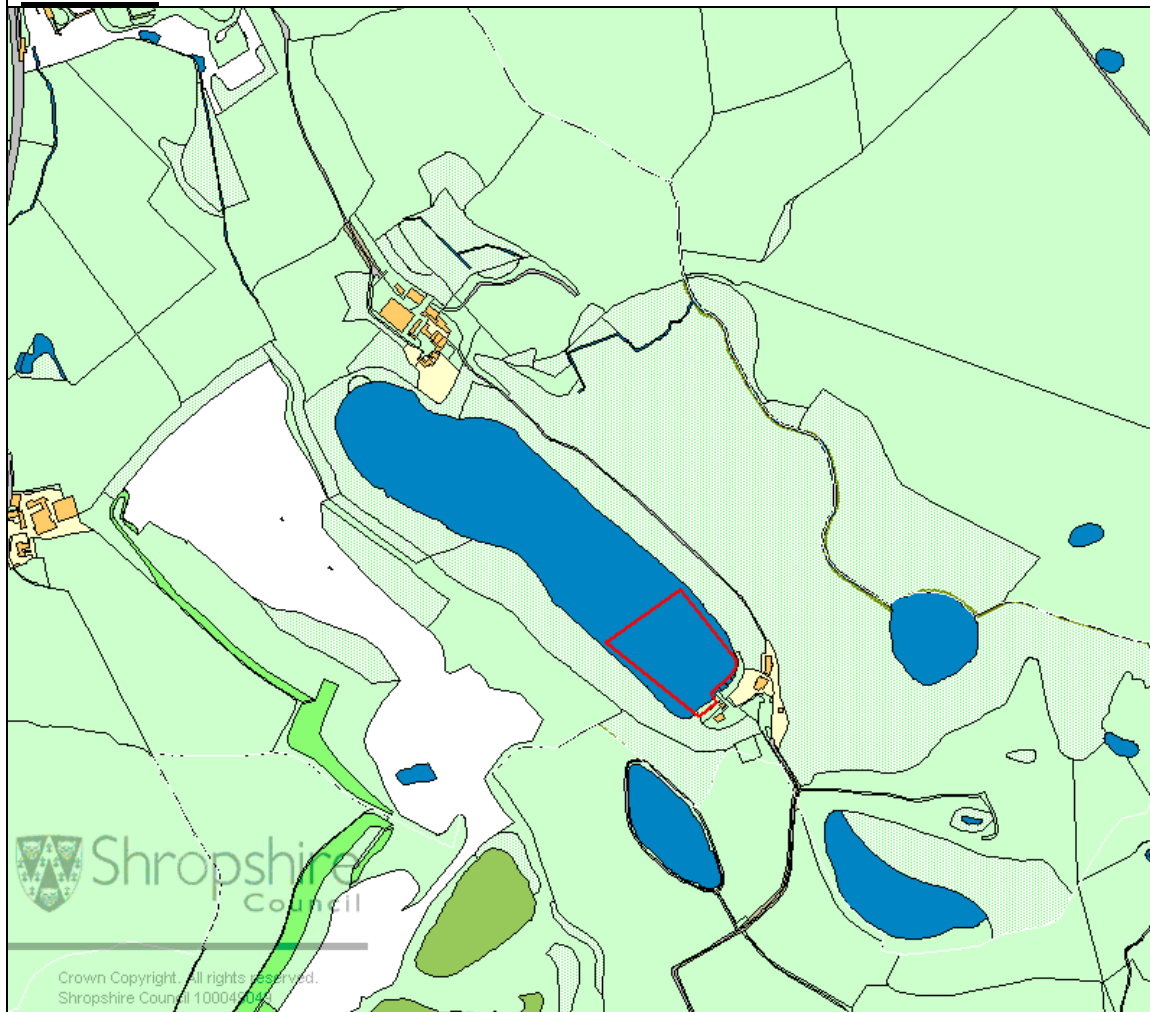


Development Management Report

Application Number: 11/00490/FUL	Parish: Bayston Hill
Proposal: Change of use of that part of Bomere Water Ski Centre, Condover identified edged in red on the attached site plan, to permit (in addition to the existing uses permitted in planning permission 05/1030/VAR), schools based activities comprising Kayaking and Raft Building on weekdays Monday to Friday from 09.00hrs to 17.00hrs between the months April to October	
Site Address: Hunting Lodge Condover Shrewsbury SY5 7AP	
Applicant: Ms Sarah Spawforth	
Case Officer: Richard Denison	email: planningdmc@shropshire.gov.uk
Cabinet Member (Portfolio Holder): Cllr M. Price	Local Member: Cllr J E Clarke, Cllr E A Parsons & Cllr J Tandy
Grid Ref: 350197 - 307867	



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RELEVANT PLANNING HISTORY:

SA/87/0294 Extension of existing balcony at upper ground floor level. PERCON 4th June 1987

SA/92/0525 Conversion into 5 self contained residential units (Amended description). For J K Bennett. PERCON 9th December 1992

SA/89/0164 Change of use from licensed premises to residential accommodation. PERCON 15th June 1989

SA/89/1203 Change of use to include the additional facility of jet ski-hire and launch to six machines only. REFUSE 22nd November 1989

SA/82/0918 Alterations and additions to provide kitchen, dining room, toilet facilities, shop and store. PERCON 14th December 1982

SA/83/0178 Erection of an extension at lower ground floor level to provide games room. PERCON 12th April 1983

SA/77/0493 Construction of a viewing balcony to existing club building. PERCON 26th July 1977

SA/79/0002 Use of existing pool for water ski-ing activities at weekends (i.e. Saturdays to Sundays) between 1st October and 1st June, annually. REFUSE 13th February 1979

SA/76/0129 Conversion of existing hunting lodge to provide changing shower and toilet accommodation on lower ground floor and refreshment/club area on upper ground floor. PERCON 25th November 1976

SA/84/0667 Caravan parking area in existing woodland area. REFUSE 31st August 1984

SA/80/1141 Use of existing building as ski-club house and changing accommodation etc. PERCON 28th July 1981

1.0 THE PROPOSAL

1.1 This application relates to the use of Bomere Water Ski Centre to be used for water based activities comprising of kayaking and raft building on weekdays Monday to Friday from 09:00 hrs to 16:20 hrs between the months of April through to October. The use will be operated by JCA who provide residential activity holidays for school children from Conover Hall. The activities will be carried out by qualified instructors with the children being supervised by a group leader (a teacher or school volunteer) on a ration of 1-12 children. The proposed activities will operate from the beach area directly opposite the club house and a third of the lake which will be marked out with bouys.

2.0 SITE LOCATION/DESCRIPTION

2.1 Bomere Pool is approached via a single track lane which leads off the Conover to A49 road and is surrounded by a wooded area. There are three residences within the vicinity, outside of the ownership of the applicants, two at the south east of the lake and one to the north west which is not visible from the pool, but lies within approximately 60 metres from the pool.

3.0 RECOMMENDATIONS

- 3.1 This application is recommended for approval subject to a Section 106 legal agreement to provide ecological monitoring and mitigation measures as necessary.

4.0 REASON FOR COMMITTEE

- 4.1 The application has been requested to be referred by the Local Member Councillor J.E. Clark.

5.0 PLANNING HISTORY

- 5.1 09/01083/VAR - Variation of condition 4 of planning permission 80/1142/84/76 to allow the pool to be used for water skiing from 09:00 hrs to 22:00 hrs or sunset (whichever is the earlier) Mondays to Saturdays, and 10:00 hrs to 22:00 hrs or sunset (whichever is the earlier) on Sundays between the months of April to October, and limited to Saturdays and Sundays from November to March when the same hourly limits apply, inclusive each year. Not Proceeded With.
- 5.2 08/0390/VAR - Variation of Conditions attached to S80/1142/84/76, subsequently amended by 05/1030/VAR as follows: (A) Condition 2 - to allow the continuation of the pool to be used for water skiing and wakeboarding from 09:00 hours to 22:00 or sunset (whichever is the earlier) Mondays to Saturdays and 10:00 hours to 22:00 or sunset (whichever is the earlier) on Sundays between the months April to October and limited to Saturdays and Sundays only from November to March when the same hourly limits apply. (B) Condition 3 - To allow boat engines to start up a 10.00 on Sundays. (C) Condition 6 - To remove, thereby allowing corporate events/children's parties to take place. (D) Condition 7 - To allow music to be played from any boat, but not from the shore, and a public address system shall only be used on competition days. To allow background music to be played within the clubhouse, or in any boat at any time, which shall not be audible at the boundary of any residential properties near by (amended description). Granted 19th June 2009.
- 5.3 05/1030/VAR - Variation of condition 4 of Planning Permission 80/1142/84/76 granted 29.07.1981 to allow the pool to be used for water skiing from 09:00hrs to 22:00hrs or sunset (whichever is the earlier) Mondays to Saturdays and 10:00 to 22:00hrs or sunset (whichever is the earlier) on Sundays between the months April to October and limited to Saturdays and Sundays only from November to March when the same hourly limits apply (amended description). Granted 10th February 2006.
- 5.4 05/1024/F - Erection of 3 chalets, a single storey extension to existing club house to provide storage and re-siting of secure freestanding boat storage area (amended description). Granted 8th February 2006.
- 5.5 96/0038/84/76 - Erection of permanent chalet building with changing, washing, toilet, cooking and storage facilities. Granted 12th February 1997.
- 5.6 89/1203/84/76 - Change of use to include additional facility of jet ski hire to launch six machines. Refused 22nd November 1989.
- 5.7 89/0082/84/76 - To extend permitted use to include jet ski and extend hours to 8:00am until 10:00pm dusk. Refused 8th June 1989.

- 5.8 80/1142/0084/76 - Use of Bomere Pool for waterskiing (31st March to 30th October) and on Saturday and Sundays throughout the year. Granted 28th July 1981.
- 5.9 79/0002/0084/76 - Use of pool for waterskiing at weekend (Saturdays to Sundays) between 1st October – 1st June. Refused 13th February 1976.
- 5.10 76/0315/0084/76 - Use of Bomere Pool for water skiing (from 30th April – 30th September). Granted 25th November 1976.

6.0 CONSULTEE RESPONSES

- 6.1 Shropshire Council, Planning Ecologist – The application site lies within the Bomere, Shomere and Betton Pools Site of Special Scientific Interest and also lies in part of the Midland Meres and Mosses Ramsar Site. Further information is required to fully assess whether the proposal will adversely affect the integrity of the Ramsar site measured against the sites conservation objective. In order to determine if there will be an impact on any European Protected Species and the provision of any mitigation measures a detailed survey is required.
- 6.2 Shropshire Council, Highways – The proposed development will generate a number of mini bus traffic between Bomere Pool and Condover Hall, although the number of movements will not impact on the traffic conditions of the local highway network.
- 6.3 Shropshire Council, Public Protection – No objection is raised subject to a condition regarding the compliance with The Food Premise Regulations 1991.
- 6.4 Natural England – The original consultation response received indicated that to avoid any adverse impacts on the SSSI and Ramsar site monitoring of the effects should be undertaken with annual review of the effects summarised and interpreted and if necessary acted upon.
- 6.5 Further comments were received prior to the last committee meeting indicating that the application site is within Bomere, Shomere and Betton Pools Site of Special Scientific Interest (SIII) which is also a component of the Midland Meres and Mosses Ramsar site (wetlands of international importance). It is Natural Englands view that the proposed development is likely to have a significant effect on the Ramsar site. Under the Conservation of Habitats and Species Regulation 2010 the Council is required to make an appropriate assessment of the implications of the development in view of its conservation objectives.
- 6.6 The proposal is not directly connected with or necessary to the management of the site and therefore the Local Planning Authority must undertake an appropriate assessment to fully assess the implications against the conservation objectives.
- 6.7 The scope of the assessment should include the effects of the boats wash and movement on the vegetation of the mere; the displacement of fishing activity onto other parts of the Ramsar site nearby; the displacement of motorised water activity onto other areas of Bomere; and the establishment of any new access/slipways.

6.8 It is indicated that any survey results would need to be reviewed and acted upon each year to avoid any long term adverse impacts on the Ramsar site. It is suggested that a 5 year period be imposed. The safeguard for the international interest is that the activity would stop if adverse impacts are noted.

6.9 Following the committee meeting the Council Natural Environment Manager has been in consultation with Mr John Clayton the applicant's agent to establish clarification in relation to the submitted Ecological Assessment prior to liaising with Natural England. A formal consultation has now been sent to Natural England on the 4th July 2011 allowing them 21 days to comment on the Councils Ecological Assessment of the site and the proposed monitoring of the biodiversity and recreational activities.

6.10 Natural England raises no objection subject to the change of use having no adverse impact on the SSSI and Ramsar site monitoring of the effects should be undertaken, annual review of effects summarised, interpreted and if necessary, acted upon. Any displacement of fishing activity should not lead to adverse impact on the nearby Shomere Pool which is part of the SSSI and wider Ramsar site. These recommendations will form part of a Section 106 legal agreement which the agent has confirmed his client is willing to accept.

Bayston Hill Parish Council – No objection is raised and should the application be granted then it is recommended that the flow of traffic along the narrow access lane should be restricted; toilet facilities on site should be improved; no motorised vehicles should be provided on the pool; and the hours should be restricted to no more than two 4 hour sessions per week.

7.0 PUBLIC REPRESENTATIONS

7.1 Two letters of objection have been received raising the following concerns:-

- Noise impact from groups of young people.
- Intensive use of Pool by 40 children during the morning and afternoon.
- Existing water skiing is low key and only operated during weekends.
- The site is very close to two existing properties.
- Impact on the Special Site of Scientific Interest.
- Increase in noise from motocross events held nearby.
- Future potential increase in noise activities such as dragon boat racing.
- Impact on privacy of neighbouring properties.
- Problems with access and health and safety.
- Access is via an un-adopted road which does not have adequate passing bays, blind spots and is in a poor state of repair.
- The existing access also forms part of a public right of way.
- Inadequate access for emergency vehicles.
- The existing site plan is misleading.

7.2 One letter has been received from Terry Jones Solicitors acting on behalf of the occupiers of Lakeside House who have raised the following concerns and objections:-

- When the occupiers purchased the Lakeside House there was a restrictive covenant indicating that the property would not be affected by the use of the adjoining land as a public house, beer shop or tavern for the sale of alcohol or social club and should not be affected by noisy activities.

7.3 A letter has been received from Cllr Ted Clarke raising the following comments:-

- The future use of Bomere Pool can be carefully controlled, monitored and restricted as a site for training trainers in respect to water skiing only.
- Proposed use is to expand and exploit the pool for general unrestricted commercial recreation.
- The proposed additional activities compromise its status as a Site of Special Scientific Interest.
- The activities will increase and cause further loss of amenity on neighbouring properties and enjoyment of the public right of way.
- The single track access road is inadequate for the increase in traffic.

8.0 PLANNING POLICY

8.1 Central Government Guidance:

PPS1: Delivering Sustainable Development
PPS9 : Biodiversity and Geological Conservation
PPG17 : Planning for Open Space, Sport and Recreation
PPS23 : Planning and Pollution Control

8.2 West Midlands Regional Spatial Strategy Policies:

QE1 : Conserving and Enhancing the Environment
QE7 : Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources

8.3 Shropshire Council, Core Strategy (February 2011)

CS5 : Countryside and Greenbelt

9.0 THE MAIN PLANNING ISSUES

- History
- Background
- Noise Impact
- Impact on Ecology
- Highways

10.0 OFFICER APPRAISAL

10.1 History

10.1.1 Planning permission was originally granted for the use of Bomere water as a ski centre in 1976 with permanent permission (ref. 80/1142/84/76) being granted in 1981. A subsequent application (ref. 05/1030/VAR) permitted a variation of the operating hours until the 9th February 2008 when they should cease and reverted back to the original operating hours. A more recent application (ref. 08/0390/VAR) was approved under Shrewsbury & Atcham Borough Council in June 2008 to vary conditions 2, 3, 6 and 7 of application reference 05/1030/VAR. However, the agent considered that the revised wording of these conditions were inappropriate, although no appeal was submitted. It has been the Council's view that this application has never been implemented and the current use on the pool is under application reference 05/1030/VAR. However, the most recent varied application

(ref. 08/0390/VAR) does not have any formal time restrictions imposed on the implementation of this permission and therefore the proposed conditions on this permission can still be varied.

10.2 **Background**

10.2.1 The proposed additional facilities are required for JCA who provide residential activity holidays for school children. They current operate from Condover Hall and wish to now include water based activities. The proposed operating period for water sports are from April to October and operate 10:00am to 5:00pm Monday to Friday. However, the proposed schedule for kayaking and raft building which have been provided indicating that the children will arrive from 9:00am with the last mini bus shuttling the children back to Condover Hall at 4:20pm. During the activities the children (between 1 to 12) are overseen by their group leader, with the instructors teaching between 1 to 8 children. There is also a senior member of staff on site at all times. The proposed facility will operate from the beach area and a third of the lake (from the beach to the third jetty on the right hand side of the lake). The proposed activities will assist in promoting personal, social and health education.

10.3 **Noise Impact**

10.3.1 Concerns have been raised regarding the potential noise impact from the proposed activities, although these will only be operated between 9:00am and 4:20pm during Monday to Friday. The proposed activities include the provision of kayaking and raft building which in their own right would not generate any significant noise apart from the enjoyment of the school children. The current approved use at Bomere Pool (under application ref. 05/1030/VAR) is for waterskiing and wakeboarding from 11:00am to 10:00pm Monday to Sunday from April through to October. Although the approved use if not intensively undertaken throughout the day permission does exist for the continual use between these hours. The use of the pool for kayaking and raft building is intended to be used continually during the day, although the proposed hours are not at unsocial times and on balance the proposed use is not considered to cause any adverse detrimental impact on the adjacent occupiers.

10.3.2 Amended plans have been received (dated the 28th June 2011) indicating a reduction in the application site to provide an area approximately 85 metres wide by 200 metres long. The north eastern site boundary has now been repositioned to extend directly along Bomere Pool from the third jetty rather than being 10 metres from the boundary. This will reposition the proposed area away from the shoreline in the ownership of Lakeside House. Local residents, the Council Natural Environment Manager and Natural England have been reconsulted on the amended plans. Although no further comments have been received.

10.4 **Impact on Ecology**

10.4.1 The application site lies within the Bomere, Shomere and Betton Pools Site of Special Scientific Interest (SSSI) and also lies in part of the Midland Meres and Mosses Ramsar Site and it is Natural England's view that the proposed development may impact on the Ramsar site. It is the Local Authorities responsibility to make an appropriate assessment of the implications for the site in view of its conservation objectives.

- 10.4.2 During pre-application discussions it was considered that the proposed kayaking and raft building activities were unlikely to create any back wash to adversely affect the ecology having regard that the activities would be confined to a buoy marked area of the pool away from the sensitive vegetative margins at the waters edge. An ecological assessment has been requested so to fully assess whether the proposal will adversely affect the integrity of the Ramsar site measured against the sites conservation objectives, although this report has been commissioned by the agent no formal report has been received to date.
- 10.4.3 The approved use of Bomere Pool for water skiing and wake boarding can be operated from 09:00 hours to 22:00 hours Mondays to Saturdays with up to two boats being on the water at any one time. The backwash generated from this activity is considered more than that of kayaking or raft building. Having regard that the water skiing and wake boarding will not operate during the same time as the kayaking and rafting it is the planning officer's consideration that the potential impact on the ecology will be minimal. However, this is subject to the submission of an appropriate ecological assessment being received and no objection being raised from the Council Ecologist and Natural England.
- 10.4.4 Natural England's advice is that to avoid any adverse impacts on the SSSI and Ramsar site monitoring of the effects should be undertaken with annual review of the effects summarised and interpreted and if necessary acted upon. This will be subject to a Section 106 Legal Agreement which will secure on going ecological monitoring of the site.

10.5 **Highways**

- 10.5.1 The proposed access is along a narrow access track which links into a minor country lane. It is intended that children will be transported from Condover Hall by mini bus arriving in three groups in the morning at 9:00am, 9:20am and 9:40am. They will be shuttled back to Condover Hall at 12:00pm, 12:20pm and 12:40pm with a new group of children arriving for the afternoon slot at 1:30pm, 1:50pm and 14:10pm. The afternoon groups will travel back to Condover Hall at 13:40pm, 4:00pm and 4:20pm. Having regard to the level of traffic movements which will only operate Monday to Friday the proposed facility will not result in any highway safety issues and the existing access road is capable of accommodating the proposed movements.

11.0 **CONCLUSION**

- 11.1 Bomere Pool has a current permission for the use for water skiing and wake boarding between April and October and it is considered that the proposed use for kayaking and raft building would be acceptable as an additional recreational activity on this site. The proposed additional uses will not result in any significant increase in noise and disturbance to the detriment to local residents, whilst the access is suitable for the proposed traffic movements. Bomere Pool is an important ecological site with special designations as an SSSI and Ramsar Site and although the use is supported a legal agreement has been drawn up to provide monitoring and mitigation measures as necessary.

LIST OF BACKGROUND PAPERS

Planning application reference 11/00490/FUL.

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 of development upon nationally important features and the impact on residents.

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

Environmental Appraisal

Included in the report.

Risk Management Appraisal

Not applicable

Community / Consultations Appraisal

Included in the report

Appendices

None

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

11/00490/FUL

Hunting Lodge, Condover, Shrewsbury

Date of completion for the HRA screening matrix:

HRA screening matrix completed by:

Dr Sue Swales
County Ecologist
Shropshire Council

01743 252567
sue.swales@Shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	<p>11/00490/FUL</p> <p>Hunting Lodge, Condoover, Shrewsbury</p>
Name and description of Natura 2000 site	<p>Midland Meres and Mosses Ramsar Phase 1</p> <p>Bomere, Shomere & Betton Pools (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. The site also includes a small basin mire, a more extensive area of peat around Shomere and an area of woodland.</p> <p>Bomere and Shomere pools and surrounding habitat are included in the Ramsar because of the presence of open water, swamp, basin mire and carr habitats. Also because of the presence of the species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i>.</p> <p><i>Elatine hexandra</i> grows in shallow water along the north shoreline, close to the development area. <i>Thelypteris palustris</i> grows in marshes and fens. It was found around Shomere Pool in the survey by Whild Associates in 2003, but not around Bomere Pool. Prior to 2003 there are historical records for Bomere Pool.</p>
Description of the plan or project	<p>Change of use of that part of Bomere Water Ski Centre, Condoover identified edged in red on the attached site plan, to permit (in addition to the existing uses permitted in planning permission 05/1030/VAR), schools based activities comprising Kayaking and Raft Building on weekdays Monday to Friday from 09.00hrs to 17.00hrs between the months April to October</p>
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	<p>No</p>
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<p>08/0390/VAR Variation of Conditions attached to S80/1142/84/76, the latter subsequently amended by 05/1030/VAR. This permission allows the continuation of the pool to be used for water skiing and wakeboarding from 09:00 hours to 22:00 or sunset (whichever is the earlier) Mondays to Saturdays and 10:00 hours to 22:00 or sunset (whichever is the earlier) on Sundays between the months April to October and limited to Saturdays and Sundays only from November to March when the same hourly limits apply. These hours shall cease to apply from 17th June 2013 when the hours shall revert to 11am start on any day and the same finishing hours stated above.</p> <p>Use of Bomere Pool for water skiing was first approved 25th November 1976 (76/0315/0084/76)</p>

The Significance test

Natural England has been consulted on this application and in their letters of the 22nd March 2011 and 7th June they state their view that this proposal is likely to have a significant effect on the Ramsar Site.

The effect pathways by which the development could potentially impact on the above European Designated Site have been identified as:

1. Physical damage to aquatic vegetation of shoreline and shallows due to wash from boats (kayaks or rafts), trampling by participants in activities or establishment of new access/slipways.
2. Increased recreational pressure (particularly angling) on Shomere due to displacement from Bomere following increased user levels.
3. Changes to the level or location of motorised water sports (water skiing, wave boarding etc.) due to the proposed development.

The effects of the various uses of Bomere Pool on its ecology are only partially known and it is often hard to single out a particular cause for an observed change.

Statement

1. Physical damage to aquatic vegetation

The report *Bomere Pool monitoring programme 2011* (Whild Associates) shows that habitats specified in the Ramsar designation are present in, and within influence of, the proposed development area. Protected and priority species of aquatic plants, including *Elatine hexandra* and the European Protected Species *Luronium natans*, are growing in the southern third of Bomere Pool. Groups of *L. natans* are growing at either end of the beach to be used for kayaking and raft building and launching. At the south-eastern end of the beach, a population of *L. natans* lies relatively close to one of the three jetties, which are also used during water skiing events.

In comparison with the level of natural wash on the shoreline on windy days and that caused by the previously permitted water skiing activity, kayaking and rafting are very unlikely to result in significant wash damage.

However, the above species and habitats could be at risk from direct damage through collision with craft or trampling by participants.

The *E. hexandra* and *L. natans* require shallow, clear water and a sandy substrate. Whild Associates in their reports indicate that these conditions are maintained by a degree of disturbance (Management of Bomere Pool for protected and ecologically valuable species) preventing a build up of organic sediment, and suggest that trampling etc through children's activities would be beneficial. However, there must be a point where a high level of disturbance adversely affects these species. This lies behind the suggestion from Natural England that areas of aquatic vegetation should be protected by a buffer zone to prevent access by kayaks/rafts.

The applicant has revised the proposal's boundary to the east, reducing the area of activity so that it doesn't extend eastwards of the last jetty, and so avoids the nearest patch of *L. natans* and the fringe of aquatic vegetation along the north shore, including the *E. hexandra*. The area of sensitive vegetation on the western end of the beach lies at the very limit of the activity area, and could easily be protected by a buffer strip if deemed necessary (to be detailed in the management plan see below).

The applicant has no plans to install further jetties/slipways.

In order to determine the optimum level of disturbance versus buffering for the valuable habitats present, the applicant has agreed to enter into a section 106 agreement to carry out monitoring of the whole pool. The monitoring will be carried out annually by appropriately experienced and qualified ecologists. This will provide the evidence on which to base management action to maintain and enhance the nature conservation of the site, whilst allowing its use for recreation. A management plan will also be produced with an annual work programme, allowing fine tuning of management options. Should adverse effects be detected, which reasonably implicate the permitted activities, management of the site will be immediately reviewed and modified. If this is insufficient to prevent adverse effects, the planning permission will be terminated. The monitoring programme and management plan must be approved by the planning authority and Natural England before the permitted activities take place. Annual monitoring reports will be submitted to the planning authority and Natural England and any changes to the annual work programme will be agreed in writing before implementation.

If permission is granted it will be for a period of 5 years only, and the ecological information gathered will provide a valuable baseline against which any further planning applications can be considered.

2. Increased recreational pressure (particularly angling) on Shomere due to displacement from Bomere following increased user levels.

If the increase in activities on the pool leads to increased angling at Shomere Pool, sensitive habitats such as open water and peatland may be damaged. In order to avoid any displacement of fishing activity that may lead to adverse impacts on Shomere Pool, a management plan for fishing on that water will be agreed with the Planning Authority and Natural England, prior to the commencement of the permission.

3. Changes to the level or location of motorised water sports (water skiing, wave boarding etc.) due to the proposed development.

At present, water skiing has reverted to a 11.00hrs start under the 2005 consent. If the current application is consented, the applicant's intention is to adopt the earlier 09.00hrs start on Saturdays [= +two hours] and 10.00hrs start on Sundays [= +one hour] in accordance with the 2008 planning consent. Whilst kayaking and rafting activities are taking place, water skiing and wakeboarding are not permitted on the pool for safety reasons. The 'extra hours' indicated above would hence be offset by the 'no – water skiing' periods whilst any kayaks/rafts are on the water during week days.

The Integrity test

In view of the above, and providing:

- an annual monitoring programme is agreed (with the LPA as advised by Natural England) within a section 106 agreement,
- an agreed (with the LPA and Natural England) management plan is produced and implemented,
- a fishing management plan is produced and implemented for Shomere Pool,
- the permission is for five years only, and within this period the planning authority has an option to terminate the planning permission if the activities permitted are adversely affecting the integrity of the Ramsar Site, as identified through annual monitoring,

There will be no adverse effect on the integrity of the Bomere and Shomere Pool element of the Midland Meres and Mosses Phase I Ramsar Site.

Conclusions

The proposed activity under application number 11/00490/FUL will not have an adverse effect on the integrity of this site. There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

RECOMMENDATION :- Grant Permission

Reason for Approval

1. Bomere Pool has a current permission for the use for water skiing and wake boarding between April and October and it is considered that the proposed use for kayaking and raft building would be acceptable as an additional recreational activity on this site. The proposed additional uses will not result in any significant increase in noise and disturbance to the detriment to local residents, whilst the access is suitable for the proposed traffic movements. Bomere Pool is an important ecological site with special designations as an SSSI and Ramsar Site and although the use is supported a legal agreement has been drawn up to provide monitoring and mitigation measures as necessary.
2. Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies: Central Government Guidance: PPS 9 : Biodiversity and Geological Conservation, PPG17 : Planning for Open Space, Sport and Recreation and PPS23 : Planning and Pollution Control. West Midlands Regional Spatial Strategy Policies: QE1 : Conserving and Enhancing the Environment and QE7 : Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources. Shropshire Council, Core Strategy (February 2011): CS5 : Countryside and Greenbelt

STANDARD CONDITION(S)

1. The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans and specifications.

Reason: To enable the Local Planning Authority to control the development in detail.

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

2. The use of the pool for waterskiing and wakeboarding shall be limited to the hours of 9am to 10pm or sunset (whichever is the earlier) Mondays to Saturdays, and 10am to 10pm or sunset (whichever is the earlier) on Sundays, between April and October inclusive. Between November and March, the use shall be limited to Saturdays and Sundays from 11am - dark only. These hours shall cease to apply from 17th June 2013 when the hours shall revert to 11am start on any day and the same finishing hours stated above. The use of the pool for kayaking and raft building shall be limited to the hours of 9am to 5pm Mondays to Fridays between April and October inclusive.

Reason: To allow Natural England to monitor the impact of the use on the SSSI, which is a component of the Midland Meres and Mosses Ramsar Site.

3. On Mondays to Saturdays, no people shall arrive on site and no boat engines shall be started up before 08.30am, and 9.30am on Sundays, when no boat engines shall start up before 10am. These hours shall cease to operate from 17th June 2013 when start up and arrival shall not be earlier than 10.30am on any day.

Reason: To protect the residential amenity of nearby occupiers.

4. The site shall be vacated by all persons 1 hour after the last use of the pool.

Reason: To protect the residential amenity of nearby occupiers.

5. The clubhouse building and barbeque area shall only be available for use during the hours permitted for the use of the pool for waterskiing and wakeboarding specified in condition 3 above and shall not be used independently from the use of the pool.

Reason: To protect the residential amenity of nearby occupiers.

6. There shall be no corporate events/childrens' parties and other such events on Saturdays, Sundays or Public Holidays.

Reason: To protect the residential amenity of nearby occupiers.

7. No music shall be played from the shore or in any boat at any time and a public address system shall only be used on competition days. Within the clubhouse only background music shall be played which shall not be audible at the boundary of any residential properties nearby.

Reason: To protect the residential amenity of nearby occupiers.

8. The club shall not include in its membership more than 20 boat owners at any one time.

Reason: To protect the residential amenity of nearby occupiers and surrounding area.

9. At least 14 days notice shall be given to the Local Planning Authority of all proposed one day events.

Reason: To ensure that an uncontrolled intensification of this use does not occur to the detriment of the amenities of surrounding area and nearby occupiers.

10. The noise emanating from the use of the pool for approved water based activities shall accord with Section 6.0 Noise Limits of the British Water Ski 'Code of Practice for Water Skiing and Noise' or any subsequent revisions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of nearby occupiers.

11. There shall be no inflatable's used or towed behind boats.

Reason: To ensure that the prime use of the pool is for water ski use only and to minimise noise and disturbance to nearby residents.

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. This permission specifically allows the use of the pool for waterskiing, wakeboarding only, kayaking and raft building only. Any use of the pool for any other purpose must be ancillary to the primary use only and it is for the applicants to ensure that ancillary uses do not cause detrimental noise and/or disturbance to neighbouring properties or take place at such a level that would involve a breach of planning control.
3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
4. Should there be any food activity on site, these premises will require registration under The Food premises (Registration) Regulations 1991 at least 28 days prior to them being opened for business. The Food Business operator is therefore required to contact the Environmental Health Department to discuss the requirements of the Food Hygiene (England) Regulations 2006.

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