under consideration in conjunction with application 17/05303/MAW. Councillors have already expressed concern that the proposal by JPE Holdings, if granted, will generate a very high number of vehicle (both lorry and other vehicle) movements per day. This alone gives rise to our belief that this road which is already heavily used and dangerous will have this danger factor intolerably amplified. This is inevitable, given that there are numerous entry and exit points on this stretch of road and that the proposed access to the site is on a blind portion of the road. The prospect of the construction of the Orbital Road, points up even more concern. This section of the A454 will effectively become a "feeder road" to the new motorway. The traffic movements will increase well beyond that which we currently experienced. Councillors of Worfield & Rudge of firmly of the opinion that this new (resurrected) plan to proceed with the completion of the Orbital Road cannot be ignored in the consideration of 17/05303/MAW. They would urge you to consider this latest Highway information when the application is taken.
- 4.1c. (Comments 17/07/18) Claverley Parish Council continues to object to this application on the following grounds:
- i. Need for Aggregates: Claverley Parish Council has seen no evidential need demonstrated for the sand and gravel from this quarry application:-
- Site is not in current SamDev as a preferred abstraction site
  - Shropshire minerals land bank exceeds annual demand for more than the required 7 years ( and this is before Woodcote Wood site being granted approval for 2.25 million tons).
  - South Staffs has a 12 year supply and to quote their consultation document "the cessation of sand and gravel supply at Seisdon Quarry can be meet from alternative sources within Staffordshire"
  - Over supply could affect economic viability of existing quarry sites.
- ii. Hydrology: The second hydrology report commissioned by the applicant also does not know where the water that flows from Grange Farm adjacent to the application site comes from. This water is a site source tributary for the Grade I Listed Ludstone Hall pools, moat and Claverley Brook. Further unexplained points are:-
- No operational daily water volume requirements for dust suppression, sand washing, wheel washing, etc provided.
  - No information as to where operational water is coming from.

- No impact assessment on the local hydrology of the removal of 4.25 million tons of pressure from above the ground water aquifer (3.5 million tons aggregates / 0.75 mt spoil)
  - iii. Ancient Woodland: The removal of the one side of this hill top adjacent to the ancient woodland effectively under cutting it would leave it literally high and dry.
  - iv. Visual Impact: The site viewed from the eastern side from the A454 between Furness Grange Farm entrance and Bennets Lane is the first view of Shropshire for visitors and daily commuters. From this elevated position no screening measures will be effective to hide this scar on the horizon topped off with the sand and gravel screening machinery
- 4.2a Worfield & Rudge Parish Council 05/02/18 (adjacent parish): Objection. The following comments are made:
- i. Quality of Paperwork: We are concerned that some of the factual information and data used in the reports issued in the presentation of this application contain multiple inaccuracies and out of date facts. This is particularly apparent in the report on Local Road Network. Comparisons are drawn which are inequitable. See the Air Quality evaluation which fails to differentiate between industrial and agricultural environment. The reports are inadequate in defining the impact on the A454. This applies both in terms of a heavy increase in lorry movements on and off this road due to site traffic and to the essential need to consider the design of the access road. These factors will have an important and considerable impact on road safety. (Please note the incorrect statement that the speed is limited to 50mph at the site entrance. The actual limit being currently set at 60mph). The numerous inaccuracies that we can see must indicate that the supporting documents should be regarded as unreliable and might be considered as being deliberately misleading. Based upon the above, Councillors have concern for the integrity of the other many reports which focus on the various important information topics that are presented by the applicant. Councillors suspect that the figures for lorry movements on and off this site are “conservative” to say the least. Traffic surveys at other similar sites, some of which are smaller in scale, demonstrate a very much increased level of activity. The economics of the operation of such a site would lead us to believe that there would be in excess of the stated number of vehicle movements per day generated. The figures stated in the application are deliberately intended to reduce the worry about road safety on the A454. Please see further criticism at item 3 below).
  - ii. Effect on water supply and water table: This topic must be considered in two important aspects. First it should be noted that a number of households in the vicinity of this area derive their entire water supply from bore holes. It is crucial that there should be no detriment to this water supply as a result of 17/05303/MAW. Second - Feed from streams and underground sources also sustain the viability of many water features, ponds and wildlife habitat. This will affect several properties. One of these which is of note, being the moat at Historic Ludstone Hall. This rare Grade I listed property (the moat is also listed) must be preserved. The effect upon the springs and underground aquifers from the disturbance which will be caused by the proposed process of mineral extraction will inevitably have consequences for the sustainability of these ponds and pools.

- iii. Road safety: The application indicates that there will be some 100 lorry movements per day to and from this site. We dispute this figure as being deceptively low. There will also be other car and smaller vehicle traffic which will be generated. The entrance to the site is via the A454 close to the current entrance to Naboths Vineyard. This constitutes an appreciable hazard to road users. The main road at this point is a de-restricted, very busy, "A" class road. Shortly beyond this junction traveling east, the speed is limited to 50 miles per hour. The reason for this restriction (on the Staffordshire side of the county boundary) is because of a proven high risk roadway which has been the cause of numerous RTA's in the past. The danger spots being the cross road at The Fox at Shipley and the two drives which serve the garden centre. Indeed at the proposed entrance to this proposed new facility it is noteworthy that the road is blind in the eastern direction because of the contour of the terrain. On the western approach along the A454 this council has in the past pointed out the hazardous junction at the bottom of Red Hill at Rudge Road crossroads. It would be timely to acknowledge the hazard faced by drivers entering into and exiting from The Inn at Shipley. This restaurant has twin drives and sits in close proximity to the entrances of six other properties. All these cause concern for the inexperienced and experienced driver alike. All of these hazards – both in Shropshire and on the Staffordshire side of the county boundary will definitely be made more dangerous with the addition of traffic which will be incumbent upon the operation of a quarry. It should be noted that there will be an increase in the lorry traffic on all local roads as a consequence should this application is granted. Many of these roads are entirely unsuitable for heavy lorries. Currently great impact is felt on these roads as a consequence of the agricultural harvest. This would still also have to be accommodated in addition to the additional lorry traffic created. All this would make an existing dangerous road even more dangerous for all road users. It is hoped that these concerns will be noted when consideration of the proposed use of this position to access the site for such a high volume of traffic which will be a factor every working day of the plant.
- iv. Noise and dust pollution: It is an inevitable consequence of the operation of a plant such as this that there will be a problem with both noise and dust. This is an irrefutable fact. Those who dwell, farm, or trade within the vicinity will be affected by these two problems. This causes concern for councillors.
- v. Historic importance: The site has proved to be of great archaeological and historic interest. It is a heritage site where many ancient artefacts have been found on the land. It is important that this great legacy is not lost in a questionable commercial framework which is probably providing the driving force behind the application.
- vi. Restoration and landscaping: The application sets out the time line for the use of the proposed facility. It also includes information about the restoration and landscaping at the completion of the operation. Councillors and electors need to be able to be confident that should this application be successful that these pledges be carried out with diligence. This is prime rural landscape, coupled with this historic and archaeological significance respect must be insisted upon in order to inflict as little harm as possible.
- vii. It must be noted that at the time of a public meeting to consider this application, held on 4th January, it was noted that many householders reported that they had not been correctly informed and felt that they were being denied an opportunity to make their views known in the normal planning procedure.

4.2b Worfield & Rudge Parish Council 14/06/18 further comments.

At the June meeting of Worfield & Rudge Parish Council it was noted with interest that the scheme to construct the Western Orbital Link Road has returned to the agenda. Councillors believe that this will have a significant impact upon the volume of traffic that will use the A454 Bridgnorth to Wolverhampton Road. This the very road which is under consideration in conjunction with application 17/05303/MAW. Councillors have already expressed concern that the proposal by JPE Holdings, if granted, will generate a very high number of vehicle (both lorry and other vehicle) movements per day. This alone gives rise to our belief that this road which is already heavily used and dangerous will have this danger factor intolerably amplified. This is inevitable, given that there are numerous entry and exit points on this stretch of road and that the proposed access to the site is on a blind portion of the road. The prospect of the construction of the Orbital Road, points up even more concern. This section of the A454 will effectively become a “feeder road” to the new motorway. The traffic movements will increase well beyond that which we currently experienced. Councillors of Worfield & Rudge of firmly of the opinion that this new (resurrected) plan to proceed with the completion of the Orbital Road cannot be ignored in the consideration of 17/05303/MAW. They would urge you to consider this latest Highway information when the application is taken.

4.3 Pattingham & Patshull Parish Council (Adjoining parish). Object for the following reasons:

- The quarry application does not meet with South Staffs, or Shropshire District Council Site Allocations and Management of Development Plan. Land at Shipley does not feature in sand & gravel reserves and this application can only be viewed as a commercial opportunity.
- Increase in heavy lorries on a dangerous stretch of A road with a risk of quarry lorries taking short cuts through local villages like Pattingham or along Burnhill Green Road.
- Dust hazard, noise and air pollution, specifically to nearby homes.
- Hydrology reports are not sufficient. Natural springs and water courses will be affected and some nearby homes rely on bore holes for their water supply.
- Too close to ancient woodland at Cannebuff and the impact on wildlife and natural habitats.

4.4 Environment Agency (15/12/17): No objection. The following comments are made:

- i. Site context: The site is located upon an isolated sand and gravel deposit (glacio-fluvial deposits) which is classed as a Secondary A aquifer. The superficial gravel is underlain mostly by the Kidderminster Formation (gravelly sandstone) bedrock, with a small area underlain by the Bromsgrove Sandstone in the west beyond a fault. Both formations are classed as Principal Aquifers. The site sits within a Source Protection Zone (SPZ) III (total catchment). This site is located above a Water Framework Directive (WFD) groundwater body, WFD drinking water protected area and is within 400m of a surface watercourse. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. The site falls within the Worcestershire Middle Severn CAMS (Catchment Abstraction Management Strategy) with the Kidderminster Formation making up the Wombourne GWMU (Groundwater Management Unit). There is no water available for new abstractions from the sandstone. The proposed mineral extraction presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is within SPZ 3 and is located upon Principal Aquifer. The maximum depth of excavation is proposed to be



limited to 106m AOD and will operate with a significant freeboard above the water table based on the information provided. However, in contrast to the above, the Environmental Risk Assessment (Table 9.5) states that this is only proposed as an initial working depth, with the final working depth to be agreed after operational monitoring, with a minimum 2m buffer zone. As suggested by the applicant, we would recommend that you impose a condition to secure the maximum initial working depth to a level of 106 m AOD. A Monitoring scheme condition could be imposed to provide ongoing operational evidence to confirm the water level which may require/enable the final working depth to be amended.

- ii. Potential Impact upon shallow/perched water table: Your EIA scoping letter identifies the need to consider possible drawdown effects in any shallow/ perched water tables, spring lines etc. The ES confirms that as the site will not be wet worked and only perched water is likely to be affected by quarry activities the potential risk to local groundwater abstractions is considered to be minimal (low risk). While the report has confirmed consultation with your Council for the private water supply records, it is not clear to what extent local residents have been contacted with regard to possible unlicensed abstractions, to support the above conclusion. Given the concerns raised by local residents during public consultation and following a review of the information submitted, we would recommend that a water features survey be completed to consider all such possible abstractions (and any water features) located within 1km radius of the excavation. This will inform a more robust EIA. These should be identified and detail sought to establish whether the abstraction is situated within the shallower Secondary aquifer or deeper Principal aquifer. The data obtained should be used to revise the Conceptual Site Model and hydrogeological impact assessment where necessary. This will inform the final ES conclusion. Particular concerns were raised by a local resident about spring-fed fish ponds and pools at Shipley Hall and Grange Farm to the south-west, therefore more detailed comments should be made by the applicant regarding potential risks of derogation of these springs which are within the proposed working depth of the quarry. Further information should be provided to confirm the risk and any avoidance/mitigation measures, including agreement for protection of such supplies where relevant and necessary.
- iii. Flood risk / water management: We have no comments on the FRA based on the location within Flood Zone 1 (low probability of fluvial risk) based on our indicative flood map for planning. We would recommend that you seek the views of your Flood and Water Management team with regard to surface water quantity (including climate change allowance for peak rainfall) and other sources of flooding. We note the information submitted confirms that “proposals (are) likely to retain more surface water in the landscape at the site, thus flood risk outside the site not increased whilst protecting prevalent groundwater regimes”. Presumably the use of less permeable silt/clay fractions in the low level restoration could increase runoff of surface water and potentially reduce recharge to the aquifer. We acknowledge the other water management systems as proposed in section 9.5.2.10 of the ES (chapter 9). Part of the mineral processing operations will rely on a mains water supply, of which the used water will be wholly recycled for re-use on Site with other operations. As no wet working is required there will be no need for dewatering, aside from implementation of the permissible 20m<sup>3</sup> de-minimis daily abstraction rate.

- iv. Mining Waste and Material Management: The application confirms that there will be no import of waste material for the restoration. The low level landform restoration will be achieved by utilising suitable site won overburden and no waste material will be imported for use in the restoration. The site may need to obtain relevant Environmental Permits, in accordance with the Environmental Permitting Regulations, for the management of inert and extractive wastes. Only suitable site derived materials should be used in any screening bund or restoration works. Materials Management including any sampling strategy for the testing of excavation formations would be suitably controlled through the permit for example, Standard Rules Permit (SR2009 No8). This regulates “The storage, treatment and disposal of inert extractive wastes and unpolluted soil resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries at a mine or quarry” It states that “Waste types shall conform to the description in the approved waste management plan”. A Mining Waste Directive (MWD) Permit or Extractive Material Management Statement (EMMS), in accordance with the MWD, may be required. The applicant should contact our EPR Waste team on telephone: 02084 749014 with regard to the above.
- v. Water Quality: The Drainage Strategy suggests that there will be no discharges to any controlled waters, with all discharges proposed to the proposed settlement lagoons, so no environmental permit to discharge should be required. The applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features. The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact our National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.
- vi. Biodiversity / ecology: We note the details within Chapter 6 – Ecology, including Habitat Survey report. There are no protected species identified within our remit. We are not the appropriate authority to comment on woodland, bats, badgers or great crested newts (in pond 1 and 2). We would recommend that you seek the views of Natural England and the Forestry Commission in relation to the Alder ancient wood and retention of semi-improved grassland, provision of additional native trees etc. Notwithstanding the above, we welcome the inclusion of the ephemeral wetland areas/ponds ‘formed at the base of the slopes’ as shown on the concept restoration plan (Figure 4) dated 01 November 2017, Rev A. To enhance biodiversity/the water environment and support Water Framework Directive (WFD) objectives we would recommend that an additional pond is created in the restoration phase to leave 3 ponds in total at the site. The additional pond could be formed from one of the operational lagoons.

*Note: The applicant has provided additional information on hydrology in response to a further query from the Environment Agency.*

- 4.4i. Environment Agency (17/09/18): No objection. We have reviewed the following document, which was received on 6 September 2018:
- Stephen Buss Environmental Consulting Ltd, Shipley Quarry: Appraisal of hydrogeological impact assessment, Doc. Ref. 2018-030-008-002. 06 September 2018
  - Specific questions a) and b) raised in the Stephen Buss Environmental Consulting Ltd email to the Environment Agency: Comments on hydrogeological risk assessment at Shipley Quarry, of 06 September 2018: “

The key aspects that we wish the Environment Agency to reconsider are as follows -

a). *“I feel that the maximum groundwater level in the Principal Aquifer beneath the site may have been considerably underestimated. I consider that no representative groundwater level data has been presented with the application. I feel that there is a chance that the water table may (in a wet winter) rise above the proposed base of the quarry. Hence the planning application must not go ahead with a proposed base of 106 m AOD. This is a critical aquifer protection issue.”*

- a.i. We consider that it is unlikely that the groundwater level will be higher than 106mAOD. The record from the Shipley observation borehole indicates 98mAOD maximum groundwater level, but this was during a very high recharge year. The Garden Lands borehole has a rest water level of 17m below datum in July 1986 (cased to 30m). This suggests that generally the low lying ground on either side of the North-South ridge acts to reduce the degree of mounding occurring. Whilst this is not suggested by the groundwater model output, it is considered that the model is unlikely to be able to replicate the small scale site specific conditions. It is accepted that the quarry site is on a ridge and some relatively lower permeability layers may be present which could act to form a recharge mound. We have no site specific information to enable informed comment on the suggested maximum groundwater level at site of 104.5mAOD as suggested in the Stephen Buss Environmental Consulting Ltd report.
- a.ii. It is agreed that faults give rise to complications and compartmentalisation. There is also the potential for ‘perched’ groundwater systems within the bedrock aquifer. In relation to the comments about the observation borehole record potentially not being representative, we agree that it is some distance from the site. We accept that the record is cut short (finished in 2010), however it is possible to use other hydrographs in the area to estimate likely overall trends.
- a.iii. In terms of potential Water Company changes in abstraction regime, data from nearby observation boreholes indicate that there may be some local effects on groundwater levels from changes in the abstraction regime in proximity to abstraction boreholes. However, there has been no significant regional rebound in the area. The nearest abstractions are some distance away - nearest c. 2.5km and then c. 4km plus. (The nearest observation boreholes in the area show that there may have been a slight rise in groundwater levels in the area around Chesterton (1998 and 2006), but in general groundwater levels do not show long term trends. At Shipley it is expected that any impacts arising from small changes in local abstraction regime will be minimal given the intervening distance.)

- a.iv. The peak in the Shipley Common groundwater level graph was a result of intense rainfall/recharge of autumn/winter 2000/2001. This is commonly seen elsewhere although the significant response varies between the differing sandstone formations which respond in different ways to the recharge. What is missing from the Shipley Common record is the groundwater peak in 2013/2014, arising from heavy rain of April 2012 to 2013. However, this can be seen on the Little Moor and Chesterton borehole records. This groundwater peak is generally similar in magnitude to that seen in 2000/2001, although in some places was a little higher (0.5-1m). It is plausible that a similar groundwater level to 2001 would have been observed at Shipley Common observation borehole in 2013/2014.
- a.v. Despite all the above points of detail, we would concur that the only way of assessing this parameter with greater certainty would be to install comprehensive 'groundwater monitoring' around the site. This information would further inform the vertical stand-off distance and develop the conceptual understanding of the site/spring mechanisms.
- b). *"I agree with your recent communication (EA letter of 13 August 2018) to Grahame French, in that the catchments to springs are poorly defined. I consider that the larger springs may be from the Principal Aquifer and not from perched groundwater bodies, though I agree with your assessment of the risk of impacts on perched groundwater bodies. This highlights how the very limited data that has been presented can be interpreted in different ways, and therefore the extent of the residual uncertainty in the conceptual model. There are licensed abstractions and a scheduled ancient monument downstream that are dependent on maintenance of the current flow regime. There is no baseline monitoring of flows. Without baseline data there is no chance that impacts can be assessed, and adequate mitigation planned. This is a water resource protection issue."*
- b.i. As confirmed in our previous response, of 13 August 2018, this is a complex hydrogeological setting and ideally further investigation/monitoring should be undertaken to refine the conceptual model, although even then some uncertainty may remain. We believe that many of the comments made by Stephen Buss support our stance with regard to the spring mechanisms. There remains significant uncertainty about their origins, whether superficial perched, bedrock 'perched', regional groundwater table supported, or some potentially fault related.
- b.ii. Based on the reasoning above (generally observation range of water levels in the area to the south/west of the site), we are not certain whether the springs issuing at 108mAOD could be considered to originate from the regional coherent groundwater system. However the potential for compartmentalisation and effects of faulting are unclear. Whilst it may be possible to infer spring mechanisms from geological mapping, care is required because of the potential inaccuracy of mapping of the superficial deposits. Determination of the potential impact of the quarry upon the springs is not fully possible, because the spring mechanisms are not completely understood. It is therefore not possible to state with confidence whether mitigation measures are required or indeed would be feasible or appropriate. It is arguable that the necessary site specific monitoring that has been put forward should be undertaken upfront in order to inform the EIA and such mitigation.
- b.iii The monitoring proposed by the applicant does provide the opportunity for greater certainty to be provided and a mechanism for avoidance of potential impact and

remediation of any derogated supplies. We would reiterate that it would be for your Council's Public protection and/or Private Water Supply protection team to comment further on this element to ensure they are satisfied with this approach. We note the recent commitment to ensuring protection of the principal aquifer through the restrictive condition of the suggested monitoring response condition (revised). This is seeking to ensure a freeboard (buffer zone) below extraction i.e. a "minimum 2m freeboard" linked to the understanding that any extraction will not progress below circa 110mAOD until around 7 years in to the future (phasing). The comments in our previous letter still stand.

4.5 Natural England: No objection. The following comments are made:

- i. Ancient woodland and veteran trees: The development site appears to be adjacent to Ancient Semi Natural Woodland. You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.
- ii. Soils, Land Quality and Reclamation: Natural England has considered this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 109 and 112 of the National Planning Policy Framework (March 2012). Based on the information provided in support of the planning application, we note that the proposed development would extend to approximately 25 ha, including some 9.83 ha of 'best and most versatile' (BMV) agricultural land; namely Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system. While Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, we would expect the Planning Authority to take the economic and other benefits of the BMV land into account (in line with para 112 of the NPPF). We would also make the following points:
  1. We are satisfied that that the site working and reclamation proposals provided in support of this application meet the requirements for sustainable minerals development, set out in current Minerals Planning Practice Guidance, particularly section 6 on restoration and aftercare of minerals sites.
  2. In particular, we have noted that the following Sections, Appendices and Plans of the EIA (or Supporting Statement) are sufficient to demonstrate that an equivalent (or substantial) area of the BMV land disturbed as a result of the development, would be reinstated to a similar quality, suited to a productive agricultural afteruse:
    - Chapter 8 – Agriculture and Soils
    - Chapter 8 Agriculture and Soils – Technical Appendices
  3. In accordance with Schedule 5, Part 1, Para 4 (1) of the Town & Country Planning Act 1990, Natural England confirms that it would be appropriate to specify agriculture as an afteruse, and for the land to be reclaimed in accordance with Para 3 (1) of the 1990 Act; namely that the physical characteristics of the land be restored, so far as practicable, to what they were when last used for agriculture.

4. Should the development proceed (and subject to no more accurate information coming to light during the working of the site), Natural England is satisfied that the Soils and Agricultural Land Classification Report (at Technical Appendix 8.1) constitutes a record of the pre-working physical characteristics of the land within the application site boundary.
5. Some suggested conditions to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation are attached, which may be of use.
6. Defra's Good Practice Guide for Handling Soils provides detailed advice on the choice of machinery and method of their use for handling soils at various phases. We would recommend (or welcome where proposed) the adoption of "Loose-handling" methods (as described by Sheets 1-4 of the Guide), to minimise damage to soil structure and achieve high standards of restoration.
7. More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance for successful reclamation of mineral and waste sites.

If you are of the opinion that this proposal may have significant implications for a greater loss of agricultural land, or other considerations which we should take into account, Natural England would be pleased to advise further.

- iii. Environmental enhancement: Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.

- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

iv. Biodiversity duty: Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

4.6 Historic England: No objection.

4.7 Staffordshire County Council (adjacent Mineral Planning Authority): No objection subject to the following comments:

- i. Background: The planning application for the phased extraction of sand and gravel involves 44.5 hectares of agricultural land of which 23 hectares would be subject to mineral extraction is entirely within Shropshire but close to the county boundary with Staffordshire. The quarry would lie approximately 100m from the County boundary at its closest point and would be accessed from the A454 Bridgnorth Road.
- ii. Justification for proposal: The proposal is justified as a replacement site to Seisdon Quarry which is one of two quarries operated by the applicant in Staffordshire. Working operations at Seisdon Quarry are required to cease no later than 31 December 2018 (refer to condition 3 of permission ref: SS.15/13/627 M) and this requires that the winning and working of sand and gravel shall cease no later than 30 June 2018. The applicant seeks to develop the Cannebuff site mainly for the purposes of maintaining supply to markets in the West Midlands conurbation<sup>12</sup>. The nature of the geology at the proposed site is capable of providing a product range similar to that produced at Seisdon Quarry and in particular, it is estimated by the applicant that around 50% of the reserves would be suitable for use as building sand. Policy CS20 of the Shropshire Core Strategy refers to 'Broad locations' for the future working of sand and gravel as identified in Figure 11 and paragraph 7.30 acknowledges that there is potential for sites within these locations to supply markets outside Shropshire as well as in the county. The Shropshire Local Aggregate Assessment 2016 – 17 concludes that the current general pattern of aggregate imports and exports can be expected to continue, although the progressive exhaustion of permitted reserves in south-west Staffordshire may start to result in additional demand from sites in eastern Shropshire and Telford & Wrekin.
- iii. In assessing need for the proposal, the applicant considers planned provision within Staffordshire and scope for replacing the current provision from Seisdon. Policy 1 of the Minerals Local Plan for Staffordshire (2015 – 2030) indicates that overall planned provision for sand and gravel is made on the basis of maintaining at least a 7 year landbank of permitted reserves based on a production capacity of 5.0 million tonnes of sand and gravel per annum. Referring to the latest Local Aggregate Assessment produced by this Authority it is assessed that based on producing 5 million tonnes of sand and gravel per annum, the sand and gravel landbank as of 1 January 2017 was 12.7 years and therefore, the landbank indicates an overall steady and adequate supply. It is evident from the Local Aggregate Assessment that the supply of sand and gravel from quarries in Staffordshire is significant in meeting the demand for construction aggregates in the West Midlands conurbation<sup>3</sup>.

- iv. The nearest alternative quarries for the supply of sand and gravel within Staffordshire are Saredon and Calf Heath Quarries (refer to figure 1 of the Local Aggregate Assessment). Both quarries have allocated extensions in the adopted Plan (refer to inset maps 7 and 8 in the appendices to the Minerals Local Plan for Staffordshire). Within South Staffordshire district, there are permitted reserves at three dormant sites but there is no current indication as to whether the reserves at these sites would be made available in the short to medium term. In preparing the Minerals Local Plan for Staffordshire, three site options in the local area were considered<sup>4</sup> but none of these options were considered more suitable than the allocations made in the Plan.
- v. Conclusion: The cessation of sand and gravel supply at Seisdon Quarry can be met from alternative sources within Staffordshire but there are no operational/ planned replacement sites south of the M54 and to the west of Wolverhampton/ Dudley in South Staffordshire District. As recognised in the Shropshire Local Aggregate Assessment, demand met from Seisdon would be likely to be displaced to quarries in eastern Shropshire and in meeting current and any potential increased demand for sand and gravel, there will be a need for 'windfall' sites as well as allocated and committed sites.
- vi. Environmental considerations: In relation to the proposal, I have received the following responses from colleagues:
  - a) Transport Development Control Officer: no objection in terms of impact on the highways in Staffordshire;
  - b) Flood Risk Planning and SuDS Officer: no objection; and,
  - c) Principal Landscape Officer: no objection but clarification is recommended on mitigation measures:
    - i. The photographic evidence in Chapter 7 of the Environmental Statement indicates that locations to the south and east within Staffordshire would have skyline views of extraction, or views onto the back faces of the quarry, which could not be mitigated by perimeter bunds. The upper 10m of the northern extraction face will be seeded to 'green up the upper profiles'; and in Phase 3 similar treatment is proposed for a 5-10m strip. Your Authority is advised to seek clarity on how the depth of these strips have been established, (for example, through a requirement for additional sections) to establish whether this would be adequate to deliver an acceptable level of mitigation.
    - ii. The Working Scheme and Overview Plan shows bunds along the access track as 1-2m high, which would only provide limited mitigation for lorry movements.
    - iii. The 20m woodland buffer to the south of Alder Coppice Ancient Woodland, referred to in 2-2.7.17 of the ES is not shown on the Restoration Plan. There would be both landscape and biodiversity benefits in encouraging restoration of woodland in the buffer zone rather than the acid grassland and scrub mosaic indicated on the Concept Restoration Plan.
- vii. Your Regulatory Services recommend the imposition of conditions relating to dust and noise management and it is requested that consideration be given to the inclusion of noise sensitive monitoring locations in Staffordshire as part of a noise monitoring scheme for the quarry and that the locations are identified and agreed with the South Staffordshire District Council's Environmental Health Officer. Consideration should also



be given to conditions to ensure that no mud or slurry is deposited on the public highway and that effective vehicle wheel cleaning facilities are installed. The applicant's planning statement refers to pre-application consultation with the two local parish councils in Staffordshire and their concern about the use of roads through local villages by HGVs. The applicant indicates that HGV movements are not generally anticipated through Seisdon or Pattingham villages as access is achieved directly onto the strategic highway network via the A454. Consideration should therefore be given to the use of a planning obligation to provide assurances that the applicant would manage vehicle movements to ensure that HGVs do not pass through Seisdon and Pattingham villages unless necessary for local deliveries.

- viii. Conclusion: Taking into account the environmental considerations listed under Policy 4 of the Minerals Local Plan for Staffordshire and the comments noted above, no unacceptable adverse impacts on sensitive receptors within Staffordshire have been identified that are not capable of potential mitigation. Further clarification should be provided by the applicant on the landscape mitigation measures. The noise monitoring scheme should include noise sensitive locations in Staffordshire agreed with the South Staffordshire District Council's Environmental Health Officer. There should be a condition to require effective vehicle wheel cleaning facilities and consideration should be given to the use of a planning obligation to direct vehicle movements to the Strategic Highway Network except for local deliveries.
- ix. Overall Conclusions: Having regard to the policies, guidance and observations referred to above, it is reasonable to conclude that no unacceptable adverse impacts have been identified on sensitive receptors within Staffordshire which cannot be mitigated by condition or planning obligation. The assessment of the need for the proposals should take into account the circumstances relating to provision of sand and gravel in Staffordshire as explained above. Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral Planning Authority, has no objection to the planning application for phased extraction of sand and gravel at Cannebuff, Bridgnorth Road, Near Shipley for the reasons described above, subject to the considerations referred to above (landscape and visual mitigation measures; noise sensitive locations in Staffordshire; wheel cleaning and vehicle movements directed to the Strategic Highway Network). I trust that Staffordshire County Council's observations will be taken into account in reaching a decision on the application.

4.8a. CPRE (30/01/18) Objection.

- i. CPRE has grave concerns that the location for the proposal of the extraction of sand and gravel is completely unsuitable, and it supports many of the environmental concerns raised by the numerous objectors. The location for the proposed development is within the Green Belt and greatly conflicts with its purposes of protecting the countryside. Indeed, it is contrary to Shropshire Council's policy under CS5, which favours considering permitting small scale developments, not very large ones that are the antithesis of the aim to maintain and enhance countryside vitality and character. Policy CS5 further requires large scale new mineral related development to demonstrate that there are no unacceptable adverse environmental impacts, and that is not the case with this proposed development. Figure 10 on page 122 of Core Strategy indicates that only part of the proposed site is in a Mineral Safeguarding Area. Policy CS20 states that

there should be a sustainable approach to mineral working which balances environmental considerations against the needs of the economy and society. This proposal has the opposite effect, and for important environmental reasons is a most inappropriate development at this location. The specific concerns of CPRE are:

- ii. Traffic: A prominent concern is the significant increase in heavy traffic (estimated by the applicant at about 100 two-way HGV journeys a day) which will exacerbate safety risk along the busy A454 road. Speed control of traffic is already a major problem which is highlighted by the need for so many speed cameras along this stretch of road. The introduction of many more heavy vehicles will only create the possibility of an increase in accidents. Even Shropshire Council's Highway Authority has implied reservations by recommending that the applicant's proposed road access improvements should be formally approved before planning permission for mineral extraction is granted. CPRE does not consider that there are any road improvements that will sufficiently remove the added risk to safety should mineral extraction on this site go ahead.
- iii. Arboriculture and wild life: The views of the Woodland Trust are fully supported. There is evidence to indicate that the mineral extraction development will result in irreparable damage to trees in an adjacent ancient wood, and will be harmful to protected animal species. Despite reports to the contrary, there are claims from local people that crested newts, badgers and a growing population of bats live in the vicinity, which must be protected.
- iv. Water levels: There are justifiable concerns from members of the public that the scheme will cause unacceptable disturbance to the water table. Concerns are that excessive drainage due to the development will result in scenic pools and streams being run dry and worries that farming businesses nearby will be badly affected due to loss of water in bore holes. There is no guarantee that measures to minimise the effect on water levels will be sufficiently successful.
- v. Air quality: There are bound to be marked and unacceptable increases in air pollution arising from mineral extraction activity that will spread dust and soil particles by prevailing winds over a wide area in this protected countryside. No mitigating measure will be enough to prevent the invasive harmful effect on the surrounding environment of air pollution that can cause people health problems.
- vi. Noise pollution: Unpreventable noise from machinery and extra traffic will disturb the tranquillity of the countryside and the quality of life in the surrounding area.
- vii. Landscape and visual: There are serious visual impairments to the scenic beauty of the landscape which screening proposals will do little to prevent harmful impact on the countryside.
- viii. Policy: As well as the non-compliance with CS5 and CS20 noted above, there is also paragraph 7.2 of the recent Consultation document on the Preferred Scale and Distribution of Development which said, under the sub-heading "Mineral Sites": "The availability of sand and gravel resources remains well above the minimum guideline and additional sites have also been allocated in the SAMDev Plan (2015). No additional site allocations are therefore proposed as part of the Local Plan Review." This proposed site is therefore not needed, and runs counter to Shropshire Council's own policy, despite

the commentary in paragraph 7.3 that “a number of planning applications for ‘windfall’ sites or site extensions are expected to be determined during the next year in Shropshire. These resources, if consented, would provide a significant additional boost to the local supply of sand and gravel”.

- ix. Green belt: The proposed site is within Land Parcel BA2 within the recent Green Belt Assessment commissioned by Shropshire Council. The conclusion for this Land Parcel was that the Green Belt here is playing a Strong role in preventing further encroachment of development in the open countryside. There is therefore a presumption against development in this part of the Green Belt.
  - x. Conclusion: It is noted that the location is not identified by Shropshire Council under MD5, as a site preferred for the extraction of gravel and sand, which would mean to grant planning permission is contrary to its own agreed policy on suitable locations. Under MD5 of SAMDev the possibility of using existing sites before introducing any new ones should be explored more. The applicant makes it plain that this application, on the far eastern boundary of Shropshire, is made as a replacement for its operations, due to close at the end of 2018, at Seisdon Quarry, which is only 2.7km to the southeast, but which is over the border in the South Staffordshire District Council area. Whilst acknowledging the requirement of counties to share in mineral extraction, this site near Shipley is not suitable to meet shortage of essential demand. In such an event, the view is taken that Shropshire Council, South Staffordshire District Council and Staffordshire County Council should liaise and negotiate with developers to find a more suitable location. This is an inappropriate development in the Green Belt with no very special circumstances to justify approval. Only part of the site is in a Mineral Safeguarding Area and the proposal as a whole does not adhere to providing sustainable mineral working as envisaged in Core Strategy 20. This application should be refused.
- 4.8b. CPRE (15/04/18): CPRE wrote to you on 30 January 2018 outlining its objections to the extraction of minerals at the quarry near Shipley. At item 6 of the letter reference was made to landscape and visual effect by stating, "There are serious visual impairments to the scenic beauty of the landscape which screening proposals will do little to prevent harmful impact on the countryside". CPRE acknowledges the very recent judgment in the Court of Appeal (case No.CI/2017/0829, copy attached for ease of reference) where it was held that North Yorkshire County Council's Officer had mis-briefed its Planning Committee over the interpretation of Paragraph 90 of the NPPF regarding visual impact. The Council's decision to grant planning permission to extend the extraction of minerals in a quarry was consequently quashed. CPRE therefore wishes to take this as an opportunity to emphasise the primacy of fully taking into account the visual impact within the Green Belt that the current proposal will have, in the way expressed within this judgment. The proposal, being immediately adjacent to an ancient woodland on a slight ridge, would in itself make a permanent harmful visual change to the openness of the Green Belt. The proposal appears to be in Parcel BA2 of the Shropshire Green Belt Assessment of September 2017 by LUC, who gave this parcel a rating of Moderate or Strong for the purposes of 2, 3 and 4 of NPPF paragraph 80. Please take these further comments into account when arriving at your recommendation to the Planning Committee.
- 4.9ai. SC Ecology (10/04/18): Objection. Additional information is required relating to Great Crested Newts and bats.

- 4.9bi. SC Ecology (22/06/18): Objection. Additional information is required relating to mitigation and enhancement measures for Great Crested Newts. If the additional information (detailed below) is not submitted I would recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations (2017). Conditions and informatives to be included on the decision notice if planning permission is granted are suggested but will be finalised once the information above has been provided. This consultee response expands on comments provided to the planning case officer dated 26th January 2018.
- ii. Designated wildlife sites: No international (SAC, SPA, Ramsar Sites), national (SSSIs) or local (LNRs, LWS) designated wildlife sites are likely to be affected by this project. However, Ancient Woodland lies along the northern boundary and this is protected in national and local planning policy.
  - iii. Habitats: Chapter 6 states that the habitats on site are arable, hedgerow, improved grassland, scattered trees, semi-improved grassland, standing water. Ancient woodland lies immediately adjacent to the site in the north. The buffer strip to the woodland, particularly on the upper slopes of the hill may support a richer flora in summer and one of the fields (F6) was semi-improved (rather than reseeded with rye grass) with indications in places of dry acidic grassland. The proposed buffer has been increased from a minimum of 15m width to one of 30m and retention of some of this grassland should be considered before the treatment of the buffer area is finalised. The concept restoration plan indicates that significant amounts of both acidic grassland and species-rich grassland will be created, which will provide enhancements in the longer term. However, care must be taken in the landscaping and habitat management to ensure nutrient poor soils are used for these areas, that natural regeneration is utilized where suitable and any seed application from green hay or mixes is suitably sourced. See landscape plan condition below.
  - iv. Ancient Woodland: The northern edge of the site is bounded by a band of Ancient Woodland (AW) and Plantation Ancient Woodland (PAW) including Long Wood, Alder Coppice and Cannebuff – referred to here collectively as ‘Alder Wood’. A minimum buffer of 30m to the mineral extraction area with a temporary bund taking up 5m of this buffer (at 25m from the woodland) for Phase 2 only, has now been proposed. This buffer ensures no conflict with root protection areas and adequately protects trees from any direct damage to branches.
  - v. Water Environment: Additional information has now been provided on water features and possible impacts of extraction on water levels in the adjacent ‘Alder Wood’ (Ref. 14). The presence of a number of springs has been confirmed in the surrounding area, most likely relating to localised superficial deposits rather than the principal aquifer. In the ‘dry valley’ feature leading down towards the springs in Alder Coppice the maximum depth of extraction has been raised to 111m AOD and the landform profile has been designed to encourage and maintain runoff and recharge within the pre-existing catchment towards Alder Coppice. Springs on the boundary with Alder Coppice lie at around 104m AOD, which is lower than the proposed maximum extraction depth of 106m AOD and the recharge area should be unaffected by the proposed quarry. Caulmert Ltd conclude that in combination with the superficial geology, the proposed depth of working is unlikely to affect the recharge to these springs. The springs around Grange Farm are at a lower

elevation that the proposed base of the development and therefore are not considered to be directly affected by it. In view of the need to protect Ancient Woodland, the springs in Alder Wood should be monitored throughout the life of the development. There should be a mechanism whereby the LPA is informed if drying of the springs is detected but of course a weather record should also be kept for the quarry to help rule out natural fluctuations in water levels. A condition should be drafted to cover the monitoring of water features taking into account any comments provided by the Environment Agency.

- vi. Dust: Alder Wood is adjacent to the northern boundary of the proposed quarry site, downwind of the prevailing wind direction and ranges in elevation from circa 136m in the east to 100m in the west. Based on the ecological consultant's professional judgement the wood is considered to have a 'medium sensitivity' to dust. It is stated (Chapter 4, 4.6.3.5) that the northern part of the site, being at a higher elevation, could result, in the absence of mitigation measures, in impacts from airborne concentrations of dust due to impaction. The Mineral Dust Impact Guidance (IAQM, 2016) states that it is commonly accepted that disamenity dust and PM10 from sand and gravel quarries is uncommon beyond 250m, with the greatest impacts occurring within 100m of the source. Coarse dust, which causes most disamenity, will largely deposit closer to the source than fine dust. (IAQM, 2016). The majority of the proposed quarry workings are within 250m of the edge of Alder Wood. Mineral working in phases 2, 3, 6a and 6b will take place within 100m, as will soil stripping and bunding, and disturbance during restoration works. The prevailing wind will blow from the workings towards the woodland. In response to my queries raised in my previous response, the applicant has made the following points:
- The site will be worked in a southerly direction away from the ancient woodland.
  - The closest mineral operations between 30m to 50m distant of the woodland comprise soil stripping and grading works, 2m to 5m below the level of the woodland at its closest.
  - On average, works quickly start to become between c. 7m and 10m below the levels of the adjacent woodland. This in itself starts to become a substantial barrier to dust.
  - Within 100m of the woodland, extraction would be between 10m to 20m below the level of the adjacent woodland again forming a barrier to dust.
  - Only c. 6% of extraction operations occur within 50m of the woodland (outside the 30m buffer), over three phases of work. Such work in Phases 2, 3 and 6a will occur over a temporary time period (a matter of weeks).
  - Temporary surface working that gives rise to elevated risks of dust can be adequately managed. See 'Dust Management Scheme Ancient Woodland Specific Aspects' section 4.1.32.
  - Around 80% of all mineral extraction works occurs outside 100m from ancient woodland.
  - The edge of the mineral storage area has been moved back to c. 140m from the woodland and the processing plant at c. 180m.
  - The mineral processing area will be depressed to a level c. 2.5m below adjacent levels and will be surrounded by 2m to 3m high bunding and partially screened with 2m high willow on the bunds.
  - Over a 14 year period, this equates to less than 3 year of working within 100m of the woodland; the majority of which would be at considerable depth below the woodland.
- vii. Whilst the mineral extraction is a considered 'dry' dig, above the water table, material will be wet processed through the wash plant (save for very temporary occasional dry

screening if necessary for the material). All processing is located over 140m of the Ancient Woodland. This is in conjunction with the plant site levels, peripheral bunding and planting, which will act as a substantial barrier to dust dispersal from processing activities. (4.1.29). Based on this it is considered that the risk of significant adverse sustained or long-term impacts on the Ancient Woodland are low. Given the geology of the area, it is considered unlikely that any dust deposition would significantly alter soil chemistry or the soil resource (i.e. there is no great divergence in substrate types between the Site and woodland to the north). However, good practice dust suppression and management techniques would be employed to further limit dust dispersal and any potential for adverse physical effects on vegetation. It should be noted that fields within 90m to 150m are already ploughed periodically as part of current agricultural practice. Specific measures to protect the GCN land to the west of the mineral processing area from dust are detailed in sections 3.3.20 – 3.3.26 of the Addendum to Chapter 6 Ecology.

- viii. I assume that an annual review of progress with the quarrying activities will be conditioned. The results of the dust monitoring for sensitive biodiversity receptors and any remedial measures required should be considered and recorded as part of this review.
- ix. Badger survey: The recommendations detailed in the 'Appendix E8, Confidential Ecology Information – Badger' should be conditioned.
- x. Reptiles: The ecological consultants consider that reptile species are likely to be absent due to the fragmentation of habitat and limited areas of suitable habitats. An ecological clerk of works should inspect the site prior to vegetation removal and be present when hedges or other vegetation more likely to support wildlife are to be removed.
- xi. Bats: A preliminary bat roost assessment of trees from the ground on 24th March 2015 and bat activity transect surveys were carried out on the 11th June, 17th September and 29th September 2015. An update Preliminary Roost Assessment has now been carried out on the two trees with potential roost features, which will be removed during the development. All other trees to be removed are considered to have negligible bat roost potential. The location of these trees has also been clarified. No signs of bats were found, but the trees won't be removed immediately work starts. An update survey will be required prior to felling in case potential roost features are occupied during the intervening time. Loss of potential roost sites will be mitigated by erecting bat boxes on remaining mature trees. The majority of internal hedges, which are to be removed, are of poor quality. External hedges are to be retained and the tree planting on bunds is likely to increase their bat foraging potential. The majority of bats detected were foraging along the woodland edge to the north of the site and along boundary hedges. Very few were recorded using the internal hedgerows. In view of this, further bat activity transect surveys are not required unless the details submitted with the application change.
- xii. Nesting birds: The breeding bird survey recorded a total of 38 species of conservation concern at the site including 6 Species of Principle Importance (as listed on the NERC Act 2006). Minimisation of the amount of nesting habitat removed, additional tree and scrub planting on bunds created around the site boundaries, a phased approach to extraction with phased restoration maximising habitat through time and restoration of the site to a mixture of more diverse grassland and scrub with new hedges and fields, should

reduce disturbance in the short term and provide potentially enhanced nesting habitat in future. The surrounding area contains similar habitats to those on the proposed development site and the assemblage of species found is typical for these habitats. According to the bird report it is now out of date the survey being undertaken in 2015. In view of the retention of the majority of habitat around the boundaries and a buffer strip to the woodland, together with initial new tree and scrub planting, sufficient information has been supplied for the planning decision. However, update surveys will be required for later phases of the development.

- xiii. Great Crested Newts: A total of 13 ponds within 500m of the Site (figure E41 of ecological Addendum) were identified. Two of these ponds (ponds X and Y) were considered to be separated from the site by significant barriers to amphibian dispersal. The remaining 11 ponds were investigated further. Pond G (at Naboth's Vineyard) could not be accessed but is believed to be dry. Ponds F and H are no longer present. Ponds A and B in Alder Wood were too shallow to sample and considered unlikely to support GCN. Pond K had been dry on previous occasions and was similar to A and B. Pond I was excluded from eDNA analysis due to its structure, use and distance from the development Site. Pond I also appears to be a relatively recent feature judging by aerial photos. eDNA analysis was only considered necessary in respect of Ponds C, D, E and J. The results of these tests were all negative indicating likely absence from these ponds. Hence there is a small population of GCNs centred on Ponds 1a, 1b and Pond 2. No further survey work for GCN is required. GCN mitigation proposals have been provided in sections 5.2.4 to 5.2.19. However, I am concerned that insufficient terrestrial habitat has been provided as mitigation for land excluded for GCN during the lifetime of the quarry. Measuring from aerial photos, and judging by the semi-permanent amphibian fencing indicated on Figure E1, I have estimated the following:

- Hedgerows temporarily lost during the lifetime of the quarry = c.422m
- Area lost during extraction within 100m of ponds 1a, b and 2 = c. 2.44ha
- Area lost during extraction within 250m of ponds 1a, b and 2 = c. 10.28ha
- Hedgerows gapped up between Ponds 1 and 2 and east of Pond 2 = c. 213m but not shown on Updated Concept Restoration Plan CE-CB0617-DW15b-Final Rev. B (Figure 4).
- Area of proposed tree screen: = c.0.1ha between 50m and 100m from ponds 1a and 1b

- ix. Hence, for the duration of extraction, there would be a net loss of more than 200m of hedgerow within 250m of the ponds, c. 2.435ha of terrestrial habitat within 100m of the ponds and an additional loss of c. 10ha of terrestrial habitat within 250m. Whilst arable land and close-cropped pasture are not 'good' quality GCN habitat, newts will still cross and forage within them. Normally, under these circumstances I would expect a reduced area of better quality habitat and additional hibernacula to be provided, rather than a like for like area. I doubt a small tree belt and short lengths of gapped up hedge would be sufficient to obtain a GCN EPS mitigation licence. Ideally, additional habitat (woodland, scrub grassland mosaic) and hibernation features should be provided, particularly north of Ponds 1a and 1b and between ponds 1a/b and pond 2. This mitigation habitat should be retained in the final restoration plan as enhancement. Investigating the sustainability of water levels in the existing ponds 1a, 1b and 2, and mitigation measures to ensure continued water levels for the required length of time for successful GCN breeding is

welcomed. Are the ponds currently used for crop irrigation and if so will this cease during and after mineral extraction? Enhancements in terms of additional water bodies created on site during restoration should be investigated. Once this information is provided I will be able to consider the Favourable Conservation Status test under the Conservation of Habitats and Species Regulations 2017 and provide a European Protected Species 3 tests matrix form. The planning officer will need to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

- x. Dormouse: The hedges proposed to be removed are generally poor, gappy and poorly connected and would be unlikely to support dormouse. Boundary planting will increase dormouse habitat in the longer term.
  - xi. Invertebrates: March is not a suitable time to survey for invertebrates but the habitat types involved are relatively ecologically poor and in the longer term the production of south-facing sandy slopes with low soil fertility and species-rich grassland, together with increased tree planting are likely to be of benefit to a diverse range of invertebrates.
  - xii. Landscaping prior to and during extraction: Details of the landscaping prior to commencement will be required as this will provide mitigation for some of the ecological receptors as well as screening for properties and dust.
  - xiii. Construction Environmental Management Plan: To protect the sensitive ecological receptors on site during the working of the quarry, a construction Environmental Management Plan (CEMP) should be conditioned.
  - xiv. Habitat Management Plan: A habitat management plan should be submitted within 6 months of the commencement of excavation to ensure suitable management of marginal and restored land through the phased development and afterwards. I will add to/revise the conditions when the additional information has been provided. If there are queries on this memo please contact me using the details below in the first instance. In my absence Nicola Stone, Planning Ecologist (01743 258512) may be able to help.
- 4.9ci. SC Ecology (17/07/18 - verbal communication). No objection. The applicant has now addressed the specific issue regarding GCN mitigation raised in the previous consultation response with amendment to the working and restoration plans which show additional GCN habitats. Also, a survey found no roosting bats in a tree within the site.
- 4.10a SC Trees: (06/12/17) No objection on arboricultural grounds, providing appropriate measures are put in place to protect retained trees and hedgerows during implementation and given appropriate habitat restoration, including tree and hedgerow planting sufficient to compensate for that lost during mineral extraction. The Arboricultural Report (Crestwood Environmental Ltd, CE-CB0617-RP13-Final, 27 Oct 2017) identifies the phased removal of various trees and lengths of hedgerow during the lifetime of the proposed scheme. A total of 3 category 'A' trees and 1 category 'A' group of trees, 4 category 'B' trees and 3 category 'B' groups of trees, 3 category 'C' trees and 2 category 'C' groups of trees, 2 category 'U' trees and 1 category 'U' group of trees and 8 hedgerows of various lengths would be removed at various phases of the scheme. All other trees, groups of trees and hedgerows can be retained and protected during development. In addition, it is proposed to plant tree topped bunds and woodland belts



around the site boundaries at an early stage of the scheme. Long-term the plan is to plant more hedgerows with a greater combined length and number of trees incorporated along their length than currently exists within the site. A number of wooded copses are also proposed to be planted in field corners, reflecting the pattern of tree cover around the site. I consider that the temporary loss of trees and hedgerows whilst the scheme is in progress would be more than compensated upon restoration of the land. It is recognised that the veteran field maple tree (T47) towards the middle of the site cannot be replaced by new planting, but on balance in my opinion the loss of this one veteran tree provides insufficient grounds to object to the scheme. Conditions are recommended.

- 4.10b SC Trees: (14/06/18) No objection. I have reviewed the further information provided within the Response to the Regulation 25 Request (Crestwood Environmental Ltd, 31 May 2018) and the Additional Ecological and Arboricultural Information Addendum to Chapter 6 of the Environmental Statement (Crestwood Environmental Ltd, 31 May 2018) and would offer the following comments as regards arboricultural aspects of this application. I note the conclusion that the proposed development will have no lasting adverse impact upon the adjacent ancient woodland. Modifications to the development have been made such that a minimum 30m buffer will be left between the edge of the ancient woodland and the extraction site. Extraction levels have also been raised to protect the existing catchment areas to the ancient woodland. I welcome these amendments to the design and have no objections to the application on arboricultural grounds. I would refer to the recommended conditions contained within my previous consultation response dated 6<sup>th</sup> December 2017.
- 4.11i. SC Conservation (12/07/18) No objection. In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The application proposes the phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration on Land near Shipley. The site covers c.44ha of agricultural land with an extraction area of c.23ha. The site is located on the eastern boundary of Shropshire with Staffordshire and near the hamlet of Shipley, with the nearest dwellings at the hamlet being c. 450m to the south-southwest. The site itself does not contain any listed buildings and is not covered by any heritage designation such as Conservation Area, World Heritage Site or Registered Park and Garden. There are a number of designated heritage assets within the wider study area, those closest to the site consisting of a group of Grade II listed buildings at Shipley and Grade II and II\* listed buildings at Rudge. The proposed development is temporary in nature with mineral production lasting for a period of c. 14 years, with an initial preparatory period and a final c. 2 year restoration period. The proposed development includes a number of landscape mitigation measures, phasing and progressive restoration with the aim to minimise the visual impacts of the scheme including:
- Early tree planting to act as screening
  - Strategically locating soil storage bunds
  - Locating plant at the lowest levels within the Site.

- ii. Additional information has subsequently been provided in relation to the impacts upon landscape and heritage assets, taking into account the potential loss of areas of Ancient Woodland to the north. A number of amendments to the proposals have been submitted, aiming to minimise and/or mitigate against any increased visual effects, including:
- Reducing the floor level of the proposed processing plant from 115m AoD in the original proposals to 114m AoD;
  - Increasing the bund to the north of the plant site area in size to 3m high to screen the majority of the plant;
  - Planting fast growing c2m high willows across the peripheral bunding to form a visual screen which will be retained for the duration of operations;
  - Siting and orientation of the processing plant to reduce its visibility.

The additional information provided on Cultural Heritage and Landscape have been reviewed along with public comments and further assessment made of the impacts of the proposed development taking this information and the proposed amendments into account.

- iii. Looking first at the group of listed buildings at Shipley, including Shipley Hall and Barns, Shipley Grange and The Inn at Shipley. Taking into account the layout and orientation of the buildings, location in the landscape and having taken on board the zone of theoretical visibility, viewpoints provided and assessment on site, there do not appear to be any primary or planned views directly from any of the Shipley listed buildings towards the site. Views of the site from these listed buildings would most likely be incidental in nature or limited from upper floors and not primary formal spaces, therefore lessening their significance to some extent. Nevertheless, it is considered that the proximity of the site to the listed buildings at Shipley, particularly Shipley Hall and Barns could create some impact upon the setting of these listed buildings as the development could be noticeable in some views and when enjoying the grounds of the buildings. It is considered that this equates to a less than substantial impact upon the setting of the listed buildings. It noted that the development will be phased and revised landscaping and screening measures have been submitted. It is considered that the proposed phasing and landscaping would help to mitigate against these impacts.
- iv. Secondly, the impact of the proposed development upon the setting of heritage assets at Rudge has been further considered reflecting upon the position of the removal of a section of the Ancient Woodland. The removal of the woodland will result in more available views towards the site particularly from Rudge Hall which does appear to have a primary elevation fronting the site. However, the layout of the proposed development and the amendments to the plant buildings and screening now submitted are considered to reduce this impact. It is also noted that the distance between Rudge Hall and the site combined with the gradient of the land and proposed mitigation would lessen the impacts. It is considered that the impact upon the setting of the listed building would be less than substantial in nature. It is considered that due to the location of 7 Lower Rudge its views of the proposed development would be limited and the proposed mitigation would help to alleviate any impacts that would occur here.
- v. Finally looking at heritage assets further afield. It is considered that other heritage assets identified such as those at Chesterton, Patshull Hall, Ludstone Hall and the Ironbridge Gorge World Heritage site would not be impacted to any discernible degree by the development due to their locations distant from the site.

- vi. Conclusions: It is considered that the proposals could result in harm to the setting of heritage assets at Shipley by virtue of the close proximity of the site and the nature of the proposal which will alter the agricultural setting of the listed buildings. It is noted that there are no designed views from the listed buildings directly to the proposed development site but the nature of the development will mean a change to the character of the setting which could be noticeable when experiencing the listed buildings from within the curtilage. It is considered that the proposal would result in less than substantial harm to the setting of the listed buildings at Shipley. The proposed mitigation measures, phasing and temporary nature of the development is taken into account and is considered to help mitigate against the impacts of the proposal. It is considered that the proposed development could also result in harm to the setting of Rudge Hall, this harm would be considered to be less than substantial in nature, due to the distance between the site and the listed building and the proposed phasing, siting and landscaping mitigation measures which would help to mitigate against the impacts of the proposal. The less than substantial harms identified must be weighed against the public benefits of the scheme.
- 4.12i. SC Archaeology (04/06/18): An archaeological desk-based assessment (Crestwood Environmental, November 2017, Report Ref CE-CB0617-RP03 - FINAL) was submitted with this application and since our previous comments a geophysical survey has now been undertaken (TigerGeo, March 2018, Project code CSS171). The geophysical survey located a thin scatter of archaeological features across the site, including two linear features that may represent ditch fills, and a possible pit in the north-western field in the area of the flint find-spot (Shropshire Historic Environment Record [HER] No PRN 03817). Since the desk-based assessment was produced, further information has also come to light regarding the nature of the find-spot and the flint finds recovered in the 1980s. The proposed development site is therefore considered to have a moderate to high archaeological potential. I confirm that the archaeological desk-based assessment complies with the guidelines published by the Minerals and Historic Environment Forum in Mineral Extraction and Archaeology: A Practice Guide (2008), and, together with the field evaluation, provides a satisfactory level of information about the archaeological interest of the proposed development site in relation to Paragraph 128 of the NPPF.
- ii. In view of this and in and in relation to Paragraph 141 of the NPPF, Policy MD13 of the SAMDev component of the Shropshire Local Plan, and the Minerals and Historic Environment Forum's Mineral Extraction and Archaeology: A Practice Guide, it is recommended that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should include provision for the archaeological investigation, excavation and recording of the find-spot (PRN 03817) in the north-western part of the proposed extraction site. The provision for the remainder of the site should comprise a strip, map, and record exercise to precede each phase of ground disturbance (including construction of access and infrastructure, extraction, and restoration) on the site. The detail of this programme of archaeological work should be in accordance with a written scheme of investigation (WSI) to be agreed in advance and approved by the Senior Archaeological Advisor, Historic Environment Team.
- 4.13ai. SC Regulatory Services: (13/12/17) No objections. Having considered the dust assessment submitted with this application I am of the opinion that the mitigation

measures proposed are satisfactory and should ensure no significant detrimental impact at nearby residential and commercial properties. As a result I propose the following condition:

- All dust mitigation measures stated in the Dust Management Scheme, report reference CE-CB0617-RP10-FINAL produced by Crestwood Environmental Ltd shall be carried out in full for the duration of works on site. Reason: to protect the amenity of the surrounding area.
- ii. In relation to noise it is noted that mitigation is proposed in section 5-5.2.3 of the Noise Assessment report ref CE-CB-0617-RP17-FINAL produced by Crestwood Environmental Ltd. Hours of operation are also specified in section 5-5.2.4 of the same report. I would advise that both all of these mitigation measures are suitably conditioned. In addition the noise assessment states that a 3.5m high bund to the south of the site and a 2.5m bund to the north of the site is required to bring noise levels down as much as possible. This would result in noise levels of 43.8dB LAeq 1 hour at The Alders and 49.4dB LAeq 1 hour at Naboths Vineyard. I would recommend that these levels are conditioned as the maximum levels to be found at these locations with monitoring undertaken by the quarry to establish that these levels are achieved. It is noted that the levels more than 10dB above background however the assessments are considered suitably conservative and it is noted that over the course of the development noise sources will become lowered in the site reducing noise at nearby receptors.
- 4.13b. SC Regulatory Services: (14/06/18) No objections. Additional information has been provided by the applicant in respect of noise and dust. Having considered the report reference CE-CB-0617-RP42 - FINAL dated 31 May 2018 I recommend the following conditions.
- Section 3.1.5 of the above named report shall be carried out in full.
  - Section 4.1.5 of the report shall be carried out in full with the exception of a change in wording to the first bullet point of the noise section which shall read "Construction within the CEMP area shall take place between 0900 - 1600 hours Monday to Friday only unless agreed in writing with the LPA prior to any works outside of these times taking place.
  - Sections 4.2, 4.3 and 4.4 of the above named report are recommended for appropriate condition.
  - A condition to state that prior to workings on Phase 5b a management plan shall be submitted to the LPA for approval in writing taking into consideration noise and dust mitigation specific to this phase of the development.

Reasons for all of the above conditions are to protect residential amenity of those living in close proximity of the proposed development works.

- 4.13ci. SC Regulatory Services: (18/07/18) No objections. Further consideration has been given to correspondence with the case officer indicating that there is an individual living in close proximity who may be particularly sensitive to dusts arising from this activity. Having considered if this should be taken into consideration I would note that when carrying out other functions under legislation used by Regulatory Services there is case law to suggest that sensitivity to a particular aspect should not be taken into consideration and instead the impact on the average person should be considered. This is in relation to

the Environmental Protection Act 1990 and Statutory Nuisance which falls under s79 of the Act.

- ii. However, in respect of planning it is noted that sensitivity could be taken into consideration. Having said this the impacts of dust from the site in question at the premises where a sensitive individual is living is not anticipated to cause an exceedance of the air quality objective levels which would trigger action. Indeed the levels would be significantly below the national objective levels set in legislation. Therefore I would consider that even though there is a sensitive receptor in the general area (noted to generally be upwind of the development with a prevailing wind hence reduced impacts likely) and due to the additional phasing and positioning and bunding of the site access road I do not consider there to be any dust concerns from the proposed application.
- 4.14i. SC Highways Development Control: No objection. Conditions and informative notes are recommended. Although the highway authority has no objection to the principle of the development proposed. It is recommended that the proposed junction improvements on the Bridgnorth Road A454 are agreed prior to consent being granted, to ensure that the development can be served by a safe and appropriate access, for all vehicles.
- ii. Observations/Comments: It is considered that the Transport Assessment submitted to demonstrate the potential highway impact of the proposed development on the adjacent local highway network, is sufficiently robust. The TA has also proposed the introduction of a 'ghost island' (right turn lane) junction in an attempt to mitigate the potential safety implications for right turning HGVs, at this location. It should be noted that the introduction of this 'ghost island' junction may increase vehicular speeds and encourage overtaking, particular as the right turn facility will not be in constant use. It is noted that this stretch of road is already known for overtaking opportunities. In addition, there are other local facilities and attractions which probably generate significantly greater turning movements per day, which operate successfully without such right turn facilities. Therefore it may be considered incongruous for such a junction improvement to be sited at this location. Indeed it could be argued that such a facility may potentially have a detrimental impact on highway safety.
  - iii. Consideration could be given to other potential local highway improvements, including traffic management techniques, which could have a more positive effect on the speed of passing traffic, as well as assist with facilitating safer turning manoeuvres, for all vehicles ( i.e. moving/reducing speed limit, erection of warning signs, etc.) Any proposals should be supported by an appropriate Stage 1 - Road Safety Audit. It should be noted that the proposed access is at the top of a vertical crest, when travelling westwards. Meaning that vehicles waiting to turn right into the side road/site may not be seen by approaching until the stopping sight distance is significantly reduced, for the potential speed of traffic (i.e. 60mph). In order to ensure that any impact is minimised on the public highway, it is considered that the new access and associate highway/junction improvements must be delivered as the first phase of the development.
- 4.15 SC Drainage: No objection subject to recommended conditions and advisory notes.

#### Public Comments

4.16 The application has been advertised by site notice and in the local press and the nearest residential properties have been individually notified. At the time of writing 194 objection letters have been received including some from more than one person and some repeat representations (representing 234 individuals in total). Seven individuals have written in support of the proposals and 3 neutral comments have been received. These responses are included in full on the Council's online planning register and a detailed summary is included in Appendix 1. The main issues of concern can be listed under the following headings:

4.17 Objections:

- i. Access and traffic: Unsafe access onto unrestricted and dangerous stretch of A454. Impact of quarry HGV's using minor roads in the local area. Concern that the proposals could lead to quarry traffic using unsuitable minor roads as short cuts including through Pattingham, based on concerns of equivalent movements from the applicant's existing nearby quarry at Seisdon.
- ii. Air quality and health: Concern that quarrying operations will result in an increase in dust and deterioration in local air quality leading to health impacts for the local community. A particular sensitivity is identified with respect to the nearest property, Naboths Vineyard. Doubt is expressed that sufficient measures will be available in practice to provide sufficient mitigation.
- iii. Noise: Concern that quarrying operations will result in an increase in noise and a corresponding deterioration in local amenities. The proposed hours of working are too long.
- iv. Hydrology: Concern that the quarrying operations will result in an adverse impact on local water resources which are vital for agriculture, ecology, heritage and which provide the only source of drinking water for some local residents. Concern that insufficient information was provided with the application to allow the nature of any potential impacts to be adequately assessed. Not all local water resources and features were identified in initial surveys by the applicant's consultant. Disturbing the groundwater will create serious problems for anyone who benefits from it.
- v. Landscape / visual impact: Concern that the proposals will result in adverse impact to the local landscape and visual amenities. This is a prominent site within the Green Belt with uninterrupted and spectacular views across Shropshire, Staffordshire and the West Midlands. Any such impact would also have the potential to adversely affect the setting of local heritage assets.
- vi. Heritage: Concern that the potential impact of the proposals on local heritage assets has not been properly taken into account. Up to 400 fragments of worked flint have been collected from within the site 'represents human activity in this area spanning many thousands of years from the Mesolithic the Bronze Age'. The planned clear felling of Long Wood will significantly alter the findings of the heritage report as the quarry will have a visual impact on the setting of Rudge Hall and other local listed buildings.
- vii. Ecology: Concern that the proposals could affect local wildlife and habitats including ancient woodland located to the immediate north of the site. Concern that there could

be indirect affects as a result of the effects of quarrying on local water bodies. Concern that the applicant has underestimated the ecological richness of the area.

- viii. Agriculture: Concern about the potential for permanent loss of best and most versatile / productive agricultural land.
- viii. Policy / need: The site is not allocated in the SAMDev plan and does not meet relevant policy criteria for release of non-allocated sites. Sufficient minerals are available from other quarries in Shropshire and Staffordshire. The adverse environmental impacts of developing the site significantly outweigh the claimed benefits.

#### 4.18 Support comments:

- i. With the closure of Seisdon quarry another source of materials is important so that affordable housing projects may progress using locally sourced materials. Sand and gravel is in short supply at the moment, it is a commodity that is needed. Extra jobs will be created for quarry workers and local building industry.
- ii. The site concerned would most likely have the least environmental impact on the general area so is a logical choice. Environmental concerns regarding the Cannebuff and Alder Coppice woodland have been considered, with the woodland being untouched by this development.

#### 5. THE MAIN PLANNING ISSUES

- i) Policy context;
- ii) Non-allocated sites and justification for the development;
- iii) Green Belt appraisal;
- iv) Environmental effects (residential and general amenities - noise, dust, visual impact, ecology, highway safety, hydrology, restoration and afteruse);
- v) Conclusions.

#### 6. OFFICER APPRAISAL

##### Policy Context

- 6.1 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the accompanying Technical Guidance on mineral working are material considerations. The NPPF recognises that minerals are essential for supporting sustainable economic growth and our quality of life. The guidance states that it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs, whilst ensuring that permitted mineral operations do not have unacceptable adverse impacts on the natural and historic environment or human health. When determining planning applications, 'great weight' should be given to the benefits of mineral extraction including to the economy (NPPF205).
- 6.2 The NPPF advises that Mineral Planning Authorities should plan to ensure a steady and adequate supply of industrial minerals including permitted reserves of sand and gravel

which are sufficient for at least 7 years of annual production based on an average of previous production rates. Mineral Planning Authorities should ensure that 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'. They should ensure 'that large landbanks bound up in very few sites do not stifle competition' and should calculate and maintain separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market (NPPF207).

- 6.2 The development plan for Shropshire comprises the Shropshire Core Strategy and the SAMDev plan. Core Strategy policy CS20 confirms that the site is located within a Mineral Safeguarding Area where there is a presumption that mineral resources will be protected from sterilisation. The policy commits amongst other matters to maintaining an adequate supply of sand and gravel in line with national policy requirements. It advises that 'priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 (Facilities, services and infrastructure provision) and CS17 (Environmental Networks)'.
- 6.3 SAMDev policies MD5, MD16 and MD17 relate to mineral working. Of particular relevance is Policy MD5 which specifies how the supply of sand and gravel in Shropshire will be achieved. The policy is worded as follows:

*MD5: Sites for Sand and Gravel Working*

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

The site is also located in the Green Belt where separate policy tests apply, These are considered in a succeeding section.

#### Non-allocated sites and justification for the development

- 6.4 Policies MD5(1) & MD5(2) set out the expected situation with respect to release of the allocated sites (Wood Lane North extension (approved and operational), Gonsal extension (not yet submitted) and Morville Extension (not yet submitted)). Policy MD5(3) sets out the position with respect to non-allocated sites. The policy supports new mineral provision in accordance with NPPF207, provided the tests set by the policy are met.
- 6.5 The site is not allocated for mineral extraction though it was originally identified as a preferred site in a consultant's report forming part of the evidence base for the SAMDev plan. The Council's consultants Amec found that the site is "relatively unconstrained in terms of planning and environmental constraints although it is within the Green Belt and on a major aquifer within a total catchment protection zone". Amec acknowledged that the "site is effectively an extension to an existing quarry nearby at Seisdon in Staffordshire" and that "the site benefits from being generally well screened and would have a direct access to the strategic route network in a location close to markets for the mineral being produced". However, the draft allocation was not subsequently proceeded with following withdrawal of the previous prospective operator. As the site is not allocated it must be considered under Policy MD5(iii). The three tests set out in Policy MD5(iii) are considered below. The Inspector's report on the SAMDev plan states that "It is accepted by the Council that a developer should only need to satisfy (i) and (ii) or (iii). This modification is required to ensure Policy MD5 is positively prepared". Therefore all three tests do not have to be met, either tests i and ii have to be satisfied together, or test iii.

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

- 6.6 Preventing sterilisation: The proposal would not directly prevent the sterilisation of the sand and gravel resource. If the mineral was not worked now it would remain available for future working. However, the site is proposed as a replacement for the applicant's nearby quarry at Seisdon where mineral extraction will shortly cease. The ability to transfer existing staff and equipment directly over from Seisdon to Shipley and to preserve existing established markets would deliver operational benefits to the applicant. Whilst not preventing sterilisation, the timing of the current proposals seeks to exploit a limited window of opportunity associated with closure of Seisdon where it is accepted that the ability to develop the proposed site will be optimised.
- 6.7 Meeting an unmet need: The NPPF advises that Mineral Planning Authorities such as Shropshire should produce Local Aggregate Assessments (LAAs) on an annual basis in order to identify levels of production (NPPF207(a)). This information should then be used for predicting future demand on the basis of a 10 year rolling average. The reserves in Shropshire's landbank (11.69 million tonnes in 2016) equate to 16.94 years so on the face of it there is a healthy landbank. Objectors have cited the published landbank figure for Shropshire as evidence that there is no demonstrable need for the mineral and have

pointed out that the landbanks for Staffordshire (12.7 years – Jan 17) and the West Midlands Conurbation (10.64 years) are also well above minimum levels. A 1.6mt extension to the applicant's quarry at Shire Oak has also recently been permitted. They cite the consultation response on the current application from Staffordshire County Council as implying that the cessation of sand and gravel supply from Seisdon can be met from other supplies in Staffordshire. They suggest that Woodcote Wood 20km north of the Shipley site with good primary road access could also assist in meeting any local production shortfall when Seisdon closes. They also refer to the Inspector's report on the Inquiry into a proposed quarry / inert landfill site at Pave Lane near Newport and Woodcote Wood as indicating that there is no demonstrable need for the mineral from the site.

- 6.8 An objector has provided a report on need for sand and gravel which identifies 43 sand and gravel quarries within a 40 mile radius of the proposed site (the maximum limit for sand and gravel supply suggested by the objector), of which 32 are within 30km. It is suggested that these quarries, including applicant's existing quarry at Shire Oak, could supply market need without the need for the current proposals. Maps show that a 30km radius around 3 principal customers of Seisdon Quarry intersect a number of other quarry sites which it is suggested could be potential alternative suppliers to these customers. It should however be noted that with the exception of the applicant's quarry at Seisdon (shortly to close) and the proposed site, none of the identified sites are within a 10km radius of the applicant's principal market at Wolverhampton. The objector's report does not qualify the status of these sites, though the officer would note that of the 7 sites identified in Shropshire, 1 is closed (Tern Hill), 1 is dormant (Sleap), 1 is not yet operational (Woodcote Wood) and the next nearest operational quarry (Bridgwalton) is over twice the distance to Wolverhampton.
- 6.9 The Staffordshire County Council (SCC) statement that "cessation of sand and gravel supply at Seisdon Quarry can be met from alternative sources within Staffordshire" is qualified by the acknowledgment that "there are no operational/ planned replacement sites south of the M54 and to the west of Wolverhampton/ Dudley in South Staffordshire District". SCC also recognises that the Shropshire Local Aggregate Assessment, acknowledges that "demand met from Seisdon would be likely to be displaced to quarries in eastern Shropshire and in meeting current and any potential increased demand for sand and gravel, there will be a need for 'windfall' sites as well as allocated and committed sites". Moreover, the Staffordshire landbank is based on a supply rate of 5mt per year which is lower than the historic average of @6.5mtpa at a time when aggregate monitoring returns indicate a sustained increase in demand.
- 6.10 The Inspector's conclusions on the Pave Lane Inquiry regarding lack of need for the mineral had regard to the specific context of the appeal site. Pave Lane is within 1.5km of a rival site at Woodcote Wood which now benefits from planning permission. In contrast, the proposed site would not be in competition with the applicant's nearby quarry at Seisdon but would instead be a direct replacement. It is also understood that future reserves in a potential allocation at the quarry nearest to Shipley (Calf Heath 17km to the north east) may not now be available (due to the West Midlands Interchange Project currently being considered by the Planning Inspectorate). This follows the announcement in March 2018 of designation of the M54 Wolverhampton – Staffordshire High Growth Zone which incorporates a proposed major extension to the nearby Four Ashes industrial park which adjoins the quarry.

- 6.11 The latest available annual data (Shropshire LAA 2016-17) indicates that, at 0.74mt, sand and gravel production in Shropshire and Telford & Wrekin in 2016 was continuing to recover from lower levels of production in recent years with sales now above both the 10 year and 3 year rolling averages (0.69mt and 0.70mt). The same situation applies in Staffordshire, linked to an uplift in economic growth and construction activity. Accordingly the SAMDev has set an 'annual production guideline' of 0.82mt. The 2016-17 LAA acknowledges that release of mineral from unallocated sites may be required in order to meet the SAMDev annual production guideline. The 2016-17 LAA advises that 'despite having a large landbank, there are potential issues regarding productive capacity due to about 70% of reserves being contained within three sites which have been unworked for over 5 years'. This includes the 6.5 million tonne site at Sleaf near Wem and a 1.5mt site at Barnsley Lane which the landowner has confirmed will not now proceed. The NPPF advises in this respect that the 7 year sand and gravel landbank is a minimum requirement (NPPF207(f)) and so an adequate or excess landbank is not a reason for withholding permission.
- 6.12 The SAMDev Plan (2015) allocates additional resources at three sites, 2 of which (Gonsal and Morville) have not yet come forward. The LAA advises that 'The release of further resources is expected through windfall applications or the current Local Plan Review'. No new mineral site allocations are being proposed as part of the current SAMDev partial review process. Hence, any new proposals for sand and gravel working will need to come forward as windfall sites under Policy M5(3). The applicant states that the previous withdrawal of the draft allocation from the SAMDev Plan was due to the historic presence of unworked committed reserves in Shropshire and the interaction with the new Staffordshire Minerals Local Plan (adopted in February 2017). However, the applicant states that the mineral provision situation has now changed and the need for an alternative mineral supply at the Shropshire/Staffordshire border has become a strategically important consideration. This is due to the impending closure of Seisdon, the failure of Barnsley Lane to come forward and the inability of the adopted Staffordshire Minerals Local Plan to allocate additional reserves within southwest Staffordshire, immediately west of the West Midlands conurbation.
- 6.13 The applicant currently supplies sand and gravel to the Midlands region from its two main quarries at Shire Oak near Brownhills (which has recently received permission for a 1.6mt extension) and Seisdon Quarry. Much of the production at these quarries is taken up by established contracts with a few local customers. The two quarries produce different mineral products. The aggregate at Shire Oak is a 'rock sand' whilst Seisdon is currently the applicant's main producer of fine sand products. The proposed development would work a similar mineral resource to that worked at Seisdon and is intended as a direct replacement, in order to satisfy market demand in the area.
- 6.14 The applicant has provided confidential sales information. This confirms that current levels of customer demand have been increasing progressively in recent years at Seisdon Quarry and the company is having to actively manage demand to ensure that the annual output restriction is not exceeded. Over 70% of the output from Seisdon is to established medium and long-term contracts for building and concreting sand. The applicant advises that much of the customer base supported by Seisdon requires specific characteristics which may not be achievable at other existing sites. Whilst most of the mineral is used locally the specialist demand means that some of the product is now also

being used regionally. As such, the applicant states that Seisdon Quarry forms a critical part of the local mineral supply chain with increasing orders due to deficits in supply elsewhere and increasing construction activity.

- 6.15 This general picture of high demand is reinforced by another operator, NRS. The company advised in connection with recent applications at the company's Woodcote Wood site near Newport that it was also having to actively manage supply at its' quarry at Saredon 20km to the north east due to high local demand. It is considered likely that the trends of increased demand seen in the two most recent Local Aggregate Assessments will continue and there will also be additional demands on existing supplies in the West Midlands. In addition to the West Midlands market Telford is a significant market for sand and gravel and this is set to continue as the new Telford & Wrekin Local Plan has identified a growth agenda including a requirement for over 800 new homes per year. The British Geological Survey estimates that every home requires 60 tonnes of aggregate to construct and over 400 tonnes when other infrastructure such as roads and drainage is taken into account. Whilst the needs of Telford for sand and gravel are currently being met, they are not being met in a sustainable way as 2/3 of the supply to the Borough is being provided from quarries 20-30 miles away in Staffordshire. There are questions about the ability of Staffordshire to sustain this supply given the factors stated above, including the lack of other quarries west of Wolverhampton and growth in demand in the West Midlands region.
- 6.16 The proposed development has been put forward as a direct replacement for the applicant's nearby quarry at Seisdon and would be capable of supplying the same types of mineral to the applicant's established markets. No new mineral sites have been allocated in South Staffordshire to replace Seisdon Quarry and Staffordshire County Council has acknowledged that demand would have to be met from quarries in eastern Shropshire. A previously allocated site at Barnsley Lane near Bridgnorth will not now proceed. Whilst there are sufficient permitted reserves of sand and gravel in Shropshire to meet historical patterns of supply the NPPF requires also that account is also taken of 'the nature of local supply and demand for individual minerals and the character of an aggregates landbank'.
- 6.17 Whilst other sites in the Midlands area are potentially capable of supplying market demand in the Wolverhampton area these are all significantly further away than the proposed site, with those in Shropshire being more than 10km further away. The distance over which the product has to be transported is relevant to the sustainability of the development. Further, sand and gravel is a relatively low value bulk product with significant transport costs so distance to market is an important economic consideration. Whilst objectors advise that the applicant's ability to make a profit is not a material planning consideration, economic viability and market need are material considerations. Moreover, other sites within the region such as Shire Oak and Saredon are already understood to be at capacity in terms of supply so may not be capable of supplying mineral to make good any shortfall when Seisdon closes. Nor may they be capable of supplying the specialist fine sand mineral which the quarry supplies.
- 6.18 In summary it is considered that the applicant has demonstrated that closure of Seisdon Quarry will result in a need for supply of fine sand products into the company's existing established markets, particularly in the Wolverhampton area. Whilst this could potentially be met from other existing quarries these are generally further from the company's main

market in the Wolverhampton area so would involve longer and less sustainable journeys. Such sites may also not have capacity given the high level of demand currently being encountered and the specialist nature of the mineral supplied from Seisdon. It is considered that notwithstanding Shropshire's current landbank the particular circumstances of the proposed development amounts to an unmet need sufficient to satisfy the criteria of Policy MD5(3i) and NPPF 207.

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

- 6.19 This test must be met in addition to MD5(3i) unless the test in MD5(3iii) is met instead. The allocated sites in the SAMDev plan are Wood Lane, Gonsal and Morville extension. A previously allocated site at Barnsley Lane will not now proceed. The Wood Lane allocation was permitted in 2016 and is in production so cannot be affected by the current proposals. The Gonsal north extension at Condover near Shrewsbury has not yet come forward due to access problems. Gonsal serves a different market which is focused on Shrewsbury and Mid-Wales, so geographically it is not in direct competition with the proposed site. The Morville extension west of Bridgnorth would be expected to serve a similar market as the current proposals and the existing nearby quarry at Bridgwalton which is nearing the end of production.
- 6.20 It is considered that the Telford market is sufficiently large (@350,000tpa) to accept supplies from the allocated site at Morville, the recently approved site at Woodcote Wood and a proposed contribution of @60,000tpa from the current site (it should be noted that the Woodcote Wood developer NRS already supplies over 80,000tpa into Telford under established supply contracts). It is not considered that there would be a conflict between the proposed site, the existing SAMDev allocations, and the site at Woodcote Wood. The requirement of policy MD5(ii) is therefore met. As such, the site complies overall with policy MD5(3) given that the policy requires compliance with either MD5(3i) and MD5(3ii), or with MD5(3iii). Notwithstanding this conclusion, compliance with Policy MD5(3iii) is also considered below.

The third test – MD5(3iii) - 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.

- 6.21 MD5(3iii) – Exchange or surrender: The proposals do not involve any exchange or surrender of existing mineral sites or permissions. The proposals would replace Seisdon Quarry which would be subject to beneficial restoration. However, this is a planning requirement so could not be said to be a benefit of the current proposals. Hence this aspect does not apply.
- 6.22 MD5(3iii) Significantly more acceptable overall than the allocated sites, and might offer significant environmental benefits:  
The second element of policy MD5.3iii states that the proposals 'might' be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits. The policy therefore invites a comparison between the proposed development and the allocated sites, with particular reference to environmental acceptability. Whilst the site would not be significantly more acceptable than the

allocated sites it is acknowledged that the AMEC report forming part of the evidence base for the SAMDev plan judged the site as having a similar level of acceptability as the currently allocated sites. Furthermore, the current site is being put forward as a direct replacement for the applicant's nearby quarry at Seisdon. The bulk of the mineral would be used to supply existing customers and established contracts in the West Midlands, with particular emphasis on specialist fine sand products.

- 6.23 The allocated site at Wood Lane is already approved and operational and would supply a different market. The Gonsal north allocation would supply a different market and is subject to access limitations. The Morville allocation would be able to supply Telford but would not be as well placed to serve the West Midlands market. Woodcote Wood is described in the SAMDev as an 'unworked site commitment'. This would have the potential to supply a similar market but is further from Wolverhampton. The applicant states that the proposals have the capacity to compensate for the non-delivery of the previously allocated site at Barnsley Lane. This is accepted to some extent though the recently approved site at Woodcote Wood would also achieve this objective.
- 6.24 Overall, the proposed site is significantly better located to supply the company's market on closure of Seisdon than the allocated sites in Shropshire. In highway terms the site is also better located than Seisdon Quarry as it accesses directly onto the principal road network. As such, subject to a legal routing agreement the proposals would address the concerns of local residents about the existing impact of HGV's from Seisdon on local minor roads. It is acknowledged that good access and proximity to market are key factors in aggregate supply given the environmental costs of HGV movements.
- 6.25 Given the justification for the proposals as a replacement for a Staffordshire Quarry the main consideration with respect to the tests set by Policy MD5(3iii) is the extent to which the proposals would offer 'significant environmental benefits'. In terms of other environmental benefits the proposed progressive restoration scheme involves the replacement of a number of valued wildlife habitats. This includes 9.26ha of species rich grassland, 4.88ha of acid grassland / scrub mosaic, 4.73ha of woodland (linking to local Ancient Woodland), 0.05ha of wetland, 723m of new hedgerows providing landscape connectivity, with over 50 hedgerow trees. These habitats are, in environmental terms, significantly better than the present baseline environmental condition of the site (pre-development), meaning the development will, over time, offer significant environmental benefits. The applicant states that the restoration scheme also offers the potential to improve the quality of agricultural land as areas proposed for agricultural afteruse would generally be reinstated to more even / gentler gradients.
- 6.26 There is a national and local policy expectation that restoration of sand and gravel sites will deliver significant benefits. Policy MD5(3iii) does not require that such benefits are any greater than might be expected for an equivalent quarry scheme. It is acknowledged that the proposed habitat creation areas would amount to a significant benefit once this has become established. The criteria for Policy M5(3iii) can potentially therefore be met in addition to MD5(3i) and (3ii), given the benefits of the restoration scheme. Notwithstanding this, the proposals are compliant overall with Policy MD5 given their compliance with MD5(3i) and MD5(3ii). Separate tests also apply under other Development Plan policies with reference to the environmental effects of the proposals and these are considered in succeeding sections.

- 6.27 Green Belt appraisal: The proposed site is located within the West Midlands Green Belt where additional policies restricting development apply. The NPPF includes a core land use planning principle that "planning should", among other things, "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them .. ". NPPF paragraph 133 declares that the "fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 134 refers to the "five purposes" served by the Green Belt:
- i. first, "to check the unrestricted sprawl of large built-up areas";
  - ii. second, "to prevent neighbouring towns merging into one another";
  - iii. third, "to assist in safeguarding the countryside from encroachment";
  - iv. fourth, "to preserve the setting and special character of historic towns"; and
  - v. fifth, "to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".
- 6.28 Local planning authorities "should plan positively" to do several things in the Green Belt, including "to retain and enhance landscapes [and] visual amenity". The NPPF policies for development control in the Green Belt include. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (NPPF 145). Certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes amongst other matters mineral extraction, as it is recognised that minerals can only be worked where they are found (NPPF 147). Hence, mineral extraction is not 'inappropriate' in the Green Belt, provided openness is preserved and there is no conflict with the other purposes of the Green Belt. Core Strategy Policy CS5 supports national policy by restricting development in the open countryside and states that within the Green Belt "there will be additional control of new development in line with government guidance".
- 6.29 The development does not conflict with the purposes of including land in the Green Belt. The following can be said with respect to the 5 Green Belt tests in NPPF paragraph 134:
- Test 1: The proposals would not hinder the objective of preventing unrestricted sprawl of large built-up areas. The proposed use is temporary, albeit comparatively long-term and the site is not in close proximity to any large built-up areas.
  - Test 2: The proposals would not lead to neighbouring towns merging into one another. The site does not adjoin any towns and is adequately detached from the nearest settlements including Shipley and Pattingham.
  - Test 3: The proposals would not lead to any permanent encroachment of the countryside. The quarry scheme is temporary and there would be phased working and restoration so the area of disturbance would be much smaller than the total site area at any one time. The changes which the proposed development will result in are reversible. Whilst there will be a permanent change to the landform following quarrying this will only be apparent at a local level as the site is set in a topographic

depression, and it will remain open countryside. Canebuff ridge above the site will remain as a significant feature in the local landscape. Conditions can be imposed to support the mitigation measures included in the application.

- Test 4: The proposals would not impact adversely on the setting and special character of any historic towns. The nearest historic town of Bridgnorth would be unaffected by the development. The Council's Conservation section has not objected.
- Test 4: The proposals would not hinder the ability to assist in urban regeneration. Supply of mineral from the site to the applicant's established local markets would be expected to assist with urban regeneration.

6.30 The concept of 'openness' incorporates spatial / physical and visual components. Spatially "openness" means the state of being free from built development, the absence of buildings - as distinct from the absence of visual impact. A decision maker must determine whether the potential impacts of a proposal on openness would be sufficient to materially undermine the perception of 'openness'. This is as distinct from identifying specific localised impacts. A quarry scheme which has widespread impacts on the countryside would be expected to affect openness so would comprise inappropriate development. Conversely, a well-designed scheme where impacts have been minimised and which preserves openness and does not conflict with the purposes of including land within the Green Belt would not comprise 'inappropriate development' in the Green Belt. (NPPF 146)

6.31 The applicant's visual appraisal confirms that there would be localised views towards the site but that the phased nature of the proposals and careful siting of plant and landscaping means that any residual visual impacts are not significant. The Council's landscape consultant has reviewed the applicant's LVIA and has accepted the methodology employed and the conclusions reached. The Council's Conservation team has also not objected, concluding that any residual impacts on the setting of heritage assets would be localised and would amount to 'less than substantial harm'. Visual and landscape effects are considered further in a succeeding section which has also been taken into account in assessing Green Belt policy.

6.32 The proposals may be apparent to the nearest properties during the initial development phase before peripheral screening is fully established. The plant site has been designed to be set down by 2m at a low point within the landscape and will use low-profile equipment @8m tall max. It will be surrounded by a 3m bund which will be planted with pre-coppiced willow. The tallest plant items will be oriented with their narrow profile facing sensitive receptors to the south west. Hence, any visibility of plant within the landscape will be limited and localised. The access road would be well screened and set down beneath landscaped bunds. The majority of the quarrying operations would take place within a topographic depression. Phasing has been designed to ensure that landscape planting is well established before quarrying commences in more elevated areas of the site to ensure effective screening.

6.33 Whilst there would be a permanent change in landform it is not considered that this would affect the fundamental character of the landscape. The existing shallow topographic depression would be deepened and widened and there would be a steeper slope in front of parts of Canebuff wood. However, the depression would not be widely visible and the woodland ridge would remain as the dominant landscape feature. The character and



proposed use of the restored landform is considered to be typical of the local countryside. It is not considered therefore that any residual effects on landscape and visual amenity would result in material impacts to the sense of openness of the Green Belt.

- 6.34 Regarding the spatial dimension of openness the proposals would temporarily affect openness due to the phased extraction and progressive restoration with significant landscaping works to be carried out, but the openness of the site over time will be preserved following the restoration works. Further, at any one time no more than @1/3 of the total operational quarrying area would be subject to disturbance with the remainder being either unworked or restored / under restoration. It is not considered that the proposals would lead to any coalescence with existing development in the local area.. The local area is rural in nature and the design and spatial isolation of the plant site would not lead to it being seen as a material encroachment with capacity to add to the built effect of existing development.
- 6.35 Amenity is considered in a separate section below which has also been taken into account in assessing Green Belt policy. The Council's Regulatory Services section has not objected subject to the recommended conditions. It is not considered that the extent of any amenity impacts are likely to be sufficiently significant or widespread as to materially affect Green Belt openness. The proposed mitigation measures within the application are capable of being supported by detailed planning conditions to ensure that landscaping and other mitigation works proceed as intended for the duration of the proposed operations. Overall it is concluded that the function and sense of openness of the Green Belt would be preserved over time so the quarrying proposals would not comprise inappropriate development within the Green Belt and would comply with policy MD6. This is having regard to NPPF 146 which confirms that quarrying is not inappropriate in the Green Belt where the openness of the land is preserved and there is no conflict with the purpose and function of the Green Belt.

#### Noise

- 6.36 Worst case operational noise levels have been predicted using the guidance contained in BS5228 and assessed against the criteria contained in the Planning Practice Guidance for minerals. Noise generated by quarry traffic and overburden removal have also been taken into account. No impacts have been predicted for any receptor properties with the exception of a temporary 'worst case' impact at The Alders 420m north of the proposed quarry during Phase 2 which is not considered significant. For all other receptors no noise impacts were predicted. The upper limit of 55dBA specified in the planning practice guidance is met in all receptor cases. The topography of the quarry would act as a further barrier to sound beyond the Site boundary as workings deepen. Regulatory Services have not objected subject to imposition of a noise control condition. It is not considered that the proposals would undermine local amenities within the Green Belt as a consequence of noise disturbance.
- 6.37 An objector has advised that the model aircraft club has recently moved from land adjoining the site to land also owned by the proposed quarry site land owner to the north of Cannebuff wood, approximately 105m from the boundary of the quarry. It is stated that a new runway has been constructed. The objector advises that a cumulative noise impact assessment should be undertaken, with revision of the current noise report. The officer notes that no planning permission has been granted for any such use at the site in

question. It is noted that a motor car / bike racing use may occur on land for up to 14 days a year under Schedule 2, Part 4b(b) ('Temporary Uses') of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) subject to certain limitations. The extent to which equivalent permitted development rights would also apply for a model plane use will need to be subject to a separate planning evaluation. However, as the activity does not benefit from express planning consent in the area in question it is not considered that further cumulative assessment of the applicant's noise report would be justified at this late stage. If a planning application is subsequently submitted / required for the model plane flying activity then noise issues would be considered as part of that application.

#### Air Quality

- 6.38 The NPPF states that "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas" (NPPF181). SAMDev Policy MD17 (Managing the Development and Operation of Mineral Sites) states that "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: Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts."
- 6.39 The Environmental Statement includes a report on air quality which has been prepared in accordance with the Guidance on the Assessment of Mineral Dust Impacts for Planning (Institute of Air Quality Management 2016). This has considered the potential for different activities to generate dust. Methods of controlling dust have been identified. The background concentrations must be under the annual average objective, stated in the Local Air Quality Management Technical Guidance published by the Department for Environment, Food and Rural Affairs (DEFRA, 2016), in order for the air quality objective for the area to be met. According to the Institute of Air Quality Management (2016) it is commonly accepted that disamenity dust and PM10 from sand and gravel quarries is uncommon beyond 250m, with the greatest impacts occurring within 100m of the source. Therefore only the closest receptors of the sources of dust have been included in this dust assessment (within 250m plus 10%). These are Naboths Vineyard 100m to the south and Ridge View 280m to the south-south east. There are particular sensitivities associated with local residents which have been subject to an Equality Impact Assessment and are considered further below.
- 6.40 A dust assessment was undertaken at three locations around the site over 12 weeks between the 3<sup>rd</sup> September and 26<sup>th</sup> November 2015 in order to establish baseline conditions in the direction of the nearest sensitive receptors. Background PM10 (suspended dust) levels were found to be well below recognised annual averaging limits. Nuisance dust was assessed in terms of potential sources of dust and the sensitivity of the closest receptors within 250m. The nearest receptor is at c. 100m distance to dust sources and the majority of operations will be beyond 250m from receptors to the south and southeast of the Site. Predicted residual source emissions after mitigation have also been assessed to determine the effect of any additions to background dust levels from the proposed operations and their potential effects at the nearest sensitive receptors.

Only temporary periods of working such as bund formation may lead to increased risk and these operations would be short-term and subject to additional mitigation measures. The air quality report therefore considers exceedances of air quality limits to be unlikely and the risk of health effects to the general public to not be significant. The report advises that a proposed Dust Management Scheme will allow effective controls to be exercised to ensure the nearest sensitive properties are appropriately protected.

- 6.41 The air quality assessment includes a dust mitigation plan which identifies the types of mitigation activity which would be employed to reduce dust levels within the site. This includes restricting vehicle speed and watering unsurfaced roads in accordance with a Dust Action Plan. The working scheme has been designed to minimise haulage distances. A water bowser would be retained permanently on site. A surface water run-off sump in the base of the excavation would yield water for dust suppression. The ES concludes that this approach would ensure that dust is controlled within acceptable levels throughout the life of the site. Regulatory Services have accepted this conclusion and have recommended an appropriate planning condition on dust monitoring and control which is included in Appendix 1.
- 6.42 The applicant has clarified that the Air Quality Assessment has had regard to Land-Use Planning & Development Control: Planning for Air Quality (IAQM, 2015). In relation to traffic it is stated that the average level of individual traffic movements projected per year (25,000) falls below the threshold of 100 additional movements per day or 36,500 movements per year at which IAQM 2015 requires a traffic air quality assessment to be undertaken. It is noted that neither the site nor the locality falls within an Air Quality Management Area. The applicant advises that approximately 15% of traffic from Seisdon Quarry currently passes the site access on the A454 travelling towards Telford. As this existing contribution would not apply following closure of Seisdon this would partly offset the level of traffic arising from the current proposals (see also section below on 'Highways – objector comments').

#### Air quality objections

- 6.43 An objection has been received from the nearest residential property, Naboth's Vineyard, based on the fact that one of the occupants has a particular susceptibility to air quality issues. An NHS consultant has expressed concern on behalf of the objector that the quarry operations could result in a deterioration of local air quality with potentially serious health consequences for the sensitive individual. A further representation has also recently been received from the occupant of Ridge View which fronts the A454 some 250m east of the proposed access and 180m from the nearest point of the proposed haul road. The occupant was blind from childhood but had sight restored in one eye in 1997 through pioneering surgery. Unfortunately after 20 years the sight was lost and the surgeon performed an operation which restored sight in the other eye. The objection includes a letter from the surgeon advising that any deterioration in local air quality could seriously affect the sensitive individual's remaining good eye. Given the nature of the sensitivities of the two individuals an Equality Impact Assessment is required under the Equalities Act 2010 and this is included as Appendix 3.
- 6.44 The applicant has amended the scheme in response to the representations received from Naboth's Vineyard. The haul road has been located 100m further north at the base of a topographic depression. Additional landscaping has been provided on the southern

margin of the site and a commitment to undertake ongoing monitoring of dust levels has been given. The phasing of the scheme has been re-designed so that nearest area of proposed quarrying (150m-240m from the façade of the property) forms a separate phase (Phase 5b) which would be worked no sooner than year 8, with additional dust control measures being employed if necessary. The applicant has also agreed to accept a condition providing that Phase 5b shall not be worked unless dust monitoring confirms that identified air quality criteria have been met during preceding quarrying operations further from the property.

- 6.45 Regulatory Services have considered this matter with respect to Naboths Vineyard and also taking into account the more recent representation from Ridge View. They advise that the impacts of dust from the site at the sensitive premises are not anticipated to cause an exceedance of the air quality objective levels which would trigger the need for action, even taking into account the particular sensitivities of these receptors. The proposed operations would be significantly below the national objective levels set in legislation. The proposed site is upwind of the sensitive properties relative to the prevailing wind direction. Given also the proposed re-phasing and bunding of the site access road Regulatory Services do not consider there to be any dust concerns from the proposed application. Detailed conditions have been recommended in Appendix 1.
- 6.46 An objector has expressed concern that dust from the proposed quarry would also affect plant productivity. It is stated that where significant dust is deposited over a long period of time this could have a direct effect on agricultural production and hence financial viability of farming. The objector also notes that whilst fugitive dust from such sites (>30 microns) is typically deposited within 100-200m of the source (most within 100m) finer dust can travel up to 1km. Concerns are expressed about the associated health risk, including for residents with respiratory complaints such as asthma.
- 6.47 In conclusion, the 2 nearest receptor properties to the site contain individuals with particular susceptibilities to air quality issues and an equalities assessment covering these individuals has been included as Appendix 2. The concerns of the local community with respect to air quality are acknowledged. Regulatory Services are the Council's technical advisors with respect to air quality and they have not objected. They are satisfied that the proposals, as amended, together with the recommended planning condition will ensure that the proposals do not lead to any unacceptable deterioration in local air quality and will protect the health of local residents, including those with particular vulnerabilities.
- 6.48 Highways: Paragraph 109 of the NPPF advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". The application includes a traffic assessment which considers the effect of the proposed quarry on the local road network. Based on the proposed HGV and traffic movements the assessment concludes that there are no road safety or highway capacity issues associated with the proposals and they will therefore have no detrimental impact on the free flow and safety of traffic. Both peak hour and daily development flows are low and unlikely to have any material impact in any context. The proposals would change proportional flows on Bridgnorth Road by less than 2%. This is less than the daily variation in traffic flows on the Bridgnorth Road so is not considered material, either proportionally or in absolute terms.

- 6.49 The assessment has considered the suitability of the proposed site access in terms of vehicle routing and vehicle manoeuvring. Improvements are proposed to accommodate HGV access. The assessment concludes that the proposed development will have no material adverse impact on the safety or operation of the adjacent highway network, either in terms of effects to free flow or the impact of routing of goods vehicles to and from the application site. No severe cumulative impacts will arise (NPPF 109). There will be a potential minor adverse effect in relation to driver intimidation from HGV movements. In all other respects the effects are assessed to be negligible.
- 6.50 A Road Safety Audit (RSA) has been undertaken by an accredited highway safety consultant which supports the above conclusions. The RSA finds that visibility at the junction is in full accordance with the DMRB design standards for right turning and minor arm traffic, based on the measured vehicle speeds. The RSA identifies a single issue that motorists approaching from the west may be unaware of right turn lane as it is located on a gentle crest and may attempt to overtake, increasing the risk of collisions with vehicles entering the right turn lane. To address this the RSA recommends that overtaking restrictions are implemented and the carriageway markings appropriately amended with installation of additional warning signs on both approaches to the junction. The proposed access design has been updated accordingly. Detailed warning signs would be agreed by the Highway Authority under a Section 278 highways legal agreement.
- 6.51 The Council's highway consultant has not objected subject to prior agreement of the proposed junction improvements on the Bridgnorth Road A454. An updated junction design following the RSA process has been forwarded to the Council's highway consultant. As noted above, detailed signage and road marking can be dealt with under a s278 highways legal agreement. The applicant has also agreed to enter into a planning legal agreement providing amongst other matters funding for extension of a speed limit at Shipley, as recommended by the Council's highway consultant, and a vehicle routing restriction to avoid minor roads with appropriate penalty clauses. Subject to this it is considered that the proposals can be accepted in relation to highway matters (MD17.i)

#### Highways – objector comments

- 6.52 Objectors consider that the applicant's calculations regarding heavy vehicle movements (50 deliveries, 100 movements per day) have been significantly under estimated. They cite correspondence from February 2013 from the current agent regarding the applicant's site at Shire Oak Quarry in which the agent confirms that 200,000 tonnes per annum at Shire Oak equates to 50 deliveries per day (100 movements) whereas the applicant advises that 50 deliveries (100 movements) per day equates to 250,000 tonnes per annum at the proposed site. Objectors claim that if the same rate of tonnes per HGV movement applies as at Shire Oak then this would take movements at Shipley above the 100 additional movement per day threshold at which a prior traffic air quality assessment is required under 'IAQM, 2015 - Land-Use Planning & Development Control: Planning for Air Quality'.
- 6.53 The officer would note that the most common method for transportation of sand and gravel in Shropshire is in 20 tonne loads and this equates to the average of 50 deliveries (100 movements) per day stated by the applicant. This is consistent with the average

tonnage per load figure given for other equivalent recent sand and gravel quarrying applications in Shropshire. At some quarries an element of direct sale to customers may occur, and/or some HGVs with smaller loads may be retained, particularly in more urban areas where customers may require smaller loads (i.e. 10 tonne) delivered directly, so use of larger 20 tonne HGV's may not be cost effective. Also, there has been a tendency for the tonnage of mineral HGV's to increase over time and the objectors refer to the situation 5 ½ years ago at Shire Oak. Use of smaller loads will in turn increase the level of traffic movements for a given annual tonnage. Conversely, it is understood that the applicant has recently acquired a fleet of larger 32 tonne load vehicles which would have the potential to be used at the proposed site. Hence, the assumed level of HGV movements may actually be lower than that assumed in the applicant's transport assessment. The officer is satisfied on the basis of the submitted information that the level of traffic from the proposed development has been appropriately assessed and that there is no requirement for a traffic air quality assessment under IAQM, 2015.

- 6.54 Objectors have also expressed concerns that quarry vehicles would use inappropriate local minor roads including through Pattingham as short cuts to areas of the West Midlands. A high proportion of objections received in relation to the current application are from Pattingham residents expressing this concern and citing problems encountered with existing traffic from the applicant's existing quarry at Seisdon. The officer would note that Seisdon quarry has a relatively poor access onto a minor road so quarry traffic is forced to use minor roads to obtain access to the principal road network. Some of this traffic has travelled through Pattingham leading to local community concerns, though it is understood that imposition of a proposed weight restriction will prevent this in the future for all HGV through traffic. In contrast with the proposed development which would access directly onto a principal road with good links to other principal roads in the West Midlands. Hence, there would be no need for quarry traffic to use minor local roads. Notwithstanding this, to provide added reassurance the applicant has agreed to enter into a planning legal agreement preventing quarry traffic from using local minor roads as through routes. This would be backed up by an appropriate penalty clause. It is considered therefore that the concerns of objectors regarding quarry vehicle movements on local minor roads can be satisfactorily addressed.

#### Ecology

- 6.55 An ecological report has identified a number of different habitats at the Site of local importance, including suitable habitat for breeding birds, bats, badger and Great Crested Newt. No other protected species were identified. The report identifies habitat change as the largest direct impact and considers this to be negative but not significant prior to any mitigation. This change would be gradual, due to the phased nature of the working and restoration proposals. The report advises that all effects on local species can be effectively managed and mitigated such that the predicted impacts during the operations would be neutral. Species specific mitigation will be implemented as required. After completion of restoration the report predicts that there will be a habitat change which is positive and significant, restoring a number of locally distinctive habitats of principal importance including woodland and species rich grassland mosaics, together with higher quality agriculture.
- 6.56 Objectors have stated that the level of ecological interest has been underestimated. They have commissioned an ecologist who has found DNA evidence of Great Crested Newt

in a pond 450m from the application site where this species had not previously been identified by the applicant's ecologist. It is understood that GCN could have migrated to the water body in the period between the 2 surveys. The Council's ecology section has had detailed correspondence with the applicant's ecologist and further ecological information has been provided. Following confirmation of mitigation measures for Great Crested Newt the Council's ecologist has withdrawn a holding objection and has recommended a number of conditions to protect ecological interests. Detailed GCN mitigation would be progressed by Natural England as part of the protected species license process. The Council's ecologist is satisfied that sufficient land is available under the applicant's to provide additional habitat mitigation should this be required by Natural England under the EU protected species licensing provisions. Accordingly, the ecologist is satisfied that favourable conservation status can be maintained for this and other protected species. A habitat risk assessment is included as Appendix 3.

- 6.57 Objectors have also expressed concern that the proposals could impact adversely on ancient woodland which adjoins the northern boundary of the site. In response the applicant has confirmed that a 30m stand-off would be maintained between the excavation area and the woodland margin (twice the minimum distance recommended in Natural England guidance). Additional safeguards would apply to protect the woodland, including measures to prevent dust from entering the woodland edge. There are a number of small springs at Alder Coppice which forms part of the woodland near the north-west corner of the site. The applicant has confirmed that extraction in the area nearest to Alder Coppice would be to a shallow depth and would remain well above the level at which the springs occur. Hence, there should be no adverse impact on the springs. It is understood that a compartment of the ancient woodland is due to be clear-felled shortly as part of routine forest management operations. It is concluded that the proposals incorporate appropriate measures to protect the ancient woodland. Overall, it is considered that the proposals can be accepted in relation to ecology and that the restoration scheme will deliver significant biodiversity gains. (Core Strategy CS17, SAMDev MD12)

#### Landscape and Visual Impact

- 6.58 A Landscape and Visual Impact Assessment (LVIA) has been carried out in accordance with relevant landscape institute methodology. This considers the potential effect of the proposals on the local landscape and heritage assets and on visual amenities with reference to 11 representative viewpoints surrounding the site. The LVIA concludes that there would be no significant adverse visual effects after mitigation. The most significant visual impact would be to a maximum level of 'Moderate-Major' for a short period and at one viewpoint only. All other effects would be at a Moderate or lower level with the general scale of impacts being 'Small' or 'Very Small'. The adverse effects on the landscape resource are also assessed as limited to a maximum level of 'Moderate' and are considered to be 'Not Significant'. Restoration would result in a 'Minor-Moderate' enhancement of the landscape within the Site. The applicant's LVIA has been assessed by the Council's landscape consultant who has accepted the methodology and conclusions.
- 6.59 As noted above, an objector has advised that a woodland compartment to the north of the extraction area is due to be clear-felled shortly. Concerns have been expressed by objectors that this will open up additional areas of the proposed site which are not

currently visible, from the vicinity of Rudge Hal to the north and that this could have additional impacts on the setting of associated listed buildings. In response to this the applicant has amended the scheme to include provision of 3m bunding around the plant site which would have pre-coppiced willow planted on upper external batters. The highest plant has also been set down further. It is stated that this will ensure effective screening of the plant site including when the woodland felling operations take place. The Council's landscape consultant has been informed of this in reaching the above conclusions. In conclusion, whilst there would be some residual impacts to landscape and visual amenities these would not be significant and the extent of any such impacts would be limited by the proposed mitigation works. Restoration would deliver benefits in landscape terms. Overall, the residual minor negative impacts would be outweighed by 'great weight' which the NPPF requires to be given to the benefits of mineral extraction, including to the economy (NPPF 205).

### Agriculture

- 6.60 NPPF paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other matters protecting and enhancing valued landscapes and soils, including recognising the economic and other benefits of the best and most versatile agricultural land. An agricultural assessment accompanying the application has found that the indigenous soil resource can be conserved and, with mitigation, no significant adverse impacts are predicted.
- 6.61 There is the potential that soil handling and storage could damage the soil resource. However, mitigation measures are proposed in accordance with Natural England advice and will ensure no nett loss in Best and Most Versatile land (with potential for improvements). Non-agricultural restoration is only proposed on areas which would not be suited to best and most versatile restoration. 100% of the soil resource would be retained on site and used for restoration. Over 85% of the site would be agriculturally managed upon restoration, though a combination of hay management, grazing and future arable crop production.
- 6.62 The assessment advises that loss of agricultural land during operations would be temporary and undertaken on a phased basis. The assessment considers the impact on agricultural land and quality to be minor adverse at worse and the effect on the farm business is considered negligible. Natural England has not objected and has provided recommended conditions covering agricultural restoration which are incorporated in Appendix 1. It is concluded that, subject to the recommended conditions, the proposals will not lead to any material adverse effects on agriculture or land quality.
- 6.63 Water Environment An assessment of the Proposed Development on the water environment at the Site and the surrounding area has been undertaken. This finds that the base of the mineral extraction (and subsequent restoration levels) is likely to be on average 10m above the prevalent groundwater table. Hence, the proposed development is unlikely to affect the underlying groundwater flow. A significant freeboard will remain above the water table with excessive rates of recharge not predicted. As such, the assessment concludes that groundwater abstractions and any private water supplies in the local area are unlikely to be affected adversely by the proposals.



- 6.64 The assessment advises that there are no important surface water features at site level or in the immediate vicinity which are likely to be adversely affected by the proposed development. The site forms part of wider catchment areas, and is not considered by the assessment to be hydrologically linked to any sensitive environmental designations. Nor is the site considered to be sensitively located in relation to any important water features. The magnitude of any potential effects on surface water features is considered to be negligible, both in terms of flows and quality and local surface water abstractions are unlikely to be affected. No risk is expected to groundwater quality or groundwater levels/flows at the site or in the aquifer around the Site. The site lies within a Flood Zone 1 risk area (low risk) and has no history of flooding. The assessment advises that the proposed development is not vulnerable to, or at risk of flooding and will not increase flood risk elsewhere, including upon restoration.
- 6.65 The assessment has indicated that perched water encountered by the applicant's boreholes represents localised pockets of groundwater with very limited correlation between the borehole logs. Therefore the development is unlikely to have an impact in the wider environmental context. The design of the scheme maintains the flows and falls to the springs within the Alder Coppice.. Whilst the proposals are not considered to lead to any significant impacts in relation to groundwater, a groundwater/water monitoring program will be undertaken to provide additional confidence in the protection of the water environment.
- 6.66 A supplementary survey of local surface water features has also been undertaken following the recommendations of the Environment Agency who have received representations from objectors. This confirms that known local groundwater abstractions are from the principal aquifer rather than the superficial deposits. The presence of a number of springs surrounding the area are considered to be related to localised superficial deposits. Recharge and flow mechanism for the springs within the Alder Coppice (North West of the site) have been reviewed. It is concluded that in combination with the superficial geology, the proposed depth of working is unlikely to affect the recharge to the springs. Springs at Grange Farm feed a brook within the farm's landholding which supplies water for stock. The superficial geology for the area in combination with the applicant's boreholes implies that there is no direct flow pathway between the proposed development and the springs at Grange Farm with intervening marl/clay deposits forming a barrier to flow with respect to perched groundwater. The main springs at The Grange (and neighbouring property) are at a lower elevation than the proposed base of the extraction in this area so are not likely to be directly affected by the development. Also, only a relatively small proportion of the catchment for the springs at Grange Farm intersects the proposed development with the majority comprising unaffected agricultural land. The supplementary report concludes that the proposed development (as amended) is unlikely to have a significant impact on the identified water features.
- 6.67 The Environment Agency was re-consulted on the supplementary survey and sought clarification on a number of issues which was subsequently provided by the applicant's hydrologist in an addendum to the report. This reiterates that no source-receptor relationships have been identified nearer to the site and the possibility of direct effects decreases with distance. The applicant's willingness to accept a water monitoring condition is reaffirmed.

6.68 The Agency has maintained its position of not objecting, whilst noting that ‘there remains considerable uncertainty as to the spring mechanisms giving rise to the identified water features’ so ‘it is not possible to be fully confident about the potential risks to these features’. They note that ‘as the regional groundwater is well below the ground level, this would suggest that the springs/ponds rely on the shallow superficial perched systems which are potentially more vulnerable to changes in topography’. ‘Changes in the surface water runoff from the site may effect recharge to the springs even if the groundwater mechanisms themselves are not affected’. They state that ‘this is a complex hydrogeological setting and ideally further investigation/monitoring should be undertaken to refine the conceptual model, although even then it is likely that there would remain uncertainty in terms of spring mechanisms/catchments’. The Agency acknowledges that it would be difficult to ‘fully identify and confirm the precise nature of the spring flow mechanisms’. Therefore they recommend that a condition/legal agreement is imposed requiring monitoring of the identified features (quantity/quality) and a condition/legal agreement to secure mitigation including remediation of any adverse impacts should this be necessary. The Agency notes that a number of monitoring boreholes are proposed across the development site and they recommend that there should be a commitment to wider monitoring to assist with spring lines/private water supplies.

6.69 The Agency has suggested a water monitoring planning condition. The officer has reviewed this condition and has made some amendments in consultation with the applicant, to ensure the condition meets the appropriate legal tests. The condition requires:

- 1) Ongoing hydrological monitoring;
- 2) Identification of trigger levels where action would be taken including, if necessary, cessation of working in a given area;
- 3) A requirement to take appropriate mitigation action in the event that trigger levels under “2’ above are met;
- 4) Working not to proceed within the proposed bottom 2 metres of the excavation unless appropriate criteria are met with respect to groundwater monitoring, including maintenance of an appropriate freeboard above the permanent groundwater table.

The Environment Agency has been notified of the amended condition which is included in Appendix 1 and would be supported by an associated legal agreement clause securing monitoring beyond the application area boundary.

6.70 Objectors have commissioned a report from a hydrological consultant which was received 9 days prior to the deadline for the current report. The consultant contacted the Environment Agency at that stage raising a number of objections regarding the hydrological implications of the proposed development including:

- i. Concern that the maximum groundwater level in the Principal Aquifer beneath the site may have been considerably underestimated as it is stated that no representative groundwater level data has been presented with the application. There is a chance that the water table may (in a wet winter) rise above the proposed base of the quarry at 106m AOD.
- ii. Concern that the catchments to springs are poorly defined and the larger springs may be from the Principal Aquifer and not from perched groundwater bodies. The

very limited data that has been presented can be interpreted in different ways. There are licensed abstractions and a scheduled ancient monument downstream that are dependent on maintenance of the current flow regime. There is no baseline monitoring of flows. Without baseline data there is no chance that impacts can be assessed and adequate mitigation planned.

- iii. With respect to the ancient woodland the applicants have not provided any sort of rebuttal to the 50 m stand-off that is required by Natural England's Standing Advice. Therefore a precautionary approach must be taken, and at least 50 m standoff should be insisted upon.

6.71 The applicant's hydrologist has considered this submission and has made the following comments which the agent has also discussed with the Environment Agency:

- i. It is not proposed to extend operations into the Principal Aquifer. The applicant is willing to accept a condition ensuring that a minimum freeboard is retained above the aquifer. A freeboard of 2m is suggested, using results of the proposed groundwater monitoring scheme. In practice however, the applicant's hydrological data indicates that any freeboard is this unlikely to be less than 8m.
- ii. It is also considered that any assertion that all the springs, seepages etc. (including those at higher levels) being wholly related to the Principal Aquifer is not robust. Nevertheless, as the proposals provide for a minimum 2m freeboard and that extraction will not progress below circa 110mAOD until around 7 years in to the future, a detailed monitoring regime will ensure the protection of the Principal Aquifer and account for the future situation. The proposed planning condition and controls (attached as you previously provided to the EA), which builds upon the technical advice from the EA, is considered a more robust and practical approach, providing certainty throughout operations over the lifetime of the proposed development. The approach also allows for operations and the planning authority to respond accordingly to long term in-operation monitoring, through review and mitigation as may be necessary. This is a standard approach in relation to quarrying operations.
- iii. Given that the application makes no provision for working into the Principal Aquifer and that risk mitigation proposed in the original ES was that a minimum 2m freeboard should be retained below extraction, we would propose this become a planning control/condition upon any planning permission. This would also be a key 'criteria' to be included in any Hydrogeological Monitoring Scheme.

6.72 The Environment Agency has responded to the resident's consultant's objection. They acknowledge that uncertainty remains regarding perched aquifers and local springs and that ideally, some prior hydrological monitoring of these features should have been undertaken. They acknowledge however that the proposed hydrological monitoring condition will allow this information to be obtained. The officer notes in this respect that extraction would not exceed a depth of 109m AOD (i.e. within 3m of the proposed extraction base) until year 9. Hence, there is ample time for monitoring to take place to identify any potential implications for local hydrology and to take appropriate remedial action if necessary. The objector's consultant also makes reference to Natural England adopting a buffer of 50m from the edge of ancient woodland. This is incorrect. The

Natural England / DEFRA guidance 'Ancient woodland and veteran trees: protecting them from development' (updated 4/01/18) refers in 'Mitigation' to maintaining a minimum buffer of 15m. The applicant proposes a buffer of twice this width.

- 6.73 Given the availability of an appropriate planning condition and the absence of a formal objection from the Environment Agency it is not considered that a planning refusal on grounds of hydrology could be substantiated. It is concluded that any potential residual risks to local hydrology can be effectively managed so proposals can be accepted with respect to policies and guidance covering drainage and hydrology. (Core Strategy Policy CS18)
- 6.74 Hydrology – Water usage: Claverley Parish Council and other objectors have expressed concern that the hydrology report does not provide sufficient detail on the availability of water for mineral processing and dust suppression uses. The applicant has since provided further confirmation of how it is proposed to source water for the quarrying operations from a range of sources. It is confirmed that any person can abstract up to 20m<sup>3</sup> per day can be extracted from the aquifer beneath the site without the need for an extraction license from the Environment Agency as this falls below the threshold for a license. The site would only operate 5½ days per week but borehole water could be abstracted for 7 days per week with any surplus being fed to the lagoons for storage leading to a groundwater water availability rate of 24m<sup>3</sup> per operational day. The applicant states that the groundwater table is located on average 10m below the proposed extraction base. Deepest working would only occur within 20% (5ha) of the total 25ha extraction area within the overall 44.5ha site. Hence, the proposed development is considered unlikely to affect the underlying groundwater flow.
- 6.75 Surface water from rainfall within the immediate drainage catchment of the lagoons (at peak area) would yield an estimated average of 18-19m<sup>3</sup> per day, though the amount would vary depending on climatic conditions (the peak lagoon area is circa 10,000m<sup>2</sup> so average rainfall of circa. 680mm per annum equates to 6,800m<sup>3</sup> per annum or 18 - 19m<sup>3</sup> per day). In addition, the applicant is proposing a mains water supply at an average rate of 15m<sup>3</sup> per operational day (varying between 10-20m<sup>3</sup> per day). The applicant advises that this option is required to ensure a clean supply of water for the quarry plant. By comparison, an average 4 person UK family uses approximately 0.5m<sup>3</sup> per day. The applicant has confirmed that Severn Trent have indicated that a suitable mains supply can be provided. The proposed use of mains water would be offset to a degree by the closure of Seisdon Quarry which uses a mains supply for its welfare facility. An existing field supply of mains water for livestock would also not be required for this purpose during the quarrying operations.
- 6.76 A water recycling system would apply including use of water recovery and loss reduction techniques. Water from processed mineral would be collected on an impermeable drying pad and directed towards the lagoons for re-use. Based on experience of 'dry' mineral working at Seisdon Quarry the minimum moisture content of the mineral 'as dug' is likely to be 5%-7%. The main customer base can't accept a moisture content of more than 7% so any nett loss of moisture from export of the mineral would be no more than 1-2% and therefore minimal. By contrast, the applicant's quarry at Seisdon also has permission to work below the water table so 'as dug' material has a moisture content of 15% and above. This is dried down to 7% on drying pads. The proposed quarry welfare facility would also include greywater recycling.

- 6.77 The Applicant has made provision that lagoons be established as quickly as possible to allow greater initial store of water (lead water storage time) prior to initial mineral production. A detailed surface water drainage scheme would be produced for the Site (under Condition 23) and this would consider storage, drainage and wider recharge aspects to ensure a balanced water management approach and protections. All mains supply water (for a specific part of the plant) would be recirculated and recycled for further use in the system. It is concluded that there is no reason at this stage to conclude that sufficient supplies of water would not be available allow mineral extraction and associated operations to proceed.
- 6.78 Archaeology: An archaeology and cultural heritage assessment has been undertaken. Desk based assessments have concluded that there are no designated heritage assets within the Site boundary. The assessment concludes that the effect of the proposed development on archaeological remains and heritage assets (including Listed buildings), during both construction and operation, will not exceed slight adverse, and therefore will not be significant. Furthermore, these impacts are considered to be temporary and would reduce to nil after the restoration of the site. It has been agreed with the Senior Archaeological Advisor at SC, that a programme of archaeological fieldwork will be undertaken which will mitigate the loss of any unknown archaeological remains.
- 6.79 With the exception of the unverified flint assemblage collected from the northern boundary of the site adjacent to Alder Coppice, there is no recorded evidence for the presence of below ground heritage assets of importance within the Site. However a non-designated Heritage Asset, comprising the cropmark of a single ditched enclosure, lies immediately adjacent to the north-west boundary of the site. There remains the possibility of archaeological remains associated with this monument extending somewhat into the Site. The proposed mitigation is to deal with any buried heritage by way of a phased strip map and record, coincident with the phasing of the proposed development. This would allow a map and record investigation to be undertaken at the site.
- 6.80 Objectors have expressed concern that the assessment does not reflect the full significance of the Neolithic find-spot. The Council's Archaeologist has indicated that background information relating to it has only come to light since the planning application was submitted. However, the Archaeologist confirms that since then the applicant has followed the Council's initial recommendations for evaluation (geophysical survey) of the site, and the Council has made recommendations (Consultee Comments, 28 March and 04 June 2018) for the investigation, excavation and recording of the find-spot and for a strip, map and sample recording process for each phase of the rest of the site to be conditioned.
- 6.81 Cultural Heritage: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Regard must also be had to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings. The NPPF also requires that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- 6.82 The applicant's heritage visual appraisal demonstrates that whilst there is some limited inter-visibility with listed buildings at Shipley and Rudge there is no inter-visibility between any Registered Park and Garden, nor from the Scheduled Monuments, the Old Pound or Ludstone moated site. There was however a single limited view of the site from The Walls Scheduled Monument. The main attributes of the setting of the monument have been identified and the magnitude of the effect has been assessed as 'no impact' hence the assessment advises that the proposed development will result in no harm. Overall the assessment concludes that after mitigation the effects on heritage assets would not pose a constraint to development. Further clarification and assessment of localised Listed Buildings in the Study Area has also been undertaken, namely Rudge Hall and Outbuildings, 7 Lower Rudge, Shipley Hall, Shipley Grange Farmhouse and The Inn at Shipley (formerly Thornescroft). The assessment concludes that accounting for mitigation, no significant adverse residual effects on any of the Heritage Assets have been assessed.
- 6.83 The Council's conservation officer considered that the proposals could result in harm to the setting of heritage assets at Shipley by virtue of the close proximity of the site and the nature of the proposal which will alter the agricultural setting of the listed buildings. While there are no designed views from the listed buildings directly to the proposed development site, the nature of the development will mean a change to the character of the setting which could be noticeable when experiencing the listed buildings from within the curtilage. The Council's conservation officer considered that the proposal would result in less than substantial harm to the setting of the listed buildings at Shipley but that once the proposed mitigation measures, phasing and temporary nature of the development is taken into account it is considered that would help to mitigate against the impacts of the proposal. It is considered that the proposed development could also result in harm to the setting of Rudge Hall, this harm would be considered to be less than substantial in nature, due to the distance between the site and the listed building and the proposed phasing, siting and landscaping mitigation measures which would help to mitigate against the impacts of the proposal. The officer has considered whether the less than substantial harms identified outweigh the public benefits of the scheme, according considerable importance and weight to the desirability of preserving the assets and their settings. The officer considers that the identified heritage concerns are clearly outweighed by the public benefits of the scheme. These include benefits to the local economy, the national importance of mineral extraction and the landscape / habitat benefits of the restoration proposals. This is supported by the express national planning policy support for mineral extraction in NPPF 205.
- 6.84 Socio-Economic Assessment: The delivery of housing is a key social priority as families and workers need good quality houses places to live. This in turn relies on the sustainable supply of sand and gravel. Maintenance of mineral supplies to the construction industry is a critical consideration in support of local housing and economic growth. The proposals are a replacement for Seisdon Quarry which is due to cease mineral export by the end of 2018. Staffordshire County Council has made no provision for further mineral allocations in South Staffordshire and the Shropshire allocated Barnsley Lane prospect will not now come forward. Given the level of housing and economic growth proposed in local areas around the Site, it is considered that there is a

strategic need for a replacement for Seisdon Quarry at the Shropshire/Staffordshire border in order to help maintain mineral supply. Without a replacement quarry developers would have to source mineral from further afield with additional costs (transport, emissions, climate change). Mineral resources further afield may also be depleted more quickly, which may compromise the ability of other sites to sustaining their local demand, requiring other mineral sites to be opened more quickly. The increased costs of supplying mineral from further afield may also affect the viability and delivery of wider development.

6.85 Seisdon Quarry currently employs 10 full time members of staff and also uses 2 agency workers on a seasonal basis. The quarry also directly supports 30 HGV jobs as the applicant employs their own drivers. These jobs would be transferred to the proposed development. The majority of workers are from the local area. The proposals will help secure employment to the individual job roles for the next 15 – 17 years, which is considered a socio- economic benefit. There are also wider positive benefits in relation to the applicants business and employment support as well as the wider construction sector. The incorporated mitigation has sought to protect local amenity as far as practical without giving rise to unacceptable environmental effects. The effects from the Proposed Development can be well controlled via planning conditions to prevent any unacceptable impacts on amenity. The long term agricultural potential of the Site will also be protected, whilst restoration also allows for significant positive effects in relation to ecology.

6.86 The Applicant is a significant local supplier and employer operating across the West Midlands, but with a relatively limited number of Sites. It is not necessarily the case that jobs could be transferred internally within the company. Other main quarry locations serve predominantly different markets in terms of locality and types of material. The Applicants other sites are also fully staffed and operate at capacity. Retention of jobs and good staff is critical to the business profile, and to ensure trained skill sets are not lost from the industry.

## 7. CONCLUSION

7.1 The planning consultation process has attracted over 250 objection letters from the public and an online petition with 1010 signatures. The application has generated an unprecedented level of objection correspondence and objectors have employed their own consultants to challenge the conclusions of the applicant's environmental statement, including through direct correspondence with planning consultees. The applicant has provided additional information and has amended the scheme in response to the planning consultations. There are no outstanding objections from technical consultees, a number of whom have recommended conditions to address identified issues which have been included in Appendix 1. The two Parish Councils however remain strongly opposed to the application.

7.2 The application raises complex issues which have been assessed in detail. In terms of environmental effects it is considered that the design of the scheme and use of recommended planning conditions provide confidence regarding the ability to prevent any unacceptable effects. Some residual effects would exist after mitigation. However, the officer does not consider that these would be sufficiently adverse either on their own or in combination to justify refusal.

- 7.3 In terms of highway safety the Highway Authority has not objected and a road safety audit has found the scheme to be acceptable subject to 1 recommendation which the applicant confirms will be implemented. The applicant is willing to agree to a legal agreement on vehicle routing and delivering a financial contribution to secure re-location of a speed limit towards the site.
- 7.4 Regarding air quality, the applicant has amended the phasing and layout of the scheme and is willing to accept conditions providing for ongoing air quality monitoring and to preclude entry into phase 5b (nearest to Naboths Vineyard) unless specified air quality criteria are met. Off-site monitoring would be covered in a legal agreement clause. There would be at least 7 years of monitoring before the applicant enters this phase. A similar provision would apply for the area of the site nearest to the Gardenlands nursery. The applicant's air quality assessment indicates that air quality would remain at well below the level at which action would be required under relevant national standards. Regulatory Services have not objected. An Equalities Impact Assessment has been undertaken and is included as Appendix 3.
- 7.5 Regarding hydrology, the Environment Agency has not objected and has recommended a hydrological monitoring condition which is included in Appendix 1. This would be supported by an equivalent legal agreement clause requiring ongoing monitoring of local water features at representative locations throughout the proposed quarrying operations. This would also require appropriate mitigation in the event of any identified issues. There will be over 2 years of monitoring before operations reach the proposed quarry base. Equivalent monitoring provisions apply at other Shropshire quarries.
- 7.6 Regarding visual and heritage issues the applicant has provided a comprehensive landscape and visual appraisal, the conclusions of which have been validated by the Council's own landscape consultant. There will be some localised and residual effects on landscape and visual amenities and 'less than substantial' or negligible harm to the setting on some listed buildings. Any effects will however be very minor, temporary and mitigated by the proposed phasing and landscaping proposals.
- 7.7 In terms of ecology, the Council's ecologist is satisfied that the proposals would not impact unacceptably on the habitat of Great Crested Newts, bats or other protected species. Comprehensive mitigation has been proposed for GCN and sufficient additional land is available should Natural England consider this necessary as part of the EPS licensing process.
- 7.8 A minimum stand-off of 30m has been maintained between the operational site and the edge of the ancient woodland which is twice the amount required under currently adopted Natural England guidance. No veteran trees in the ancient woodland would be affected. The bulk of the ancient woodland is managed plantation woodland subject to periodic clear-felling. The applicant's hydrological reports indicate that a localised area of springs in the ancient woodland are likely to owe their presence to impermeable clay/marl deposits in this area which would not be affected by the proposed operations. The proposed extraction base nearest to the woodland springs would remain well above the level of the springs. A comprehensive hydrological monitoring scheme would apply.
- 7.9 In policy terms it is recognised that the site is not allocated and is 'greenfield' site located in the Green Belt. Hence, additional policy tests apply. The development plan does not



preclude non-allocated sites from coming forward, provided the relevant tests set out in SAMDev policy MD5(3) are met. These tests are considered in detail in the preceding section. National Green Belt policy does not regard mineral extraction as 'inappropriate development' where the objectives of Green Belt policy can be upheld. This matter is also considered in detail in the preceding section.

7.10 Objectors have questioned the need for mineral, and have suggested that other quarries in the region would be capable of supplying local demand. This may be the case in principle. However, the proposed site has been put forward as a direct replacement for their nearby quarry at Seisdon which is scheduled to cease mineral export at the end of 2018. It is considered that the applicant has put forward a robust case that if the site does not proceed this would lead to a less sustainable market supply situation with mineral products travelling further afield, leading in turn to increased cost and viability issues for local construction / housebuilding activity. The suggestion of objectors that local quarrying jobs could be re-deployed so would not be lost is also questioned given that the applicant directly employs their workers and their other quarry units are fully staffed.

7.11 The application raises complex issues requiring careful consideration. However, it is considered that no technical issues have been identified which cannot be addressed by appropriate detailed planning controls. Nor are there any overriding policy issues which would suggest that the proposals should not proceed. Whilst the proposals would lead to some residual impacts such as 'less than substantial harm' on some listed buildings these impacts are considered to be minor and are outweighed by the public benefits of the scheme including the 'great weight' which must be given to the benefits of mineral working under NPPF 205. The proposals are considered to comply with SAMDev policy MD5 and with the development plan overall. As such, the proposals would not amount to inappropriate development in the Green Belt. It is concluded that proposals can be accepted in relation to relevant development plan policies and guidance and other material planning considerations subject to the recommended conditions and legal agreement.

## 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

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OYQO0ITD08V00>

### 10. PLANNING POLICY

#### 10.1 Central Government Guidance: National Planning Policy Framework

203. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

205. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

- a) 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;
- b) ensure 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;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source<sup>66</sup>, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
  - d) not grant planning permission for peat extraction from new or extended sites;
  - e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
  - f) 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
  - g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

207. 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 PlanPolicy MD5: Sites for Sand and Gravel Working

1. The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;
2. Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:
  - i. the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;
  - ii. the need to control potential cumulative impacts associated with concurrent or

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

#### Schedule MD5a: Phase 1 Site Allocations:

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

#### MD16 - Mineral Safeguarding

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

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

#### MD17: Managing the Development and Operation of Mineral Sites

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
  - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
  - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference

- for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
- iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
  - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
  - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);
  - vi. Effects on ecology and the potential to enhance biodiversity;
  - vii. The method, phasing and management of the working proposals;
  - viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
  - ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

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

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use. Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:
  - i. Proposals which take account of the site, its surroundings, and any development plan policies relevant to the area;
  - ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
  - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
  - iv. A Reclamation Plan;
  - v. Provision for a 5 year period of aftercare;Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site...
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

## 11. HUMAN RIGHTS

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

## 12 RELEVANT PLANNING HISTORY:

- 12/02049/FUL Application under Section 73A of the Town & Country Planning Act 1990 for the use of land as a model flying club, car parking area and erection of storage shed (Retrospective) GRANT 15th October 2012
- 16/01952/SCO Scoping Opinion for the extraction of sand and gravel SCO 16th August 2016
- 17/05303/MAW The phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration PDE

### List of Background Papers:

1) Planning Application reference 17/05303/MAW and the accompanying Environmental Statement and EIA Regulation 25 submission of further information

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Tina Woodward (Alveley & Claverley), Cllr Michael Wood (Worfield)

### Appendices:

Appendix 1 - Conditions

Appendix 2 - Public representations – detailed summary

Appendix 3 - Equality Impact Appraisal

Appendix 4 – 3 Tests Protected Species Matrix

## **APPENDIX 1**

### **Legal Agreement Clauses:**

- i. Traffic routing and management agreement preventing mineral lorries from using the minor roads in the vicinity of the site, with appropriate penalty clause for infringements;
- ii. Funding by the developer (£10k) for relocation of speed restriction nearer to the site access;
- iii. Provision for off-site hydrological monitoring at appropriate locations to be agreed;
- iv. Provision for off-site air quality monitoring at appropriate locations to be agreed;
- v. Securing availability of additional land for Great Crested Newt mitigation should this be required by Natural England under an EU Protected Species License;
- vi. Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme;
- vii. Formation of a local community liaison group by the developer.

### **Conditions**

1. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission. The date at which development commences shall be referred to hereinafter as 'the Commencement Date'.

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

#### DEFINITION OF THE PERMISSION

- 2a. This permission shall relate to the areas edged red on Figure 2 (Existing Topographic Survey) accompanying the application (Drawing no. CE-CB0617-DW34) 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 incorporating the following documents and plans:
  - i. The application form dated 3<sup>rd</sup> November 2017;
  - ii. The Non-Technical Summary dated 31/10/2017;
  - iii. The planning supporting statement dated 31/10/2017;
  - iv. The Environmental Statement dated 31/10/2017 and the accompanying appendices.
  - iv. The submitted drawings accompanying the Environmental Statement as amended, namely:
    - Figure 2 - CE-CB0617-DW34 -Topographical Survey;



- Figure 3 - CE-CB0617-DW13c - Amended Working Scheme (dated 10/07/18);
  - Figure 4 – CE-CB0617-DW15c - Updated Concept Restoration Plan (dated 10/07/18);
  - CE-CB0617-DW21 - Figure 6 Phase 1 & 2 - Years 2-3 (as amended by Fig3);
  - CE-CB0617-DW24 - Figure 9 - Phase 5 - Years 9-10 (as amended by Fig3);
  - 18531-03 – Site Access Layout.
- c. The further information submitted under Regulation 25 of the Environmental Impact Assessment Regulations 2018 comprising:
- Annex 1 - road safety audit;
  - Annex 2 - water features survey;
  - Annex 3.1 - cultural heritage addendum;
  - Annex 4.1 - ecology & trees;
  - Annex 4.2 – badgers;
  - Annex 5 - updated visual information;
  - Annex 6 - amenity protection.

Reason: To define the Site and permission

#### TIME LIMITS

- 3a. No less than 7 days prior notice of the intended date for 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 intended date for commencement of mineral extraction shall be given in writing to the Local Planning Authority.

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

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

Reason: To define the permitted timescale for working and

#### LIMITS OF MINERAL EXTRACTION

5. There shall be no entry into each new mineral working phase as defined by Figure 3 (amended working plan) until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

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

## OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 250,000 tonnes per calendar year (commencing on 1<sup>st</sup> January and ending on 31<sup>st</sup> December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety and to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area.

## NOISE AND DUST

7. Noise mitigation measures shall be employed for the duration of the quarrying operations in strict accordance with the recommendations in section 5-5.2.3 of the Noise Assessment report ref CE-CB-0617-RP17-FINAL produced by Crestwood Environmental Ltd.

Reason: To protect residential amenity.

- 8a. Subject to Condition 8c all noise mitigation measures stated in the Noise Assessment report ref CE-CB-0617-RP17-FINAL and report reference CE-CB-0617-RP42 - FINAL (dated 31 May 2018) produced by Crestwood Environmental Ltd shall be carried out in full for the duration of works on site. In particular, a 3.5m high screening bund shall be constructed along the southern boundary of the site and a 2.5m bund shall be constructed along the northern boundary. The platform for the quarry plant site shall also be set a minimum of 2m below existing ground levels.

- b. 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)
The Alders	43.8
Naboths Vineyard	49.4

- c. Notwithstanding condition 8a, 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.

Reason: to protect residential amenity.

9. Within 6 months of the date of this permission the developer shall submit schemes for noise and dust monitoring to the Local Planning Authority. The submitted schemes shall detail the proposed monitoring locations and proposals for review of monitoring frequency. Prior to development commencing these schemes must be approved in writing by the Local Planning Authority. They shall thereafter be implemented.

Reason: To protect residential amenity.

*Note: Monitoring within the site shall be supplemented by monitoring in other appropriate areas under the control of the applicant, under the provisions of the section 106 Legal Agreement accompanying this permission.*

10. No development shall occur within Phase 5b and within 50m of the south east boundary of the Site in Phase 6b under the terms of this permission unless the following criteria are met:
- i. The developer has submitted detailed noise and dust management plans specific to these areas of the development having regard to section 4.4 of the report reference CE-CB-0617-RP42 - FINAL by Crestwood Environmental dated 31<sup>st</sup> May 2018 and the results of noise and dust monitoring in preceding phases;
  - ii. The Local Planning Authority has provided written approval of the noise and dust management plans for Phase 5b.

Reason: To protect residential and local amenities.

11. Temporary operations for construction of the southern and eastern bunds and the access haul route shall take place in strict accordance with the outline Construction Environmental Management Plan (CEMP) detailed in report reference CE-CB-0617-RP42 - FINAL by Crestwood Environmental dated 31<sup>st</sup> May 2018. This is with the sole exception that construction within the CEMP area shall take place between 0900 - 1600 hours Monday to Friday only unless any works outside of these times have first been agreed in writing by the Local Planning Authority.
- 12a. The dust mitigation measures stated in the Dust Management Scheme, report reference CE-CB0617-RP10-FINAL and report reference CE-CB-0617-RP42 - FINAL (dated 31 May 2018) produced by Crestwood Environmental Ltd shall be carried out in full for the duration of all works on site. The sole exception to this shall be that no construction works shall take place outside of 0900 - 1600 hours Monday to Friday unless this has first been agreed in writing by the Local Planning Authority.
- b. The quarry haul route shall be maintained so that it is beyond a distance of 200m from the edge of the property boundary of the dwelling known as Naboth's Vineyard until such time as Phase 5b comes in to operation, in accordance with Section 4.3 of report reference CE-CB-0617-RP42 dated 31<sup>st</sup> May 2018.

Reason: To protect residential amenities.

13. The Dust Management Scheme (Ancient Woodland Specific Aspects) in section 4.1.32, and the recommendations in sections 3.3.20 – 3.3.26 of the 'Additional Ecological and Arboricultural Information and response to Planning Application Consultation (Planning Ref: 17/05303/MAW), Addendum to Chapter 6 of the Environmental Statement, Ref. CE-CB-0617-RP41 – Final' dated 31<sup>st</sup> May 2018 by Crestwood Environmental Ltd. shall be

implemented from the commencement of the development until the restoration phase has been completed.

Reason: To ensure sensitive receptors including the Ancient Woodland and Ancient Plantation Woodland to the north of the site and Great Crested Newt (European Protected Species) habitats are not damaged by dust from quarrying activities.

14. 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.

#### HOURS OF WORKING

- 15a. Subject to condition 12b mineral extraction and associated operations under the terms of this permission shall not take place other than between the following hours except where emergency access is required or for undertaking maintenance to quarry plant:

7.00 – 18.00 on Mondays to Fridays and 7.00 - 13.00 on Saturdays  
and such operations shall not take place on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the area.

#### HIGHWAY AND ACCESS

16. No development shall take place until details of the design and construction of the proposed junction on A454, new site access, together with details of the disposal of highway surface water, and traffic management have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before

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

17. 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.

- 18a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.

- b. Details of construction and surface treatment for the internal access road leading to plant site shall be submitted for approval prior to the Commencement Date. The internal access road shall be constructed and maintained in accordance with the approved details

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

19. A wheel wash facility shall be provided at the Site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The approved facility shall be retained for the duration of the operations hereby permitted. Wheel cleaning shall be employed by all goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

Informative Notes:

- i. Mud on highway: The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- ii. 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.
- ii. 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>
- iii. 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.*

- iv. *Extraordinary maintenance: The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.*

#### PLANT AND STOCKPILING

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

Reason: In the interests of visual and general amenities.

#### REMOVAL OF G.P.D.O. RIGHTS

- 21. Notwithstanding the provisions of Part 17 A and Ba of the Town and Country Planning General Permitted Development Order 2015 or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior written approval of the Local Planning Authority.

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

#### PHASING

- 22. Phasing within the site shall take place in strict accordance with the approved working scheme plan (reference CE-CB0617-DW13c) detailed in section 4.3 of the report reference CE-CB-0617-RP42 - FINAL dated 10th July 2018.

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

#### DRAINAGE AND HYDROLOGY

- 23. No development shall take place until a detailed scheme of surface water drainage including a drainage plan and calculations has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be based on the Technical

Appendix 9.3: Flood Risk accompanying the application and shall be fully implemented before development commences.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

Notes:

- i. *A 'permit to discharge' to surface water may be required to control the quality of any surface water discharge from settlement lagoons to controlled waters. To discuss and/or apply for a permit please contact the local Environment Agency Land and Water team on telephone 02030 251670.*
  - ii. *The Environment Agency has advised that dewatering the proposed excavation (even at the permissible 20m<sup>3</sup> de minimis daily abstraction rate if in the same system) may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features.*
- 24a. Within 3 months of the date of this permission, a scheme of hydrogeological monitoring scheme ("the HMS"), shall be submitted for the approval in writing of the Local Planning Authority. The HMS shall be based on the information and principles contained within the Environmental Statement and Supplementary Environmental Information. No mineral extraction operations within the first phase of extraction shall take place until the HMS has been approved in writing and thereafter implemented. The HMS shall include proposals for monitoring in the following locations at and in the vicinity of the site, including in locations where potential interactions may be encountered between the proposed operations and groundwater:
- i. within the Principal Aquifer (i.e. at deeper levels); and
  - ii. within shallower geology above the Principal Aquifer.
- b. The HMS shall detail the monitoring approach and criteria for the identification of material changes to local groundwater levels and/or local water features which may be attributable to the consented operations. Details within the HMS shall include but not be limited to:
- i. identification of local water features within the vicinity of the Site (including but not limited to springs, boreholes and wells);
  - ii. monitoring locations;
  - iii. frequency, method and type of monitoring to be undertaken;
  - iv. frequency of submission of monitoring data to the Minerals Planning Authority; and
  - v. mechanisms for review of the monitoring scheme.
- c. Once the HMS has been approved in writing by the Local Planning Authority, it shall be implemented in full thereafter.

Reason: To define the monitoring of the consented mineral extraction operations in relation to the protection of the local water environment from significant harm resulting from any localised interactions, in accordance with Core Strategy Policy CS18.

*Note: This condition is linked to a section 106 legal agreement clause which facilitates hydrological monitoring in appropriate locations in the area surrounding the application site.*

- 25a. Within one month of the identification of any potential material changes to local groundwater levels and/or local water features, as defined within the HMS (referred to at Condition 24), a scheme of investigation (“the Scheme of Investigation”) shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include:
- i. Proposals to investigate the cause of the material change to local groundwater levels or those local water features identified in the HMS;
  - ii. Measures to mitigate the associated risks, where the cause is attributable to on-site operations hereby consented; and
  - iii. Proposals for subsequent monitoring and reporting in relation to the success or subsequent amendment of mitigation measures undertaken.
- b. Once the Scheme of Investigation has been approved in writing by the Minerals Planning Authority, it shall be implemented in full thereafter.

Reason: To protect the local water environment should monitoring in accordance with the HMS approved under Condition 24 indicate a material change by securing mitigation if necessary in accordance with Core Strategy Policy CS18.

26. No extraction operations shall take place below 109m above ordnance datum unless the hydrological monitoring scheme required by Condition 24 has confirmed to the written satisfaction of the Local Planning Authority that extraction below this level would not intercept the permanent groundwater table.

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

27. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason: To ensure the permitted development does not adversely affect the drainage of adjoining areas.

#### Archaeology

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

Reason: The site is known to hold archaeological interest



Arboriculture

- 29a. No development-related works (including vegetation / site clearance and ground levelling) shall commence on site and no equipment, materials or machinery shall be brought onto the site, until a scheme to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon an Arboricultural Impact Assessment and shall include an Arboricultural Method Statement and Tree Protection Plan, prepared in accordance with and meeting the minimum tree protection requirements recommended in British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations, or its current version.
- b. All pre-commencement tree protection measures detailed in the approved Arboricultural Method Statement (AMS) and / or Tree Protection Plan (TPP) shall be fully implemented to the written satisfaction of the Local Planning Authority before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved AMS and / or TPP.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- 30a. A tree planting and habitat creation scheme, prepared in accordance with British Standard 8545: 2014 'Trees: from Nursery to Independence in the Landscape – Recommendations', or its current version, shall be submitted for the approval in writing of the Local Planning Authority prior to the Commencement Date. The approved scheme shall be implemented within the timescales proposed in the tree planting and habitat creation plan and shall include:
- i. Details of the trees and shrubs to be planted in association with the development, including species, numbers, locations and planting pattern, type of planting stock, size at planting, means of protection and support, time of planting (season and phasing as the scheme progresses) and measures for post-planting maintenance.;
  - ii. Details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.;
  - iii. A revised plan showing the extension of the tree belt of a similar width to that in Phase 1 along the southern boundary between Pond J to Pond 2 and Pond 2 to Ponds 1a/b;
  - iv.. Details of habitat creation and other wildlife features (e.g. hibernacula), including species-rich grassland creation, enhancement or restoration. Schedules of plant species, including details of green hay or seed mixes (if used) also to be provided ;

- v. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- vi. Species of trees, shrubs and herbaceous plants should be native and of local provenance;
- vii. Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

- b. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting and habitat creation to enhance biodiversity and the appearance of the development and its integration into the surrounding area.

#### ECOLOGY

- 31a No site clearance or development shall take place until either:

- i. A European Protected Species (EPS) Mitigation Licence with respect to Great Crested Newts has been obtained from Natural England and submitted with the method statement to the Local Planning Authority; or
- ii. a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority for prior approval explaining why a licence is not required and setting out any additional mitigation measures proposed. The measures will be implemented as approved.

- b. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority) an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the mitigation and enhancement measures and method statements are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To ensure the protection of Great Crested Newts and bats which are European and UK protected species and other wildlife.

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

Reason: To protect Ancient Woodland and Plantation Ancient Woodland from direct and indirect damage due to mineral extraction in accordance with NPPF 118, CS17: Environmental Networks and SAMDev Plan policy MD12: Natural Environment.

33. All site clearance, mineral extraction, landscaping and biodiversity enhancements shall occur strictly in accordance with the recommendations in Appendix E8 Confidential Ecology Information – Badger by Crestwood Environmental Ltd., unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of Badgers.

34. A minimum of 4 woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on trees near the site boundaries. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

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

35. No development shall take place (including ground works, vegetation clearance and mineral extraction)) until a Construction Environmental Management Plan for ecology has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, bat and bird boxes,) will be installed or implemented;
- ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- iii. Pollution prevention measures.
- iv. Requirements and proposals for any site lighting required during the construction and extraction phases;
- v. A timetable to show phasing of work activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- vi. The times during construction and mineral extraction phases when an ecological clerk of works needs to be present on site to oversee works. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place;
- vii. Identification of Persons responsible for:
  - Compliance with legal consents relating to nature conservation;
  - Compliance with planning conditions relating to nature conservation;
  - Installation of physical protection measures during construction;
  - Implementation of sensitive working practices during construction;
  - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

- Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with SAMDev policy MD12, Core Strategy policy CS17 and section 170 of the NPPF.

36. For each phase of the permitted development, commencing after 2 years from the date of the planning consent the approved ecological measures and mitigation secured through conditions shall be reviewed and, where necessary, updated and amended. The review shall be informed by further ecological surveys (in line with recognised national good practice guidance) in order to:

- i. Establish if there have been any changes in the presence and/or abundance of species or habitats on the site, and
- ii. Identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the phase. Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up to date ecological information and that ecological mitigation is appropriate to the state of the site at the time phases of development commence, in accordance with wildlife legislation, NPPF 118 and MD12.

37. Within 6 months of the commencement of development a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Description and evaluation of the features to be managed;
- ii. Ecological trends and constraints on site that may influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- vii. Personnel responsible for implementation of the plan;
- viii. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- ix. Possible remedial/contingency measures triggered by monitoring;
- x. The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

Informative notes

- i. *Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett. No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site. There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.*
- ii. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree pruning or removal of scrub or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- iii. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*

LIGHTING

38. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
  - i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and

- ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- iii. Include no lighting on the access road.

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

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

#### SITE MAINTENANCE

- 39. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof from the commencement of the development until the completion of aftercare.

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

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

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

#### SOIL HANDLING

- 41. 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.

- 42a. Not less than five working days prior notice shall be given to the Local Planning Authority of the intention to start stripping soils in each phase of the site.
- b. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.

- c. 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.

Reason: To allow monitoring of soil stripping operations (40a) and to prevent loss or damage to soils (40b,c).

*Note: Where soils are stripped to less than 1 metre depth the developer should take action to rectify this deficiency by using soil making materials recovered during the working of the Site.*

- 43a. All soil and soil forming materials shall be handled in accordance with Defra's Good Practice Guide for Handling Soils. Soil shall only be moved when in a dry and friable condition and shall not be moved after significant rainfall. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition.
- b. Soil handling and movement shall not be carried out between the months of October to March inclusive, unless a scheme to agree soil movement outside of these times has first been agreed in writing by the Local Planning Authority.

Reason: To prevent damage to soil structure.

- 44a. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:
  - i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
  - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
  - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
  - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
  - v. shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
  - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed if they are to remain in place for more than 6 months;
  - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.
- b. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the MPA showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein.

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

- 45. The applicant shall notify the MPA at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

46. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

#### REMOVAL OF PLANT AND STRUCTURES

47. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the approved restoration and aftercare schemes.

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

#### AFTERCARE

- 48a. Restored areas of the site which are designated for agricultural use shall be subject to 5 years aftercare.
- b. Aftercare schemes for each restored section of the Site shall be submitted as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide an outline strategy for the aftercare period in accordance with Paragraph: 057 of Minerals Planning Practice Guidance. This shall specify the steps to be taken and phasing in the management of the land to promote its rehabilitation to the target afteruses; including where appropriate:
- i. A map identifying clearly all areas with phasing, subject to aftercare management,
  - ii. A remedial field drainage system, and
  - iii. A pre-release report to demonstrate that the land has been reclaimed to the required standard.
- c. Aftercare schemes for each phase shall make provision for the following works, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
  - ii. measures to reduce the effects of compaction;
  - iii. cultivation works;
  - iv. reseedling where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
  - v. grass cutting or grazing;
  - vi. replacement of hedge and tree failures;
  - vii. weed and pest control;
  - viii. Vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
  - ix. Habitat management proposals within the aftercare period;
  - x. Track maintenance within the Site;



- xi. Repair to erosion damage;
- xii. Provision of drainage including the construction/main soakaways and an underdrainage system where satisfactory;
- xiii. Provision of field water supplies.



Aftercare shall be undertaken in accordance with the approved schemes.

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

*Note: Areas designated for non-agricultural afteruse including as habitat areas shall be subject to extended aftercare as specified in the section 106 legal agreement accompanying this permission.*

## ANNUAL REVIEW

49a. Before 1<sup>st</sup> 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**

### **DETAILED SUMMARY OF PUBLIC REPRESENTATIONS**

Access: Slow moving lorries which have just left the entrance would not be seen by motorists approaching the rise in the road as it is blind at that point. Vehicles travelling from Wolverhampton towards Bridgnorth will be accelerating as the speed limit changes from 50 mph to 60 mph just before the rise in the road. The stretch of road is a notorious accident black spot and the additional heavy traffic will make it more so. As the proposal is for access to be on the apex of the hill we believe that lorries moving slowly in and out of the site will cause other cars to try to overtake when there is no visibility. The deceleration lane will only serve to increase people's belief that there is room and the road will be clear. According to the topographical survey the apex is at 117.18m and the furthest East reading which is only approximately 30m away is 113.54m a difference of 3.64m. The furthest West reading is 116.03m giving a difference from the apex of 1.15m. Even allowing for the viewing height of drivers this is easily sufficient for a car to be hidden just below the apex. The turning will increase overtaking opportunity and therefore increase the risk of accidents. Your access is directly outside my gate directly impacting mine my children's and any friends or family's safety. When pulling out of my gate I won't be able to see the HGV's coming from either way which is clearly extremely dangerous. My family would have to risk an accident everyday just to get out of our own property.

Traffic:

The entrance to the site is on a 60mph road that is repeatedly reported as a 50mph road. Basic errors such as getting the speed limit wrong, are unacceptable. The impact assessment is based on data for 12 hours but the site will only be operational for 11. This has the effect of reducing the % change figures to make them appear more favourable. Seisdon is producing 197,000 tonnes a year, the proposed quarry will be producing 27% more at 250,000 tonnes. Based on the figures quoted this means that 24 two-way movements (12 loads) are currently using the A454 at Shipley. 100% of the traffic from the proposed quarry will be using this road, an increase of 416%. Not only is this a huge increase but it also doesn't account for the danger and disruption caused by the fact lorries will be joining and leaving at a point where traffic is currently free flowing. The effects of increased traffic flow rates in the future are not included. There have been regular accidents within a couple of miles each side of this site over the past 15 years (including multiple fatalities). How have these been missed off the figures? No comment is made about the lack of lighting at the proposed junction, this must be considered given that lorries are going to be turning across a carriageway during the hours of darkness, and generally at peak times. No impact assessment has been made into the effects of this development on the maintenance requirements of the highways. JPE lorries are regularly spotted using the Old Worcester Road and in convoy. We would like traffic routes to be conditioned to keep lorries off minor roads and stopping them from cutting through the villages of Pattingham and Seisdon. We would also like the permissible haulage times limited to daylight hours.

In our opinion the survey taken by David Tucker Associates is completely invalid as they have taken the speed limit on this stretch of the A454 to be 50mph when the approach from both directions is actually 60 mph. After speaking to several residents from Seisdon, they all complained that Ebtree Rd from Seisdon to Langley Rd, Wolverhampton was in a terrible condition because the high volume of HGV traffic from the quarry constantly drive off the edge of the tarmac surface and cut into the grass verge on both sides of the road. No highway maintenance seems to have been carried out to rectify this hazard. We are concerned that this will be repeated on the roads around Shipley as there are no kerb stones here either. This stretch of road has NO pavements and therefore has NO street lights – the proposed site intends to trade from 7.00am -6.00pm mon- fri 7.00am – 1.00pm Saturdays. For 6 months of the year lorries will be joining and leaving the 60mph road in darkness, morning and night, this will be very dangerous.

We also note having read other similar proposals stating these same hours of business that it is very likely that HGV movements on the site would begin 1 hour earlier and finish 1 hour later than the above operating times. Traffic approaching the proposed site entrance will be travelling at speeds of 60mph (and above) with the proposed entrance near a crest in the road, as lorries slow down to turn other road users will naturally look to overtake, this will lead to more serious accidents on this already dangerous stretch of road. We cannot see any details on the size of the proposed right turn lane and are concerned as these lorries are often seen travelling in convoys of 2-5 lorries. Our entrance immediately next to the Inn at Shipley on A454 is already very dangerous as when approaching from Bridgnorth/Telford direction we can only safely indicate to turn left after we have passed both the pub car park entrances which gives us a mere 50m, to slow traffic behind us from 60 mph to 10 mph to enable us to leave the main road. This will be made far worse by adding 100 plus lorry movements per day, as the braking distances needed, especially when full, will be far greater than that of a car. School taxis also use this entrance daily. We have also been told by the council on several occasions that we cannot have traffic calming measures at this location as we do not have pavements or street lights. The entrance to Naboths Vineyard will become very dangerous as lorries will swing in from a 60 mph road around a blind bend and pass right in front of their gates. How will Mr Kyle be able to stop his vehicle to open and close his gates when he will be in the path of oncoming HGV's? At the proposed entrance to the site is the beginning of a public footpath, (see picture below) as it is the start of a walk people very often park their cars here to use the footpath. If the quarry is allowed to go ahead what provisions will be made for the ramblers' health and safety in this potentially very dangerous location and also what car parking facilities will be made available to them? Many drivers work on load related contracts which encourages the use of shortcuts, speeding and driving inconsiderately. Concern that JPE's figure of a maximum of 100 HGV movements /day is inaccurate. If permission was granted which council department would be responsible for checking that 100 movements per day was not exceeded?

Living in Seisdon we have had to put up with the unacceptable problems stated below caused by JPE Ltd. in association with its Seisdon Quarry. These problems will no doubt be in evidence once more should this quarry be given the go ahead to set up at Shipley. The 20 ton quarry vehicles have damaged the verges and road surfaces, creating potholes and hazards for other road users. The proposed Shipley quarry will result in a massive increase in traffic on an already busy road (A454). We already have to put up with the inconvenience of the quarry in Seisdon, muddy lanes, lorries travelling in convoy and generally the problem of meeting lorries head on in very awkward places. The Fox has a roadside frontage and play area on the A454 adjacent to a busy junction which is a known accident black spot, with the number of lorries turning onto the A454 at a slow speed will add to the problem. It is a road containing several accident blackspots, with at least 3 of them within a half mile distance. I am a regular user of the Bridgnorth road around the Shipley area and I cannot see how having 100 extra huge, slow and dirty lorry's pulling onto a 60mph road putting mud and stones on the road where there are many vulnerable motorcyclists and elderly drivers due to garden centres can be in any way safe! Many people including us have had car windscreens broken by debris left on road from the quarry near Seisdon. The Bridgnorth road is faster and busier. Mud being deposited on the highway when the wagons leave the site of [Seisdon] quarry. This washes down the road during rain and becomes dust when dry. Lanes too narrow to accommodate such vehicles. There is a 50mph limit on this stretch of road, but slow moving west bound wagons crossing the highway to reach the entrance will doubtless create hazards to motorists. Similarly, slow moving wagons emerging from the quarry and either turning left (eastwards) or crossing the highway to head westwards would be accidents waiting to happen. Congestion is already increasingly becoming a problem along this road. Increased heavy traffic, noise levels and dust clouds on the Bridgnorth Road and more importantly for us personally is along the B4176 through the Broad Bridge, a one lane, listed bridge which is already overloaded with heavy aggregate lorries and scrap metal wagons. Shropshire Council has already stated that the Broad Bridge, which has recently been decimated by a lorry couldn't be widened. This is a very quick road set at national speed limit (not 50mph as stated in application). Already it is extremely dangerous for vehicles turning in and out of the Inn at Shipley, Shipley Hall, Naboths Vineyard and there have been many accidents on the Staffs side of the border at the garden centres and Fox junction. Shipley Bank Farm has access close by and there are slow moving agricultural vehicles using this entrance at various times of the day all year round. There may be unintended consequences as additional vehicles begin to avoid the A454 using narrow poorly surfaced lanes that are not equipped to handle the volume and weight. The application has the wrong speed limits listed and uses old obsolete figures. The road is much busier than the road

at Seisdon and includes many visitors driving to Bridgnorth and the garden centres. This combination including the bus route should be factored in in the estimated 100 vehicle movements per day and what impact they will have on people not familiar with driving on country roads. The A454 is a fast road and mud on the road could lead to serious skidding which could result in fatal accidents. Traffic will be increased in the villages around the site as trucks take shortcuts to get to their destination. Again, I speak from experience in reference to the Seisdon quarry. Your results for traffic speed also appear to be bias, a recurring theme throughout the whole report, as you have recorded an average speed of 41mph eastbound. The road is a 60mph road and people regularly exceed this speed, nobody drives 41mph on this road. I live in Seisdon and our lives have been blighted by Truck movements associated with the Seisdon quarry. In addition to damaged / muddy road conditions I have also on more than 1 occasion been run off the road by inconsiderate truck drivers. We are clearly relieved this is now being closed down. For any new local quarry can you please ensure that any planning requires as a formal condition, that no access is allowed to the local village of Seisdon.

#### Dust / health:

The application acknowledges most operations give rise to dust and this will have an effect on local receptors within 250 metres, including residential properties, North Shropshire College, Gardenlands and the Ancient Woodland, which being situated within 100m to the North of the site, downwind of the prevailing wind, will be particularly susceptible. Dust Management Measures are very unspecific in their current form and are heavily reliant on the diligence of site personnel. However, staff will only be on site in the daytime Monday to Friday and Saturday mornings which leaves the site unattended for a majority of the time. Planning conditions should be imposed to give much firmer guidance on when and how dust should be minimised or suppressed i.e. actions required at different wind speeds etc. The stand-off to the woodland should be increased to 50 metres (see Ecology below). Screening barriers should be made a requirement of the Dust Management Scheme, as per Natural England Standing Advice on Ancient Woodlands. The use of clean water for suppressing dust should also be conditioned, so as not to risk contamination of groundwater. We would also like the use of a conveyor to be conditioned from Phase 3 onwards. This will reduce the vehicle movements and therefore the dust. Post operational dust monitoring should also be added to the list of conditions. As the early stages of excavations are situated furthest from the most sensitive receptors, levels can be monitored as the working areas gets progressively closer. If levels are unacceptable action can be taken before they cause health issues.

There are significant limitations to the Air Quality Report. The estimated traffic volumes seem unrealistically low. Regardless of the presentation of the statistics, the level will be at or slightly above the threshold of 100 two-way movements a day for 5 days of the week and should, therefore, require a detailed air quality assessment. At the very least, if the 100 two-way (AADT) movements is proven to be exceeded during operations, it should be conditioned that all material export stops until a detailed air quality assessment is undertaken and the results analysed.

We feel that very little attention has been paid by both the applicant and Shropshire Council to the serious risks posed to health and crops by dust particle pollution. The applicant feels that their offer to build earth berms and plant trees is sufficient mitigation to eliminate any dust pollution they will create. Planting trees is a long- term solution at best as the trees planted will be very small and offer no sufficient value for shielding. On our land adjacent to the proposed site we grow a large hay crop amongst other feedstuffs for our livestock. Dust contamination is a serious health risk to our livestock and so a major threat to the viability of our business. The hay crop to feed the racehorses that we breed as part of A J Haden Bloodstock is grown on the field immediately to the west of the site. We have always used this field as it is not contaminated in any way by dust or vehicle fumes which gives us the best crop for our horses. Any dust and contamination from the proposed site will render this crop unusable. Where large amounts of dust are deposited on vegetation over a longer time scale (a full growing season for example) there will be adverse effects upon the plants' photosynthesis, respiration and transpiration. The overall effect is a decline in plant productivity, which will then have indirect effects on fauna/crops. Will the applicant be prepared to pay compensation for this when they contaminate this crop? Residents living in proximity to quarries can potentially be affected by dust up to 500m from the source. Respirable particles, i.e. those less than 10 micrometres in diameter, have the potential to cause effects on human health. Whilst dust suppression

methods can reduce the deposition of dust in the locality they cannot eliminate it. Fugitive dust from such sites is typically deposited within 100-200m of the source; the greatest proportion of which comprise larger particles (greater than 30 microns) is deposited within 100m. However, smaller particles can travel up to 1km. As we have 3 x young children (1 of which has asthma) we are very concerned about the risks to their health caused by dust and other forms of airborne pollution. Having spoken to many residents of Seisdon the biggest complaint in recent times is the blatant disregard by lorry drivers failing to sheet their lorries when loaded. One can only presume that the pressure to meet delivery targets is such that sheeting of loads is not seen as essential and is regularly ignored. This results in a much wider area of air pollution affecting the entire routes taken by these lorries as well as the damage / contamination of hedgerows and crops.

Winds will carry dust and particulates towards houses, farms and other businesses in the area. This will inevitably impact on people's health and quality of life. Noise pollution and dust associated with all these lorries. The noise and inevitable dust generated by the excavation machinery will mean the health of those living and working locally will be affected and this will also apply to our patrons using the outside areas. Winds will carry dust and particulates towards houses, farms and other businesses in the area. Given the site is exposed, the dust will be at the mercy of the wind with the Garden Centres being at most risk from prevailing winds with consequential damage to visitor numbers and trade. You will have to use generators for electric which by looking at your proposed working times will run for a minimum of 60 hours per week. Excavating equipment will also be polluting 60 hours per week. You claim dust pollution to be low in the area however on one day your dust receptor recorded highly dangerous levels of dust, a fact that has been brushed over in your report. If you visit the area you can see with your own eyes the amount of dust pollution, imagine how much this would increase if this was to go through. You claim the wind blows south westerly, away from my property, this is entirely wrong. It's pretty obvious that the dust mitigation that has been put forward is totally unacceptable and will make no difference to dust levels. The increase in dust and diesel pollution would make living here unbearable. I have moved out here to seek all the benefits of the countryside and waking up every day to being choked by diesel fumes and dust is not one of them. Dust and diesel pollution are direct causes of respiratory problems, there is 8 of us living here, do you think it's right to adversely affect 8 people's lungs? Basically JPE will do whatever they please if this is approved, they will obviously use lighting and clearly won't clean the roads. The family that live a Naboths vineyard which is within 100 meters of the proposed quarry site will be severely affected by this project to say the least. Above all the health of their 2 year old child needs to be considered. This boy was born with down syndrome, leukaemia and heart and lung conditions. The dust that will spread onto their property and into their air space may cause his condition to deteriorate which is a risk that should not be taken. There is no electric in the area so diesel generators will have to be used increasing CO2 levels on a local level.

#### Noise Pollution

The criteria of NPPF 123 have not been met. The report does not clearly display the number of properties within the search area and does not properly consider the impacts on Lower Rudge, other than The Alders which is said to be the most affected property. There are another 9 properties at Lower Rudge not included in the survey. Most people who visit the area comment on how quiet it is. This would be lost. No mention of crushing in noise report yet it is mentioned in Chapters 2 and 4. The report does not consider the noise from loading lorries and dumpers. A conveyor system is quieter than a dumper or lorry and should be a planning requirement for moving materials. No mention of the impact of noise and vibration on the Ancient Woodland ecosystem. We believe that much more robust mitigation is required to protect the local residents, including reducing the working hours to start at 8.30am and finish no later than sunset. Strict rules on crushing should be a planning condition to limit frequency and duration. Who will monitor the levels and effects? What will happen if levels exceed acceptable limits?

There will be endless noise all day from 7.00am – 6.00pm from the heavy plant machinery and the 100 plus HGV movements per day not to mention any generators required. The proposed early morning starts 6 days a week are very antisocial and will affect all of us in the surrounding areas of Shipley and Rudge. It will be especially bad for those who live in Listed properties who are not allowed double glazing throughout their homes. The noise and vibrations will drive away wildlife.

#### Hydrology:

We have major concerns for the water environment as a consequence of this application. The proposed site is over a principle aquifer used for the supply of drinking water. A number of properties are reliant on this source for all their water. A number of agricultural abstractions will also be put at risk. The water emanating from the site supports a range of water features, ecosystems and heritage assets. Changes to hydrogeology through the removal of land containing perched water could have a serious detrimental and irreversible effect on hydrology and the Ancient Woodland. The reports are totally inadequate to base an informed decision on. Water losses will occur in a number of processes. The application states that a new mains water supply will be installed to supply additional water. This will likely be a substantial volume of water, given that this is drinking water we do not consider this to be a sustainable or appropriate use of this precious finite resource. We would like it conditioned that any drilling of boreholes to abstract water is limited to one for the whole site. The amended report still fails to identify a number of water features. The time lag between the cause and effect could be many years and possibly beyond the life of the quarry. Will the applicants still be accountable? We support the 4 planning conditions proposed in 9.5.1.15. However, these could be strengthened to further limit extraction depth until more conclusive evidence is presented on water table depth. The use and position of boreholes on the site should be controlled/limited and checked by the EA. Compensation for loss or degradation of water supplies for existing users must be made obligatory, long lasting and enforceable if they are impacted on. In order to establish baseline conditions these supplies should be monitored and tested, for at least a year before commencement, at the expense of the applicant not the users.

The water surveys undertaken using exploratory holes show a diverse range of the depth of water in the ground along with a lot of perched water pockets. Only 4 boreholes reached a depth of 18m so how can the applicant then go on to say that their operations will not affect the perched water level at all when they propose to dig to depths of up to 30m? If an incorrect decision is made on this subject then once the quarrying begins the damage will be irreversible. If JPE do break through the aquifer due to mis-calculations, then the site will not be able to be restored due to the risk of water contamination. If JPE are to have a mains water connection, then how can they assure us that the quality and pressure of our supply will not be affected by the vast quantities they would need to take? – our pressure is already poor at best. Will they be subject to the same rules as everyone else in the event of a hosepipe ban? JPE still plan to sink a borehole, this combined with the loss of surface and perched water will affect our farm and business greatly. We have a large pool stocked heavily with fish that is fed by surface water, land drains and underground springs. The springs are only approx. 1.5m below ground level so they will soon dry up. The stream that begins near the proposed site and runs through 3 of our fields is critical to our business as it waters our livestock and provides the perfect places for our numerous hives of bees to gather the water they require to survive and thrive. There is no mains water in these fields. It is also a habitat for newts, frogs etc. The stream is the source of the water supply for the moat and great lakes at Ludstone Hall, a grade 1 Listed property near Claverley, it runs under the A454 feeding several other pools along its route. Ludstone Hall is already struggling to maintain its water levels, so any drain on this source by the proposed site cannot be allowed. The true calculation of water required by JPE has not been disclosed in the application as they state that all water will be recycled but there is no mention that every load that leaves the site will contain 17% water – even at 50 loads/day that is a lot of water leaving the site over the life of the quarry! We are only a small size mixed farm in comparison to most found locally but we strive to grow as much feed and stores for our livestock as possible. We will not be able to do this if crop yields are reduced and water courses dry up.

The contamination of water supplies. Disturbance of the Water Table to the local area. The ramifications of the proposed development will extend beyond the site itself, with the destruction of water resources affecting nearby farming. Some households obtain their water from bore holes in the area. These cannot be put at any risk whatsoever by mineral extraction. The streams from underground in this area feed many ponds and water features in the Claverley area. There is anecdotal evidence that the water table is very unstable and that small changes, let alone large scale mineral extraction, can have a dramatic impact on aquifers with many unintended consequences. This will almost certainly impact Grade One listed Ludstone Hall. The impact on water to Ludstone Hall etc can have a serious effect on the pools and moat and I believe the water usage will be greater than estimated especially during periods of very dry weather. Where is the gritting washing water coming from? What will happen with dirty water running into local irrigation facilities there are many ponds on local farmland? The proposed borehole will

affect all the watercourses 'downstream', including farmland, wildlife ponds stream beds and the ponds and ancient malt and pool systems at Ludstone Hall. The proposed works to trap and store water on the site will also affect this. The water that will be retained in the quarried materials will not be returned to the site in the natural course of things as it will be transported away with the quarried materials, further affecting the watercourses. The proposal fails to even acknowledge the major Pattingham fault which, according to BGS map 167 (2012), runs directly through the proposed quarry. The fault is impermeable and water levels vary from 115mAOD on the East to 78mAOD on the West (Physical properties of major aquifers, Allen et al 1997). This can also be seen by looking at borehole SO89NW11, which strangely isn't mentioned .... Disturbance of this fault creates huge possibility for massive disruption to a principal aquifer, as groundwater would drain from the East and rise in the West. This could result in the draining of ponds in the area. You state the proposal will not hit the water table due to borehole log data, however only 4 out of the 13 borehole logs mentioned in your water appendices reach the proposed 18m depth of extraction, one borehole is only 3m deep which is clearly useless for anything. The borehole data doesn't consider seasonal variation in water levels either, so you are guessing you might 6m above the water table but that could significantly decrease in winter. Even if you don't hit the water table being so close to it increases recharge rate into the aquifer putting the system out of balance. When all this water is disturbed it will directly drain into the water table and rise its levels again disturbing and increasing the risk of problems with the groundwater. Disturbing the groundwater will create serious problems for anyone who benefits from it. Local houses who use it as water supply will be seriously affected. The proposal will drain the perched water and adversely affect a system in balance. Properties miles away that depend on this water will be affected, this is not only a local issue! It is impossible to keep the roads clear of mud especially through the winter. Anyone using the road passing the Seisdon Quarry will be able to confirm this. How many deaths and severe injuries are we going to see as a result of dirty roads?? The Bridgnorth Road has always been a favourite for motorcyclists on their way in and out of the city, there have already been lives lost due to vehicles emerging from entrances and junctions onto the main 454. This will inevitably increase as motorcyclists are the most vulnerable! Farmers leave their fields at a very slow speed this will no doubt be the same for the heavy laden lorries leaving the site. Drivers exceeding the speed limit, of which there are many, along the stretch of road where the proposed entrance and exit is planned, will not stand a chance to slow down when the lorries begin their journey onto the main road. What local ground/spring water there is, will be directed to the quarry and therefore away from the local pools and watering holes, creating problems for not only the wildlife but also the aquatic life which is abundant around here. The bore holes which supply local houses, are already struggling due to the changing water table levels, what will be the consequences if that water is re-directed to both residents and buildings? It has been brought to my attention that above proposal would impact on several of my parishioners, their properties and the churchyard itself. The water used in the proposed scheme would take water from the local water course to process the extracts. I believe this would have a great impact on the brooks and pools around this area. There are many ancient pools in the area which are natural habitats for wildlife and various types of flora. The water levels are already dropping and this proposed development would only make this worse. There is a particular concern about the large pool and moat on the estate of the listed Ludstone Hall. There are also many ancient trees in the parish, particularly the churchyard yew tree which is certified as 2500 years old. We are already experiencing dry ground due to the water table dropping and would not want to see these ancient trees suffer any further through poor water management. The site is considered to be of high sensitivity. It is a secondary A aquifer. At present the water is used by many and the change due to proposed development will blight not only mankind but wildlife as well. Myself and neighbours at Shipley Hall and Grange Farm have ponds and pools with fish, my concern is the lowering of the water table will dry up and stop the springs which currently feed our ponds and pools and thereby cause death to the fish and other animals which depend upon this water and habitat.

I have read the Water report and can find no assurance that this scenario will not happen.

#### Landscape / visual impact:

In terms of landscape character this is a very prominent site with uninterrupted and spectacular views across Shropshire, Staffordshire and the West Midlands yet the report only considers the visual impact for 2.5km. The applicants are using the Ancient Woodland, to the North, as a mitigating feature. However they do not own or control it and two compartments within the woodland are due to be clear felled as part of the continued

management. Licences have already been granted by the Forestry Commission. This would open up views to the north, including to a number of listed buildings. The report fails to mention that the site is used by a clay shooting club, a model aeroplane club, a game shoot and the Albrighton and Woodland Hunt and is visited by hundreds of members of the public each year in association with these activities. Half of this site has been in a higher-level stewardship scheme yet this report gives a less than favourable summary of the current condition. Comparing future habitats to the existing is very misleading.

The proposed site can be seen from a great distance along the A454 It is visible from the top of the Hermitage Hill in Bridgnorth 7 miles away in one direction and from Trescott 4 miles away in the other. The proposed site will be a huge blot on the landscape for the next generation as it will never look the same again.

The proposed development will destroy an area of outstanding natural beauty. The destruction of 100 acres of greenbelt land. The destruction of 40 acres of irreplaceable ancient woodland. The countryside heading out to Bridgnorth as you leave Wolverhampton is an area of natural beauty and draws a lot of people to live and visit the area. Overall I can't see the advantage of risking lives and the local people for what essentially is digging extra sand out from underneath lovely farmland in a popular area for walkers which is full of wildlife! The area is the gateway to Shropshire from Wolverhampton enjoyed by many for its countryside and day trips etc. Because of the position of the works, it won't be just the immediate neighbours that will be affected but the entire area as a whole. The works will be visible for miles around and will cause a blight on the landscape. In this time of austerity, anything that affects the value of our most valuable assets is extremely unwelcome. Clearly it will ruin visual amenity, when you drive down the Bridgnorth road you can see Alder Coppice from miles away, all that we will see if the proposal goes through is a huge scar on the landscape. I have been walking this land for last 15 years. The area is of outstanding natural beauty and offers an escape from the hustle of everyday life which is the whole point of a green belt area.

#### Ecology:

Development can affect Ancient Woodland and veteran trees, and the wildlife they support, when it takes place on the site, or nearby and can also have indirect effects. If planning permission is granted conditions or obligations should be used to avoid or mitigate against damage or, as a last resort, to compensate for loss or damage (Natural England Standing Advice). This application is contrary to all the environmental policies, especially with regards to the Ancient Woodland. Mitigation and compensation are required. However, the mitigation only partially covers some of the problems and no compensation measures are suggested. Insufficient information has been provided on protected species. Not all ponds were surveyed for Great Crested Newt. The bat and breeding bird surveys will be over 2 years old by the time any work commences. The Site is considered to be of Site importance for lowland farmland Birds due to the high number of BOCC Red and Amber list species, as well as three SPI species present. The majority of land that supports Skylark will be permanently lost. The habitat that supports farmland passerines will be reduced. The report acknowledges that they have not surveyed wintering birds. However, this area is very popular with Woodcock (BoCC4 Red List). No specific surveys were carried out but camera traps placed in the ancient woodland by a local landowner have recorded a rich variety of mammals. As with mammals no survey has been carried out for Terrestrial Invertebrates. The habitat assessment does not consider the suitability of the site for bees. The likely impacts from noise, vibration, dust, lighting, loss of green infrastructure or changes to ground water have not been considered. A number of springs rise in Alder Coppice (W5), which is why the alders are growing there (they like the wet conditions). Any changes to the local hydrology would jeopardise this ancient habitat. These woods contain a huge number of native bulbs, mainly bluebells and snow drops. It would be a real shame if this proposal had a negative impact on them as well. Proposed mitigation measures are minimal and impacts on ecological interests are played down. None of these measures seem to go far enough.

We note that only 3 out of the 7 pools identified within 500m of the proposed site were surveyed to look for the presence of Great Crested Newts and other protected species. 5 other pools including our own wildlife pool (see picture below) which is species rich were not identified and not included in any of the surveys taken. The owners of the 5 pools that were omitted from the surveys were never approached in 2015 or 2017 for permission to survey them. The bat surveys were undertaken in June and Sept 2015 and despite identifying 5 species of protected bats



are now completely out of date (as admitted in the planning application) so this must be redone before any planning decision can be made. Our farm buildings are a large roosting site for bats (on summer evenings they can be seen to 'boil' out of the doorways at dusk) along with the ancient woodland on the northern edge of the site. They travel the hedgerows from the buildings all the way up the lane to the ancient woodland at Alder Coppice. Crestwood Environmental conducted 3 breeding bird surveys at 2 week intervals between April and June 2015. A total of 24 species were observed 5 of which are on the 'red list of conservation concern'. These were Skylark, Starling, Song Thrush, Linnet and Yellowhammer all species of principal importance. In addition to the above we can confirm that from the 'Red List' we regularly see the following on our farm immediately adjacent to the proposed site:

Grey Partridge, Lapwing, Woodcock, Cuckoo, Skylark, Starling, House Sparrow, Song Thrush, Mistle Thrush, Yellow Wagtail, Grey Wagtail, Yellow Hammer, Linnet, along with Mallards, Swift, Tawny Owls, Snipe, Kestrel, Dunnock and Bullfinch from the Amber List and most importantly 3 x Schedule 1 birds – Barn Owls, Redwing and Fieldfare. The survey concluded that 'The site is considered to be of site importance for lowland farmland birds due to the high number of Birds of Conservation Concern (BOCC) Red and Amber list species'. Crestwood also admit that 'The majority of land that supports Skylarks will be permanently lost' if the application is allowed to proceed. Please note that we cannot see any mitigation to counteract this issue. We also note that no survey of over-wintering birds e.g. Fieldfares and Redwings was taken. We are disappointed that hedgerow surveys were conducted at inappropriate times of the year. The majority of the hedgerows that JPE are proposing to remove are Hawthorn which are the main source of food for the over wintering Redwing and Fieldfares both of which are Schedule 1 protected species. No species specific survey was undertaken. Crestwood said they did not see any reptiles whilst carrying out other investigations so have appeared to surmise that no survey was required. *Scleranthus annuus* was previously recorded as present in the grassland on the proposed site and a detailed Botanical Survey above and beyond a Phase 1 Survey was requested. However, when reading the Crestwood Environmental Ecology report it states that during surveys it conducted in March 2015 and March 2017 none was found. Given that it is an annual plant it is very unlikely to be seen growing in March so further investigation must be done to ascertain the current status of this plant.

The Ancient Woodland at Cannebuff will be affected severely by the extraction of water and loss of surface and perched water. The 15m buffer zone suggested by JPE is NOT acceptable and contradicts the 50m minimum originally demanded by Natural England. The Ancient Woodland is described in the application as 'irreplaceable habitat' According to paragraph 118 of the NPPF Natural England maintain that 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats'.

The area concerned is, I understand, Green Belt (which seems to mean nothing these days!) and is adjacent to ancient woodland which is home to many species of wildlife, many endangered and protected. Obviously these creatures will be affected by the ongoing noise and disturbance. Detriment to agriculture, forestry & wildlife habitats. We take pride in our area and cannot see how this will benefit or even blend with it. The site is bounded by ancient woodland, insufficient study seems to have been carried out on the impact on the flora and fauna of the woodland. At worst the 50m buffer suggested by The Woodland Trust should be enforced. The destruction of 40 acres of irreplaceable ancient woodland, this can never be put back, once it's gone it's gone forever. The local wildlife will be disturbed along with the woodland that will never recover. The sand and gravel quarry will damage the adjacent ancient woodland at Cannebuff, a delicate ecosystem with protected animal and plant species and ancient and land marked trees. In addition to the pollution mentioned in the previous point the working of the quarry itself will damage the root systems and overhanging branches and the woodland will also be severely affected by the changes that will be made to the water table as a result of the proposed borehole. We see many deer's when looking out onto our land. This could wipe out the deer in this area. Furthermore, great crested newts surround this area and they will also be affected. In addition, I have spotted grass snakes on many occasions when walking my dogs these will also be majorly affected by wiping out their habitats. Badgers are also a living species within this area and will affect them majorly. I live in Naboths Vineyard adjacent to the proposal and have watched the population of bats increase exponentially. So much so that my planning application was only approved if I installed bat boxes. The proposal will disturb their habitats and breeding sites which are protected by European

Law. You will also disturb the badger setts in the area which is also illegal. Great crested newts which are also found in the area are also protected from any disturbance by law.

#### Policy / Need:

The site is not identified in Schedule MD5a or MD5b and as such is not allocated as being a preferred site for the extraction of sand and gravel in the up to date minerals planning policy for Shropshire. In this regard, the current application fails the first and second test of policy MD5 and as such, must satisfy the third part of this policy. It clearly does not satisfy it for the following reasons;

- The proposal would not prevent the sterilisation of the resource.
- We believe this proposal will prejudice the development of allocated sites. The close proximity of the proposed site to the West Midlands conurbation (in the green belt) will give the operators an unfair advantage when delivering aggregate to the largest share of the market.
- We do not believe that this site offers any environmental benefits. In fact, the report acknowledges that mitigation is required because of the negative impacts the quarrying would have. The application completely fails to mitigate against any of the environmental impacts on the land adjacent to the site including the Ancient Woodland, which it also acknowledges will be affected.

The Government's new 25-year environmental plan was published on 11th January 2018. Although not yet enshrined in planning policy it should be considered when deciding this application and the 'Natural Capital' should be adopted. Using a natural capital approach, the value of the services England's woods and forests deliver is an estimated £2.3bn. Only a small proportion – 10% – is in timber values. The rest derives from other benefits provided to society, such as human recreation and carbon sequestration. This value is not captured by traditional accounting methods and is too often ignored in management and policy decisions. Current policy is that the planning system should provide biodiversity net gains where possible. The Government will explore strengthening this requirement for planning authorities to ensure environmental net gains across their areas, and will consult on making this mandatory. Beyond the economic benefits, the Government recognises the significant heritage value and irreplaceable character of Ancient Woodland and veteran trees. We are committed to ensuring stronger protection of our Ancient Woodlands, making sure they are sustainably managed to provide a wide range of social, environmental, societal and economic benefits.

Rudge Farm is an owner of rights over approximately half of the site and should therefore appear on the Ownership Certificates and Agricultural Land Declaration accompanying the application. The applicants were apparently unaware of our rights until we informed them in May 2017.

The ecology report in Chapter 8 paints a fairly bleak picture of the current state of this land. It has got in to this condition under the guardianship of the owners. The proposed restoration benefits could all be executed under a Countryside Stewardship agreement that would provide financial assistance for implementation and aftercare, without the need to destroy everything first.

Not on the SAMDev report as a 'preferred site'. JPE specialises in acquiring sites at the end of their life and acquired Seisdon as a tool to get planning permission for Shipley. There is no need for the mineral. According to JPE's website Shire Oak Quarry in Brownhills (also purchased from Tarmac) already supplies the entire West Midlands Conurbation. JPE may have orders to fill but this should not be the responsibility of Shropshire Council. Staffordshire have the capacity to complete these orders as stated by the council in their response. JPE are by their own admission already capable of supplying the areas covered by Seisdon Quarry and can cover the extra capacity due to Shire Oak being given permission for another extension on 6th July 2017 to dig another 1.6 million tonnes. Seisdon is in Staffordshire and Shipley is in Shropshire. Staffordshire are responsible for their own reserves and Shropshire take care of themselves and Telford and Wrekins' needs. They are not required to assist Staffordshire at present. Staffordshire Council although giving their support to this application freely state that they already have 12.7 years of sand and gravel reserves as of 01.01.17 at an extraction rate of 5 million tonnes per year. They will obviously have included in their plan (only recently agreed) the fact that production in Seisdon would cease in June 2018, but this figure will not include the extra 1.6 million tonnes made available by the extension being granted at JPE's Shire Oak Quarry on 06.07.17. Two nearby alternative quarries supplying sand and gravel in Staffordshire are Saredon and Calf Heath – these have both already been allocated extensions in their adopted

plan. The applicant state that 70% of the sand and gravel extracted at Shipley would go to the West Mids conurbation, yet both Staffordshire and South Staffs by their own admission do not require it. According to Shropshire Councils Mineral Plan the county already has a land bank of 16 years (with a need to maintain a minimum of 7 years). Shropshire already has at least 8 permitted sites, 7 of which are operational, plus 2 more at Barnsley Lane and Woodcote Wood (unworked site commitments) where a resolution was made to grant planning permission, but where consent was yet to be issued' These are preferred sites and should be fully exhausted first. NB. Woodcote Wood Site has just been granted permission in early Feb as a new site again demonstrating Shropshire's need is being more than met. The SAMDev report states that 'very little sand and gravel produced in Shropshire is currently exported eastwards to the main markets in the West Midlands conurbation due to the availability of more proximate and higher quality materials closer to these markets' e.g. Shire Oak Quarry. So, again Shropshire Council are saying that they do not require the proposed site. Shropshire have recently approved an 8 year extension covering 50 hectares to Woodlane Quarry near Ellesmere. This will add another 2.1 million tonnes of saleable aggregates at 250,000 tonnes per year to Shropshire's allocation. Shropshire Council and Telford and Wrekin both recently objected to the planning application for a quarry at Pave Lane near Newport to extract 200,000 tonnes of sand and gravel per year over 15 years on the grounds that - there was insufficient need for the site as supply can already be met until 2031. They were also concerned that any increase in supply would affect the financial viability of existing sites. Shropshire already has over 10 years supply from existing quarries. The Shipley applicants claim 50 new jobs will be created but surely the same jobs from the closed Seisdon will be transferred Shipley with no net gain in new employment. Shropshire Structure Plans. The site was not designated for release in the Shropshire Structure Plans and the developers have shown no convincing arguments why this should be overturned. Structure plans are produced at huge expense and go into great detail. If it was suitable and needed it would have been identified in the plans as a suitable site. I understand that both Staffordshire and Shropshire have full supplies of minerals for many years to come so why is there a need for the site? It was not on the SAMdev plan for the very reason that the minerals are not required. This back door attempt to extract minerals at this site, "supported" by considerable misinformation, should not be allowed. There is no evidence it will benefit the local community in any way. Our friends living near the site will have their lives changed for the worse forever. The disruption and mess caused far outweigh any alleged benefits. The UK government states local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; or to retain and enhance landscapes, visual amenity and biodiversity (National Planning Framework, paragraph 81). The quarry doesn't fulfil any of these desires. It would halt outdoor sport and recreation as people will no longer be able to walk in the area, the model flying club will be moved, and the long running shoot of the area will have to relocate. The site is not identified in Schedule MD5b and as such is not allocated as being a preferred site for the extraction of sand and gravel in the up to date minerals planning policy for Shropshire. In this regard, the current application completely fails the first test of policy MD5 and as such, must satisfy the third part of this policy. The proposal would not prevent the sterilisation of the resource as the site is not under any pressure from any other forms of development. In terms of meeting an unmet need, the applicant's argue that the proposed quarry will allow for the continuous provision of sand and gravel mineral resource following the cessation of quarrying activities at Seisdon Quarry (nearby) in June 2018 - a site that is strategically important in terms of sustaining supply of sand and gravel, particularly in to the West Midlands conurbation. However, this is considered to be a wholly misleading argument. There are sufficient minerals sites with planning permission elsewhere in Shropshire to meet the needs of the Mineral Planning Authority (as supported by the site being excluded from the list of preferred locations for future extraction). Furthermore, the site which the applicants claim to be replacing by the proposed development (Seisdon) is located in Staffordshire - an area which also has a healthy landbank of sand and gravel planning consents (in excess of 14 years supply as at 1st January 2017 - Staffordshire Local Aggregates Assessment 2017). Furthermore, Staffordshire is in the process of developing a new Minerals Local Plan (draft dated June 2015) - a plan which allocates sufficient sites for the future extraction of sand and gravel (taking account of the closure of Seisdon Quarry).

Heritage:

This site has some significant features. There is an entry in the Shropshire HER recording a letter from a local farmer who is believed to have collected up to 400 fragments of worked flint from within the Site close to the northern boundary adjacent to Alder Coppice. The heritage report states that the flint assemblage 'represents human activity in this area spanning many thousands of years from the Mesolithic the Bronze Age'. The greatest concentration of the material was found in an area of 1 hectare within the quarry site. 'The quantity of flint and the range of artefact type suggest that the Alder Coppice area was utilised throughout Prehistory. Of great importance is the quantity of the early material in particular finds dating from the Mesolithic. Historically, the number of Mesolithic finds identified from Shropshire has been small. This makes the Alder Coppice assemblage an important addition to our understanding of Mesolithic activity in the locality'. A prehistoric enclosure is also mentioned in 11.5.3.5 which together with the flints shows strong evidence of substantial human habitation in this area'. 'Should further evidence be available supporting the re-characterisation of this as being a causewayed enclosure, then a re-appraisal of the significance of this monument will be required as this form of monument would be considered to be of national rather than local importance.' Working of the area which will harm and cause loss to the heritage assets which directly contravenes Shropshire Council's policy.

The report fails to mention a number of listed buildings within the locality. The closest being 7 Lower Rudge (grade II), Shipley Grange Farm House (grade II), The Inn at Shipley or Thornescroft (grade II), Orchard Cottage and Clive Cottage (grade II). A little further away is Patshull Hall (grade I) will also be clearly visible once the trees are removed, along with a further 10+ other listed II and II\* buildings within the grounds. The clear felling of Long Wood will significantly alter the findings of this report as the quarry will have a visual impact on the setting of Rudge Hall and outbuildings, 7 Lower Rudge, The Old Pound, and Patshull Hall and associated buildings and temples. Without amendments this report should not be passed as it is not fit for purpose. Any grant of permission for this site will have a negative impact on this aspect of the local culture and heritage.

There is a Mesolithic Site and a 'buried structure' on both our land and the proposed site. Sufficient archaeological investigations have not been carried out by Shropshire Councils Archaeology Department. Hundreds of flints and arrow heads have been found all over the site of the proposed quarry whilst working the land by hand and should hold great significance.

There is a Royal Observer Corps Post constructed by public funding during the Cold War period. Manned by Observers based in Pattingham as part of the UK's Nuclear Warning and Monitoring Defences. The post is within the 500m boundary of the application. This should be a listed building and protected. We have always been aware of an ancient settlement within the proposed area and a proper archaeological survey should be carried out.

#### Restoration

Who would be responsible for monitoring the ongoing restoration of the proposed site as set out in the application? It should not be down to us to report issues constantly and we would obviously not be allowed on the proposed site for Health and Safety reasons. A fully funded independent monitoring program must be put in place if the proposal is granted.

#### Agriculture and soils

At present the whole site is in agricultural use and predominantly arable. The arable land certainly appears to grow a range of good quality crops and the three fields against the wood are used for high intensity grazing. The soils are good quality for this area. The 8.5ha to be restored to BMV land will not be used for arable production as the whole site is shown to be either grassland or woodland. Due to gradient only Fields 2 and 4 will be suitable for modern agricultural practices. It does not appear that this loss of productive land can be avoided or mitigated. Will 210,000 tonnes of BMV soils retain their quality after sitting in a heap for 18+ years?

Airfield Safeguarding: The extension is partly within an airfield safeguarding zone. A potential for bird strike could be an issue.

#### Security

The presence of a large stock of diesel and expensive plant machinery will certainly encourage trespass and thefts. The proposed site would certainly be a target.

#### Socio-Economic Considerations

The need for sand and gravel is clear and housing needs are widely reported in the media. What isn't so clear is whether this site is required to deliver this resource, at this time, especially given that both Shropshire and Staffordshire have ample allocated sites. The main argument seems to be that the closure of Seisdon is important for JPE to continue to supply its customers. However, the customers can still get sand and gravel from elsewhere as both Shropshire and Staffordshire have ample supply. The application does not consider that a number of other sites are looking to extend operations or reopen existing sites. This includes one of their own quarries, Shire Oak, that was granted an extension of 1.6 million tonnes in August 2017. The extension runs until 2025 and will produce 228,000 tonnes/annum, enough aggregate to cover the loss of Seisdon with 30,000 tonnes/annum to spare. The application also does not consider that South Staffordshire has three dormant sites in the locality that would be in a position to service the markets referred to by the applicant. We also believe that Morville Heath Quarry near Bridgnorth is planning to apply for an extension to its current operation. It is important to look at extensions to existing reserves first to avoid sterilisation of these resources. Woodcote Wood was also granted planning permission last week as a new site (already allocated). It is better placed for supplying Telford, Shifnal, Albrighton, Newport, Whitchurch and Shrewsbury as well as being on a good route into the West Midlands. An application for Pave Lane quarry was turned down on the grounds that Shropshire already had a 15-year supply and it was concerned that additional unallocated sites could have a negative impact on the viability of allocated sites. Therefore, we can see no reason for this application to be granted; the minerals are available from other sites locally, the economic and social arguments are largely irrelevant as the majority of the case presented is for the benefits of the applicant's business. We therefore request that this application is rejected on these grounds and that this position isn't reviewed unless substantial changes to the mineral supply situation are proven.

The employment report says 10 full time jobs will be retained whereas the Transport chapter says 6-10. What isn't clear is how many of these jobs would be in danger if this application wasn't granted. JPE still have other sites and drivers can still haul from other quarries that are not owned by JPE, so it is questionable how many jobs would be under threat.

#### Property devaluation

Shropshire Council will obviously need to be prepared to reduce the Council Tax bills for the 40 plus houses in close proximity to the proposed site should they allow it to go ahead by 20% in line with the reduction in house prices due to the quarry's presence. We have had this figure quantified by a local estate agent.

#### Claverley Preservation Society

The basis for my objection is the report (attached) by the Telford & Wrekin Planning Officer on a similar proposal reference TWC/2016/0437 at Land south of junction A41 and Pave lane, Newport, and in particular section 8.1(A) that, based on his conclusions, the recommendation to the T&WC Planning Committee was that, had an appeal against non-determination not been lodged [and subsequently dismissed in April 2018], PLANNING PERMISSION would have been REFUSED for the following reasons:

1. There is no need for the mineral. Contrary to Policies M15 of the Shropshire and Telford & Wrekin Minerals Local Plan and ER4 of the Telford & Wrekin Local Plan. The Shropshire and Telford & Wrekin Sand & Gravel landbank adequately exceeds the minimum of 7 years required by the NPPF and Planning Practice Guidance. As a result, the proposal would result in an uncontrolled oversupply of minerals provision.
2. The Environmental information submitted with the application does not demonstrate that the site is significantly more acceptable overall than the allocated sites or the preferred area outlined in the Shropshire and Telford & Wrekin Minerals Local Plan, particularly Woodcote Wood which has fewer environmental impacts, a shorter operational period, limited visual impact, less impact on residential amenity and fewer HGV movements. Nor would it offer significant environmental benefits. As such it would have significant harmful effects on the countryside. As such it would conflict with saved policies M14 and M15 of the

Shropshire and Telford & Wrekin Minerals Local Plan; and Policies SP3, SP4, ER4, and ER6 of the Telford & Wrekin Local Plan (Submission Version) and national planning policy.

3. The need for the waste facility as an additional landfill site has not been established and any purported benefits arising from the proposal are significantly outweighed by the loss of best and most versatile agricultural land. As such, the proposal is contrary to Policy ER4 in the Telford & Wrekin Local Plan (Submission Version) and national planning policy.
4. The potential cumulative impact of working both the Woodcote Wood and Pave Lane sites concurrently is not considered sustainable and is contrary to national guidance (para 144 NPPF), Policy ER6 of the Telford & Wrekin Local Plan (Submission Version) and saved Policy M3 of the Shropshire and Telford & Wrekin Minerals Local Plan and national planning policy.

Notes:

- (a) For Pave Lane substitute Shipley
- (b) For the T&WC Policy reference numbers quoted, substitute the equivalent Shropshire Council Policy reference numbers and/or Shropshire Core Strategy and SAMDev Plan
- (c) The Woodcote Wood quarry site (in Sheriffhales Parish) application reference number 17/03661/EIA for the extraction of 2.55 million tonnes of sand and gravel was approved subject to conditions by the Shropshire Council South Planning Committee on 13 February 2018.

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SUPPORT COMMENTS:

Wienerberger Head of Procurement: It is important to Wienerberger that we express our full support to JPE Holdings limited in relation to the planning application for sand and gravel near Shipley. Wienerberger Limited have worked with JPE Holdings limited for many years and we require the ready and proximate source of supply for our manufacturing facilities. There is growing and increasing demand for such material to keep pace with local development needs. As a replacement for Seisdon Quarry, we consider the application site is sustainably located to meet local demand. Equally, it is not just a matter of the type of mineral resource but the way in which it is processed, managed and delivered, in which we have confidence in the applicant, JPE Holdings Ltd, to meet our required specifications. Without a local replacement for Seisdon Quarry and no other alternative sites, supplies of mineral products to the specification we require would have to be sourced from further afield, potentially increasing haulage distances, associated environmental impacts and costs we are concerned that quarry production across the West Midlands and availability of new and replacement supplies not match in a growth in demand in the region. It is important that there is continuity of supply, requiring a timely transition from production at Seisdon Quarry and that proposed at Shipley, ensures fulfilment of both short and long term demand. We are sure that any environmental concerns can be effectively controlled and managed, with the proposals locally and sustainably placed to meet growing demand. We would like to register our support for application 17/05303/MAW and commend it to the council. If permission is granted to JPE Holdings Limited for sand and gravel extraction near Shipley, this will be very reassuring for Wienerberger knowing that we have a strategic raw material available for the foreseeable future. Thank you for your time and consideration.

CPI Mortars Ltd, Chief Executive: We would like to express our support for the above application. Our company, CPI Mortars Ltd, based in Bilston, Wolverhampton, requires the ready and proximate supply of high quality building sand and concreting materials that we use to produce a range of high quality mortars and construction materials. We understand Seisdon Quarry is due to close in a little over 12 months and we consider the application allows for a sustainable replacement meeting local demand. Equally, it is not just a matter of the type of mineral resource but the way in which it is processed, managed and delivered, in which we have confidence in the Applicant, JPE Holdings Ltd, to meet our required specifications....

Besblock Ltd, Managing Director: I would like to express my support for the above application. Besblock is based in Telford and requires the ready and proximate supply of high quality sand and gravel materials in order to

produce a range of high quality building blocks. There is now a shortage locally due to the growing and increasing demand for construction materials, to keep pace with the government constant pressure to build more houses and other local development needs. As a replacement for Seisdon Quarry, I consider the application Site is sustainably located to meet some of the local demand and give us the sand we need to directly replace the current volumes supplied from Seisdon. The ability to guarantee and source such material is critical to my business. Equally, it is not just a matter of the type of mineral resource but the way in which it is processed, managed and delivered, in which I have confidence in the Applicant, JPE Holdings Ltd, to meet our required specifications.

Tarmac, Director of building products: We would like to express our support for the above application. Our company, Tarmac Building Products, i10 Building, Railway Drive, Wolverhampton, West Midlands, WN1 1LH, United Kingdom, requires the ready and proximate supply of high quality building sand and concreting sand materials that we use to produce of a range of high quality mortars and construction materials. We understand Seisdon Quarry is due to close in a little over 12 months and we consider the application allows for a sustainable replacement meeting local demand. Equally, it is not just a matter of the type of mineral resource but the way in which it is processed, managed and delivered, in which we have confidence in the Applicant, JPE Holdings Ltd, to meet our required specifications.

Bromfield Sand & Gravel, Quarry manager: Shropshire is dominated by international producers and therefore independent aggregate suppliers should be encouraged in the area as we genuinely do support the local economy and community. Bromfield Sand & Gravel Co. Limited has material from IPE Holdings Ltd and without the replacement for Seisdon Quarry we would have to source Red Sand from further afield which in turn would lead to increased environmental impacts and costs. We trust that this correspondence gives you a better understanding of the building and construction material market within Shropshire and hope that it aids you in your decision.

Industry representative: We would like to express our support for the above application. Our company, based in West Bromwich, relies on the supply of high quality sand and gravel materials that we use to produce concrete materials. There is a growing and increasing demand for such material, to keep pace with local development needs....

Industry representative: With the closure of Seisdon quarry another source of materials is important so that affordable housing projects may progress using locally sourced materials; the site concerned would most likely have the least environmental impact on the general area so is a logical choice. Sand and gravel is in short supply at the moment, it is a commodity that is needed. Extra jobs will be created for quarry workers and local building industry. These raw materials are required for the construction industry and the building of affordable housing for our ever expanding population. A good sustainable supply of sand and gravel will be needed for the production of mortar/construction materials for the developing and expanding local areas, especially Wolverhampton. Environmental concerns regarding the Cannebuff and Alder Coppice woodland have been considered, with the woodland being untouched by this development.

## **APPENDIX 3**

### **EQUALITY ACT 2010 - EQUALITY IMPACT ASSESSMENT**

#### **ASSESSMENT OF THE EFFECTS OF PROPOSED QUARRYING PROPOSALS AT SHIPLEY (REFERENCE 17/05303/MAW) ON 2 SENSITIVE INDIVIDUALS IDENTIFIED DURING THE PLANNING CONSULTATION PROCESS**

##### **1. Background**

1.1 The Equality Act 2010 sets out current equality law. The Act makes it unlawful to discriminate either directly or indirectly for example because of a disability. Public Authorities have a legal responsibility to assess their activities, and to set out how they will protect people from discrimination on the basis of the following 'protected characteristics in making their decisions:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

1.2 An Equality Impact Assessment (EqIA) is intended to ensure that discrimination does not occur when a public body is performing its statutory functions. The EqIA focuses on systematically assessing and recording the likely equality impact of an activity or policy. There is a focus on assessing the impact on people with protected characteristics. This involves anticipating the consequences of activities on these groups / individuals and making sure that, as far as possible, any negative consequences are eliminated or minimised and opportunities for promoting equality are maximised.

1.3 The EqIA is carried out by drawing on existing research, monitoring information, and consultation. Once this has been completed an action plan can be drawn up and any decisions to change the delivery of an activity or policy can be made. Shropshire Council has a duty to protect against discrimination including with respect to people with disabilities, in making decisions on planning applications.

##### **2. Implications for the current application**



- 2.1 The planning consultation process has identified two individuals with particular health-related disabilities who live in close proximity to the site. These issues render the individuals in question more susceptible to some of the potential impacts of quarrying operations than normal members of the public. Given the nature of these disabilities the Planning Authority has a duty to assess these issues under the Equality Act 2010. The individuals in question and their disabilities can be summarised as follows:
- a. A seriously ill child with multiple chronic health issues requiring regular hospitalisation lives with his parents at Naboth's Vineyard which is the nearest property to the proposed quarry. The residential curtilage of the property as identified on a planning application for an extension submitted recently at this property is located 90m south of the edge of the landscaped edge of the quarry site and 130m south of the proposed extraction limit. The property land ownership boundary includes a paddock field which extends northward locally to the margin of the application site. An NHS consultant writing on behalf of the child has advised if there is a deterioration in local air quality as a consequence of the proposed quarrying operations then this could cause respiratory problems with potentially serious consequences for the health of the child.
  - b. An man living on the north side of the A454 at Ridge View some 280m east of the proposed site access was blind from childhood for over 25 years. A professor at Sussex Eye Hospital restored sight in one eye in 1997 using a novel surgical procedure involving artificial re-construction of the eye. Following the operation the man moved to the property in question to assist their recovery away from the city and everyday germs. Unfortunately, after 20 years the sight was lost and the man spent the next 18 months completely blind. The Professor indicates that this loss was possibly due to dust from a nearby building site as the reconstructed eye was very delicate, having no tear ducts or moisture to protect the surface. The consultant has recently repeated the operation in the man's remaining eye, allowing him to see again. The professor advises that the potential for dust and fumes from quarrying operations will present considerable risks to the continued recovery and ongoing health of his only eye. Should this eye become scratched and infected he will undoubtedly lose his sight with no possible chance of recovery or sight restoration.
- 2.2 The main requirement of this assessment is to ensure that the planning decision by the Local Planning Authority takes appropriate of the two sensitive individuals and their particular health disabilities as they relate to the proposed quarrying development. In this respect the main issue of concern is the potential for air quality to adversely affect the health of the individuals. It is not considered appropriate for this planning assessment to consider wider issues such as the potential care needs of the individuals which are a responsibility for other agencies. Dust and air quality are considered in the succeeding section.
3. Applicant's response including proposed mitigation measures
- 3.1 The applicant and the Council's Regulatory Services team has been informed of both the above health issues though personal details have not been disclosed. The Naboths Vineyard situation was drawn to the attention of the Council earlier in the planning

consultation process. In response to this issue the applicant has made a number of amendments to the scheme seeking to mitigate the effects of the proposals on this property. These amendments also have relevance to the situation at Ridge View:

- a. The original Phases 4 and 5 have been subdivided to create a new phase (5b) parallel to the southern boundary of the site. The proposed internal haul road which was to run along the southern margin of the operational area has been moved into a small valley to the north of phase 5b, 106m further north and 250m from the property curtilage of Naboths Vineyard. The remaining Phase 4 and 5 operational areas are now a minimum distance of 250m from the edge of the residential curtilage of Naboths Vineyard, as opposed to 130m under the original phasing plan. It should be noted that the nearest part of the proposed quarry extraction boundary to Ridge View (Phase 5a) is 270m from the property;
- b. The applicant has agreed to accept a 'Grampian' condition stipulating that there shall be no entry into Phase 5b and the area shall remain unworked unless air quality monitoring in the period prior to working of phase 5b confirms that relevant air quality targets can be fully met. A similar condition has been accepted for a strip of land extending for 50m along the south-western boundary of the site facing the Gardenlands site and Ridge View. Extraction within these areas would proceed in accordance with an amenity management plan with enhanced controls. Phase 5b would not be proposed for quarrying development until year 7. The areas facing the garden centre and Ridge View would not be proposed for quarrying until year 6 (for phase 5b) and 10 (for phase 6b). This would allow plenty of time for air quality monitoring and to ensure dust control measures are fully mitigated;
- c. The applicant has agreed to accept a condition requiring submission of a scheme of additional / enhanced deployment of dust mitigation measures during the initial site development stage, with particular emphasis on formation of the landscape screening bunds along the southern margin of the site. Normal measures would include ensuring sufficient water is available for dust control using a water bowser at all times, a visual inspection regime and a requirement to cease any bund formation operations if climatic conditions are unfavourable (i.e. dry and wind blowing from the east or north east – i.e. towards Naboths Vineyard or Ridge View);
- d. The applicant has agreed to accept a condition requiring submission and implementation of a detailed air quality monitoring scheme with identification of trigger levels for action and a requirement for appropriate action in the event that identified trigger levels are approached. The scheme would have a particular focus on monitoring air quality along the southern boundary of the site nearest to Naboths Vineyard and Ridge View.
- e. It is confirmed that the site haul road would be formed in a 2m cutting with a bund to the south. An existing hedgerow along the western margin of the access road would be retained, improved and allowed to grow up to 3m.
- f. The applicant has also agreed to accept a planning condition committing to a formal procedure for dealing with validated amenity complaints, with requirements for investigation and mitigation where appropriate.

3.2 The applicant has emphasised that the air quality information accompanying the application does not suggest that air quality issues would be likely given the following factors:

- The design and phased nature of the site;
- The distance to sensitive receptors including Naboth's Vineyard and Ridge View, (with the plant site being located 480m and 900m from these properties respectively;
- The availability of detailed dust control measures on site;
- The extracted mineral contains a relatively high proportion of finer sand with moisture retention properties leading to a relatively high moisture content (@7%).

3.3 The officer would note that there are currently 5 operational sand and gravel sites in Shropshire and there have been no dust or other amenity related complaints regarding the operation of these sites, some of which are much closer to residential property than Naboths Vineyard and Ridge View and have been operating for sustained periods under phased extraction and restoration schemes. It is also noted that the sensitive properties in question are not located downwind of the site relative to the prevailing south-westerly winds.

4. Advice of Council's Regulatory Services section

4.1 The Council's Regulatory Services section (Environmental Health) have been consulted on the application and the appropriate technical advisor on amenity issues. Their initial response below was to raise no objection subject to conditions:

Regulators Services initial consultation response:

*Having considered the dust assessment submitted with this application I am of the opinion that the mitigation measures proposed are satisfactory and should ensure no significant detrimental impact at nearby residential and commercial properties. As a result I propose the following condition:*

- All dust mitigation measures stated in the Dust Management Scheme, report reference CECB0617-RP10-FINAL produced by Crestwood Environmental Ltd shall be carried out in full for the duration of works on site. Reason: to protect the amenity of the surrounding area.*

*In relation to noise it is noted that mitigation is proposed in section 5-5.2.3 of the Noise Assessment report ref CE-CB-0617-RP17-FINAL produced by Crestwood Environmental Ltd. Hours of operation are also specified in section 5-5.2.4 of the same report. I would advise that both all of these mitigation measures are suitably conditioned. In addition the noise assessment states that a 3.5m high bund to the south of the site and a 2.5m bund to the north of the site is required to bring noise levels down as much as possible. This would result in noise levels of 43.8dB LAeq 1 hour at The Alders and 49.4dB LAeq 1 hour at Naboths Vineyard. I would recommend that these levels are conditioned as the maximum levels to be found at these locations with monitoring undertaken by the quarry to establish that these levels are achieved. It is noted that the*

*levels more than 10dB above background however the assessments are considered suitably conservative and it is noted that over the course of the development noise sources will become lowered in the site reducing noise at nearby receptors.*

- 4.2 Regulatory Services have been informed of the sensitive receptor issues and have made the following supplementary response following a detailed conversation with the officer with respect to Naboths Vineyard:

*I note that there is an individual living in close proximity who may be particularly sensitive to dusts arising from this activity. Having considered if this should be taken into consideration I would note that when carrying out other functions under legislation used by Regulatory Services there is case law to suggest that sensitivity to a particular aspect should not be taken into consideration and instead the impact on the average person should be considered –. This is in relation to the Environmental Protection Act 1990 and Statutory Nuisance which falls under s79 of the Act.*

*However, in respect of planning having discussed this matter with my line manager and legal it is noted that sensitivity could be taken into consideration. Having said this the impacts of dust from the site in question at the premises where there is a sensitive individual is living is not anticipated to cause an exceedance of the air quality objective levels which would trigger action. Indeed the levels would be significantly below the national objective levels set in legislation and therefore I would consider that even though there is a sensitive receptor in the general area (noted to generally be upwind of the development with a prevailing wind hence reduced impacts likely) and due to the additional phasing and positioning and bunding of the site access road I do not consider there to be any dust concerns from the proposed application.*

- 4.3 The officer has subsequently advised Regulatory Services of the presence of a second sensitive receptor at Ridge View, the presence of which has only recently come to light in the planning consultation process. Regulatory Services have advised that the same conclusions apply with respect to this property.
- 4.4 The officer has also asked Regulatory Services whether a year of pre-monitoring of background air quality levels should be undertaken prior to determination of the application in order to fully define the air quality background levels, as suggested by objectors. Regulatory Services have reaffirmed that the proposed planning conditions and amended layout proposals are sufficient to address the identified concerns with respect to air quality.
- 4.5 The applicant's agent has advised in this respect that the air quality report accompanying the application takes account of national DEFRA air quality data which is based on a 1km grid. This data indicates that background air quality is significantly below the level at which action would be required under air quality objectives. The report also predicts that the process contribution from the proposed quarry would be such that it would remain well below national action levels for air quality and within the range of variation of natural background levels.

5. Geographic characteristics of the sensitive properties

- 5.1 With respect to Ridge View it is noted that large arable fields are located within 30m to the north-west and south of the property. Normal farming operations in these fields might reasonably be expected to have a significant effect on local air quality at certain times of the year. By contrast the proposed quarry operations would remain over 500m away for the first 7 years, 270m at their nearest, and would be subject to detailed and comprehensive dust mitigation measures. The nearest fields to the property within the application site are also in arable use so would be expected to generate dust during normal agricultural operations. This contribution to the local dust environment would not apply in the event that the quarry operations proceed. The property is also located within 20m of the A454 and within a similar distance to a large car park associated with the Gardenland Nursery and an adjoining college site.
- 5.2 Naboths Vineyard immediately adjoins a large arable field to the west and is within 40m of a further field to the east. Local air quality therefore has the potential to be affected by normal farming activities. As is the case with Ridge View, arable land further north within the site would not be subject to arable farming if the quarrying proceeds and this would represent an 'offset' for the local background dust climate. The property is located closer to the A454 than the proposed quarry access road, which would be set down in a cutting for most of its length and screened by a mature hedgerow which would be strengthened.
6. Conclusion
- 6.1 The particular sensitivities of the 2 individuals living in proximity to the proposed quarry site have been assessed as part of the planning consultation process and under an Equality Impact Assessment. The applicant has been made aware of these concerns and has agreed to a number of changes to the layout of the site which have been designed to provide appropriate mitigation for the identified issues which refer mainly to air quality issues. These amendments would be reinforced by the recommended planning conditions.
- 6.2 The Council's Regulatory Services section has been consulted and is satisfied that the identified issues can be effectively addressed through the proposed amendments and recommended planning conditions.
- 6.3 The geographic context of the receptor properties has been assessed. DEFRA survey data provided in the applicant's air quality report indicates that the site is in an area where background air quality is generally good and falls significantly below the level at which action is required under national air quality standards. The quarry is upwind of the receptors. The report concludes that the proposed quarry would not be likely to result in any material impact to local air quality given the availability of appropriate dust management controls. It is noted that such controls do not apply for normal farming operations in arable fields adjoining these properties.
- 6.4 It is concluded that the interests of the sensitive receptors can be adequately safeguarded given the design of the quarrying proposals and the available planning conditions. This conclusion is supported by the Council's Regulatory Services section and by experience of operation of other sand and gravel sites within Shropshire.

## **APPENDIX 4**

### **EUROPEAN PROTECTED SPECIES – Consideration of the three tests**

Application name and reference number:

17/05303/MAW | **The phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration, Land Near Shipley, Bridgnorth Road, Shipley.**

Date of consideration of three tests:

14<sup>th</sup> September 2018

Consideration of three tests carried out by:

Sue Swales  
Natural Environment Team Leader (Test 3)

#### **1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The weight to be accorded to protection of a protected species is proportionate to the potential for a development to give rise to adverse effects to the species. The third test (below) has indicated that the proposed quarrying operations can be controlled by condition to prevent any unacceptable effects to GCN or their habitats. NPPF paragraph 203 advises that ‘it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs’. NPPF paragraph 205 advises that ‘when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy’. Given the ability to mitigate any effects on GCN through use of conditions it is considered that the benefits of mineral extraction in accordance with NPPF205 clearly outweigh any residual effects on GCN following mitigation.

Grahame French, Principal Planner 17/09/18

#### **2 Is there ‘no satisfactory alternative’?**

NPPF 203 advises that ‘since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation’. The applicant’s existing quarry at Seisdon is scheduled to close at the end of 2018. The current proposals are put forward as a direct replacement, producing the same type of mineral into the same market. There are no satisfactory alternatives. Other potential supplies would not produce an equivalent fine sand mineral and would be further from the applicant’s markets, raising viability issues. This is supported by the applicant’s customers (see Appendix 2.2 of this report)

**3 Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?**

I have read the above application and the supporting documents including:

1. Environmental Statement: Volume 6, Ecological Impact Assessment
2. Appendix 6.1: Extended Phase 1 Habitat Survey Report, (24.10.17), by Crestwood Environmental Ltd (Surveys on 24<sup>th</sup> March 2015 and 23<sup>rd</sup> March 2017),
3. Updated Great Crested Newt Population Size Class Assessment Survey, (17<sup>th</sup> October 2017), Crestwood Environmental Ltd
4. Additional Ecological and Arboricultural Information and response to Planning Application Consultation (Planning Ref: 17/05303/MAW), Addendum to Chapter 6 of the Environmental Statement, Ref. CE-CB-0617-RP41 – Final, 31<sup>st</sup> May 2018, Crestwood Environmental Ltd.
5. Letter dated 20<sup>th</sup> July 2018 – concerning GCN, by Crestwood Environmental.
6. Ecology clarifications, Document Reference: CE-CB0617-FN05 – FINAL
7. Email dated 5<sup>th</sup> September 2018 including plan showing additional land available to the applicant for mitigation measures should later changes in the estimated population status require additional provision.

A total of 13 ponds within 500m of the Site (figure E41 of ecological Addendum) were identified. Two ponds (Pond 1a and Pond 1b) are present on site and two others (Pond 2 and Pond J) lie close by to the south and east on the site boundary. A conventional population survey with 6 survey visits identified a small population of GCN (less than 10 individuals) centred on ponds 1a/b and 2. Pond J (3) was dry at the time of the population survey (2017) but held water in 2018 and dense vegetation restricted access to Pond 2.

Of the remaining ponds, two of these ponds (ponds X and Y) were considered to be separated from the site by significant barriers to amphibian dispersal. The remaining 11 ponds were investigated further. Pond G (at Naboth's Vineyard) could not be accessed but is believed to be dry. Ponds F and H are no longer present. Ponds A and B in Alder Wood were too shallow to sample for eDNA and considered unlikely to support GCN. Pond K had been dry on previous occasions and was similar to A and B. Pond I was excluded from eDNA analysis due to its structure, use and distance from the development Site. Pond I also appears to be a relatively recent feature judging by aerial photos.

Having investigated all ponds within 500m of the application site, Crestwood recommended that only four ponds had potential to support GCNs and these were tested for eDNA - ponds C, D, E and J on the 18<sup>th</sup> April. All returned negative results and GCN had been assumed absent from these ponds.

However, Pond C (c. 440m from the red line boundary) has been re-tested by a resident using an independent ecological consultant and samples were sent to an independent specialist laboratory. This test came back positive. Taking a precautionary approach, SC assumes GCNs of an unknown population size are present in pond C.

SC has considered research and guidance on the movements and habitats of GCN. The density of individual GCNs decreases with distance from the pond, but the distances depend on the surrounding habitats and their connectivity. The largest numbers are normally found in the first 50m or so from the breeding pond. The normal dispersal/foraging distance for a population tends to be to around 250m. Dispersal distances are often greater along good quality, linear newt habitat such as hedges and ditches. A few individuals of the population may travel as far as 1000 - 1300m or more, thus allowing colonisation of new sites. (refer to Great Crested Newt Mitigation Guidelines and Natural England's research report 576.) In GCN trapping exercises, the majority of GCN are found within the first 50 metres of the breeding pond. Very few individuals are caught in pitfall traps over 200m from the pond.

Pond C which has now tested positive is over 400m from the development site and ponds 1a, 1b and 2 lie between this pond and the quarry. It is possible that there are two metapopulations present, one centred around ponds 1a/b and 2, the other around pond C. Despite the long distances (423 – 639m) it is possible that GCN could move in small numbers between the two metapopulations along connecting habitat (particularly the track verges). However, this connection would not be broken by the development.

Connections between ponds 1a/b, 2 and J will be improved by the mitigation for the development, particularly as the tree belt is due to be extended around this corner of the site.

Even if GCN were present in ponds/springs A and B, they are over 200m from the development boundary, within excellent GCN habitat and over 400m from ponds 1a/b and 2. Should GCN move in this direction the mitigation measures proposed should improve GCN habitat and connectivity.

A licence will be required from Natural England and the licence method statement & proposed mitigation will include (but are not limited to);

- A block of tree/scrub planting to the north of ponds 1a/b providing additional terrestrial habitat and connectivity between the breeding ponds and Alder Coppice, planted by the start of extraction and retained through to the restored landscape.
- Use of Temporary Amphibian Fencing to allow trapping GCN out of the worked areas and preventing killing and injury during operation of the quarry.
- Retention of Ponds 1a/b and the surrounding good terrestrial habitat throughout the operation of the quarry as a receptor site for GCN trapped out of extraction areas.
- Provision of additional hibernacula within or adjacent to the breeding ponds.
- Investigating the sustainability of water levels in the existing ponds 1a,1b and 2, and mitigation measures to ensure continued water levels for the required length of time for successful GCN breeding.
- Hedge and tree belts linking Ponds 1a/b and the surrounding field to Ponds 2 and J (3) during and after mineral extraction.
- Provision of additional land outside of the red line boundary to the south of Ponds 1a/b and Pond 2, between these ponds and the Pond C, D, E group, should it be required to mitigate for changes to the GCN population estimates. Should planning permission be granted then commencement of development can be delayed for up to three years and an application to Natural England for an EPS Mitigation Licence



may also be delayed for a similar period. Additional survey work may be required by Natural England and updated surveys are required by planning conditions as a precaution during the years of phased working. The additional land will remain in agriculture unless changes in the estimated GCN population occur and more mitigation land is required to maintain the Favourable Conservation Status of the currently identified small population. The additional land has been shown on a plan attached to the email listed as supporting document 7 above (and attached below) and all GCN mitigation land (currently proposed) will be secured for the long term via conditions or a Section 106 agreement (potential additional GCN mitigation land).

(See above documents for details.)

In view of the above, favourable conservation status of the GCN populations should be maintained and enhanced.

The following conditions regarding GCN should be added to any decision notice:

**Condition**

No site clearance or development shall take place until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to Great Crested Newts has been obtained from Natural England and submitted with the method statement to the Local Planning Authority; or
- b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority for prior approval explaining why a licence is not required and setting out any additional mitigation measures proposed. The measures will be implemented as approved.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species.

**Condition**

- a. This permission shall relate to the areas edged red on Figure 2 (Existing Topographic Survey) accompanying the application (Drawing no. CE-CB0617-DW34) 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 incorporating the following documents and plans:
  - i. The application form dated 3<sup>rd</sup> November 2017;
  - ii. The Non-Technical Summary dated 31/10/2017;
  - iii. The planning supporting statement dated 31/10/2017;
  - iv. The Environmental Statement dated 31/10/2017 and the accompanying appendices.
  - iv. The submitted drawings accompanying the Environmental Statement as amended, namely:
    - Figure 2 - CE-CB0617-DW34 -Topographical Survey;

- Figure 3 - CE-CB0617-DW13c - Amended Working Scheme (dated 10/07/18);
- Figure 4 – CE-CB0617-DW15c - Updated Concept Restoration Plan (dated 10/07/18);
- CE-CB0617-DW21 - Figure 6 Phase 1 & 2 - Years 2-3 (as amended by Fig3);
- CE-CB0617-DW24 - Figure 9 - Phase 5 - Years 9-10 (as amended by Fig3);
- 18531-03 – Site Access Layout.

c. The further information submitted under Regulation 25 of the Environmental Impact Assessment Regulations 2018 comprising:

- Annex 1 - road safety audit;
- Annex 2 - water features survey;
- Annex 3.1 - cultural heritage addendum;
- Annex 4.1 - ecology & trees;
- Annex 4.2 – badgers;
- Annex 5 - updated visual information;
- Annex 6 - amenity protection.

Reason: To define the Site and permission

#### **Condition**

For each phase of the permitted development, commencing after 2 years from the date of the planning consent the approved ecological measures and mitigation secured through conditions shall be reviewed and, where necessary, updated and amended.

The review shall be informed by further ecological surveys (in line with recognised national good practice guidance) in order to i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the phase. Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up to date ecological information and that ecological mitigation is appropriate to the state of the site at the time phases of development commence, in accordance with wildlife legislation, NPPF 118 and MD12.

**Condition**

30a. A tree planting and habitat creation scheme, prepared in accordance with British Standard 8545: 2014 'Trees: from Nursery to Independence in the Landscape – Recommendations', or its current version, shall be submitted for the approval in writing of the Local Planning Authority prior to the Commencement Date. The approved scheme shall be implemented within the timescales proposed in the tree planting and habitat creation plan and shall include:

- i. Details of the trees and shrubs to be planted in association with the development, including species, numbers, locations and planting pattern, type of planting stock, size at planting, means of protection and support, time of planting (season and phasing as the scheme progresses) and measures for post-planting maintenance.;
- ii. Details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.;
- iii. A revised plan showing the extension of the tree belt of a similar width to that in Phase 1 along the southern boundary between Pond J to Pond 2 and Pond 2 to Ponds 1a/b;
- iv. Details of habitat creation and other wildlife features (e.g. hibernacula), including species-rich grassland creation, enhancement or restoration. Schedules of plant species, including details of green hay or seed mixes (if used) also to be provided ;
- v. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- vi. Species of trees, shrubs and herbaceous plants should be native and of local provenance;
- vii. Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

- b. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting and habitat creation to enhance biodiversity and the appearance of the development and its integration into the surrounding area.

**Condition**

Within 3 months of the date of this permission, a scheme of hydrogeological monitoring scheme ("the HMS"), shall be submitted for the approval in writing of the Local Planning Authority. The HMS shall be based on the information and principles contained within the Environmental Statement and Supplementary Environmental Information. No mineral extraction operations within the first phase of extraction shall take place until the HMS has been approved in writing. The HMS shall include proposals

for monitoring in the following locations at and in the vicinity of the site, including in locations where potential interactions may be encountered between the proposed operations and groundwater:

- i. within the Principal Aquifer (i.e. at deeper levels); and
  - ii. within shallower geology above the Principal Aquifer.
- b. The hydrogeological monitoring scheme shall detail the monitoring approach and criteria for the identification of material changes to local groundwater levels and/or local water features which may be attributable to the consented operations. Details within the HMS shall include but not be limited to:
- i. identification of local water features within the vicinity of the Site (including but not limited to springs, boreholes and wells);
  - ii. monitoring locations;
  - iii. frequency, method and type of monitoring to be undertaken;
  - iv. frequency of submission of monitoring data to the Minerals Planning Authority; and
  - v. mechanisms for review of the monitoring scheme.
- c. Once the HMS has been approved in writing by the Local Planning Authority, it shall be implemented in full thereafter.

Reason: To define the monitoring of the consented mineral extraction operations in relation to the protection of the local water environment from significant harm resulting from any localised interactions, in accordance with Core Strategy Policy CS18.

*Note: This condition is linked to a section 106 legal agreement clause which facilitates hydrological monitoring in appropriate locations in the area surrounding the application site.*

**Condition**

Within one month of the identification of any potential material changes to local groundwater levels and/or local water features, as defined within the HMS (referred to at Condition 24), a scheme of investigation ("the Scheme of Investigation") shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include:

- i. Proposals to investigate the cause of the material change to local groundwater levels or those local water features identified in the HMS;
  - ii. Measures to mitigate the associated risks, where the cause is attributable to on-site operations hereby consented; and
  - iii. Proposals for subsequent monitoring and reporting in relation to the success or subsequent amendment of mitigation measures undertaken.
- b. Once the Scheme of Investigation has been approved in writing by the Minerals Planning Authority, it shall be implemented in full thereafter.

Reason: To protect the local water environment should monitoring in accordance with the HMS approved under Condition 24 indicate a material change by securing mitigation if necessary in accordance with Core Strategy Policy CS18.

**Condition**

No extraction operations shall take place below 109m above ordnance datum unless the hydrological monitoring scheme required by Condition 24 has confirmed to the written satisfaction of the Local Planning Authority that extraction below this level would not intercept the permanent groundwater table.

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

**Condition**

The Dust Management Scheme (Ancient Woodland Specific Aspects) in section 4.1.32, and the recommendations in sections 3.3.20 – 3.3.26 of the 'Additional Ecological and Arboricultural Information and response to Planning Application Consultation (Planning Ref: 17/05303/MAW), Addendum to Chapter 6 of the Environmental Statement, Ref. CE-CB-0617-RP41 – Final' dated 31st May 2018 by Crestwood Environmental Ltd. shall be implemented from the commencement of the development until the restoration phase has been completed.

Reason: To ensure sensitive receptors including the Ancient Woodland and Ancient Plantation Woodland to the north of the site and Great Crested Newt (European Protected Species) habitats are not damaged by dust from quarrying activities.

**Informative**

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

**Condition**

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

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that

areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

#### **Condition**

Within 6 months of the commencement of development a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

Section 106 wording will be drafted by the legal department prior to issuing the decision notice to cover the potential GCN mitigation land, should it be required.