

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 18/01284/FUL	<b><u>Parish:</u></b>	Badger
<b><u>Proposal:</u></b> Formation of a fish stock pool		
<b><u>Site Address:</u></b> Land East Of Badger Hall Badger Wolverhampton Shropshire WV6 7JR		
<b><u>Applicant:</u></b> Mr Robert Hales		
<b><u>Case Officer:</u></b> Lynn Parker	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 376822 - 299694



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

Contact: Tim Rogers (01743) 258773

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is for the formation of a fish stock pool at The Avenue Carp Fishery, Badger Hall, Badger. The Avenue Carp Fishery is one of the five sites within the applicant's company, RH Fisheries Ltd, this site having been established in 2009 for the operation of leisure fishing and associated facilities. The other sites are all within Shropshire at Shifnal, Weston Park and Acton Burnell. The proposed pool is intended for the rearing and growing on of top quality specimen carp and other fish varieties supplying the company's five lakes. It is required in addition to and in connection with the existing three small fish stock pools to meet ever increasing demands and particularly to grow on fish for which the size and depth of the existing pools is limiting. Surplus stock would be sold to other fisheries and customers.
- 1.2 The pool is proposed to measure 90m x 180m with a maximum depth of 2m, this being the size calculated to best serve the age/size of the fish intended for it. It was originally proposed to be located on the eastern side of the existing stock pools in the north eastern corner of an agricultural field within the ownership of the applicant. The proposed siting has subsequently been adjusted, as is explained in paragraphs 1.5 and 1.6 below. The proposed pool would be created generally below the present ground clay level in a clay lined excavation. Excavated material would be disposed of by evenly spreading it over the agricultural land and surfacing over with top soil. No excavated material would be removed from the site. As per the existing pools, the proposed pool would be fed by an existing private borehole. There are no rivers, brooks or other watercourses within the site that would discharge into the pool. There is minimal likelihood of the proposed pool overflowing, however provision has been made for such as instance by an overflow soakaway on the south west side of the pool. A stock proof fence of 1.2m high is proposed to be erected around the pool. Access to the site would be from the private drive to the east as existing, nor would there be any change to the current parking provision.
- 1.3 In addition to the Supporting Letter and Statement submitted with the application, an Ecological Assessment by Camlad Ecology Ltd dated March 2018 has been provided. This document concludes that based on the survey findings, there would be no direct risk to designated habitats or to protected and valued species from the proposed work on this site, provided that care is taken to avoid disturbance of hedgehogs and nesting birds. Work to the site should not impact on the surrounding landscape if care is taken over pollution. As the site is wholly on derelict improved grassland and the adjacent woodland can easily be protected, further survey is not considered to be necessary. However, because ecological survey can only show presence or likely absence, rather than certain absence, and because species could move onto the site in the interim, a precautionary approach is advised.
- 1.4 During the course of the application and in response to concerns raised by The Gardens Trust, Shropshire Parks & Gardens Trust and Badger Parish Council, a

Heritage Statement by Bea Landscape Design Ltd dated 17<sup>th</sup> July 2018 has been submitted in support of the application. This document undertakes an assessment of the impact of the proposed development on a number of key locations and structures of historic importance. These include:

- o Badger Conservation Area – Covers the village of Badger, Badger Dingle and the historic gardens of the demolished Badger Hall, but not the site.
- o Registered Parkland (Grade II Listed) – Badger Dingle is a 105 acre registered park and garden comprising 3 parts: the gardens to the north east side; the Dingle pleasure grounds, a long stream cut ravine; the shrubbery drive linking the Dingle and gardens. The proposed site is within the East Lawn of the gardens.
- o The Old Hall (Grade II Listed) – The former service wing to the demolished Badger Hall with rear courtyard bordered by single storey red brick ranges. Now the applicant's home on the west side of the existing fishing pools.
- o Church of St Giles (Grade II Listed) – Parish church built in red sandstone on the site of a Medieval church in 1833. Located to the south of The Old Hall.
- o Churchyard Cross (Grade II\* Listed) – C14 or C15 Medieval sandstone cross to the south east side of the church.
- o Bridge (Grade II Listed) – Late C18 or early C19 red brick single span arch bridge to the south of the existing fishing pools.
- o Bird House (Grade II Listed) – Late C18 classical temple/summerhouse to the south of the Bridge located looking across and along the Dingle.
- o Hunters Bridge (Grade II Listed) – C17 timber framed house on rick plinth to the south of the existing fishing pools and south west of the Bridge.
- o Old Coach House (Grade II Listed) – C18 partially timber framed with red brick infill cart shed with granary over to the south west of Hunters Bridge.
- o 6 – 8 Badger (Grade II Listed) – House dated 1844 now 3 cottages to the west of The Old Coach House.
- o 3 & 4 Badger (Grade II Listed) – Two C17 red brick and sandstone cottages to the west of 6 – 8 Badger.
- o Classical Temple (Grade II Listed) – C18 classical temple/rotunda located near the lower pool of Badger Dingle to the west of Badger.

1.5 The conclusion of the site assessment is that the proposed development would not have an impact on the majority of the Registered Parkland, the Conservation Area or the Listed Buildings (as above) in proximity to the proposals. However, the proposal is considered to have an adverse effect on the remnant of the East Lawn, the adjacent woodland and the setting of both the Eastern Approach and the Registered Parkland, and a minimal adverse impact on the Conservation Area and Grade II Listed Bridge. It is therefore recommended that the proposed stock pool is reduced in size, re-orientated to a north east to south west axis and moved to align with the existing commercial pools.

1.6 As a result of the Heritage Statement findings, and following a site meeting attended by the SC Planning Officer, SC Conservation Officer, agent and applicant at which a full tour of the wider site took place, amended plans have been submitted. These show the re-positioning of the proposed pool to the area south of the existing three fish stock pools and east of the existing fishing pool. A landscaping proposals drawing has additionally been provided showing native

hedge and tree planting around the edge of the proposed pool, and the existing mounding to be reshaped to accommodate its formation. The size of the pool remains as originally proposed as this is the scale required for the purpose intended.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site falls within open Green Belt countryside to the north east of the settlement of Badger and halfway between Albrighton and Bridgnorth. It is located with a Registered Park and Garden and adjacent to Badger Conservation Area. The fishery is accessed via minor roads from the B4176 to the south west or the A464 to the north. The field in which the additional pool is proposed is located to the east side of the applicant's home, but separated from it by a band of mature trees which form the 'shrubbery drive' of the Registered Parkland. The northern and eastern boundaries are also bordered by trees along the former Eastern Approach to Badger Hall which is now an access track. The southern boundary is adjacent to Pattingham Road and is defined by mature native hedging containing some mature trees. The existing large fishing pool is located on the north western side of the field, the three fish stock pools adjacent to its east side close to the northern boundary. The section containing the pools is level and raised above the remainder of the field, and this includes the amended site for the proposed pool. From this upper plateau of rough grassland, the land slopes downwards in gentle undulations which minimise direct views of the site from Pattingham Road to the south and east. The lower area is level and cultivated for agricultural purposes, where the upper section is unsuitable for this due to the rough finish of the ground. The closest dwellings to the amended site of the proposed pool are those on the eastern edge of Badger itself approximately 160m away and on the other side of the 'shrubbery drive'.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposed development is considered to accord with the requirements of the Councils relevant adopted policies, however a contrary opinion has been received from the Parish Council. The Local Member has expressed that a Committee Decision is desirable. The Principal Planning Officer in consultation with the Committee Chairman has confirmed that based on material planning reasons, a Committee decision is necessary in this case.

## **4.0 Community Representations**

### **4.1 - Consultee Comments**

- 4.1.1 Badger Parish Council – Not opposed to the proposal in principle, but considers that the revised position for the stock pool is more intrusive than the original location and has an inappropriate slope for the landscape.
- 4.1.2 SC Drainage – The Supporting Statement states that the pool will be set generally below the present ground level, and as such there is no comment from the drainage and flood risk perspective.
- 4.1.3 SC Conservation - The revised siting and landscaping proposals are considered to minimise the impact of the development on the Registered Park and Garden and the proposal is now considered to be acceptable from a conservation perspective.

- 4.1.4 SC Archaeology – No comments to make on this application in respect of archaeological matters.
- 4.1.5 SC Ecology – Conditions and informatives recommended in relation to landscaping, bats, badgers and general wildlife.
- 4.1.6 SC Trees – No objection to the proposed development on arboricultural grounds.
- 4.1.7 The Gardens Trust – Continues to object to this proposal. Disagrees with the opinion of officers that the amended position of the proposed pool and landscaping is not contrary to adopted policies. Reiterate the comment from our letter of 21<sup>st</sup> August that the proposed development, which is for business reasons and for the benefit of a private individual, fails the test of public benefit and hence of the key principle of sustainable development that is at the core of the NPPF. The addition of this enormous new fish-breeding pond will in addition compound damage already done to the fabric of the Grade II Registered Park and Garden. In our opinion the hedge and proposed tree planting do not address the core issue of the sheer scale of the proposed fish pond.
- 4.1.8 Shropshire Parks & Gardens Trust – Request that the applicant be required to undertake a proper assessment of the potential impacts of the proposed development on the Grade II Registered Park and on the setting of the other Listed Buildings within the site and of the Badger Conservation Area, as required by the NPPF. We will be in a position to comment once this exercise has been completed. (On behalf of Shropshire Parks & Gardens Trust and The Gardens Trust).
- 4.2 - Public Comments
- 4.2.1 Site notice displayed 6<sup>th</sup> April 2018. No public representations received.

## **5.0 THE MAIN ISSUES**

- o Principle of development
- o Green Belt
- o Impact on the historic environment
- o Siting and scale
- o Ecology
- o Trees
- o Drainage

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 LDF Core Strategy Policy CS1 deals with strategic approach, noting that outside community hubs and clusters, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. Whilst this policy provides recognition that countryside is a 'living-working' environment which requires support to maintain or enhance sustainability, it also recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environment and other impacts.

- 6.1.2 LDF Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly in relation to (amongst other criteria):
- o small scale new economic development diversifying the rural economy, and
  - o sustainable rural tourism and leisure and recreation proposals which require a countryside location in accordance with Policies CS16 and CS17.
- 6.1.3 In support of LDF Policy CS5, LDF Policy CS13 plans positively to develop and diversity the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. Policy CS16 seeks to deliver high quality, sustainable tourism, and cultural and leisure development which enhances the role that these sectors play for the rural economy, benefits local communities and visitors and is sensitive to Shropshire's intrinsic natural, historic and built environment qualities. Emphasis is placed on (amongst other criteria) supporting new and extended tourism development, and cultural and leisure facilities that are appropriate to their location, and promoting connections between visitors and Shropshire's natural, cultural and historic environment. Opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets are also promoted.
- 6.1.4 SAMDev Plan Policy MD11 states that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings. All proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design.
- 6.1.5 These policies align with paragraph 83 of the NPPF which states that in supporting a prosperous rural economy, planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, through sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 acknowledges that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 6.1.6 It is considered that the proposed formation of a fish stock pool in the position as amended is an acceptable form of economic growth for a rural enterprise already established at The Avenue Carp Fishery site. It would also provide support for the applicant's other rural fishery businesses within Shropshire. Through the expansion of this enterprise, which requires a countryside location, countryside vitality would be enhanced and benefit a greater number of people. The site would improve the offer at a leisure facility in an attractive rural location that would provide opportunities for engaging with Shropshire's landscape and a historic environment. The amended location of the proposed stock pool would ensure that surrounding

natural and historic features would be largely retained due to the unobtrusive positioning of the development. Appropriate landscaping is proposed to aid its integration with the surrounding natural environment. For these reasons the proposed development is not considered to be contrary to the adopted policy above which supports extended forms of rural business and leisure uses appropriate to their location and the principle of the development is acceptable.

## **6.2 Green Belt**

6.2.1 Green Belt Policies CS5 and MD6, and Section 13 of the National Planning Policy Framework require that the openness, permanence and visual amenity of the land within its boundaries are preserved. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Fishing is an outdoor sport and recreational activity and the proposed fish stock pool that would support such activity is not considered to be inappropriate development in the Green Belt. It is considered that this development in support of established outdoor sports facilities would have little additional visual impact on the openness of the Green Belt and would not conflict with the purposes of including land within it.

## **6.3 Impact on the historic environment**

6.3.1 Policy MD13 of the SAMDev Plan states that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored, in summary by:

1. Ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.
2. Proposals are accompanied by a Heritage Assessment where appropriate.
3. Where proposals are likely to have an adverse effect, it should be clearly demonstrated that the public benefits outweigh the adverse effect.
4. Encouraging development which delivers positive benefits to heritage assets.

6.3.2 Paragraph 192 of the NPPF states that, in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

6.3.3 The proposed fish stock pool in its amended location would enhance the existing viable use of this section of Registered Parkland and contribute positively to its economic vitality without adversely impacting on the part of the East Lawn which remains largely unaltered. In the location originally proposed in the north east corner of the field the proposed development would have meant the loss of the unaltered part of the East Lawn and potential detriment to the trees in the Eastern Approach. Furthermore, the excavation would have resulted in significant re-profiling to retain the water and marry with the existing levels. The proposed fish stock pool would now be a ground level development located away from the tree

lines which form the Eastern Approach and Shrubbery Drive and would be at least 150m away from the nearest Listed structure at the Bridge – which is itself sunken into the tree belt of the Shrubbery Drive and hidden from view. The proposed development additionally provides the opportunity to repair previous ground level alterations which have left undulations in the landscape by using the excavated material. From the position of the amended location, the proposed fish stock pool would not be easily visible within its landscape due to the extent of the plateau section containing the existing pools and the proposed landscaping. It is not considered that the proposed development would adversely impact on the surrounding historic environment.

- 6.3.4 Paragraph 196 of the NPPF states 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.
- 6.3.5 For the reasons given in 6.3.3 above, the proposed development is considered to result in much less than substantial harm to the significance of the Registered Parkland. The proposed development would be an acceptable form of economic growth for a rural enterprise and a leisure use appropriate to its location which would increase the opportunity for visitors engaging with this historic environment and with Shropshire's landscape. Therefore there are public benefits to the proposed development that would outweigh the ground level alteration to the landscape.
- 6.3.6 The landscape in Badger already contains many pools that were created as features in the Registered Parkland. The existing fishing pool at The Avenue Carp Fishery was previously part of the parkland enlarged into its current form. The proposed development is a continuation of the alteration of this parkland, man made for leisure use, but which is accessible to a greater number of visitors and for a contemporary use.

#### **6.4 Siting and scale**

- 6.4.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's building, natural and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.4.2 The proposed pool as amended would sit within the existing landscape without visual impact on the levels of the land and with natural landscaping planting around it. Whilst the scale of the pool could be considered large, its size is smaller than the existing fishing pool and together with the three existing stock pools forms a logical grouping.



## **6.5 Ecology**

- 6.5.1 An Ecological Assessment was submitted in support of this application which concluded that there would be no direct risk to designated habitats or to protected and valued species from the proposed work on this derelict improved grassland site. SC Ecology have recommended a condition requiring approval of a landscaping plan prior to the commencement of the development, however an acceptable Landscaping Proposals plan has subsequently been provided omitting the need for that particular condition to be applied. The other conditions and informatives recommended will be applicable as it is considered that they would help to manage the potential presence of protected species successfully.

## **6.6 Trees**

- 6.6.1 Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.
- 6.6.2 The amended position of the proposed fish stock pool is on land where there are no trees and none close that would be affected by the pool's formation. The closest band of trees would be approximately 130m away at the Shrubbery Drive, and nearest individual trees, 60m to the south within the mature native hedge with forms the site boundary. There is no requirement therefore for a Tree Protection Plan in relation to the site, to protect trees during construction work.

## **6.7 Drainage**

- 6.7.1 It is not considered that there is a likelihood of flooding from surface water from the proposed pool, as appropriate precautions have been taken within the design which incorporates a soakaway to the south west end of the proposed pool and sets it below ground level. There would be no watercourses feeding into the pool as water would be obtained from an existing borehole.

## **7.0 CONCLUSION**

- 7.1 It is considered that this proposal, as amended, is not contrary to adopted policy as it is appropriate development at ground level within the Green Belt in support of an existing outdoor sport and leisure use. It is an acceptable form of economic growth for a rural enterprise already established at The Avenue Carp Fishery site and would improve the offer at a leisure facility in an attractive rural location that would provide opportunities for engaging with Shropshire's landscape and a historic environment, and protect the biodiversity of the surrounding countryside.
- 7.2 Contrary to the objections raised by the Gardens Trust, it is considered that the proposed development is located in the most appropriate position where it would not adversely impact on the unaltered section of the Registered Parkland's East Lawn, or on the wider historic environment, as it would not be easily visible within it, and would be logically positioned with the existing pools. The proposed development demonstrates that there are public benefits to the proposed development that would outweigh the ground level alteration to the landscape.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ⑦ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ⑦ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

### 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

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

LDF Core Strategy Policies:

- CS1 Strategic Approach
- CS5 Countryside And Green Belt
- CS6 Sustainable Design And Development Principles
- CS13 Economic Development, Enterprise And Employment
- CS16 Tourism, Culture And Leisure
- CS17 Environmental Networks
- CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

- MD2 Sustainable Design
- MD6 Green Belt and Safeguarded Land
- MD7b General Management Of Development In The Countryside
- MD12 Natural Environment
- MD13 Historic Environment

### RELEVANT PLANNING HISTORY:

13/02142/FUL Construction of 3 fish breeding stock pools, and associated storage building. Granted 23rd July 2013  
09/00587/FUL - Erection of amenity building and WC for fishing visitors. Granted 8th July 2009.  
BR/APP/FUL/08/0739 - Use of pool for leisure fishing. Granted 21<sup>st</sup> January 2009.  
BR/92/0277 – Erection of a detached single storey building to form garden store. Granted 2<sup>nd</sup> June 1992.  
BR/81/0781 Formation of a new vehicular access. Granted 21st December 1981

## 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P5NBK3TDK9L00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information).

- Supporting Statement received on 15<sup>th</sup> March 2018
- Supporting Letter received on 15<sup>th</sup> March 2018
- Ecological Assessment by Camlad Ecology Ltd dated March 2018
- Heritage Statement by Bea Landscape Design Ltd dated 17<sup>th</sup> July 2018

Cabinet Member (Portfolio Holder)  
Cllr R. Macey

Local Member  
Cllr Michael Wood

Appendices  
APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The pools hereby approved shall be used for fish breeding purposes only.

Reason: To define the permission for the avoidance of doubt.

#### **CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

4. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

5. All hard and soft landscape works shall be carried out in accordance with the Approved Plan: 18-73-01 Rev A. The works shall be carried out prior to the use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

## **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

6. All development, excavation and site clearance procedures on the site to which this permission applies shall be undertaken in line with the Ecological Assessment by Camlad Ecology Ltd (March 2018).

Reason: To ensure the protection of wildlife.

7. No excavated material shall be removed from the site as stated in the submitted Supporting Statement and Letter dated 15th March 2018.

Reason: In the interests of the amenity of the area and traffic safety around the site.

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. 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.

3. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals

to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS13 Economic Development, Enterprise and Employment

CS16 Tourism, Culture and Leisure

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD6 Green Belt and Safeguarded Land

Contact: Tim Rogers (01743) 258773

MD7b General Management of Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment

5. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 38.

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