



Committee and date

South Planning Committee

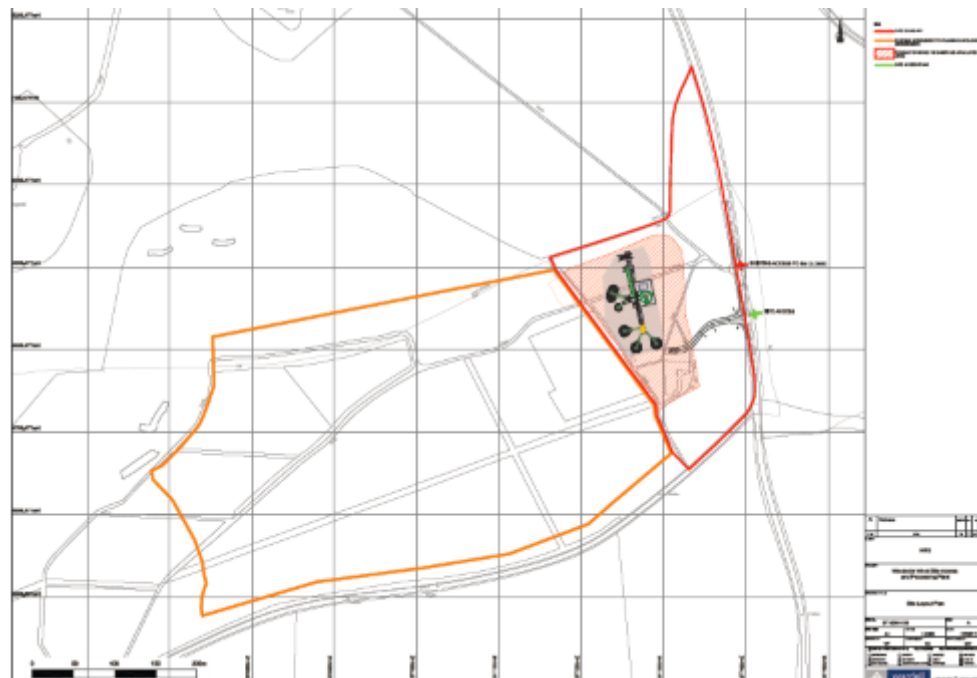
19 December 2017

## Development Management Report

### Summary of Application

<b><u>Application Number:</u></b> 17/03661/EIA	<b><u>Parish:</u></b> Sheriffhales
<b><u>Proposal:</u></b> Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site	
<b><u>Site Address:</u></b> Woodcote Wood, Weston Heath, Shropshire	
<b><u>Applicant:</u></b> NRS Limited	
<b><u>Case Officer:</u></b> Graham French	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

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



## REPORT

### 1.0 BACKGROUND

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 The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the Shropshire Council administrative area by the Shropshire Core Strategy and the SAMDev plan.

1.2 The planning committee of the former Shropshire County Council resolved to approve proposals to extract sand and gravel at Woodcote Wood at its meeting on 25/7/06 (ref. SC/MB2005/0336/BR). The proposals involve extraction of 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The approval resolution was subject to a legal agreement covering off site highway matters and other issues.

1.3 The proposals involved access via a proposed new roundabout at the junction of the A41 and the Sheriffhales Road. However, the third party land required to construct the roundabout was not made available. Hence, the legal agreement remained unsigned and the permission was not issued. Since this time the feasibility of achieving an alternative access has been investigated and this has led to the submission of the current proposals. The landowner Apley Estates has also selected the applicant NRS as the new developer for the site.

1.4 Ten years has elapsed since the original approval resolution was passed for Woodcote Wood by the former Shropshire County Council and the current applicant (NRS) is now seeking to progress the site. A rival operator is proposing an alternative site at Pave Lane 1.5km to the north (in Telford & Wrekin) and has questioned the deliverability of the site on the basis that third party land required to construct the original access is not available. NRS has responded to this by submitting the current alternative access proposals and giving evidence of the intention to develop the site. The Parish Council has objected on grounds of highway safety and this matter is discussed in a succeeding section. The Pave Lane applicant lodged a non-determination appeal and an Inquiry into that appeal finished on 24/11/17. The Inspector's decision on the Pave Lane application is expected by 18/01/18.

1.5 The committee is also considering another application relating to Woodcote Wood on this agenda (SC/MB2005/0336/BR). The application seeks to re-ratify the original 2006 committee approval resolution following the receipt of updated environmental information. The applicant intends that the current application area and the original site would be managed as a single quarry unit if the applications are approved. Planning conditions have been recommended in Appendix 1. These are essentially the same for both applications in order to facilitate an integrated control of the quarry site.

### 2. THE PROPOSAL

- 2.1 The proposals are for a 5.2ha easterly extension to the original site in order to accommodate a new site access directly off the A41. The sand and gravel processing plant originally proposed to be situated at the western end of the original application site would also be re-located to the proposed eastern extension. The current application is interlinked with proposals to update the environmental information accompanying the original application for mineral working which are considered separately.
- 2.2 The proposed development comprises the construction of a new access off the A41 and the installation of mineral processing plant and associated machinery. The processing plant would process sand and gravel which is intended to be extracted from the adjacent quarry site directly to the west. Approximately 2.55 million tonnes of sand and gravel would be extracted at a rate of 200,000 tonnes per annum. This would be processed through the quarry plant site and exported off site. The current application site also contains an area for product storage, a weighbridge and staff facilities. The quarry would have an operational life of approximately 13 years.
- 2.3 The quarry plant would occupy an area of approximately 57 metres x 123 metres including a feed hopper, crusher, tanks, conveyors and screens. The maximum height of the plant would be approximately 14 metres.
- 2.4 The proposed development would be an ancillary operation to the main proposed quarrying activities at Woodcote Wood and as such the two operations would be interlinked. The original quarrying application provided a series of phases which highlighted how mineral would be worked across the site. Although the location of the processing plant and site access is now being altered, it is not intended to alter the phasing of the current quarrying proposals.
- 2.5 Restoration: Following cessation of mineral processing activity, the site would be restored to broad-leaved woodland to align with the restoration proposals outlined in the original quarry application. The access road would be retained permanently. All permanent and temporary plant and machinery would be removed. The proposals would include a net gain of approximately 1.5 hectares of permanent broad leaved woodland compared to the previous plantation woodland which was managed as a crop.
- 2.7 A Screening Opinion that was made by the Council on 28/6/17 (ref. 17/02645/EIA) confirms that the proposal constitutes development for which an Environmental Impact Assessment (EIA) is required. The planning application is accompanied by a formal Environmental Statement. This includes a number of detailed reports, including an Arboricultural Survey; Flood Risk Assessment; Transport Assessment; Ecology Surveys; Heritage Statement; Archaeological desk based Assessment.

### 3. SITE LOCATION / DESCRIPTION

- 3.1 The 5.2ha site is located approximately 4.6km to the south of Newport, Shropshire and is currently planted with a commercial plantation woodland, a portion of which has already been removed as part of the commercial woodland activities. The site adjoins arable land to the north which is currently cropped for wheat. To the west is mainly bare ground which was previously coniferous plantation. The eastern margin is defined by the A41 and the southern margin is defined by the B4739.

3.2 An unoccupied residential dwelling known as 'The Keepers Cottage' and associated garden and outbuildings is located within the site boundary. This would be utilised for support facilities including office accommodation during operations, after which it would return to residential use. Other properties in the area include: Woodcote Hall, a residential home approximately 610 metres to the north-west, properties along the A41 east of Woodcote Hall approximately 300 metres to the north, properties along the A41 at Bloomsbury approximately 425 metres to the south, and properties in and around Heath Hill to the south-west, the nearest of which are approximately 850 metres away.

3.3 The majority of the site falls within the administrative boundary of Shropshire Council who are the 'lead authority' for the application. A 0.8ha area of woodland within the planning application boundary falls within the administrative boundary of Telford & Wrekin Council. As such, an identical application has been submitted to Telford & Wrekin in accordance with the requirements of the NPPF, although it should be noted that the area within Telford & Wrekin is not proposed for any operational development. Paragraph 178 of the NPPF advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries and appropriate cooperation has taken place between Shropshire Council and Telford & Wrekin Council.

#### 4. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

#### 5. COMMUNITY REPRESENTATIONS

5.1 Sheriffhales Parish Council: Objection. The following comments are made:

- i. This Planning application has been given very careful consideration by the Sheriffhales Parish Council and has generated much local community concern. As part of our response to this concern a public consultation was arranged on 14 September 2017. The meeting was attended by nearly 100 residents and interested parties. A report of the meeting was provided to the Parish Council subsequently. The views of the local community expressed at the meeting were that, firstly, a number were totally opposed to the application due to negative impacts on their residences specifically and to the environment more generally. There was, secondly, a unanimous rejection of the proposed access arrangements. All residents felt extremely strongly that the proposed T junction access onto the A41 was ridiculous and would only exacerbate traffic hazards on an increasingly dangerous section of the highway network.
- ii. The Parish Council are themselves unanimous in their objection to the submitted proposal and list specific objections later in this paper. The council has noted that 11 years ago when planning permission for Woodcote Quarry was considered the permission was subject to a road traffic island on the A41 that incorporated the B479 Sheriffhales/ Shifnal Road junction with a quarry entrance onto the island. Documents supporting the present application do not explain how Shropshire Council's assessment then, repeated in correspondence in 2013, has changed so significantly that a T junction is considered acceptable particularly with increases in traffic flows on the A41, the complexity of the traffic itself and the increasing use of the Sheriffhales B road as a shortcut to the A5.

- iii. Specific comments to Planning Application 17/03661/EIA:
- a. Shropshire councils previous and current Position: Shropshire highways professional advisers stated in 2006 that it was an absolute requirement to provide a new roundabout and for the access to come incorporate the B4379. Shropshire Council insisted that provision of the island was included in a section 106 agreement which the developer failed to commit to. Shropshire Council's position on the requirements for a traffic island was repeated in email correspondence in February 2013. No clear reason for the change in position of the authority in this matter is given in submitted documents. Indeed, a Traffic Impact Assessment was not initially provided at all. The Parish Council notes that Shropshire council's responsibility for highway safety has not lessened in any way since taking over the responsibilities exercised by the highways agency with the de-trunking of the A41. As no 106 agreement has been signed, effectively no planning permission for the quarry exists.
  - b. Impact on B4379 Junction: The Parish Council notes that reports submitted in EIA do not consider the separate impacts of Quarry operation on safety at the already dangerous junction between the A41 and the very close B4379 junction in any significant detail at all. The B4379 has always been a dangerous junction. It is increasingly used as a shortcut to the A5 by commuter traffic and when there is congestion on the A41. The A41 itself is also increasingly used by heavy traffic when there is disruption on the M6. Visibility at the junction is poor. Being stationary on the A41 waiting to turn right across the carriageway onto the B4379 is an unsettling experience at times due to the speed of the traffic and visibility considerations. The detail on traffic flow submitted is based on 2015 data and does not reflect the increasing complexity of the traffic on the A41 at present.
  - c. Increasing agricultural activity generated locally as well as bigger and faster articulated vehicles using the road network in this area are underestimated as traffic hazards in the submitted documents. Local reports suggest it can take up to 10 to 15 minutes to safely exit onto the A41 from the B4379. We are aware from Telford and Wrekin Council reports that 59% of accidents on the A41 occur close to T junctions. From the developers 2015 data 15,000 vehicles were using this section of road then. Increased volume of traffic flow is further predicted to increase over the life of the proposed quarry.
  - vi. Safety audits and related traffic assessments: In the EIA submission the developer had not undertaken an appropriate safety audit. The Highway Advice Note commissioned by the Council commented on this weakness. This report has not been available for public consultation until very recently and is a significant concern. The additional complexity of both a T junction onto the A41 and the B4379 junction and their proximity was also not evaluated in the EIA submission. There is insufficient or absent information on lighting requirements, signage and associated highway matters in any of the documentation submitted. This is a significant local concern given the nature of the road and its rural location especially in bad weather or in winter. It is unclear how effective measures to reduce traffic hazard related to the mud onto the road and other environmental impacts are to be assessed and successfully mitigated.
  - v. Other environmental impacts: There is little evidence in the submitted proposal that environmental impact, in particular of dust and noise, on local communities'

infrastructure and housing have been or will be re-evaluated in line with the most recent assessments or how such disturbance should be mitigated or monitored. If the proposal is permitted substantial new screening and appropriate reinstatement will be required.

- vi. The Parish council believes the original view of Shropshire Council that a new roundabout and appropriate access was an absolute requirement for reasons of highway safety is still the case now. A Highways solution on the above may still be possible through utilisation of land within the application boundary and existing highways land and this should be considered. But it is not possible to support this planning Proposal at present the Parish council would be grateful that this response is circulated to all members of the Planning committee prior to the meeting
- 5.2 Telford and Wrekin Council (adjacent planning authority) has considered the application and supports the officer recommendation set out in this report. The formal consultation response of T&W will be circulated prior to the committee.
- 5.3i. Environment Agency: No objection. We note that the proposed sand and gravel quarry on the adjoining Woodcote Wood site is subject to planning application MB05/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. It is understood that the original Environmental Statement (ES) has since been supplemented by an ES addendum to bring the application up to date and enable a formal decision. For completeness, our previous reply of 4 November 2005, to MB05/0336/BR, identified a number of issues which were subsequently addressed. The geology, hydrogeological setting and proximity of this site to licensed abstractions and surface water features were previously covered within the original ES. The main emphasis of the groundwater component of the ES report accompanying the application had been to illustrate that mineral extraction will not require a dewatering strategy or be groundwater consumptive. The thrust of the debate was to show that mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required. We note the current (revised) proposals are for a new site access off the A41 and the installation of processing plant, to facilitate mineral extraction.
- ii. Water Resources: We have previously raised water resource considerations in our response the original application. We note Appendix 7.1 (ES) – water supply feasibility study, Wardell Armstrong. Our current position is that Groundwater and surface water abstractions over 20m<sup>3</sup>/d generally require an abstraction licence from us. In this area we have identified the Coley brook catchment as having “restricted water available for licensing”. However there are opportunities for license trading and other options. The water feasibility assessment includes water balance calculations that are based on a review of the site water requirements (Section 4.2), potential sources of water (Section 4.3) and the onsite water storage options. We note the timeframes and recommendations for further discussion. The report concludes that the required volume of start-up water (228m<sup>3</sup>) and top-up water (10,000m<sup>3</sup>/a) could be provided by a number of potential sources without significant impacts on the water environment. Based on the above, we would not anticipate a significant cause for concern at this time. The next stage would be for the applicant to submit a pre-Permit application to us outlining the proposed way forward. This will start the process of obtaining the relevant permissions needed to proceed with the licence trade. The combined approach of using several sources seems sensible. The applicant will need to consider the existing conditions on

the abstraction licence and as part of the Permit pre-app this will highlight whether additional conditions are required etc.

- iii. **Water Quality:** The Site lies within the River Meese – Aqualate Mere tributaries catchment (GB109054050190), which is the catchment associated with Moreton Brook. Under the Water Framework Directive (WFD) this water body is classified as having an ecological status of Poor and a chemical status of Good within an overall WFD status of Poor. The Bolam's Brook is a tributary of the Moreton Brook and is the closest watercourse to the Site. The Moreton Brook flows into the Aqualate Mere Lake via the Back Brook and the Coley Brook, approximately 4.6km north of the Site. The ES states that the proposed development would implement appropriate pollution prevention (best practice) measures during the construction, operation and restoration phases of the Site to help avoid impact and mitigate and manage impact accidental pollution were to occur. Such measures are identified in Table 7.13 of the ES and include lining of settlement ponds (see further comments below), appropriate bunding/secondary containment of fuel oils (see following condition); drip trays and spill kits for vehicles and incident response.
- iv. **Lagoon / silt pond settlement system:** The development proposal states: "the plant is fed clean water from a small lined lagoon, fine silt material is washed out and discharged into a silt pond settlement system". No information is provided at this stage with regard to the proposed location of the settlement ponds. The Wardell Armstrong 'Water Supply Feasibility Study' puts forward a number of scenarios in section 4.5 Water Balance Calculations. Of these Scenario 1 states "the surface water runoff pond is assumed to be lined with clay rather than with a geosynthetic membrane due to the costs associated with installation of a low permeability geosynthetic liner". Given the environmental sensitivity of the site we would not consider that this approach would be acceptable and we will expect the ponds to be lined with low permeability geosynthetic liner.
- v. The final design of containment lagoons is a matter for the applicants design engineer. The design will vary according to the geology and hydrogeology; however, the applicant should be aware that all geomembrane liners are susceptible to leakage. A small leak allows biologically degradable material under the lagoon liner, or water to react with any organic matter in the soil. Where anaerobic conditions exist gas is evolved which inflates the liner allowing more liquid to leak and generating more gas and further inflation of the liner until failure occurs. We would recommend therefore that the design incorporates an under geomembrane drainage layer (incorporating appropriately designed cusped geosynthetic drainage) directing to a pumpable sump to allow collection of any leaked liquid; it also requires provision of mushroom gas vents to vent any small quantities of gas evolved.
- vi. An Environmental Permit (water quality) to discharge is likely to be required from us, in accordance with the Environmental Permitting Regulations (EPR). The applicant should ensure they have the relevant permit conditions in place, for the proposed works, through discussions with our Land and Water team on telephone: 02030 251674.
- vii. **Other emissions:** In terms of the minerals processing plant, we do not regulate that operation under the EPR. We would therefore make no comment on any emission issues

(for example noise and dust assessment submitted) and advise you seek the views of your Public Protection team.

- viii. Mining Waste Directive (MWD): The MWD brought in changes to the way Mining operations are regulated. If you manage extractive waste then this activity may be a mining waste operation, which is regulated under the Environmental Permitting Regulations (EPR).
- ix. Extractive waste is defined as waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the workings of quarries. In reality this means heaps / tips and ponds / lagoons used to contain and settle waste fines. There are exemptions to this which can be assessed on a case by case basis. In order for an assessment to be made on the above the applicant needs to include details of extractive material / waste that will be produced (e.g. soils, overburden etc). Information should include estimated quantities, treatment, storage and if it is to be used on site, what it will be used for. If the applicant proposes that extractive material should not be considered as 'waste' they will be required to submit an EMMS (Extractive Materials Management Statement). The applicant should contact our EPR Waste team.
- x. Flood Risk: The site is located within flood zone 1 (low risk annual probability of fluvial flooding) based on our indicative Flood Map for Planning. On this basis we make no comment on the FRA (dated July 2017 – Appendix 2.4 ES). However, we offer the following strategic comments on surface water given the nature of the proposal (EIA):
- xi. Surface Water Runoff: Table 2 of our guidance indicates the relevant increases that surface water FRA should consider for an increase in peak rainfall intensity. The following table (extract from our West Midlands area climate change guidance) is for 'peak rainfall intensity' allowance in small and urban catchments. Please note that surface water (peak rainfall intensity) climate change allowances should be discussed with the Lead Local Flood Authority (LLFA).
- x. The FRA confirms that Surface water runoff from the processing plant and hardstanding would be discharged to settlement ponds within the quarry area for retention prior to being recirculated to the processing plant. If all surface water runoff is to be retained for use in mineral processing, approximately 1496m<sup>3</sup> of storage would be required for the 1 in 30 year storm event and approximately 2199m<sup>3</sup> of storage would be required for the 1 in 100 year (20% climate change) storm event. In 2005, we noted that "the ES has not assessed any differential in recharge to groundwater from the affected area pre and post mined state. It is however anticipated that this impact will be small and has been excluded from our further review of the report. However reducing the unsaturated zone thickness and vegetation cover will accelerate both through and overland flow. The consequence of this may be ponding at the lowest point during periods of high rainfall". We would recommend that you seek the views of your Land Drainage (Floods team) on the above.
- xi. Habitats Regulations: We would advise you seek the comments of Natural England in relation to the potential impacts upon Aqualate Mere (SSSI and Ramsar site).
- 5.4i. Natural England: No objection. Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which



we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation. The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process. In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

- ii. Protected species: Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05). Natural England has produced standing advice, which is available on our website Natural England Standing Advice to help local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.
  - iii. Local wildlife sites: If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.
  - iv. Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
  - v. Landscape enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- 5.5 SC Ecology: No objection subject to the following comments. A Habitat Risk Assessment is included as Appendix 2:

- i. **Habitat Regulation Assessment:** Both application sites lie within, and on the south western side of the surface water catchment of Aqualate Mere, which is both an SSSI and part of the West Midlands Meres and Mosses Phase 2 Ramsar Site. The latter designation should be treated in the same way as a 'European Site' under national planning policy and so the Conservation of Habitats and Species Regulations 2010 apply. A Habitats Regulations Assessment (HRA) has been carried by Shropshire Council dated 13th October 2017, which should be available on the public website. The possible impacts that the combined applications might have on Aqualate Mere were identified as deterioration of water quality and quantity via changes in ground and surface waters. Following detailed investigation the conclusion of the HRA was that there would be no likely significant effect, alone or in combination with other plans or projects from the combined proposals for Woodcote Wood Quarry.
- ii. **Designated sites:** Aqualate Mere is also a Site of Special Scientific Interest. It lies c. 4.5km from the Site and the only possible impacts on its designated features from the Project are those addressed fully in the HRA. The Project is very unlikely to affect the SSSI. The Site has no statutory designated sites within 2km and no non-statutory sites within 1km.
- iii. **Habitats:** The habitats on Site consisted largely of broad-leaved plantation woodland with mixed plantation woodland, tall ruderal and amenity grassland. By 2015 the woodland blocks over the proposed quarry site had been clear-felled and some re-growth of scrub had commenced. At the time of the 2017 update surveys, the scrub over the area proposed for quarrying and the processing site had been cleared to bare ground. The most northerly block of woodland contains a number of mature oak and all woodland in blocks 1 and 4a-e should be retained and managed according to a management plan to maintain and enhance their biodiversity and provide a screen to the quarry related activities. Rhododendron has taken over the shrub layer in places and this should be carefully removed. It was not possible to determine the groundflora in some compartments (see photographs in the Phase 1 report) as this had been cleared to bare earth at the time of the survey.
- iv. **Great Crested Newts (GCN):** Ecological surveys undertaken by Simply Ecology Limited in 2015 identified seven ponds within 500m of the quarry. Two of the ponds sampled for GCN eDNA showed presence but the waterbodies are situated at 430m and 1km from the application site and so GCNs are highly unlikely to be found in terrestrial habitat on site. The closest of the remaining 5 ponds is 415m from the application site. The proposed development is unlikely to impact on GCNs. (Informative note included in Appendix 1)
- v. **Reptiles:** A reptile presence/absence survey was undertaken in 2015 by Simply Ecology Limited and no reptiles were found. Wardell Armstrong consider that based on the survey results and historical land use, reptiles are absent from the area or only present in very low densities in isolated patches such as around Keepers Cottage. (Informative note included in Appendix 1)
- vi.a **Bats:** Bat surveys of the proposed quarry area were carried out by Simply Ecology in 2015 and extended and updated by Wardell-Armstrong in 2017. In 2015 low levels of Common Pipistrelle, Soprano Pipistrelle, Noctule and an unidentified Myotis sp. were

encountered, indicating habitual, regular use by low numbers of bats. Activity was concentrated around the edges of the mature woodland. Roosting potential in the woodland was limited but the consultant recommended further surveys if more trees were to be felled. The update survey in 2017 covered both the processing site and the proposed quarry. At the time the proposed processing site (17/03661/EIA) consisted of broadleaved plantation woodland, a residential dwelling and associated gardens. The proposed quarry area (SC/MB2005/0336/BR) consisted of bare ground surrounded by conifer plantation.

- vi.b Bat activity transects were carried out in both areas of the Site. In addition, trees in the processing area were assessed for bat roosting potential and one tree with 'moderate' potential, but which would need to be felled to allow construction of the new access, was further assessed with two bat emergence surveys. Common and Soprano Pipistrelles, Myotis spp, Leisler's, Noctule and Brown Long-eared bats were recorded during the surveys of both areas, with bat activity primarily focussed along woodland edges. No bats were found to emerge from the tree with moderate bat potential. In the location of the proposed processing plant no trees with higher than low potential were recorded.
- vi.c A house (Keeper's Cottage) is located in the vicinity of the proposed processing plant. The house will be retained during operations and used as site offices, following which it will return to residential use. An inspection of its interior and exterior, coupled with a dusk emergence survey was undertaken on 26 September 2017 to gather further information of the likely impact of proposals on roosting bats, should they be present in the building.
- vi.d During the building inspection survey, no evidence of current use by bats was recorded. One old, dry bat dropping (likely Pipistrellus spp.) was discovered near the cracked window on the eastern façade of the eastern extension to the house, however, this extension was assessed as being unsuitable for current use by bats due to the large holes on the eastern façade and gaps beneath beams along the northern and southern walls which result in fluctuating temperature within. During the emergence survey, no bats were seen to emerge from the building. Following the internal and external inspections of the main building it was considered that the building has moderate potential to host roosting bats, but there was no evidence of a high-status roost (i.e. a maternity roost) or any current use by bats. In addition, should a few individual bats utilise the house for roosting, the quarrying activities will not introduce any additional disturbances over and above that which the building has already been subject to as a residential dwelling. The consultants recommend that any building works to the roof, including the soffits should not commence until dusk and dawn emergence surveys have been undertaken, between May and August. The results of the surveys would inform any required mitigation for bats, should they be recorded. (Conditions and informative note included in Appendix 1)
- vii. Badgers: Retention of the remaining mature trees around the periphery of the Site is essential as a buffer and potential commuting route for all wildlife including badgers. Use of the landscape by badgers can quickly change therefore the following condition should be applied to both applications. (Conditions included in Appendix 1)
- viii. Birds: Simply Ecology carried out a breeding bird survey of the quarry site in 2015 and state that the vast majority of nesting territories were in the surrounding mature

woodland. The clear-felled area contained only a few nests of 2 red listed birds in the developing brambles. The remainder of the bird species identified were of common and widespread species. The update breeding bird survey carried out by Wardwell-Armstrong covered both the quarry area and the processing plant and new access road area. For application 17/03661/EIA, the processing plant area, 3 notable bird species were found to be breeding but these were outside of the proposed development footprint. Only the commonest species were found to be nesting in the development footprint and the consultants conclude that there will be no deleterious effect on the conservation status of breeding birds in the local area. (Conditions included in Appendix 1)

- ix. **Restoration plan and Environmental Network:** Following the update wildlife surveys, the value of the woodland edge habitats and open habitats has become clearer. Increased areas of open habitat, low scrub and sandy slopes allowed to regenerate naturally would increase the biodiversity of the area and support notable bird species found to be nesting in the open area in 2015 as well as increasing the diversity of invertebrate species. As the site is to be extended into the processing plant area, an updated Restoration Plan should be provided combining both areas. This would make production of landscaping and habitat management plans easier at a later date. (Conditions included in Appendix 1)
- 5.6 **SC Trees:** No objections. Having read the submitted plans and tree impact assessment I have no objection in principle given the rural situation of the site and that works being internal to the site means removal of the majority of trees from compartments C1 and C2 are commercial plantation woodland (and not woodland of public amenity or with access). I agree that impact of the tree removals is moderate, but will not have a detrimental effect on local visual amenity. Removal of trees for the access road is limited to One category 'A' tree, three category 'B' trees, four category 'C' trees, two category 'U' trees and two category 'C' tree groups which would seem acceptable for a scheme of this size. I support the management proposals to improve retained woodland and the long term restoration scheme for the site and new tree and shrub planting proposed to augment screening of the site. A full application would require that, where development proposals identify a need for working within the RPA/crown spread of retained trees, the project arboriculturist is contacted to advise and prepare an Arboricultural Method Statement (AMS) and identify appropriate stages of arboricultural supervision of the works prescribed in the method statement.
- 5.7 **SC Conservation:** The application relates to the installation of a processing plant and new access to facilitate sand and gravel extraction on the adjacent site at Woodcote Wood. The application has included a Heritage Statement that has assessed the impact of the proposals on heritage assets both direct and on setting. It concludes that impacts will be neutral. These conclusions are generally concurred with from a conservation perspective. Conditions should be imposed to ensure the restoration of woodland at the end of the operational period.
- 4.8i. **SC Archaeology:** No objections subject to a condition to require the implementation of a programme of archaeological work. The proposed development site is located within the former Park at Woodcote Hall (Shropshire Historic Environment Record No. PRN 07781), an extensive 18th century and later park associated with Woodcote Hall, a Grade II Listed Building (National Ref. 1351992). A number of features lie within the site

boundary, including a boundary ditch (PRN 08634) thought to be associated with the historic Chapelry of Woodcote, a pheasantry and associated keepers cottage (PRN 31877 & PRN 08635) and a possible ironworking site indicated by the place name Bloomsbury (PRN 20688). An archaeological desk-based assessment submitted with this application (Wardell Armstrong, July 2017, report number ST16018/8.1) indicate that the proposals would cause slight adverse impacts to some of these features, as well as to a non-designated boundary wall. The assessment suggests that the effects of these impacts could be mitigated by a programme of archaeological recording. We concur with these conclusions.

- ii. In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a measured earthwork survey of the chapelry boundary bank and a Level 2 Photographic Survey (as defined in Historic England's Understanding Historic Buildings: A guide to good recording practice, 2016) of the existing structures and features on the site, both to be carried out before development starts, and a watching brief during ground works associated with the development, to include an element of recording and sampling of the chapelry boundary feature.
- 5.9 SC Public Protection: No objections. Having considered the information provided in relation to noise I have no objection to the development. It is noted that the background survey is out of date (2004) however it is not considered that the noise levels in the area will have reduced over time and therefore they are considered to be generally conservative and therefore accepted as suitable for use. I would recommend that the noise levels specified as being achievable are conditioned to ensure that nearby receptors are protected from unnecessary noise. In relation to dust I do not consider there is likelihood of any significant impact on nearby receptors given the distances involved from the site to nearest residential properties. As a result I have no conditions to recommend on this aspect of the site.
- 5.10i. SC Highways Development Control: No Objection – Subject to the development being served by a modified access junction and improvements being undertaken to the site road frontage as detailed in the recommended conditions and informative notes (see appendix 1).
- ii. Observations/Comments: It is considered that the general principle of this development proposal is acceptable from a highways and transport perspective. Insofar as, the proposed 7.3m wide site access road is sufficient to avoid the potential for site traffic blocking back onto the A41. This is also supported by the submitted Transport Assessment which is considered to be sufficiently robust and acceptable in respect to the proposed traffic generation, distribution, growth and capacity assessment undertaken to support the development proposed. In addition, with the low number of HGV movements the proposed localised widening and traffic management (signing & lining) should be sufficient to manage the passing of HGV's on the 6m wide route within the site.
  - iii. Notwithstanding the above, the 'ghost island' right turn lane junction, proposed to serve this site access, is considered contrary to the interests of local highway safety. On the face of it, a right turn lane junction would appear to be suitable facility, for such a

development. Indeed, if this were a standalone development on a principal road away from any other road junction, the highway authority may be more supportive. However, the proximity of the adjacent A41/B4379 junction creates a specific situation which could not support a right turn facility for a private access.

- iv. It should be noted that had the developer undertaken an appropriate Safety Audit of this proposed facility, the issues with this location would have been identified and an alternative junction arrangement could have been considered, before submission for planning consent. Specifically, the A41/B4379, junction has had an adverse history of injury accidents, of which a significant number appear to be linked to poor visibility (to the left), across the development site frontage, for drivers turning right from the B4379 onto the A41. Indeed, from experience, this is a difficult junction to turn right out of and has been of local concern many years. With development traffic only adding further complexity and confusion to all road users on the A41 and B4376.
  - v. There are two principle issues with this proposed right turn facility in close proximity of the B4379 junction, along with the free flow and speeds of passing traffic. Firstly, it is conceivable that the introduction for ghost island junction would create confusion to road users, as they may assume that the right turn lane (white lining) is specific to the 'higher status' B4379 junction rather than the private access to the site. Resulting, in unfamiliar drivers moving into the ghost island lane to undertake a right turn onto what they think will be the B4379, but then requiring to merge back into the southbound lane of the A41. Only to be in conflict with another vehicle travelling legitimately on the inside of the merging vehicle, potentially within the turning vehicle's blind spot. Secondly, the presence of a waiting vehicle (HGV's particularly) within the proposed right turn lane could significantly reduce/obscure the visibility, from the B4379 of approaching traffic travelling in the southbound lane of the A41 (i.e. behind the waiting vehicles). Despite the proposed visibility splay created for the new site access (boundary wall and trees removed) which is acknowledged will provide some improvement for the left visibility from B4379. In the circumstances, it is considered that the site access should be downgraded to simple T-junction, so that it is more in accordance with the local junction hierarchy. Thereby avoiding potential confusion and conflicts, particularly given the majority of the development traffic (80% HGV's) is expect to turn left in / right out and would not benefit from the ghost island junction. However, forward visibility along the A41 as well as the junction visibility splays at the site access and the B4379 will need to be significantly improved to ensure highway safety. This could be achieved by the whole A41 frontage of the site being set back 2.4m from the nearside carriageway edge, and creating a footway/hard verge, from the B4379 to the northern site boundary.
  - vi. Furthermore, consideration should be given to the developer taking the opportunity to further improve the local highway situation at this location, to increase the acceptability of the development proposed and mitigate local community concerns. These improvements could include increasing the junction visibility to the south of the B4379, and amending local highway direction signs to better inform drivers of the proximity of the quarry access in relation to the B4379 junction.
- 5.11 SC Drainage: No objection. A Flood Risk Assessment has been provided.

#### Public Comments

5.12 The application has been advertised by site notice and in the local press. In addition 20 residential properties in the area have been individually notified. 21 letters received objecting to the proposal and one letter has been submitted in support. These responses are included in full on the Council's online planning register. The objections and comments are summarised as follows:-

- That the proposed access to the quarry site is not safe.
- Damage to the highway caused by heavy goods vehicles
- Vehicles speeds on Highway are too high given nature of proposed use – should be reduced to 40mph
- Poor visibility from access in both directions will contribute to accidents in the vicinity of the objection.
- That 12 years ago it was deemed necessary to provide an island road junction
- Debris from lorries will make the road further unsafe
- Pollution and congestion arising from an extra 100 lorries per day
- Lorries may ignore signs and drive through Sheriffhales which is a bus route with stops for school children
- Access to the site requires land in the ownership of the Pave Lane land owner and is therefore undeliverable
- The sand and gravel contains smectite which requires an ample water supply for silt water management
- The existing resolution to permit is over a decade old
- If approved site traffic should not be allowed to use the B4379
- A roundabout junction would be acceptable, a T junction is not
- Numerous accidents and increased traffic on this road since original resolution to permit
- Quarry firm is putting profit ahead of public safety
- A41 is notoriously busy and more congested when local motorways experience holdups. This has led to fatalities as well as unreported accidents/incidents
- Proximity of proposed junction to existing junction with the B4379 which is already dangerous for residents trying to exit to the left because of the bend in the road and camber.
- Exiting quarry vehicles will be slow moving and more likely to lead to dangerous scenarios
- Conditions require site restoration when quarrying is complete but 1. Will they be held to this clause? If they have changed their minds on the road junction what will stop them changing their minds on this point? 2. What sort of extra traffic should we expect in and out of the site when the reconstruction begins? 3. How long will this take? If the new road and roundabout are not put into place how much longer will the dangerous driving conditions continue in this area?
- After hearing the original proposal in 2006 having a traffic island based on road traffic at that time, now to make a u turn and not have the island is mind boggling!!
- Large trucks will use B4379 as a short cut
- Road already treacherous
- The number of additional jobs that it is estimated will be available as result of this proposed development are few in number and are not sufficient to justify the negative impact that this development will have on the local area.
- Not all accidents are reported
- Speed and volume of traffic increasing daily
- Shropshire is a very unspoilt area of the country and this should be preserved

whenever possible, the disadvantages of allowing this proposed development far outweigh and advantages.

- Always a build-up of traffic from Newport waiting to turn right
- Speed of traffic from Bloomsbury makes it difficult to turn left
- What happened to the plan for the roundabout?
- Have lived in area all my life, a member of Bridgnorth and County Planning Committees, have first-hand knowledge of the A41, junctions, lanes and increase in traffic volume over years. A41 and B4379 junctions appear to have been ignored in these proposals
- Applicants claim of 215m sight lines is overplayed – no streetlights or consideration to poor weather conditions
- Traffic leaving the A41 and entering the B4379 from both directions often blocks the claimed 215m visibility distance with stationary or turning vehicles making it impossible for traffic exiting the proposed entrance to have uninterrupted vision (especially slow moving heavily loaded lorries from a standing start).
- New entrance will significantly add to the possibility of accidents
- Due to oblique angle of B4379 junction onto the A41 most vehicles that turn left have to cross into the southbound carriageway of the A41 which is extremely dangerous
- Although the A41 has been de-trunked traffic levels have increased to over 15,000 vehicles a day with a mix of vehicle types contributing to potential danger
- Over 3,000 new properties given planning permission within 4 miles of the proposed access
- New traffic island is an essential requirement
- Sandstone wall must be conditioned to be rebuilt in its present form
- Plans for screening the site are inadequate due to age of conifers, quick growing trees and shrubs must be planted together with high earth bunding.
- Application should be considered by committee due to very significant safety matters raised.
- Impact on view from property
- A41 already overburdened with lorries
- Request 30mph speed limit and road re-alignment
- Build roundabout with traffic lights
- Provide for cleaning road
- Limit number of lorries to 4 per hour
- Contribute to Sherrifhales Parish to receive £1 per load for a Community Trust Fund
- Adequacy and timing of consultation on the application
- Absence of satisfactory Highway details such as detailed access design, both in horizontal and vertical planes, road and lane widths, design criteria for right turn facility, proposed junction visibility based on vehicles speeds in accordance with Design manual for Roads and Bridges, TD9/93 and TD42/95
- Details should show how junction design will affect B4379 junction to South.
- No details to confirm whether an existing access to north can be closed.
- X distance should be 4.5m not 2.4m which is inadequate
- Not clear that all land required is in applicants control – should be indicated on the plans
- Plans insufficiently detailed, lack information
- Aim should be to improve safety to a standard where there are no accidents.
- Junction with B4379 should be improved having regard to existing vehicle numbers, speed and movements
- No details of proposed signage



- 10% increase in HGVs will have significant effects on traffic movement and speeds
- The AADT is 13,354 two way traffic movements and currently 7.5% are HGV
- No vertical alignment details provided
- Swept path diagrams do not indicate largest vehicles.
- Council's Highway Consultation response not published but initial consultation lacked detail.
- Advise against use of Grampian conditions, resolve issues now.
- On the basis of the above, it is considered that it has not been demonstrated that a safe and satisfactory access can be provided to serve the development and as a consequence this could lead to conditions detrimental to highway safety and free flow of existing traffic on the A41 and as submitted the Council are invited to refuse the application on a lack of detail and information.

## 6. THE MAIN PLANNING ISSUES

- i) Development context;
- ii) The justification for the development;
- iii) Highway safety;
- iv) Environmental effects (residential and general amenities - noise, dust, visual impact, ecology, hydrology, restoration and afteruse)

## 7. OFFICER APPRAISAL

### Development Context

- 7.1 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF) and the accompanying Technical Guidance on mineral working. The NPPF recognises that minerals are essential for supporting sustainable economic growth and our quality of life. As a result, 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 and ancillary development (NPPF142, 144).
- 7.2 The development plan for Shropshire is up to date and comprises the Shropshire Core Strategy and the SAMDev plan and the associated mineral policies. 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 also 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)'.
- 7.3 SAMDev policy MD5 relates to the provision of sand and gravel. 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; 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.*

7.4 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 MD3 sets out the position with respect to non-allocated sites. The policy supports new mineral provision in line with NPPF paragraph 142, provided all three of the tests listed in the policy are met.

7.5 Woodcote Wood was allocated as a 'preferred area' for mineral extraction under Policy M14 of the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006 and also benefits from a July 2006 approval resolution. The plan has been superseded by the SAMDev in Shropshire though most of the policies have been 'saved' in Telford & Wrekin pending adoption of the emerging Telford & Wrekin Local Plan which is at an advanced stage. The SAMDev Plan replaced the Minerals Local Plan when it was adopted in 2015. However, the plan continues to recognise the application site as an 'unworked site commitment' given the resolution to grant planning permission. The site no longer has the status of an allocation in Shropshire and so must be considered under Policy MD5(iii). However, its recognition in the SAMDev as an unworked commitment where the principle of the development of has been accepted is a material consideration for the current application. The current proposals for ancillary quarry development are intended to facilitate that development. The three tests set out in Policy MD5(iii) are considered below:

- The first test: MD5.(3.i) - The proposal would meet an unmet need or would prevent the sterilisation of the resource.
- 7.6 Preventing sterilisation: The proposal would not directly prevent the sterilisation of the sand and gravel resource at Woodcote Wood. If the mineral was not worked it would remain in the ground and potentially available for future working. However, as a plantation woodland it is likely that the area would be re-planted if mineral extraction did not proceed and the mineral would not be accessible again for over 30 years whilst any softwood crop matured.
- 7.7 Meeting an unmet need: The NPPF advises that Mineral Planning Authorities such as Shropshire should produce Local Aggregate Assessments (LAA's) on an annual basis in order to identify levels of production. This information should then be used for predicting future demand on the basis of a 10 year rolling average. The latest available data indicates that, at 0.74mt, sand and gravel production in Shropshire and Telford & Wrekin in 2016 is continuing to recover from lower levels of production in recent years and is now above both the 10 year rolling average for sand gravel sales (0.69mt) and the 3 year average (0.70mt). The reserves in the landbank (11.69 million tonnes in 2016) equate to 16.94 years which is significantly above the minimum 7 year requirement set out by the NPPF.
- 7.8 On the face of it there is a healthy reserve of sand and gravel in Shropshire. However, the NPPG advises that an adequate or excess landbank is not a reason for withholding planning permission and the latest LAA that market demand for sand and gravel in the sub region is increasing. The 2016 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'. The SAMDev Plan (2015) allocates additional resources at three sites, 2 of which have not yet come forward. The 2016 LAA advises that 'The release of further resources is expected through windfall applications or the current Local Plan Review'. The reference to 'windfall applications' takes account of the current application which was submitted prior to the publication of this document.
- 7.9 Telford is a significant market for sand and gravel due to the level of development within the borough. This is set to continue as the emerging 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. At present about 2/3 of the mineral used in the Telford area is imported from Staffordshire. Woodcote Wood and Pave Lane are the nearest of any existing or proposed quarry sites to Telford and therefore would be capable of supplying local demand in a sustainable way. However, Woodcote Wood scored more highly than Pave Lane in the assessment of sites undertaken in support of the former Shropshire Telford & Wrekin Minerals Local Plan and was accordingly allocated as a 'preferred area' in preference to Pave Lane and the other sites put forward at that time.
- 7.10 Currently, the applicant NRS supplies 3 companies in the Telford area on a regular basis from their quarry at Saredon, as well as providing one-off deliveries to other customers in the Telford area. In 2016 NRS supplied approximately 84,000 tonnes of sand from Saredon to customers in the Telford. One of the reasons that NRS were interested in

Woodcote Wood is that the Saredon site is close to its annual output limit. Supplying the current Telford contracts from Woodcote Wood instead would allow Saredon to concentrate on meeting existing local demand in the WM Conurbation whilst at the same time allowing NRS to sustain and increase their supplies in the Telford area. Having a quarry close to Telford would allow NRS to be more competitive and responsive to market requirements. At the same time, the additional capacity released from Saredon could supply business in the WM area which is currently being turned away. In terms of sustainability it would mean that Telford could be supplied with sand and gravel from a supply which is much closer than at present. The same would apply for the West Mids market which is supplied by Saredon. This would offer significant carbon reductions due to reduced requirements for transport of mineral. In addition to output restrictions, some sites in Staffordshire are approaching the end of their productive life (e.g. Siezdon). Increasing demand for sand and gravel in the West Midlands (e.g. from housebuilding and major projects such as HS2) means that available supplies may also be used preferentially within the West Midlands area, potentially limiting the ability for supply to Telford.

- 7.11 In conclusion, 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 and there are some questions about the ability of Staffordshire to sustain this supply. Other Shropshire quarries contributing to the supply to Telford are also more than 15 miles away. By contrast, Woodcote Wood is less than 7 miles from the centre of Telford so would be capable of meeting the need for supply to Telford in a more sustainable way. Moreover, Telford continues to be a growth area within the region and has set out a growth agenda in its emerging local plan, for which the continuing supply of sand and gravel will be critical. It is considered likely that the trends of increased demand seen in the 2 most recent Local Aggregate Assessments will continue and there will also be additional demands on existing supplies in the West Midlands as evidenced by the company having to turn away customers at its Saredon site. In this context it is considered that Woodcote Wood would not only have the ability to supply existing market demand more sustainably but would also have the potential to meet a future unmet need for mineral in the Telford area as demand increases. The test set by Policy MD5(i) is met, having regard also to the status of the site in the SAMDev plan as an unworked commitment and its allocation in the former Minerals Local Plan.

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

- 7.12 The allocated sites in the SAMDev plan are Wood Lane, Gonsal and Morville extension. 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 Conover near Shrewsbury has not yet come forward and the operator is intending to pursue a different application for a southerly extension due to the difficulty in constructing an access onto the A49. Gonsal serves a different market centred around Shrewsbury and Mid-Wales, so geographically it is not in direct competition with Woodcote Wood. Hence, Woodcote Wood would not be expected to prejudice this allocation when it comes forward. The Morville extension west of Bridgnorth would be expected to serve a market divided between the West Midlands and Telford, as is the case with the existing nearby quarry at Bridgwalton. It is considered that the Telford market is sufficiently large (@350,000tpa) to accept supplies from Woodcote Wood and the allocated site at

Morville. It should be noted that the current applicant NRS already supplies over 80,000tpa into Telford under established supply contracts and the company's market knowledge has demonstrated the potential for a significant increase in supply. The Morville allocation would also obtain access via roads leading initially to south Telford whereas Woodcote Wood would supply the market from the east. It is not considered that there would be any obvious conflict between the proposed site and the existing SAMDev allocations. The requirement of policy MD5(ii) is therefore met.

The third test – MD5(3.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.

7.13 MD5(iii) – Exchange or surrender: The proposals do not involve any exchange or surrender of existing mineral sites or permissions. This aspect of the policy does not therefore apply.

7.14 Significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits: As noted above, the allocation at Wood Lane is already approved and operational. The Gonsal and Morville applications would not be able to supply the Telford market or other local markets from such close proximity as Woodcote Wood. Hence, the carbon footprint associated with these allocations would be higher than Woodcote Wood which could be said to be significantly more acceptable in this respect. There are some doubts as to the intention of the operator to pursue the Gonsal north extension given that they have indicated an intention to pursue a southerly extension to Gonsal instead.

7.15 Both Gonsal and Morville (and the proposed site at Pave Lane) include significant amounts of agricultural land which is of best and most versatile quality and is therefore protected under paragraph 112 of the NPPF. This is not the case with Woodcote Wood which is on poorer quality land. National guidance does not preclude the working of best and most versatile land for mineral extraction. It does however advise that a sequential test should be employed to determine whether other lower quality land could be used instead, as in the case of Woodcote Wood.

7.16 The current site is also further from residential property than the allocated sites, has a high degree of natural screening due to topography and the retained woodland edge surrounding the site and is not affected by any statutory environmental designations or hydrological issues. In addition, significant environmental benefits would be offered as the former plantation woodland use would be replaced with a broad-leafed deciduous woodland. The other allocated sites also offer environmental benefits but the policy does not require the benefits offered by Woodcote Wood to exceed those of the allocations. It is concluded that the criteria of policy MD5(iii) are also met, and hence the proposals are compliant overall with this policy.

#### Justification for the development

7.17 As noted above, the principle of quarrying at Woodcote Wood has been supported by the previous allocation and the 2006 committee approval resolution. At the time the original application was being considered it was accepted that there was a justification to release the mineral in the site. Since that time other resources within the sub-region

have been released and some of these resources are now themselves depleted. However, the original area at Woodcote Wood has the status of a committed site and must be taken account of as such in assessing the demand for new sites.

- 7.18 Under the Managed Aggregate Supply System (MASS) Shropshire is required to ensure that sufficient permitted reserves of sand and gravel are available to allow the Shropshire Telford & Wrekin sub-region to continue each year to meet its agreed proportion of the West Midlands region's overall requirements (the 'sub-regional apportionment'). The Government sets the county's apportionment on the basis of work by the Regional Aggregates Working Party of which Shropshire is a member. The county must therefore identify sites in its minerals policy documents with sufficient capacity to meet the agreed apportionment level throughout the plan period. Whilst no formal planning permission has yet been issued Woodcote Wood forms one of the sites where future mineral is expected to be recovered by virtue of its allocation in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006 and its status as an 'unworked site commitment' in the SAMDev plan.
- 7.19 The current proposals are for an easterly extension to the existing Woodcote Wood site in order to construct a new access and to re-locate the quarry plant site. Access issues are discussed in a succeeding section. It is accepted however that the original access cannot be achieved as the land required is not available. Therefore, it has been necessary for the applicant to identify alternative access arrangements. It is also accepted that re-location of the quarry plant site to a position which is also closer to the highway and easier to access will yield operational benefits. It is considered that the current proposals are capable of being justified as sustainable given the above considerations and the status of the site as a previous allocation and an unworked site commitment in the SAMDev plan. This is provided there would not be any unacceptably adverse environmental or amenity impacts after mitigation has been applied.

#### HIGHWAY SAFETY

- 7.20 A Transport Assessment considers existing and potential traffic generation via the proposed access onto the A41. The assessment notes that the site is accessible with good transport links. A review of Personal Injury Accident data for the highway network surrounding the site has concluded that there are no highway safety issues specific to the proposed junction that will need to be addressed. A travel demand analysis has been undertaken and indicates that the site is forecast to generate a total of 114 two-way vehicle movements over an 11.5-hour period (07:00-18:30), of which 70 are forecast to HGV movements. This equates to approximately 6 two-way movements per hour. This level of generated traffic is not considered to be significant and the existing local highway network is not anticipated to be adversely affected. The transport Assessment concludes that the proposed development can be accommodated within the local area without adverse highway impacts. The Highway Authority has not objected.
- 7.21 Sheriffhales Parish Council and 20 local residents have objected to the proposals. The main concern is one of highway safety. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a roundabout on the B4379/A41 junction which was proposed in the original application is needed now more than ever. This concern is acknowledged. However, the proposed roundabout is not achievable as

the third party land required to construct it is unavailable and the cost would render the development unviable. In view of this the applicant has pursued the alternative option of a new access onto the A41 at a location where good visibility can be achieved. The applicant's highway consultant entered into detailed discussions with Shropshire Council as Highway Authority before the current application was submitted and the latter has not objected to these proposals.

7.22 The application as submitted involved access to the site via a ghost island priority junction formed within the A41 and visibility splays of 2.4m x 215m, to the left and right. Highway officers have however advised that the ghost island is not needed and could potentially confuse southbound drivers on the A41 approaching the B4379 junction. Instead they consider that a 2.4m stand-off should be provided along the site's frontage with the A41 with a footway / hard verge within it. The applicant has agreed to this and amended plans have been submitted. Highway officers note that there is an accident record associated with the A41/B3479 junction, with a significant number of the recorded incidents being linked to restricted northbound visibility for vehicles turning south from the junction. They advise that the proposed 2.4m stand-off would result in a significant safety improvement for users. This would not be achievable without the current proposals.

7.23 The applicant has also agreed to make a £50k financial contribution to deliver off-site highway improvement works with the following elements identified in order to deliver improved signage and line markings on the A41 approaches to the B3479 junction to better inform drivers of the proximity of the quarry access in relation to the B4379 junction. Some of this money could also in principle be used as match funding to facilitate improvements to the B4379/A41 junction. In addition to the above payment the applicant has agreed to provide a hard verge on available highway land extending to the immediate south of the A41/B3479 junction to improve southbound visibility exiting from the B4379 (under the terms of the proposed legal agreement). Furthermore, the applicant has agreed to accept planning conditions securing the following matters:

- Minor realignment of the estate boundary wall to the north of the B4379 near its junction with the A41 in order to facilitate future creation by the Highway Authority of an improved perpendicular junction in place of the current narrow and acute angled one;
- A condition prohibiting mineral extraction until a Traffic Regulation Order preventing quarry HGVs from turning right into the access has been secured. This would be backed up by a requirement for the company to install a CCTV camera at the quarry access to monitor turning movements and appropriate recording of these movements. Removing right turning manoeuvres on the A41 would preserve the free flow of traffic in a southbound direction. The applicant is able to agree this as alternative routes are available to local markets without the need to approach from the north.

These additional commitments would assist in integrating the proposed new access into the local road network. As such, they would meet relevant tests for legal agreements and planning conditions.

7.24 Whilst the Highway Authority has not objected to the proposals it has requested that a formerly proposed ghost island junction is removed and that a further 2.4m stand-off

from the highway boundary is provided. The applicant has accepted this and amended plans have been received. Highway officers have indicated that the additional stand-off they are requesting would provide a visibility improvement for road users in the vicinity of the Sheriffhales junction.

- 7.25 A consultant acting for the promoters of the Pave Lane site has questioned the conclusions of the Highway Authority, citing accident records and other data in support of the claim that the access proposals are inadequate. The consultant has claimed that application of Highway Agency standards would necessitate the construction of a ghost island. The Highway Authority has reviewed these comments and has maintained its position. They advise that the adoption of Highway Agency standards for non-trunk roads is not mandatory and there are local considerations which justify a departure from these standards in the case of the current application. This includes the ability to deliver a significant improvement to northbound visibility on the B4379/A41 junction by realigning the estate boundary wall. The applicant's highway consultant has also provided further clarification in support of the design of the proposed access.
- 7.26 The NPPF advises that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (NPPF Para 32). Given the advice of the Highway Authority it is considered that any residual cumulative impacts would not be sufficiently severe to justify refusal. The additional benefits in terms of improved visibility at the B4379/A41 junction are significant material considerations which weigh in favour of the proposals. The applicant has also agreed to enter into a legal agreement providing amongst other matters funding for off-site highway improvement works and to accept planning conditions providing additional highway safeguards (included in Appendix 1). Subject to this it is considered that the proposals can be accepted in relation to highway matters (MD17.i)

#### Residential amenity

- 7.27 Residential amenity, noise: The site is relatively remote from residential property. The nearest privately owned properties are located 200m to the west but are set down behind a wooded ridge. A noise and vibration assessment has been undertaken, which assess both the likely noise and vibration impacts that the Proposed Development (including the quarry site) will have on the Site and the surrounding area. The assessment of noise considered both the quarry operations and noise associated with road traffic generated by the Proposed Development.
- 7.28 The noise assessment has considered the short term and long term activities at both the quarry site and the Site, in combination. These effects have been assessed at five environmentally sensitive receptors locations (ESR1 to 5). With the implementation of mitigation measures, such as the construction of earth bunds during site preparation, the short term and long term noise effects at all five ESRs will be nil and therefore will not be significant. In terms of noise generated by road traffic, the assessment considered only four ESRs. The highest increase in noise at all four ESRs will be 1 decibel. As a consequence, the effect of road generated noise will be nil and therefore, will not be significant.
- 7.29 The operations at the quarry also have the potential to increase vibration levels at residential properties in the area surrounding the Site. The nearest residential property



from the Site and the quarry site is 150m to the south west. At this distance it is unlikely that vibrations due to the quarry operations will be perceptible, and it is very unlikely that these will cause structural damage. As a consequence, the effects of vibrations will not be significant. Public protection have not objected subject to an appropriate noise condition.

- 7.30 Residential amenity – Dust / Air Quality: The Environmental Statement has considered the potential for different activities to generate dust and methods of controlling dust have been identified. This includes restricting vehicle speed and watering unsurfaced roads in accordance with a Dust Action Plan. The working scheme has been designed to minimise haulage distances. A water bowser would be retained permanently on site. A surface water run-off sump in the base of the excavation would yield water for dust suppression. The ES concludes that this approach would ensure that dust is controlled within acceptable levels throughout the life of the site. These conclusions are generally accepted. Public protection have not objected.

#### Other amenity impacts

- 7.31 Visual Impacts: A landscape and visual impact assessment has been undertaken, which assesses both the likely visual and landscape impacts that the Proposed Development (including the quarry site) will have on the Site and the surrounding area. The effect of the Proposed Development on the landscape will be limited to the Site and the surrounding area and will be predicted to be slight-moderate adverse.
- 7.32 The visual effects experienced during construction of the site access, by people travelling past the Site on the A41, will not exceed moderate adverse. During operation the Site access will become part of the road network and these visual effects will decrease. Other visual effects will not exceed the level of slight adverse. Therefore the landscape and visual effects as a result of the proposed development during both construction and operation will not be significant.

#### Assessment of other potential environmental effects:

- 7.33 Ecology - general An Extended Phase 1 Survey was undertaken for both the Site and the quarry site (also known as the 'survey area'), which identified the following habitats and species:
- Broad-leaved Plantation Woodland, Badgers
  - Recently Disturbed Ground, Bats
  - Mixed Plantation Woodland, Breeding Birds:
- 7.34 In addition, the effects of the Proposed Development on designated sites has been considered, which include the Midlands Meres and Mosses Phase 2 Ramsar (includes Aqualate Mere) (of international value); and Greens Wood and Lynn Wood Ancient Woodlands (of national value). The Proposed Development has been designed to preserve higher value habitats within the survey area and best practice measures will be used during construction, and operation. Also, where appropriate mitigation measures are recommended.
- 7.35 The survey concludes that the proposed development will result in the loss of habitats of low importance only. With best practice measures in place, the effects of the proposed

development on designated sites will not be significant. Furthermore with best practice measures and mitigation measures in place, the effects on the species within the survey area (as shown above) will not be significant. SC Ecology have not objected subject to recommended conditions. A Habitats Regulations Assessment is included (Appendix 2).

- 7.36 Water Environment An assessment of the Proposed Development on the water environment at the Site and the surrounding area has been undertaken. There are no surface water features within the Site but there are six within 1km of the Site boundary. The Site is located within the Meese - Aqualate Mere tributaries catchment, which is the catchment associated with Moreton Brook. This water body has an overall Water Framework Directive status of Poor. The Bolam's Brook is a tributary of the Moreton Brook and is the closest watercourse to the Site. The Moreton Brook flows into the Aqualate Mere Lake via the Back Brook and the Coley Brook. There are seven licensed surface water abstractions within 2km of the Site.
- 7.37 A Conceptual Site Hydrogeological Model (CSHM) has been produced and identifies the potential sources of groundwater recharge, groundwater pathways and potential sensitive receptors. This has been used to undertake the assessment of effects. With the implementation of mitigation measures, the effects of the Proposed Development on water environment of the Site and the surrounding area will not exceed minor and therefore will not be significant. Furthermore a Water Framework assessment has been undertaken. With the implementation of mitigation measures (such as pollution prevention measures), the Proposed Development would not cause further degradation to the surrounding water environment.
- 7.38 Archaeology and Cultural Heritage: An assessment of the Proposed Development on the archaeological and cultural heritage assets at the Site and in the surrounding area. Desk based assessments have concluded that there no designated heritage assets within the Site boundary. However, there are four undesignated heritage assets (including the boundary wall, located adjacent to the A41) recorded within the Site boundary. The assessment also identified that there are four Grade II Listed buildings (Woodcote Hall, includes Keepers Cottage which is located within the site. This building will be retained and used as staff facilities) and one Grade II\* Listed building within the vicinity of the Site.
- 7.39 In terms of archaeological remains, it is highly likely that any previously unknown archaeological remains have been heavily damaged/removed by the extensive woodland and modern plantation in the Site. It is considered that the effect of the Proposed Development on archaeological remains and heritage assets (including Listed buildings), during both construction and operation, will not exceed slight adverse, and therefore will not be significant. Furthermore, these impacts are considered to be temporary and would reduce to nil after the restoration of the Site. It has been agreed with the Senior Archaeological Advisor at SC, that a programme of archaeological fieldwork will be undertaken which will mitigate the loss of any unknown archaeological remains.
- 7.40 Mineral Processing The proposed developer of the Pave Lane site has objected on the basis that, like Pave Lane, the sand and gravel at Woodcote Wood contains the clay mineral smectite which can affect the quality of the end product. Prior to entering into a working agreement with landowner (Apley Estate), the applicant NRS took samples of

the material for assessment to see if it would meet the BS EN 12620 and BS12620 requirements for sand and concreting sand. The samples were provided to Duo Equipment Ltd, who provided the processing plant for the company's site at Saredon in Staffordshire. Duo confirmed that they were able to process the material to the required standard for use in the production of concrete sand. Whilst the removal of the smectite will involve some additional processing the applicant states that it is well within the bounds of normal mineral processing. The processing does not require any more water than would be expected and, and the systems NRS propose to use will recover water for re-use at a water recovery rate of approximately 90%. Consequently, the presence of smectite in the reserve will not prove a barrier to the quarrying proposals.

- 7.41 Cumulative Impact / Pave Lane The Environmental Statement concludes that the current proposals would not give rise to any unacceptable cumulative impact in the local area due to their well-contained nature and available planning controls and safeguards. These would be further strengthened through the use of a S106 Legal Agreement. The officer has reviewed relevant documents and inspected the site and supports this conclusion. Apart from the Pave Lane proposals referred to above there are no new development proposals which would lead to the potential for cumulative impact with the proposed development. The Pave Lane proposals must have regard to the pre-existing status of Woodcote Wood as a former allocation (still extant in T&W) and an unworked site commitment in the SAMDev plan. Officers have been supporting Telford & Wrekin Council in its objection to the Pave Lane site and this officer has given evidence at the Pave Lane Inquiry which ended on 24/11/17.
- 7.42 The Inspector for the Inquiry into the former Shropshire Telford & Wrekin Minerals Local Plan (policies saved in T&W) considered and discounted the allocation of Pave Lane and other proposed sites in favour of Woodcote Wood. With reference the Pave Lane the Inspector advised as follows: 'In my opinion its only redeeming feature is its proximity to the A41(T) in a location where possibly a rudimentary existing access could be improved, or a new access provided to meet modern standards of visibility' ....'Turning to the character of the area I have viewed this site from many places in the surrounding countryside and it is prominently located. I find the principle of development here would have dreadful consequences for the natural topography and landscape character of this pleasant countryside of which the site forms part. The proximity of the site to Woodcote Hall, a listed building, is a further impediment to its inclusion as a preferred area'.
- 7.43 The Inspector at the recent Inquiry into the Telford & Wrekin Local Plan at which this officer also gave evidence chose not to allocate Pave Lane. The Pave Lane applicant has argued at the Inquiry that both sites could potentially work concurrently without adverse cumulative impact. The officer gave evidence at the Pave Lane Inquiry that all minerals sites have some degree of impact, for instance, from heavy vehicle movements. At the Inquiry the officer questioned the justification for releasing the @2.7mt of mineral at Pave Lane (and the 1.5million cubic metres of fill material required to fill the quarry void) when there is a better nearby site at Woodcote Wood which has previously been allocated, has the status of an 'unworked site commitment' in the SAMDev plan and is considered capable of supplying the demand for minerals to Telford in a more sustainable way. Contrary to the appellants case the officer considered that if there was concurrent working of Pave Lane and Woodcote Wood the potential for adverse cumulative impacts on the local environment would increase.

- 7.44 The Inspector into the Pave Lane Inquiry has indicated an intention to issue a decision on or before 18/01/18. Any decision made by Members on the current Woodcote Wood applications would be a material consideration with respect to the Inspector's decision.
- 7.45 Assessment of the whole quarrying scheme: A legal advisor acting for the Pave Lane landowner has argued that the current application and the original quarrying application (SC/MB2005/0336/BR) should be re-submitted as a single application. This is not accepted. The interrelationships between the 2 applications are clear and the environmental impacts of both schemes have been satisfactorily evaluated in the submitted information. The applicant has chosen to submit the current application separately and to retain the original quarrying application which was the subject of a former approval resolution. Both applications are valid and there is nothing in the Planning Act or EIA Regulations which would require the applicant to submit a single application for both proposals. If the current application is not approved then this would have implications for the original application. The officer recommendation for application SC/MB2005/0336/BR takes appropriate account of this.
- 7.46 The application documents supporting the current application, including the Environmental Statement reports have specifically considered the effect of both Woodcote Wood applications. The reports recognise that the quarry would work as a single unit, including the development for which permission is sought under the original quarrying scheme and the current proposals. As evidence of this it should be recognised that the visual appraisal accompanying the current application relates to the overall quarry development and not just to the development proposed under current application.
- 7.47 With respect to highway considerations it should be recognised that these matters are now considered under the current application rather than the original scheme as this seeks approval for the amended access. Regarding ecology, the phase 1 survey accompanying the current application also encompasses the area of the original application, hence, allowing an assessment of both application areas which is backed up by individual species surveys for bats. In terms of arboriculture, there are no significant implications for trees with respect to the original site so the survey appropriately concentrates on the current application area. Regarding water supply the report accompanying the environmental statement for the current application considers the situation for the entire quarry site, although demand for water for processing is primarily an issue for the current application, given that the quarry plant site which would use water for mineral processing is proposed to be located in this area.
- 7.48 In summary therefore, the officer is satisfied that the environmental implications of the whole development including the current application site and the original quarry site have been adequately assessed in the information accompanying the respective applications and Environmental Statements.
8. CONCLUSION
- 8.1 In conclusion, Woodcote Wood is a former allocation with an historical approval resolution and is named as an unworked commitment in the SAMDev plan. The current proposals would facilitate development of the site by delivering an amended access. They would also facilitate a more comprehensive restoration scheme.

- 8.2 Objectors have expressed concerns particularly in relation to highway safety. They maintain that the roundabout on the A41 proposed in the original scheme should be reinstated. However, the roundabout is not deliverable as the third party land required is not available and there is insufficient land within the applicant's landholding to deliver a realigned roundabout. The Highway Authority has not objected. The requirement to provide an additional 2.4m stand-off to the highway verge is acceptable to the applicant and would result in improved visibility for all users of the Sheriffhales junction. In addition the applicant is willing to agree to a legal agreement delivering an off-site highway contribution to assist further in addressing the concerns of local residents. This could involve realignment of the B4379/A41 junction and improved visibility both to the north and the south. The applicant has stated that only 20% of the site traffic would exit to the north and is prepared to accept a legal clause monitoring and supporting this.
- 8.3 The individual effects of the proposals have been assessed in detail and the potential for cumulative effects has been assessed. It is considered that no issues have been identified which would be likely to give rise to unacceptable impacts on the local environment or amenities which would justify refusal. This is having regard to the inbuilt safeguards in the design of the scheme and the recommended planning conditions. It is concluded that proposed new access and plant re-location scheme can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

## 9. 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.

#### 10. 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

#### 11. PLANNING POLICY

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

142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,<sup>31</sup> and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at,

or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and

- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
- ensuring that large landbanks bound up in very few sites do not stifle competition; and
- calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

### Shropshire Core Strategy

#### CS20: Strategic planning for Minerals

Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. This will be achieved by: Protecting the Mineral Safeguarding Areas (MSA's) and rail freight facilities which could contribute to the sustainable transport of minerals which are identified in Figure 10. Non-mineral development in these areas or near protected

railfreight sites will be expected to avoid sterilising or unduly restricting the working of proven mineral resources, or the operation of mineral transport facilities, consistent with the requirements of national and regional policy. Encourage greater resource efficiency by supporting the development and retention of waste recycling facilities which will improve the availability and quality of secondary and recycled aggregates in appropriate locations as set out in Policy CS 19; Maintaining landbanks of permitted reserves for aggregates consistent with the requirements of national and regional policy guidance. 'Broad locations' for the future working of sand and gravel are identified in Figure 11. Sites capable of helping to deliver the sub-regional target for sand and gravel will be allocated within these areas in the Site Allocations and Management of Development DPD; Only supporting proposals for sand and gravel working outside these broad locations and existing permitted reserves, where this would prevent the sterilisation of resources, or where significant environmental benefits would be obtained, or where the proposed site would be significantly more acceptable overall than the allocated sites; Supporting environmentally acceptable development which facilitates the production of other mineral resources such as crushed rock, clay and building stone to meet both local needs, including locally distinctive materials, and to help meet cross boundary requirements. Environmentally acceptable proposals for the exploration, appraisal and production of hydrocarbon resources, including coalbed methane, will be supported as a contribution to meeting the requirements of national energy policy; Requiring development applications for mineral working to include proposals for the restoration and aftercare of the site. Priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 and CS17. More detailed policies against which applications for mineral development can be assessed will be provided in the Site Allocations and Management of Development DPD.

### SAMDev Plan

#### Policy MD5: Sites for Sand and Gravel Working

1. The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;
2. Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:
  - i. the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;
  - ii. the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;
  - iii. whether the early release of the site would enhance sustainability through meeting an identified local need.
3. Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:
  - i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,



- ii. the proposal would not prejudice the development of the allocated sites; and,
- iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

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

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

#### MD16 - Mineral Safeguarding

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

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

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

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
  - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
  - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
  - iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
  - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
  - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);

- vi. Effects on ecology and the potential to enhance biodiversity;
- vii. The method, phasing and management of the working proposals;
- viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
- ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

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

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use. Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:
  - i. Proposals which take account of the site, its surroundings, and any development plan policies relevant to the area;
  - ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
  - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
  - iv. A Reclamation Plan;
  - v. Provision for a 5 year period of aftercare;  
Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.
3. Proposals for the working of unconventional hydrocarbons should clearly distinguish between exploration, appraisal and production phases and must demonstrate that they can satisfactorily address constraints on production and processing within areas that are licensed for oil and gas exploration or production. Particular consideration will be given to the need for comprehensive information and controls relevant to the protection of water resources;
4. Where relevant, applications for the winning and working of coal should include proposals for the separation and stockpiling of fireclay so that its value as a mineral resource can be captured;
5. A flexible approach will be adopted to the duration of planning consents for very small scale, intermittent but long term or temporary working to work locally distinctive building and roofing stone consistent with the objectives of Policy MD2;
6. Where ancillary development is proposed, proposals should include satisfactory measures to minimise adverse effects, including:
  - i. Locating the ancillary development within or immediately adjacent to the area proposed for mineral working or on an established plant site;
  - ii. Restricting the principal purpose to a purpose in connection with the winning and working of minerals at the site or the treatment, storage or removal of minerals

- excavated or brought to the surface at that site;
- iii. For imported minerals, where necessary, to limit the quantities involved to control the volume and type of traffic, and the establishment of an acceptable route for the traffic to and from the site;
- iv. The cessation of the ancillary development when working of the mineral for which the site was primarily permitted has ceased and removal of plant and machinery to allow full restoration of the site.

Where ancillary development could have an adverse effect on the local environment which cannot be mitigated to acceptable levels, a condition may be attached to the planning permission to control the adverse effects by limiting development to an established plant site, or introducing a stand off from sensitive land uses, or mitigating effects in other ways, or as a last resort, withdrawing permitted development rights so that the ancillary development can be properly controlled by the terms of the planning permission

12. HUMAN RIGHTS

12.1 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

13 RELEVANT PLANNING HISTORY:

- BR/02/0011/HRM Remove 3 no. hedgerows whose total lengths are approximately 240 metres. NOOBJC 13th January 2003
- 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site PCO

List of Background Papers:

- 1) Planning Application reference 17/03661/EIA and the accompanying Environmental Statement.
- 2) Planning Application reference SC/MB2005/0336/BR and the accompanying Environmental Statement and EIA Regulation 19 submission of further information

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 – Conditions; Appendix 2 – Habit Assessment Regulations

## **APPENDIX 1**

### **Legal Agreement Clauses:**

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

- i. Traffic routing and management agreements including preventing mineral lorries from using the B4379 and approaching from the north on the A41;
- ii. Funding by the developer (£50k) for highway improvement works on the A41 and at the Sheriffhales Junction linked to a Section 278 Highway Agreement with implementation within an agreed timescale, to also include:
  - Provision of a hard verge on available highway land extending to the immediate south of the A41/B3479 junction to improve southbound visibility exiting from the B4379;
  - Improved signage and line markings on the A41 approaches to the B3479 junction to better inform drivers of the proximity of the quarry access in relation to the B4379 junction;
- iii. Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme, including replacement of any planting failures and management of proposed woodland glades to prevent weed / shrub encroachment.

### **Conditions**

1. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission. 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 (and blue on the approved location plan accompanying the application (Drawing no. ST16018-102) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the following:
  - i. The application form dated 25<sup>th</sup> July 2017
  - ii. The Non-Technical Summary dated July 2017;
  - iii. The planning supporting statement dated July 2017;
  - iv. The Environmental Statement dated July 2017 and the accompanying appendices.

iv. The submitted drawings accompanying the Environmental Statement, namely:

- ST16018-101 – Site Context Plan
- ST16018-111 - Restoration Plan
- ST16018-103 – Site Layout Plan
- SA17 - 013 – Proposed Plant Layout
- ST16018-110 – Topographical Survey

c. The Further information comprising:

- The building inspection and bat emergence survey report from Wardell Armstrong dated October 2017;
- The email from Wardell Armstrong to Shropshire Council dated 20/10/17 and the accompanying plans, namely J32-3161-PS-011e and J32-3161-PS-019; J32-3161-PS-016c section[2].

Reason: To define the Site and permission

#### TIME LIMITS

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

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

4. 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 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 1st January and ending on 31st December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety 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**

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

Location	Noise Limit LAeq (1hr)
Woodcote Hall	47
Brandon House	49
1 Chadwell Lane	50
88 Bloomsbury	46
Pine Ridge	49

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties during temporary operations such as soil stripping. The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.
- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.
- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

- 9. Water shall be applied to main haul roads and other areas as necessary within the Site in order to prevent the generation of dust by vehicular/plant traffic.

Reason: To assist in safeguarding the amenities of the area from dust disturbance.

10. In the event that a complaint is received regarding noise or dust impact and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

#### LIGHTING

11. No fixed lighting shall be installed at the quarry unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall comply with current best practice guidance for the control of light pollution, including preventing adverse effects on wildlife. Following its approval, any lighting shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the area from light pollution.

#### HOURS OF WORKING

- 12a. Subject to condition 12b mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.30 on Mondays to Fridays and 7.30 - 13.00 on Saturdays  
and such operations shall not take place on Sundays and Bank Holidays.

- b. Notwithstanding Condition 12a) above, essential maintenance works to plant and machinery on the Site may also be undertaken between the hours of 13.00 p.m. - 18.00 p.m. on Saturdays.

Reason: To safeguard the amenities of the area.

#### HIGHWAY MATTERS

- 13a. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied / brought into use.

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

14. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to the approved standard as shown on the application drawings and shall thereafter be maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

- 15a. Prior to the Commencement Date a visibility splay measuring 2.4 metres to the nearside carriageway edge across the whole site frontage of the A41, shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- a. A scheme providing for the realignment of the boundary wall on the B4379 for a minimum distance of 15m from its junction with the A41 shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The scheme shall be implemented in accordance with the approved details.

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

16. Prior to the first export of mineral from the site the applicant shall secure a Traffic Regulation Order preventing quarry HGVs from making right turns into quarry access. A CCTV system shall be provided at the site access to monitor vehicle turning movements continuously for the lifetime of the development. Details of vehicle turning movements shall be recorded statistically and this information shall be provided in writing to the Mineral Planning Authority upon prior written request.

Reason: In the interests of highway safety.

17. Prior to the Commencement Date a Construction Traffic Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. Construction traffic shall be managed in full accordance with the approved plan.

Reason: In the interests of highway safety.

- 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.

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. Protection of visibility splays on private land: The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- iii. No drainage to discharge to highway: Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- iv. Works on, within or abutting the public highway: This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (footway/verge) or
  - carry out any works within the publicly maintained highway, or
  - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
  - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- v. Section 278 Agreement: No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into.  
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

#### PLANT AND STOCKPILING

20. Prior to the Commencement Date a detailed scheme confirming the specifications of the proposed quarry plant and the location of stockpiling areas within the 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. The Site including the area edged blue on the approved location plan shall be worked in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application and application reference SC/MB2005/0336/BR.

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

#### DRAINAGE / POLLUTION

- 23a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

24. Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the

Mineral Planning Authority prior to commencement of the development. The drainage features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

*Note: The Environment Agency has indicated that it is expected that the settlement ponds will be lined with a low permeability geosynthetic liner.*

- 25a. No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.
- b. No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

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

#### Archaeology

26. 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

#### SOIL / MATERIAL MOVEMENT AND STORAGE

27. 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.

28. 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.

Reason: To prevent loss or damage to soils and offset any shortfalls of soil by using geological material.

29. 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. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth the developer shall take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

30. 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;
  - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

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

#### SITE MAINTENANCE

31. 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

32. 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.

#### SLOPE STABILITY

33. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any stability problems with the potential to adversely affect adjacent land or the use of the site are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial measures, as determined by the competent person, shall then be employed in accordance with an agreed timescale, including if

necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

## ECOLOGY

34. No building works to the roof of Keeper's Cottage, including the soffits should commence until updated dusk and dawn bat emergence surveys have been undertaken, between May and August. The results of the surveys and any appropriate mitigation measures required should be submitted to the local planning authority for prior approval and will be implemented as approved.

Reason: to protect bats, European Protected Species, and their roosting sites.

35. A minimum of 3 external woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. 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. Within 3 months of the commencement of development, the makes, models and locations of the bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be maintained for the lifetime of the development.

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

36. Prior to construction of the processing plant, the makes, models and locations of bird boxes to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. These shall include, but not be restricted to:
- i. 3x small open-fronted nest boxes suitable for Spotted Flycatcher (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 2 to 4m above ground with a clear outlook into open woodland;
  - ii. 3x medium open-fronted nest boxes suitable for Song Thrush (with a 75 – 100mm width open slot at the front), positioned 30-50m apart, at a height of 2-4m above ground with a clear outlook into open woodland;
  - iii. 3x small open-fronted nest boxes suitable for Dunnock (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 1 to 4m above ground close to dense foliage.

The nest boxes will be installed before the first nesting season after development commences and will be thereafter maintained for the lifetime of the development.

Reason: To mitigate for the loss of nesting sites and ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

37. 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.

38. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for LPA approval that sets out appropriate actions to be taken during the works. The mitigation strategy shall be implemented as approved.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

39. No further felling of boundary trees and scrub shall take place on the development site under the terms of this permission. Boundary trees and scrub will be retained and protected during the lifetime of the development and restoration phase.

Reason: To protect woodland wildlife including bats (EU Protected Species), Badger and nesting birds (nationally protected), to maintain viable habitat connections around the site in accordance with MD12 and CS17 Environmental Networks and in the interests of visual amenity.

- 40a. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping and restoration plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
- ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
- iii. Means of ground preparation and planting pit specification where relevant.
- iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).

- v. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- vi. Schedules of native plants of local provenance, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- vii. Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, bat and bird boxes);
- viii. Areas to be retained for natural regeneration with no or reduced spreading of topsoil;
- ix. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
- x. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
- xi. Timing of commencement and completion of the various phases of the scheme.
- xii. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.
- xiii. A scheme for the restoration of the plant, stocks and lagoon areas.
- xiv. Implementation timetables.
- xv. Fencing proposals;
- xvi. Provision of a range of habitats taking into account the recommendations of the updated ecological surveys reported in 2017;
- xvii. Implementation timetables.

The plan shall be carried out as approved.

- b. The landscaping plan shall also identify the measures which shall be employed to maximise visual screening of the quarry plant site.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design (40a) and in the interests of visual amenity (40b).

42. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been 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.

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

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. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 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 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.*
- ii. *Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed. 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. Advice should be sought from an experienced ecologist if reptiles or amphibians are found during site clearance.*
- iii. *All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. During all building renovation, demolition and extension works there is a risk of encountering bats which can be found roosting in unexpected locations. Contractors should be aware of the risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc. If a bat should be discovered on site then development works must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.*

#### REMOVAL OF PLANT AND STRUCTURES

43. 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

44. Aftercare schemes for agricultural and non-agricultural areas shall be submitted for each restored section of the Site as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to bring the land to the required standard for wildlife or amenity use as appropriate. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
  - ii. measures to reduce the effects of compaction;
  - 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. drainage including the construction/maintenance of ditches and soakaways;
  - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
  - x. habitat management proposals within the aftercare period;
  - xi. track maintenance within the Site;
  - xii. repair to erosion damage;
  - xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
  - ix. A system of under drainage where natural drainage is not satisfactory;
  - x. Field Water Supplies.

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

45. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 44 above shall be carried out in each stage for a period of five years\* following the agreement of an aftercare scheme for that stage of restoration.

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

*Note: The legal agreement accompanying permission 17/03661/EIA provides for an additional 5 year extension to the 5 year aftercare period required by this condition.*

## ANNUAL REVIEW

- 46a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:
- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
  - ii. Drainage provisions as necessary for the restored areas.
  - iii. The provision of fences, hedgerows, gates and water supplies.
  - iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
  - v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
  - vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

Reason: To assist in ensuring establishment of the approved afteruses.

## **APPENDIX 2**



### **Habitats Regulations Assessment (HRA)**

#### **1.0 Introduction**

The proposals described below have the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the Woodcote Wood Site (The Site), Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA and SC/MB2005/0336/BR) project, undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the ‘competent authority’ under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

The following memoranda should be read in conjunction with this HRA:

- WoodcoteWoodQuarry17.02645.SCR dated 22<sup>nd</sup> June 2017
- WoodcoteWoodQuarry.17.03661.EIA dated 13<sup>th</sup> October 2017

These are also available on the planning website:

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

Date of completion for the HRA screening matrix:

**13th October 2017, updated 6<sup>th</sup> December 2017**

HRA completed by:

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#### **2.0 Stage 1 – Screening**

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider whether or not the impacts are likely to be significant.

##### **2.1 Summary Table 1: Details of project**

Name of plan or project	Woodcote Wood Quarry Site: <ul style="list-style-type: none"> <li>• 17/03661/EIA</li> </ul>
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	<p>Proposed new access &amp; installation of processing plant to facilitate sand &amp; gravel extraction on adjacent Woodcote Wood site</p> <ul style="list-style-type: none"> <li>• SC/2005/0336/BR</li> </ul> <p>Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41</p>
<p>Name and description of Natura 2000 sites</p>	<p><b>Midland Meres and Mosses Ramsar Phase 2 site</b> Aqualate Mere SSSI (4.5km distant) is within the Midland Meres and Mosses Ramsar Phase 2 site.</p> <p>Phase 2 Ramsar criterion: <b>Criterion 1a.</b> A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog. <b>Criterion 2a.</b> Supports a number of rare plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i>, elongated sedge <i>Carex elongate</i> and bog rosemary <i>Andromeda polifolia</i>. Also present are the nationally scarce bryophytes <i>Dicranum undulatum</i>, <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>. <b>Criterion 2a.</b> Containing an assemblage of invertebrates, including several rare wetland species. There are 16 species of Red Data Book insect listed for the site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p> <p>No specific conservation objectives have been published for Ramsar sites in England. However, as a matter of principle, government has stated that Ramsar sites should be treated like European protected sites. The generic conservation objectives published for EU sites are as follows:</p> <p><b>Conservation objectives of all designated sites</b> Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats</li> <li>• The structure and function (including typical species) of qualifying natural habitats, and</li> <li>• The supporting processes on which qualifying natural habitats rely.</li> </ul>
<p>Description of the plan or project</p>	<p>Woodcote Wood Quarry Site:</p> <ul style="list-style-type: none"> <li>• 17/03661/EIA</li> </ul> <p>Proposed new access to the A41 &amp; installation of a processing plant to facilitate sand &amp; gravel extraction on adjacent Woodcote Wood proposed quarry site.</p> <ul style="list-style-type: none"> <li>• SC/2005/0336/BR</li> </ul> <p>Extraction and processing of sand and gravel over 18.6ha, from the centre of Woodcote Wood. The development would involve the phased extraction of a total c. 2.55 million tonnes of sand and gravel over an operational life of 13 years. Site to be progressively restored to woodland and grassland at a lower level (without the use of imported fill).</p> <p>The following potential effect pathways have been identified:</p> <ol style="list-style-type: none"> <li>1. Changes to water quality and quantity causing damage to, or preventing</li> </ol>

	<p>restoration of Aqualate Mere,</p> <ul style="list-style-type: none"> <li>• contamination of surface or groundwater with hydrological connection to Aqualate Mere,</li> <li>• Excavation of sand and gravels or associated processes including abstraction of water for mineral washing causing a reduction in surface or groundwater and hence a reduction in water levels at Aqualate Mere.</li> </ul>
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<p>The following plans or projects have been identified which could act in-combination with this project to cause likely significant effects on the international site(s).</p> <p>A number of EA Environment Permits exist to abstract water from the aquifer in which the Woodcote Wood Site and Aqualate Mere are located.</p> <p>There is a proposal currently subject to a planning appeal for mineral extraction at Pave Lane, Telford &amp; Wrekin, which is also in the surface water catchment of Aqualate Mere:</p> <p><b>Land South of junction, A41/Pave Lane, Newport, Shropshire (hereafter referred to as ‘Pave Lane’) (Ref: TWC/2016/0437)</b> A proposed quarry for the extraction of sand and gravel and importation of inert fill material for the restoration of the site.</p> <p>Potential in-combination effects are considered below for each effect pathway.</p>

## 2.2 Description of the project

The project consists of a proposed sand and gravel quarry adjacent to a processing plant and modified site access, covered by two separate planning applications. These will be treated as one project ‘Woodcote Wood Site’ for the purposes of this HRA. Further details and associated documents are published on the Shropshire Council public website, including most of the references listed in Appendix 1 of this HRA.

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

## 2.3 Consultations

Natural England, and the Environment Agency were formally consulted on these applications. Their responses and additional information provided by them on request, have been considered and used to inform the conclusions reached in this Habitats Regulations Assessment.

In their consultation response dated 25<sup>th</sup> August 2017 for 17/03661/EIA, Natural England stated: *‘Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment<sup>1</sup> for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.’*

(Natural England would normally provide a consultation response on cases which might affect a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species and/or cases or generic issues which affect a large suite of sites or may set a precedent and thereby affect a significant quantity of habitat across the country.)

The Environment Agency’s comments have been referred to as appropriate below.

**2.4 Current baseline**

The proposed Woodcote Wood Site consists currently of mixed plantation woodland. The Site lies c. 4.5km south of Aqualate Mere Ramsar Site and SSSI and the proposed development lies within the surface water catchment of this international site. Although the Site is subjected periodically to forestry management, there is unlikely to be a current adverse effect from such management on the international site.

The proposed quarry is subject to planning application SC/MB2005/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. The original Environmental Statement (ES) has since been supplemented with an ES addendum to bring the application up to date and enable a formal decision. It was proposed that mineral extraction would only take place above natural groundwater level and therefore no active dewatering would be required.

New proposals for a new site access off the A41 and access and installation of a processing plant to facilitate mineral extraction from the adjacent area of Woodcote Wood is covered by planning application 17/03661/EIA. Mineral washing and dust suppression will require abstraction of water and careful management of fine sediment. The Water Feasibility Assessment (ES Appendix 7.1) includes water balance calculations that are based on a review of the site water requirements (Section 4.2), potential sources of water (Section 4.3) and the onsite water storage options. The report concludes that the required volume of start-up water (228m3) and top-up water (10,000m3/a) could be provided by a number of potential sources. Machinery will be regularly active on both parts of the Site and chemicals such as fuel will be used and stored on site.

Aqualate Mere (241.00ha) is the largest of the meres in Phase 2 with the most extensive reedswamp community. The mere and its surrounds form a complex of open water, fen, grassland and woodland unrivalled in Staffordshire for the variety of natural features of special scientific interest. The esker formation on the north side of the mere is of national geomorphological importance in its own right. The large area and juxtaposition of semi-natural habitats supports an outstanding assemblage of beetles, moths and sawflies. The site has nationally important numbers of breeding herons *Ardea cinerea* and passage shoveler *Anas clypeata* and is regionally significant for breeding waders.

**2.5 Initial screening for likelihood of significant effects on European Sites**

Likely significant effect pathways have been identified and Aqualate Mere has been screened against these.

**Table 2 – Initial screening for likelihood of significant effects**

European designated site	Distance from project site	Site vulnerability	Potential Effect Pathways
<b>Aqualate Mere, West Midlands</b>	4.5km	The Mere’s qualifying features are	<b>Water Quality:</b> Damage could occur through increased nutrients or pollutants entering the surface or groundwater

<p><b>Meres and Mosses Phase 2 Ramsar Site</b></p>		<p>vulnerable to reductions in water levels from ground water and surface water abstractions, eutrophication from raised nitrogen and phosphorous and siltation entering the site via incoming water</p>	<p>due to fine sediments generated by soil stripping, storage, mineral extraction or spillage of chemicals or fuel contaminating ground or surface water leading to damage of designated wetland habitats and the species assemblages they support.</p> <p><b>Water quantity</b> Abstraction of water in setting up the processing plant and during operation of the quarry could lead to a reduction in water levels in both ground and surface water catchments leading to degradation of qualifying habitats dependant on high water levels at Aqualate Mere.</p> <p><b>Not screened out</b></p>
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**2.6 Summary of Stage 1 screening**

It is concluded that there are potential pathways for a likely significant effect between the development/project and West Midlands Meres and Mosses Phase 2 Ramsar Site, (Aqualate Mere) alone and in-combination with other projects.

Shropshire Council has investigated more detailed information from the applicant in order to consider if the development will have significant effects on the Ramsar site or have an adverse effect on the integrity of this site.

Further information has also been sought from Natural England and the Environment Agency.)

**3.0 HRA Stage 2 Detailed analysis of further information and Appropriate Assessment**

**3.1 Further assessment of possible effects on water quantity and quality**

**3.1.1 Baseline**

Conceptual Hydrogeological Model (CHM) (See Appendix 1 Ref No. 3)

The applicant has gathered together baseline information on the regional hydrology and hydrogeology, as well as site specific information on the Woodcote Wood Site and Aqualate Mere, in order to determine if there is a hydraulic connection.

**Regional surface water catchment**

Aqualate Mere receives water from three watercourses and their tributaries.

The Woodcote Wood Site is located in the Bolam’s Brook catchment. The Bolam’s Brook is a tributary of the Moreton Brook which flows into Aqualate Mere, approximately 4.6km north of the Site, via the Back Brook and the Coley Brook. The Woodcote Wood Site is located in Flood Zone 1. (i.e. a low probability of flooding), and there are no watercourses or surface water features within the site boundary. It drains by a combination of infiltration and evapotranspiration.

Other sources of water for Aqualate Mere include precipitation, surface runoff (overland flow), unnamed watercourses and field ditches. The lake’s outflow to the west of the lake is to the River Meese, which flows in a general north-westerly direction before joining the River Tern, a tributary of

the River Severn.

### **Regional surface water quality**

The catchment is monitored under the Water Framework Directive and the EA classified it in 2016 as having an ecological status of 'poor' and a chemical status of 'Good' within an overall WFD status of 'Poor'.

### **Regional superficial Geology**

Regional superficial geology is predominantly till located in the low-lying topographic areas.

Glaciofluvial deposits (sand and gravel) and alluvium (clay, silt, sand and gravel) are also present and are associated with water courses. There are no superficial deposits overlaying the Woodcote Wood Site. Aqualate Mere however, is thought to be formed in a glacial kettle hole, being a depression in the sand and gravel scoured out by the retreating glaciers which has then in filled with freshwater. According to the BGS mapping.

Aqualate Mere is underlain by the following superficial deposits:

- Peat – underlays the majority of the Aqualate Mere but mainly found in the central area, underlying the lake;
- Glaciofluvial Deposits, Devensian - Sand and Gravel are found to the northeast and south of the central peat deposits;
- Till, Devensian – Diamicton (clay, gravel and sand with poorly sorted clasts and boulders) is found to the north of the Aqualate Mere and a small area is found to the west of the central peat deposits; and
- Alluvium - Clay, Silt, Sand and Gravel are found in a small area in the western extent of Aqualate Mere, where watercourses are present.

### **Regional Bedrock Geology**

Both Woodcote Wood Site and Aqualate Mere are situated on the western fringe of the north-south orientated Stafford Basin; with younger geological Units to the east and older units to the west. The Woodcote Wood Site is entirely underlain by the Kidderminster Formation, comprised of pebble conglomerates and sandstones. Aqualate Mere is underlain by sandstone of the Wildmoor Sandstone Formation. There are two minor faults present in a northeast-southwest orientation between the Woodcote Wood Site and Aqualate Mere.

### **Regional Hydrogeology**

The Permo-Triassic Sandstone is a high-yielding aquifer and is regionally important for groundwater supply within the Shropshire Area. Recharge of the bedrock aquifers occurs mainly in up-gradient areas of outcrop, inducing flow down-gradient to the surrounding rivers. To the east, recharge is severely limited by the presence of overlying low permeability superficial deposits (Till). Underlying bedrock aquifers can also be recharged by inter-aquifer flows from the surrounding aquifers and by stream bed leakage from surface waters such as during high flow or flood conditions.

Based on the regional geology and hydrogeology, regional groundwater flows are likely to be to the east with recharge occurring where there is exposed Kidderminster Formation sandstone and Wildmoor Sandstone Formation sandstone. Groundwater flows thereafter towards and underneath the till covered Mercia mudstone in the east, unless captured by a public water abstraction.

Between Aqualate Mere and the Woodcote Wood Site there are many groundwater Source Protection Zones (SPZ) and associated public water abstractions. The Woodcote Wood Site and the west of Aqualate Mere are located within a SPZ 3: Total Catchment. The purpose of SPZ 3 is to define the total catchment area for a public water supply abstraction. All groundwater recharge within this area is presumed to discharge to the associated water abstraction. There are also known to be many licenced and private groundwater abstractions located between Aqualate Mere and the Woodcote Wood Site. The presence of groundwater abstractions in the area creates uncertainty around groundwater flow directions on the regional scale. Groundwater elevations are similar either side of the fault at Pave Lane suggesting a hydraulic connection across the fault.



**Regional Groundwater catchment**

The Woodcote Wood Site and Aqualate Mere both lie within the Shropshire Middle Severn – Permo Triassic Sandstone East groundwater catchment. However, due to the high clay content in the Till and Glaciofluvial deposits underlying Aqualate Mere and acting as an impermeable barrier to vertical groundwater movement from the underlying bedrock aquifer, if there is a groundwater input into Aqualate Mere it is likely to be locally derived from permeable layers of sand and gravel within the glaciofluvial and alluvium deposits. Groundwater flow direction in the superficial deposits surrounding Aqualate Mere tends to reflect local topography and be towards Aqualate Mere lake.

**3.1.2 Predicted Impacts****Surface water quantity**

Given the permeable nature of the Kidderminster Sandstone bedrock which the Woodcote Wood Site is located on, overland flow is likely to be minimal at present. During and post development, water draining into the quarry void will recharge the groundwater. Surface water runoff from the processing plant and hardstanding will be discharged to settlement ponds within the quarry area for retention prior to being recirculated to the processing plant or to SUDs features for infiltration. To mitigate the potential increase in flood risk to downstream areas, it is proposed to manage surface water runoff from the proposed development within the Site area for all storm events, up to and including the 1 in 100 year event (including an allowance for climate change).

Sand and gravel excavation will occur above the water table (minimum of 3m above water table) and de-watering will not be required.

There is a surface water pathway from the Woodcote Wood Site to Aqualate Mere via groundwater potentially entering into the Bolam's Brook. However, the connection is remote and provides a minimum contribution to the Aqualate Mere catchment as a whole. The overall surface water catchment of Aqualate Mere is approximately 5500ha of which the Bolam's Brook catchment area represents approximately 137ha and the Woodcote Wood Site is a further approximately 22ha of this. Overall, the Woodcote Wood Site represents 0.4% of the overall catchment for Aqualate Mere. Additionally, no direct discharges are planned from the Woodcote Wood Site to the Bolam's Brook. The connection is therefore not considered to give rise to Likely Significant Effects in terms of surface water quantity.

**Water Quality**

It is possible that contamination could reach the surface water catchment for Aqualate Mere via the above pathway. Such contamination could include increased nutrients, chemicals or sediment.

The operation of the sand and gravel quarry (including auxiliary facilities) would not include the use of material or liquids that could lead to releases of nitrogen or phosphorus into the water environment. However, pollution could still occur through release of chemicals such as flocculants and fuel, either as spillages in the quarry or at the processing plant or through failure of storage tanks. Quarrying and processing of mineral also generate fine sediments. Contamination of the groundwater via these pathways could lead to significant effects and would need counteracting measures.

**Groundwater**

There are no superficial deposits underlying Woodcote Wood, and surface water percolates directly into the bedrock. Therefore no pathway exists in superficial deposits between the Woodcote Wood and Aqualate Mere.

Aqualate Mere is located on superficial deposits that includes permeable aquifer material underlain

by low permeability clays. The clays will significantly limit the interaction with the bedrock aquifer, removing the pathway between the bedrock aquifer and the superficial aquifer and hence Aqualate Mere.

The Woodcote Wood Site is located within an SPZ 3 for a number of public water supply abstractions, which, by definition, means that groundwater within these areas will be captured by the associated public water supply boreholes, again suggesting that there is no direct groundwater connection between the Woodcote Wood Site and Aqualate Mere.

Therefore, a direct groundwater connection between the Woodcote Wood Site and Aqualate Mere appears to be unlikely and no significant effects are expected.

### **Abstraction**

The new proposals under application 17/03661/EIA will involve both mineral washing and dust suppression. The latter will be required for the quarry (SC/MB2005 0336/BR) as well as the processing plant areas. This requires water abstraction and careful management of fine sediment through an appropriate drainage strategy.

The EA state (consultation response dated 30.8.17) 'Our current position is that Groundwater and surface water abstractions over 20m<sup>3</sup>/d generally require an abstraction licence from us. In this area we have identified the Coley brook catchment as having "restricted water available for licensing". However there are opportunities for license trading and other options.'

Abstraction of water from an aquifer that is already heavily used could reduce the amount of water from the Woodcote Wood Site entering the surface water catchment for Aqualate Mere. Counteracting measures are required.

### **3.1.3 Counteracting (mitigation) measures**

The need for counteracting measures has been identified for the following effect pathways:

- Measures to prevent contamination of the groundwater on the Woodcote Wood Site,
- Measures to prevent reduction in water levels in the groundwater beneath the Site, potentially feeding into the surface water catchment via Bolam's Brook.

#### **3.1.3.1 Contamination**

The ES (17/03661/EIA) states that the proposed development would implement appropriate pollution prevention (best practice) measures during the construction, operation and restoration phases of the Site to help avoid impact and mitigate and manage the impact if accidental pollution were to occur. Such measures are identified in Table 7.13 of the ES and include lining of settlement ponds, appropriate bunding/secondary containment of fuel oils; drip trays and spill kits for vehicles and incident response.

Pollution prevention measures will be controlled by condition (see section 3.4 below).

#### **3.1.3.2 Drainage strategy**

Though the design and implementation of a Drainage Strategy for the Woodcote Wood Site, sediment and potentially contaminant laden water would be managed, contained and treated onsite, which would limit the potential for releases into the water environment and therefore reaching Aqualate Mere.

Surface water runoff from areas of hardstanding and the access road will be recirculated to settlement ponds for use in mineral processing. If this is not feasible, surface water runoff will be dispersed by infiltration to ground via vegetated swales and detention basins. The site is located

within a Groundwater Source Protection Zone and SuDS features will be incorporated in to the detailed design to provide sufficient stages of treatment to ensure there is no risk of groundwater contamination, including oil interceptors and silt traps where appropriate.

Due to the absence of a sewer in the vicinity of the site, it is proposed that foul water flows from welfare facilities will discharge to a suitably designed cesspool to be periodically emptied by tanker as required.

The detailed drainage strategy and foul-water disposal plans will be controlled by planning conditions including the requirement for the detailed design and implementation of a sustainable settlement lagoon and settlement ponds as requested by the EA (see section 3.4 below).

### **Abstraction of water**

The water feasibility assessment report (17/03661/EIA, ES Appendix 7.1) concludes that the required volume of start-up water (228m<sup>3</sup>) and top-up water (10,000m<sup>3</sup>/a) could be provided by a number of potential sources without significant impacts on the water environment. This is based on a licence trade (with an existing licence holder), possible abstraction of less than 20m<sup>3</sup>/day (below the requirement of a licence) and re-cycling of water on the Woodcote Wood Site.

The EA state in their consultation response (30<sup>th</sup> August 2017) that ‘based on the above (Appendix 7.1), we would not anticipate a significant cause for concern at this time. The next stage would be for the applicant to submit a pre-Permit application to us outlining the proposed way forward. This will start the process of obtaining the relevant permissions needed to proceed with the licence trade. The combined approach of using several sources seems sensible. The applicant will need to consider the existing conditions on the abstraction licence and as part of the Permit pre-app this will highlight whether additional conditions are required etc.’

Hence the EA will be considering any applications for an Environmental Permit for water abstraction or discharge, which would normally be limited to trading with an existing licence holder, and so would ensure no significant amount of additional water is abstracted from the aquifer by the proposed development, in addition to that already permitted. The EA will be carrying out its own Habitats Regulations Assessment when considering such a licence.

### **3.1.4 Residual impacts and conclusions**

In view of the above, including industry best practice mitigation measures, there are no direct or indirect pathways from the proposed sand and gravel extraction, mineral processing or new access at the Woodcote Wood Site to Aqualate Mere SSSI, Ramsar Site and NNR that that would have a Likely Significant Effect.

### **3.1.5 In-combination effects on habitat loss**

There are a number of Environmental Permits allowing abstraction of water from the aquifer underlying both Woodcote Wood and Aqualate Mere. The permitting process is controlled by the EA who will carry out their own HRA for any Environmental Permit granted (see 3.1.3.2 above).

One other major development has been identified as having potential in-combination effects in association with the Woodcote Wood Site. The proposed Pave Lane Quarry (‘Land South of junction, A41/Pave Lane, Newport, Shropshire, planning application (Ref: TWC/2016/0437) for a proposed quarry and inert waste landfill is currently subject to an appeal on the grounds of non-determination. However, Telford and Wrekin Council consider the concurrent working of the proposed development and the Pave Lane scheme unsustainable but the result of the inquiry is not yet known. Chapter 7: Water Resource (Ref. No. 1) has considered the in-combination effects of the

Pave Lane scheme and the proposed development, specifically in relation to the effect on Aqualate Mere, as requested by SC. The Pave Lane Quarry would involve the importation of inert landfill for restoration which would mean it would have a longer operational life than that of the Woodcote Wood Site and hence greater potential for impacts to occur. The May 2016 Hydrogeological Impact Assessment for Pave Lane Quarry by Hafren Water Ltd provides details of proposed mitigation measures including pollution prevention measures. The HRA produced by Telford & Wrekin LPA dated 12<sup>th</sup> July 2016 for TWC/2016/0437 reached the conclusion that there was no likely significant effect on Aqualate Mere Ramsar Site and no likely effect on the international site's integrity as a result of this project.

As discussed above, the residual impacts of the Woodcote Wood Site, following mitigation measures, are considered to be negligible. Therefore, should both projects be operational at the same time there could be a minor cumulative impact in terms of water related cumulative impacts, but this is not considered to be significant.

### 3.4 Securing of mitigation measures

**To secure the mitigation measures the following items will be covered by planning conditions to be added to the planning permissions if granted:**

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

For 17/03661/EIA

- 2a) This permission shall relate to the areas edged red (and blue on the approved location plan accompanying the application (Drawing no. ST16018-102) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the following:
  - i. The application form dated 25th July 2017
  - ii. The Non-Technical Summary dated July 2017;
  - iii. The planning supporting statement dated July 2017;
  - iv. The Environmental Statement dated July 2017 and the accompanying appendices.
  - iv. The submitted drawings accompanying the Environmental Statement, namely:
    - ST16018-101 – Site Context Plan
    - ST16018-111 - Restoration Plan
    - ST16018-103 – Site Layout Plan
    - SA17 - 013 – Proposed Plant Layout
    - ST16018-110 – Topographical Survey
- c. The Further information comprising:
  - The building inspection and bat emergence survey report from Wardell Armstrong dated October 2017;
  - The email from Wardell Armstrong to Shropshire Council dated 20/10/17 and the

accompanying plans, namely J32-3161-PS-011e and J32-3161-PS-019; J32-3161-PS-016c section[2].

Reason: To define the Site and permission

Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development. The drainage features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.  
Reason: To prevent pollution of the water environment.

- a) No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.
- b). No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

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

No development approved by this permission shall be commenced until a scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, etc. has been submitted to and approved by the Mineral Planning Authority. The scheme shall include monitoring and contingency proposals in the event of derogation being shown.  
REASON: To protect the groundwater resource and the biodiversity dependant upon it.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

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

Reason: In the interests of highway safety.

#### 4.0 Summary of re-screening including counteracting measures

The project has been re-screened with the inclusion of counteracting (mitigation) measures and conditions have been agreed with the applicant. Although Natural England have stated ‘No Objection’ to the proposals in 17/03661/EIA, Natural England is to be consulted on this Shropshire Council HRA.

**Table 4 – Summary of HRA conclusions**

EU Site	Effect pathway	HRA conclusion
<b>Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site</b>	Changes to water quality and quantity causing damage to, or preventing restoration of Aqualate Mere <ul style="list-style-type: none"> <li>• contamination of surface or groundwater with hydrological connection to Aqualate Mere,</li> <li>• Excavation of sand and gravels or associated processes including abstraction of water for mineral washing causing a reduction in surface or groundwater and hence a reduction in water levels at Aqualate Mere.</li> </ul>	No likely significant effect, alone or in-combination  No likely significant effect alone or in combination.

#### 5.0 Final conclusions

In view of the above, and providing the development is carried out according to the details submitted and any legal undertakings and the conditions detailed above are placed on the decision notice, the proposals for excavation of sand and gravels under application SC/MB2005/BR and the processing plant and new access road under 17/03661/EIA, will have No Likely Significant Effect on West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), through the listed pathways detailed in this HRA, either alone or in combination with other plans or projects.

#### The Significance test

The proposed developments at Woodcote Wood Quarry Site, Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA), proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site ) and (SC/MB2005/0336/BR) construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41), will not have a likely significant effect on the West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), alone or in-combination with other plans or projects.

#### The Integrity test

The proposed developments at Woodcote Wood Quarry Site, Woodcote Wood, Weston Heath, Shropshire. (17/03661/EIA), proposed new access & installation of processing plant to facilitate

sand & gravel extraction on adjacent Woodcote Wood site ) and (SC/MB2005/0336/BR) construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41), will not have a likely significant effect on the West Midlands Meres and Mosses Phase 2 Ramsar Site (Aqualate Mere), alone or in combination with other plans or projects, and hence will not have an adverse effect on site integrity.

### **Conclusions**

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.