

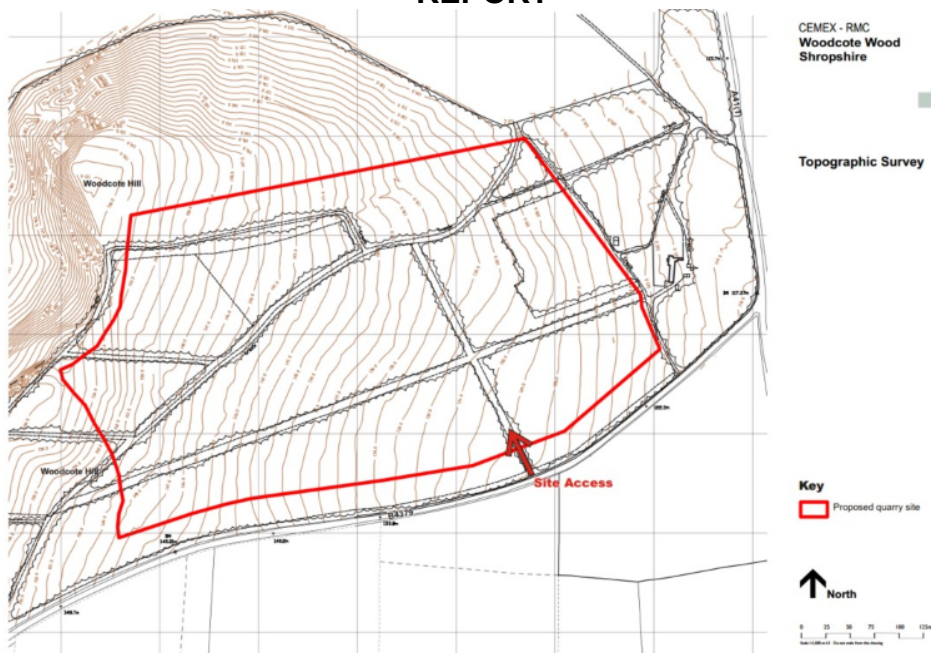
Committee and date  
South Planning Committee  
19 December 2017

## Development Management Report

### Summary of Application

<b>Application Number:</b> SC/MB2005/0336/BR	<b>Parish:</b> Sheriffhales
<b>Proposal:</b> 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	
<b>Site Address:</b> Woodcote Wood, Weston Heath, Shropshire	
<b>Applicant:</b> NRS Limited	
<b>Case Officer:</b> Graham French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

### REPORT



**Recommendations:-**

1. **That Members note the updated environmental information submitted in support of the Environmental Statement accompanying the application and are minded to approve the application, thereby re-ratifying the original approval resolution dated 25th July 2006. This is subject to the conditions set out in Appendix 1.**
2. **That the requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 is updated and transferred to planning application 17/03661/EIA\* on the basis that the substantive issues are more appropriately dealt with in that application than the current proposals.**  
(\*Application 17/03661/EIA forms a separate item on this Agenda)
3. **That in the event that application 17/03661/EIA is not approved by the Committee both applications shall be reported back to a subsequent committee for determination.**

**REPORT**

## 1.0 BACKGROUND

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 The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the Shropshire Council administrative area by the Shropshire Core Strategy and the SAMDev plan.

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

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

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

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

1.6 A separate application before this committee (17/03661/EIA) proposes an alternative access directly off the A41 to the east of the site and re-location of the quarry processing

plant. The current application is therefore interlinked with the application for mineral extraction which is considered separately.

## 2. THE PROPOSAL

- 2.1 The original planning application was accompanied by an Environmental Statement prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The applicant is seeking to re-ratify the original committee approval resolution and has accordingly submitted updated environmental reports. The updated reports have been submitted under Regulation 19 of the 1999 EIA Regulations as these were the Regulations in force when the application was submitted (Regulation 19 is replaced by Regulation 21 of the 2017 EIA Regulations for current applications).
- 2.2 The updated reports cover ecology, noise, dust, ground and surface water, archaeology, landscape and visual impact. They supersede the reports which accompanied the original Environmental Statement. The reports were originally provided to the Planning Authority in March 2017. However, the applicant requested that consideration of the current application was deferred to allow time for it to be considered at the same time as the new access proposals (17/03661/EIA).
- 2.3 Consultations have been undertaken on this additional information. Details of the findings of these reports and the planning consultation process are set out below, together with an assessment of the proposals in relation to current policies. The original Committee report which was considered by the County Council's Planning Committee in 2006 is attached as Appendix 3, and this provides details of the proposed development.
- 2.4 The applicant's consultant has identified the need for some amendments to the original site layout including an easterly extension to accommodate a revised access onto the A41 and re-location of the proposed quarry plant site. As noted above, these proposals form part of a separate planning application under reference number 17/03661/EIA. Given that the two applications are interlinked it is considered that they should be assessed together by Members.

## 3. SITE LOCATION / DESCRIPTION

- 3.1 The site is generally as described in Section 4 of the 2006 Committee report attached as Appendix 3. It is enclosed by trees though centre of the site (former plantation woodland) has now been cleared of trees. These surrounding trees would be retained to ensure the site is screened during operation. Access would be derived via a new access directly onto the A41 to the east which is subject to a separate planning application, ref. 17/03661/EIA.
- 3.3 The site straddles the boundary between the Shropshire Council and Telford & Wrekin Council (T&W) areas. Most of the site lies within Shropshire which accordingly is the 'lead authority' for the application. An equivalent application was submitted to Telford & Wrekin Council in 2015 and remained undetermined. An identical application to update the reports contained in the 2005 application to T&W has also been submitted in accordance with the requirements of the NPPF. 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 The representations received in relation to the original planning application are set out in the Committee report of 25/7/06, reproduced in Appendix 3 below. The representations received in response to the current submission of the addendum reports are set out below.

#### 5.2 Sheriffhales Parish Council: Objection:

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

possible through utilisation of land within the application boundary and existing highways land and this should be considered. But it is not possible to support this planning Proposal at present the Parish council would be grateful that this response is circulated to all members of the Planning committee prior to the meeting

*The Parish Council's comments with respect to Planning Application 17/03661/EIA are listed in the report for the application which forms a separate item on this Agenda.*

- 5.3 Telford and Wrekin Council (adjacent planning authority) Having considered the proposals the Council has confirmed its support for the officer recommendation set out in this report.
- 5.4. Environment Agency: No objection. [The following comments have been extracted from the response provided in relation to the linked application ref. 17/03661/EIA]:
- i. We note that the proposed sand and gravel quarry on the adjoining Woodcote Wood site is subject to planning application MB05/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. It is understood that the original Environmental Statement (ES) has since been supplemented by an ES addendum to bring the application up to date and enable a formal decision.
  - ii. For completeness, our previous reply of 4 November 2005, to MB05/0336/BR, identified a number of issues which were subsequently addressed. The geology, hydrogeological setting and proximity of this site to licensed abstractions and surface water features were previously covered within the original ES. The main emphasis of the groundwater component of the ES report accompanying the application had been to illustrate that mineral extraction will not require a dewatering strategy or be groundwater consumptive. The thrust of the debate was to show that mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required.
- 5.5 Natural England: No comments received. (Natural England has commented on and has not objected to the linked application 17/03661/EIA).
- 5.6 SC Ecology: SC Ecology: No objection subject to the following comments. A Habitat Regulations 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)5.7i. SC Trees: No objections. Having read the submitted plans and tree impact assessment I have no objection in principle given the rural situation of the site and that works being internal to the site means removal of the majority of trees from compartments C1 and C2 are commercial plantation woodland (and not woodland of public amenity or with access). I agree that impact of the tree removals is moderate, but will not have a detrimental effect on local visual amenity.

- ii. Removal of trees for the access road is limited to One category 'A' tree, three category 'B' trees, four category 'C' trees, two category 'U' trees and two category 'C' tree groups which would seem acceptable for a scheme of this size. I support the management proposals to improve retained woodland and the long term restoration scheme for the site and new tree and shrub planting proposed to augment screening of the site.
  - iii. A full application would require that, where development proposals identify a need for working within the RPA/crown spread of retained trees, the project arboriculturist is contacted to advise and prepare an Arboricultural Method Statement (AMS) and identify appropriate stages of arboricultural supervision of the works prescribed in the method statement.
- 5.7i. SC Conservation: The application site for sand and gravel extraction lies within the boundary of the historic parkland associated with Woodcote Hall, which, together with its associated church – which is Grade II\* listed – and ancillary service buildings, is Grade II listed. These assets lie to the north of the site, and are well screened as a result of intervening topography and mature tree cover. The site of a former pheasantry and the extant associated keeper's dwelling, which are likely to date to the same period as the Hall and the laying out of the estate in the mid 19th century, lies in close proximity to the east of the extraction area and within the area proposed for machinery and plant, outside this application boundary but covered by a parallel application. These would be considered to be non-designated heritage assets, together with the sandstone boundary walls along the roads to the east and south of the site.
- ii. In considering this application for planning permission, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Chapter 12 of the NPPF is of most relevance. Each of the above makes specific provision for the protection of the historic environment as a key element in the promotion of local distinctiveness as part of sustainable development.
  - iii. As the proposal is located in close proximity to the designated heritage assets identified above, the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, as the Act identifies the need to pay special regard to the preservation of listed buildings and their settings. Paragraph 135



of the NPPF makes provision for the consideration of non-designated heritage assets, where their significance is likely to be affected.

- iv. The Heritage Assessment provided as part of the Environmental Statement has addressed the potential effects of the extraction site on the setting of heritage assets in the immediate vicinity and within a 1km radius; wider landscape setting impacts have been assessed in the accompanying LVIA. We concur with the findings of these assessments, and agree with the mitigation measures proposed, which will result in a neutral effect on the landscape setting through the retention and replanting of woodland swathes on all boundaries. Together with the distance and form of intervening topography, the impact on the setting of the heritage assets is negligible and their significance preserved.
- v. The recent application 17/03661/EIA, to extend the site to the East for the provision of plant and processing, and provide site offices in the former Keeper's Cottage, which will be restored, has been the subject of a separate response. The use of appropriate materials in this work and re-use of stone from the boundary wall is essential to enhance the character and local distinctiveness of the surrounding built environment and historic landscape.

5.8 SC Archaeology: No comments received.

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.

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

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. 16 letters received objecting to the proposal and these are included in full on the Council's online planning register. The objections and comments are summarised as follows:-

#### Public/Neighbour Representations:

- Related application (17/03661/EIA - Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site) was validated by Shropshire Council in July 2017. Referring to application SC/MB2005/0336/BR, the Supporting Statement for the July 2017 application

mentions in section 1.1.2 'an ES addendum which was submitted to Shropshire Council (SC) in March 2017 to bring the application up to date and enable a formal decision to now be issued.' It is of significant concern that the ES addendum relating to application SC/MB2005/0336/BR has not yet been published online, whilst the determination schedule for the associated application 17/03661/EIA is progressing. Clearly, these interdependent applications should be determined in parallel, and this cannot proceed under effective public scrutiny without publication of the ES addendum.

- It is also unfortunate that all but one of the documents posted online in the past week (ie early September 2017) has been given a publication date of 29th March 2017.

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

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

## 6. THE MAIN PLANNING ISSUES

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

## 7. OFFICER APPRAISAL

### Policy Context

7.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In resolving to grant planning permission for mineral extraction at Woodcote Wood in 2006 the application was assessed in relation to the planning policies in force at that time. The Development Plan at that time comprised the Regional Spatial Strategy for the West Midlands, the Shropshire Telford & Wrekin Joint Structure Plan 1996-2011, the Shropshire, Telford & Wrekin Minerals Local Plan 1996-2006 and the Bridgnorth Local Plan.

7.2 Since then there have been a number of significant changes to the planning policy context. The Regional Spatial Strategy has been revoked. The Joint Structure Plan, Minerals Local Plan and Bridgnorth Local Plan have now been superseded by a revised policy framework including the Core Strategy and SAMDev Plan. The National Planning Policy Framework (NPPF) was published in 2012 and, along with the accompanying Technical Guidance to the NPPF, provides additional guidance to planning authorities in relation to mineral extraction.

7.3 Whilst there have been changes the general thrust of minerals policy remains unaffected. The Government still requires mineral planning authorities to make advanced provision for the supply of aggregate by ensuring suitable sites are allocated in planning policy documents. The same detailed considerations relating to sustainable working of minerals still apply although the individual policies have changed. The National Planning Policy Framework has been published since the application was originally submitted. This has placed greater emphasis on the need to demonstrate sustainability and the policy support to be afforded to sustainable mineral working in accordance with the development plan. However, this does not affect the fundamental thrust of mineral policy.

7.4 National policy: Under the Managed Aggregate Supply System (MASS) set out in the NPPF Shropshire is required to ensure that sufficient permitted reserves of sand and gravel are available to allow the county to continue each year to meet its agreed proportion of the West Midlands region's overall requirements (the 'sub-regional apportionment'). Para. 142 of the NPPF confirms the importance of the working of minerals and of maintaining an adequate and reliable supply. Para. 144 requires that mineral planning authorities give great weight to the benefits of the mineral extraction, including to the economy. It states that planning authorities should:

- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

7.5 NPPF paragraph 145 advises that Minerals planning authorities should plan for a steady and adequate supply of aggregates by (amongst other matters):

- 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;...
- 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;

The county must therefore identify sites in its minerals policy documents with sufficient capacity to meet the agreed apportionment level throughout the plan period.

- 7.6 Woodcote Wood was allocated for sand and gravel extraction in the former Shropshire Telford & Wrekin Minerals Local Plan 1996-2006. Following the approval resolution in 2006 the site is referred to in the current SAMDev plan as an 'unworked site commitment'. It remains allocated as far as Telford & Wrekin policy is concerned as the policies of the Minerals Local Plan remain 'saved' in Telford & Wrekin pending adoption of the emerging Telford & Wrekin Local Plan.

#### Local Policy

- 7.7 Former Minerals Local Plan: Woodcote Wood was allocated for mineral extraction in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006. Whilst the plan has been superseded in Shropshire most of the policies have been 'saved' in Telford & Wrekin pending adoption of a new policy document. The original approval resolution was made on 25<sup>th</sup> July 2006 but an accompanying legal agreement was not completed so it wasn't possible to issue the permission.
- 7.8 The Minerals Local Plan has been superseded in Shropshire by the SAMDev Plan. Because there was an extant approval resolution for Woodcote Wood when the SAMDev was being prepared it was the site was not re-allocated in the SAMDev. Instead it is referred to in the SAMDev as an unworked site commitment. At the time the original application was being considered it was accepted that there was a justification to release the mineral in the site. Since that time other resources within the sub-region have been released / worked and have subsequently become depleted. However, the status of Woodcote Wood in the SAMDev as an unworked site commitment must be taken account of in assessing the demand for new sites. As 10 years has elapsed since the original committee resolution it is appropriate to reassess the proposals in the light of current planning policies. This assessment is undertaken in succeeding sections which are duplicated from the report on application 17/03661/EIA:
- 7.9 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.*

7.10 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.

7.11 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 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.

7.12 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.

- 7.13 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 0.74 million tonnes for the year 2016, 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.
- 7.14 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.
- 7.15 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.
- 7.16 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.

- 7.17 In conclusion, whilst the needs of Telford for sand and gravel are currently being met, they are not being met in a very sustainable way as 2/3 of the supply to the Borough is being provided from quarries over 15 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:

- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 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-leaved 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. It is considered that the proposals can be supported in relation to current planning policies. This is provided there would not be any unacceptably adverse environmental or amenity impacts after mitigation has been applied.

#### Local Context

- 7.23 Ten years has elapsed since the approval resolution and the current applicant (NRS) is now seeking to progress the site. It is necessary therefore to consider whether there have been any changes in the local environment or development context would have a material bearing on the sustainability of the proposals. The updated environmental information is considered in succeeding sections. In addition, it is necessary to consider whether the local environment has changed in a way which could affect the sustainability of the scheme. There are no material changes in relation to the geography of the site. No new houses have been constructed in the immediate vicinity of the site which would be classed as sensitive receptors. Nor has any other development taken place in the immediate vicinity which might impact on the sustainability of the proposals. The closest property (The Lodge) is owned by the landowner and is no longer occupied. The



centre of the plantation woodland was clear felled in 2016 as a consequence of normal forestry management practices.

- 7.24 Pave Lane site: A rival prospective mineral operator is proposing an alternative site at Pave Lane 1.5km to the north (in Telford & Wrekin). The Pave Lane proposals also involve landfilling with inert materials. The operator has appealed against non-determination and a Public Inquiry into the appeal has just closed. The Pave Lane applicant has questioned the deliverability of Woodcote Wood on the basis that the third party land required for the access (namely the roundabout on the A41) is not available (the land is owned by the landowner for the Pave Lane site who is supporting that application). However, an application for an alternative access is now before this committee.
- 7.25 As noted above, Woodcote Wood is identified as an unworked site commitment in the SAMDev plan and benefits from an approval resolution. It has been acknowledged as a better site than Pave Lane through independent assessment, including by the Inspector at the Minerals Local Plan Inquiry in 2000. Notwithstanding this, the officer considers that the site also clearly meets the tests for non-allocated sites set out in SAMDev Policy MD5. The officer considers that there have been no material changes to the local context of the site which would suggest that the mineral working at Woodcote Wood should not proceed.

#### Environmental considerations

##### Highway safety

- 7.26 The application as originally submitted proposed that access to the site would be gained from the south, onto the B4379. An alternative access point is now being proposed directly onto the A41. A planning application for this alternative access has (ref. 17/03661/EIA) is being considered in conjunction with the current application. Highway matters are considered in the context of that application.
- 7.27 Sheriffhales Parish Council have objected to the amended access proposals. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a new roundabout is needed now more than ever. These concerns are acknowledged. However, the proposed roundabout is no longer achievable as the third party land required to construct it is not available. The Highway Authority has not objected to the amended access proposals and the applicant has put forward a range of measures to control and mitigate highway issues which are referred to in the officer report for application 17/03661/EIA. As highway matters are now dealt with in the new access application there does not need to be a legal agreement covering these matters linked to the current application.

##### Other environmental effects

- 7.28 Landscape and visual impact: The Environmental Statement submitted in 2005 included a Visual Impact Assessment. The Officer assessment of this, detailed in the 2006 Committee report, concluded that provided the proposals are subject to appropriate planning conditions governing screening, restoration and planting they can be accommodated in relation to Development Plan policy relating to landscape /visual impact.

The resolution to grant planning permission was subject to a condition requiring prior approval of plant and stockpile design and location and restricting the maximum height of stockpiles and plant to 10 metres above surrounding ground levels in order protect the visual amenities of the area.

- 7.29 Update to landscape and visual impact assessment: The addendum to the Environmental Statement includes a new Landscape and Visual Impact Assessment (LVIA). It states that this has been prepared in acknowledgement that the landscape is the aspect that has most changed since 2005. The LVIA identifies that there is a Grade II Registered Park and Garden (Lilleshall Hall) approximately 1km west of the site, and a number of listed buildings within the surrounding area. It also identifies visual receptors in relation to the site. It assesses the overall sensitivity of the landscape resource to this type of development as low-medium.
- 7.30 Landscape effects for the proposed development are assessed as slight-moderate adverse, which is not considered to be a significant effect. It considers that the greatest visual effects will result from the construction of the access road. However, these effects will be temporary, and following construction of the access road, and implementation of mitigation in the form of the additional planting, visual effects will generally not exceed negligible adverse. The assessment goes on to note that these effects will not be permanent, and following restoration of the site there will be nil to negligible beneficial residual landscape and visual effects.
- 7.31 The updated landscape assessment supports the original landscape assessment and confirms that no additional issues have come to light which would suggest any grounds for objection in visual amenity terms. It should also be noted that the recommended planning conditions and legal agreement include measures to manage peripheral vegetation and preserve and enhance screening within the site.
- 7.32 Historic environment considerations: Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.
- 7.33 In the 2006 Committee report Officers stated that the only archaeological resource likely to be affected by the proposed development is a length of some 450m of the linear earthworks along the line of the chapelry boundary. No further previously unknown archaeological remains were encountered within this area and there was no evidence for metalworking activity. The Historic Environment Officer recommended that a condition is imposed on any planning permission, requiring a programme of archaeological works to be undertaken, including monitoring of all topsoil stripping, with provision for the recording of any archaeological features which may be encountered.
- 7.34 Update to archaeology matters: The applicant's agent has reviewed and re-assessed the heritage impact reports that were included in the 2005 Environmental Statement. This re-

evaluation concludes that the physical impacts of the development on the assets identified in the Historic Environment Record would be no higher than a slight adverse significance, and that this impact is not considered to be significant. Officers consider that the measures that were proposed in the 2006 Committee report, i.e. to require a programme of archaeological work, remains appropriate for the proposed development.

- 7.35 Ecological consideration: Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.
- 7.36 In the 2006 Committee report Officers considered that based on the results of survey and habitat quality assessment, there were no grounds to predict the presence of uncommon or important plant species or fauna. It stated that the removal of the woodland would result in the loss of a limited assemblage of common plants and fauna, the effect of which would be small and not significant. Furthermore a supplementary survey has not identified the presence of any reptiles or badgers within the site. It noted that appropriate restrictions would ensure no negative effects on nesting birds. Officers were of the view that the proposed restoration of the site to woodland would be consistent with the restoration concept set out in the Minerals Local Plan, and noted that the opportunity has been taken to introduce a more diverse range of woodland and complementary land uses (woodland glades, rides and open areas) and limited exposures of sandstone faces. It was noted that supplementary surveys of protected species would be required prior to entry into each mineral working phase, and that the applicant had agreed to undertake a newt survey. Officers concluded that subject to the above provisions and to appropriate restoration / afteruse conditions the proposals could be accepted in relation to Development Plan policy regarding ecology and wildlife.
- 7.37 Updated ecological assessment: As an update to the previous ecological assessments a preliminary Ecological Appraisal and a further assessment were undertaken in 2015. These confirm that there are no nature conservation designations within the site or its surroundings. The habitats within the site are predominantly conifer forest clear-felled with young, unmanaged natural regeneration surrounded by mature standing conifer and mixed woodland. The proposed mineral extraction would be undertaken within the clear-fell area. The ecological value of the clear fell area is low due to the long history of conifer tree cover. Species surveys undertaken comprise Great Crested Newt, breeding birds, bats and reptiles. The updated ecological assessment concludes that the protected species value of the site is relatively poor. The restoration of the site would provide opportunities to enhance biodiversity.
- 7.38 Based on the above the addendum Environmental Statement considers that the original assessment that the proposals would not result in any significant adverse ecological effects is still valid. The Councils ecologist has confirmed verbally that there are no objections. A habitat risk assessment is being prepared and will be circulated before the Committee meeting. It will be necessary to provide Natural England with 21 days' notice before a decision can be issued on the application and this is reflected in the officer recommendation. Natural England have not objected to the linked application for a new access and did not object at the time the application was originally considered in 2006.

- 7.39 Ground and surface water considerations: Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water. In addition to protection of water resources from pollution the applicant will require water for mineral processing. It is expected that a significant portion of this can be obtained by collecting surface water drainage within the site and recycling it through the proposed water recycling system. There is likely however to be a requirement to top up water supplies. It is normal at sand and gravel sites for this to be obtained either from abstraction of surface or ground water under licences issued by the Environment Agency who have not objected to the current proposals.
- 7.40 In the 2006 Committee report Officers noted that whilst there are some ponds / watercourses within 1km of the site boundary there are no surface water features within Woodcote Wood site itself. The application confirmed that a minimum freeboard of 3 metres would be maintained above the groundwater table. Officers reported that, as groundwater would not be intercepted during excavation, there would be no impact on groundwater resources. The Environment Agency had not objected to the proposals and considered that matters relating to foul drainage, discharge from settlement lagoons, and related drainage/hydrological issues area capable of being dealt with satisfactorily by appropriately worded planning conditions. Following assessment of relevant information Officers concluded that the proposals would not pose any significant risk to groundwater quality, and this was accepted by Members of the County Council's Planning Committee in resolving to grant planning permission.
- 7.41 Updated hydrological assessment: The applicant's agent has undertaken a review of the data provided in the 2005 Environmental Statement and water resources investigations of 2015. This review concludes that there have been no large scale alterations in the groundwater usages locally, and therefore the groundwater elevations are not likely to have altered significantly since the 2005 Environmental Statement was undertaken. As such the applicant's agent considers that there has been insufficient change to the baseline hydrogeology and hydrology conditions as to require an updated water features survey or assessment.
- 7.42 An investigation carried out in 2015 stated that there is an absence of suitable waterbodies and watercourses in the vicinity of the site from which a new surface water abstraction licence could be attained. The applicant's agent acknowledges that at the current time it is not clear that a suitable water source has been identified for the site. Further work on this aspect of the development is required. Officers acknowledge that water abstraction is dealt with under separate legislation. The applicant's agent proposes that a water monitoring and management plan should be developed for the site, in order to satisfy the Environment Agency and to allow the issue of an abstraction licence for water management at the site. It is considered that these matters can be agreed through appropriate planning conditions.
- 7.43 Drainage considerations: The planning application submitted in 2005 proposed that a series of lagoons would be formed at the site to retain process water and allow for the settlement of silt, with this water being recycled for use in processing. The resolution that was made in 2006 to grant planning permission for mineral extraction at Woodcote Wood was subject to conditions to deal with surface and foul drainage.

- 7.44 Update to drainage strategy: As part of the addendum to the Environmental Statement, surface and foul water drainage strategies have been produced. It is proposed that surface water attenuation for any increased runoff during operational phases would be conveyed to one of a series of detention basins strategically located around the development. Surface water runoff would be allowed to infiltrate to ground and evaporate. Additional detention basins would be constructed and existing basins relocated as and when required. Following the completion of restoration works, a single detention basin will be located at the base of the restored woodland slope. Treatment would be provided for runoff from vehicle maintenance and fuel storage areas prior to discharge to lagoons. Foul water is proposed to be managed on site by a septic tank and drainage field or a sealed cesspool, subject to further investigation. In principle the drainage strategy that has been put forward is acceptable. However, as was the case for the 2006 resolution, it would be appropriate for detailed schemes to be agreed as part of planning conditions.
- 7.45 Residential and local amenity considerations: Core Strategy policy CS6 requires that developments safeguard residential and local amenity. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 7.46 Noise: The NPPF makes it clear that minerals planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. It further recognises that mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 7.47 The Environmental Statement submitted as part of the original planning application contained a noise assessment which identified the main sources of noise within the site, predicted noise levels at four sensitive receptor locations around the site and put forward noise mitigation proposals. The noise predictions established that the 'background plus 10' limit for normal quarrying operations would not be exceeded at the four nearest properties. The study concludes that the development could proceed in accordance with the noise limits set out at each noise sensitive property. In relation to temporary soil stripping operations, which can generate more noise than normal quarrying operations, the Environmental Statement confirmed that such activities would be undertaken only occasionally at the site with typically one such episode a year lasting for a period of less than two weeks. It was acknowledged that during such periods the noise level may marginally exceed the normal working criterion of 45 dBL<sub>Aeq</sub>, but would remain well below the temporary limit for such operations of 70dBL<sub>Aeq</sub> specified by the prevailing planning guidance (MPS2) which applies for up to 8 weeks a year.
- 7.48 These noise predictions were based on a 'worst case' scenario and, in the 2006 Committee report, Officers were of the view that the predicted noise levels at the respective properties would be realised and that in reality lower noise levels will be experienced (para. 7.20). The applicant previously agreed to accept a planning condition requiring noise monitoring to be undertaken at periodic intervals in order to check compliance with the noise limits and to verify that, in practice, the noise levels are considerably lower than predicted. Officers concluded that the noise predictions in the Environmental Statement demonstrate that the proposals are capable of complying with the noise limit criteria for quieter rural areas set out in MPS2. The topography of the site relative to the nearest properties would also provide a significant amount of natural attenuation and the design of the site does not

require a high intensity of plant use. The resolution of the County Council's Planning Committee to grant planning permission was subject to the imposition of conditions to ensure that noise mitigation complies fully with best practice throughout the proposed quarrying and restoration operations, and to require the submission of a scheme to monitor noise from quarrying with identification of additional detailed noise mitigation measures where appropriate. Noise control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress.

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

be implemented within the scheme.

- 7.55 The Public Protection Officer has reviewed the submitted dust assessment and does not consider there is any likelihood of any significant impact on nearby receptors given the distances involved from the site to nearest residential properties. It would nevertheless be appropriate to impose dust control conditions on the planning permission, in line with the resolution made in 2006.
- 7.56 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.
- 7.57 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 new access 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 the EIA Regulations 2017 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.
- 7.58 The updated environmental reports for the current application have been prepared by the applicant specifically to update the original Environmental Statement. The application documents supporting the new access proposals which are a separate item on this Agenda have also specifically considered the combined environmental effects of both Woodcote Wood applications. Members are being asked to recognise the interrelationships between both applications, recognising that that the proposed quarry would work as a single unit.
- 7.59 The updated visual appraisal accompanying the current application relates specifically to the original planning application. However, the visual appraisal accompanying the new access application updates this to include the original site and the proposed extension. With respect to highway considerations it should be recognised that these matters are now considered under the new access application rather than the current application. Regarding ecology, the phase 1 survey accompanying the current

application encompasses the area of the current application. An equivalent survey accompanying the new access application covers the area of that application and the current application hence, allowing an assessment of both application areas. In terms of arboriculture, there are no significant implications for trees with respect for the current site as it has been clear felled of plantation woodland at the centre and any other potential implications for trees are now covered by the new access application. Regarding water supply the report accompanying the environmental statement for the new access 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. As no extraction is proposed below the groundwater table there are not expected to be any hydrological issues specific to the current application site.

7.60 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, updated environment information has been submitted in support of an historical 2006 application for quarrying at an allocated site at Woodcote Wood near Newport. The information confirms that there have been no material changes in the environmental or geographic context of the site which would suggest that the proposals should not proceed. This is having regard also to the inbuilt safeguards in the design of the scheme and the recommended planning conditions.

8.2 The policy context of the proposals has been reassessed. Whilst national guidance and local policies have changed since the original 2006 committee resolution the basic thrust of mineral policy remains the same. The Minerals Local Plan which allocated the site has now been superseded by the SAMDev plan which refers to Woodcote Wood as an unworked site commitment. An assessment of the site in relation to the tests set out in SAMDev Policy MD5(iii) has been undertaken. Notwithstanding the status of the site as an unworked site commitment it is considered that the site clearly meets these policy tests,

8.3 A related application for a new access at the site is a separate item on this Agenda. The inter-relationships between the two applications has been assessed and is addressed in the respective committee resolutions. It is concluded that the updated environmental information accompanying the current application has demonstrated the acceptability of the site and accordingly the proposals are compliant with relevant policies and guidance. Approval can therefore be granted subject to the recommended conditions.

## 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.

## 11.2 Local Policy

### Shropshire Core Strategy

#### i. 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.

ii. SAMDev PlanPolicy MD5: Sites for Sand and Gravel Working

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

Schedule MD5a: Phase 1 Site Allocations:

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

MD16 - Mineral Safeguarding

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

1. The development proposed would not prevent or unduly restrict the continued operation of the protected infrastructure; or,
2. That the identified facilities are no longer required or that viable alternative facilities are available. MSA boundaries and protected mineral transport and processing facilities are identified on the Policies map and insets. The buffer zones which will apply to protected resources and facilities are identified in the explanatory text below.
3. Applications for permission for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development or the protected mineral handling

- facility (termed a Mineral Assessment). This assessment will provide information to accompany the planning application to demonstrate to the satisfaction of the MPA that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource;
4. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission.

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

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
  - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
  - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
  - iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
  - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
  - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);
  - vi. Effects on ecology and the potential to enhance biodiversity;
  - vii. The method, phasing and management of the working proposals;
  - viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
  - ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

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

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use. Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:
  - i. Proposals which take account of the site, its surroundings, and any development plan policies relevant to the area;

- ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
  - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
  - iv. A Reclamation Plan;
  - v. Provision for a 5 year period of aftercare;  
Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.
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

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 SC/MB2005/0336/SC and the accompanying Environmental Statement, Regulation 19 submission of further information.

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

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices:

Appendix 1 - Conditions;

Appendix 2 - Habitat Regulations Assessment;

Appendix 3 - Original 2006 committee report for current application.

## APPENDIX 1

### 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 (1a), to define and provide appropriate advance notice of the Commencement Date

#### DEFINITION OF THE PERMISSION

- 2a. 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

#### 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 restoration of the site.

#### 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 within three months of the end of each calendar year.

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

NOISE AND DUST

- 7a. Subject to Condition 7b 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 regarding noise or dust impact is received by the Local Planning Authority and is subsequently notified in writing by the Authority to the Developer as a verified complaint 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

13. No development shall take place until the access proposed under application reference 17/03661/EIA has been constructed to the written satisfaction of the Local Planning Authority.

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

#### PLANT AND STOCKPILING

14. Prior to the Commencement Date a scheme confirming the location and height of stockpiling areas within the site shall be submitted for the approval in writing of the Local Planning Authority.

Reason: In the interests of visual and general amenities.

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

15. Notwithstanding the provisions of Part 17 A and B 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

16. The Site shall be worked and restored in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application.

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

#### DRAINAGE / POLLUTION

- 17a. 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.

18. 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.*

- 19a. 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).

20. 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 dependent upon it.

#### Archaeology

21. 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

22. 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.

23. 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.

- 24a. 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.

25. 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;
  - 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;
  - 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

- 26a. 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.
- b. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land (26a). To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas (26b).

#### SLOPE STABILITY

27. 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

28. A minimum of 6 woodcrete bat boxes suitable for nursery or summer roosting 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 along the woodland edge 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.

29. 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.

30. 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.

31. No further felling of boundary trees and scrub shall take place on the development site without prior approval of the local planning authority. Boundary trees and scrub will be retained 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) and maintain viable habitat connections around the site in accordance with MD12 and CS17 Environmental Networks.

32. 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.

- 33a. 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 (33a) and in the interests of visual amenity (33b).

- 34. 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. The plan shall be carried out as approved.



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.*

## RESTORATION

35. Prior to the Commencement Date a detailed landscape planting scheme shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall include:
  - i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
  - ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
  - iii. Means of ground preparation and planting pit specification where relevant.
  - iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).
  - v. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
  - vi. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
  - vii. Timing of commencement and completion of the various phases of the scheme.
  - viii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - ix. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of

appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.

- x. A scheme for the restoration of the plant, stocks and lagoon areas.
- xi. Implementation timetables.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate

#### REMOVAL OF PLANT AND STRUCTURES

37. 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

38. A detailed aftercare schemes shall be submitted for each restored section of the Site as soon as restoration has been completed to the written satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to achieve the approved afteruse. 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. reseeded 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.

39. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 38 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 this permission provides for an additional 5 year extension to the 5 year aftercare period required by this condition.*

#### ANNUAL REVIEW

- 40a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Local 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:

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<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:

Dr Sue Swales  
Natural Environment Team Leader  
Shropshire Council

#### **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

<p>Name of plan or project</p>	<p>Woodcote Wood Quarry Site:</p> <ul style="list-style-type: none"> <li>• 17/03661/EIA Proposed new access &amp; installation of processing plant to facilitate sand &amp; gravel extraction on adjacent Woodcote Wood site</li> <li>• SC/2005/0336/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</li> </ul>
<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 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.</li> <li>• SC/2005/0336/BR 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).</li> </ul>

	<p>The following potential effect pathways have been identified:</p> <p>1. Changes to water quality and quantity causing damage to, or preventing 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 (228m<sup>3</sup>) and top-up water (10,000m<sup>3</sup>/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

<p><b>Aqualate Mere, West Midlands Meres and Mosses Phase 2 Ramsar Site</b></p>	<p>4.5km</p>	<p>The Mere's qualifying features are 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><b>Water Quality:</b> Damage could occur through increased nutrients or pollutants entering the surface or groundwater 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.



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.



## **APPENDIX 3**

### **COMMITTEE REPORT DATED 25/7/06**