

## Development Management Report

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 20/05371/FUL	<b>Parish:</b>	Condover
<b>Proposal:</b> Development of a satellite stocking yard to serve operations from Gonsal Quarry		
<b>Site Address:</b> Norton Farm Condover Shrewsbury Shropshire SY5 7AR		
<b>Applicant:</b> Salop Sand And Gravel Supply Co Ltd		
<b>Case Officer:</b> Graham French	<b>email</b> : <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>	



**Plan 1 - Location**

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

**REPORT**

**1.0 THE PROPOSAL**

1.1 The Planning Application is for a stocking yard at Norton Farm to serve operations at Gonsal Quarry which lies approximately 1.6km to the south of Condover village. The proposal is linked to an application to extend Gonsal Quarry (ref: 20/01373/MAW) which forms a separate item on this agenda. This follows a site meeting involving the applicant, agent, transport consultant and highway and planning officers reviewing potential highway improvements and constraints within Condover.

1.2 The amount of mineral in the extension application is 906,000 tonnes (6 years of reserves at 150,000 tonnes per annum). However, 250,000 tonnes of this within the existing quarry plant area has since been worked under an existing planning consent. Hence the lifespan of working has reduced to 4½ years. The proposed depot would be temporary and coincident with the period of mineral working at Gonsal Quarry.

1.3 Planning application ref: 20/01373/MAW proposes that the material would be extracted, processed and distributed via the established access route through Condover to / from the A49.

1.4 A transport assessment submitted for the Gonsal quarry extension concludes that the permission should not be refused on highway capacity grounds. This conclusion is supported by the Highway Authority. However, Condover Parish Council and some local residents have objected to the proposal given concerns about continued routing of quarry vehicles through Condover. The applicant has put forward the current proposals as a way of addressing these local concerns.



**Plan 2 – Layout Plan**

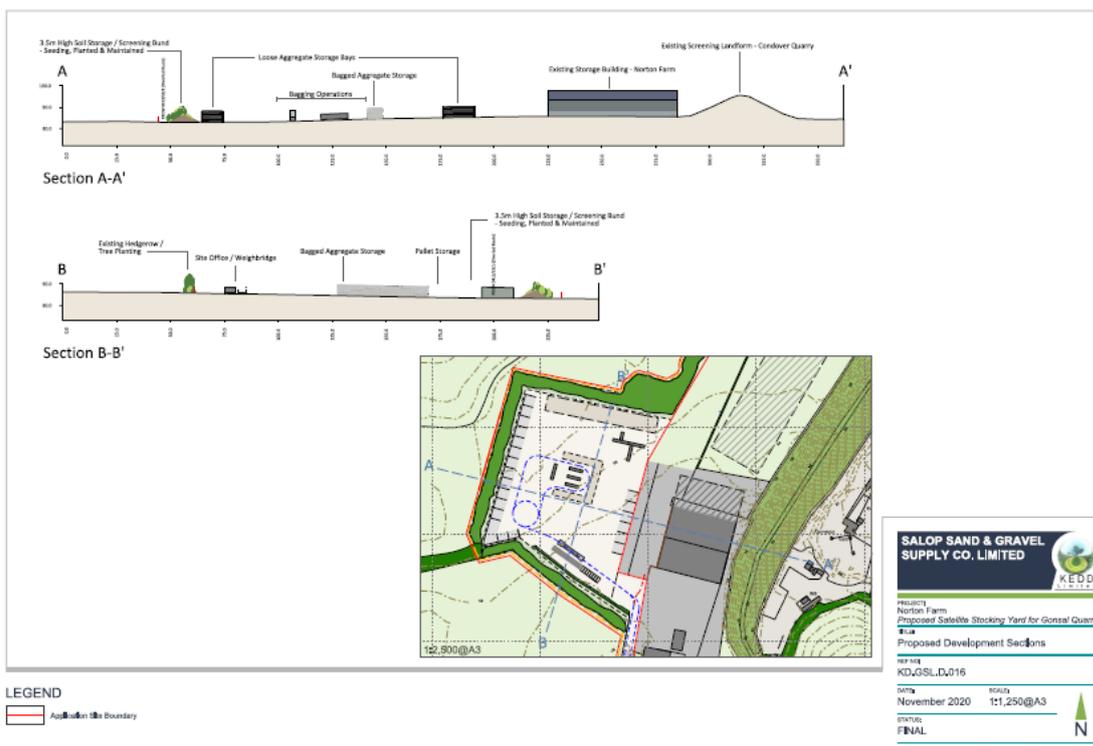
1.6 Average daily HGV activity would vary between 20 loads / 40 movements based on a 30 tonne payload and 30 loads / 60 rigid movements based on a 20 tonne payload. The 20 tonne rigid chassis vehicles have a smaller turning circle / footprint so can be accommodated more optimally within the existing carriageway through Condover.

1.7 The proposed development comprises the storage of bulk aggregates, bulk bagging and midi bagging of aggregates, together with weighbridge, ancillary office, welfare facilities and car parking. This would be supplemented (including for blending purposes) with other bulk products also required by the customers purchasing the sand and gravel (MOT, Dust, Decorative Aggregate, Bark, Salt). This will negate the need for these materials travelling through Condover village into Gonsal Quarry. The existing access onto Station Road would be upgraded to facilitate improved turning towards / from the direction of Condover.

1.8 Bagging operations would comprise:

- i. 1No. 12.5m long bulk bagging trailer containing 2no. hoppers (~ 5m in height);
- ii. 2No. 12.5m long midi bagging trailers together with 15m feed hopper and conveyor (5m in height);
- iii. Aggregate storage bays;
- iv. Bagged aggregate storage; and
- v. Pallet storage.

1.9 A 3.5m screening bund would be established along the north and eastern boundaries of the site and tree and shrub planting would be undertaken around the site, except on the eastern margin adjoining the existing farm buildings. This planting would be managed and maintained under an aftercare provision.



1.10 As part of the development, it is proposed to divert public footpath 0413/53/1 which runs adjacent to the eastern boundary of the site. It is proposed to create a new line for the path to the west of the access road to minimise disruption from traffic and divert the route around the southern, eastern and northern perimeter of the proposed

development to re-join its legal route to the north of the site. Following the completion of operations, it is proposed to restore the land back to its current agricultural use.

- 1.11 The quarry would operate 2 smaller rigid chassis lorries on the route through Condover in order to supply the proposed depot. This would remove larger articulated quarry vehicles from the route and would even out flows, thereby avoiding periods of more intensive quarry traffic through the village. It would also allow school drop off and pick up times to be avoided. Customers would then collect materials from the depot rather than the quarry.
- 1.12 The depot would operate to the same working hours as the quarry. Namely, 0730 to 1700 Monday to Friday and 0730 to 1630 on Saturdays. No operations are proposed for Sundays or Bank / Public Holidays.
- 1.13 The proposed landscape planting would be retained as a biodiversity benefit and to provide improved screening to the existing farm buildings following cessation of the proposed depot use.

## 2.0 SITE LOCATION / DESCRIPTION

- 2.1 Norton Farm is located approximately 5 miles to the south of Shrewsbury and to the north of the village of Condover. It is accessed via a dedicated track which terminates at the farm, turning from a C road to Condover off the A49. The farm comprises a number of existing buildings including purpose built cattle sheds, a grain store, a range of traditional brick buildings with slate roofing, a stockyard and the farmhouse itself. The proposed development would be situated immediately west of two existing agricultural barns (plan 1).
- 2.2 Land to the north, west and south is in agricultural use. The boundary of Condover Quarry lies on the other side of the agricultural barns to the east, beyond a high bund. A southern extension to Condover Quarry was approved subject to a legal agreement on 28 July 2020 (ref: 19/01261/MAW). Other than the farmhouse, the nearest residential property is approximately 380 metres to the south. A public footpath (Route Code: 0413/53/1) runs adjacent to the eastern boundary of the site and it is proposed to temporarily divert this route around the west side of the proposed depot.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have attracted objection from Condover Parish Council and have been referred to committee by Councillor Dan Morris.

## 4.0 COMMUNITY REPRESENTATIONS

### Consultee Comments

- 4.1 Condover Parish Council –Objection on the following grounds:
- i. The application proposed a three-fold increase in the annual level of mineral extraction, from 50,000 tonnes pa to 150,000 tonnes pa. Were quarry lorry sizes to remain the same as they are now, this would lead to a corresponding three-fold increase in heavy

traffic passing through Condover village. The use of smaller lorries would clearly lead to an even greater increase in heavy traffic through the village. The Parish Council was unable to understand how this proposal could be considered to mitigate the current damage to roads and buildings, and risks to pedestrians and other road users caused by lorries from Gonsal Quarry.

- ii. The planning application stated there would be two quarry lorries per hour passing through the village, with a 30 minute break at the start and end of the school day. The Parish Council thought this calculation to be incorrect. Based on 30 tonne lorries carrying 150,000pa, 40 lorry movements per day would be required. Using smaller 20 tonne lorries, 60 lorry movements per day would be required, far in excess of the figures used in the planning application.
  - iii. Much of Condover village affected by Gonsal Quarry lorries is a Conservation Area. The planning application proposed to significantly alter the historic character of the junction with Church Road in front of the Village Hall, by removing the grassed triangle and old fingerpost, installing an urban-style mini-roundabout in its place. Changing the nature of the village in this way would seem to override many other important planning and conservation considerations which aim to protect Shropshire's rural heritage.
  - iv. The proposed satellite stocking yard at Norton Farm would be created on greenfield agricultural land, outside the village development boundary and in the context of a working farm.
  - v. 'Schedule MD5b: Phase 2 Site Allocations' of Shropshire Council SAMDev, saved into the Local Plan Review, explicitly stated that extension of Gonsal Quarry would be subject to conditions, including "1. the creation of a new access to the A49 which would deliver significant local transport benefits over current access arrangements; and 2. further assessment and appropriate mitigation measures to address potential impacts on residential amenity for properties." These conditions recognised the significant impact for residents of Condover village, and for the fabric of the village itself, of heavy traffic from Gonsal Quarry passing through the village. The proposal to create a satellite stocking yard at Norton Farm did not mitigate these very real concerns (see 2 above).
  - vi. The Parish Council considered the proposal to use small lorries worthy of further exploration with regard to securing an alternative route to major trunk roads, avoiding Condover village altogether. Although this had been requested, the Parish Council had not yet received details of the assessment and evaluation of alternative sites for a satellite stocking yard. A route through to the Condover Industrial Estate may be feasible and may enable construction of a stocking yard on existing brownfield land.
- 4.2. SC Rights Of Way - No comments received.
- 4.3. Ramblers Association - No comments received.
- 4.4. SC Highways DC – No objection. The following comments are made:
- i. The application is supported by a Planning Statement which links the use of Norton Farm as a satellite quarry material storage area to support the extraction proposals set

out in application 20/05371/FUL. The proposal however acknowledges that some alterations need to be carried out at the existing access road junction onto the Class III county road although the precise details have not been shown. It is considered that these access improvements should be implemented as soon as possible including the setting out of the stockpiling facility in accordance with the approved plan.

- ii. The highway authority raises no objection to the proposals subject to the access improvements being carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- iii. The proposal at Gonsal Quarry form a combination of 2 separate planning applications at Gonsal Quarry (Ref 20/03173/MAW) and Norton Farm (Ref 20/05371/FUL), but that are intrinsically linked on the basis that Norton Quarry is to be used as a satellite storage area to stockpile the quarried material from Gonsal, which would be transported to Norton Farm, travelling through Condover village, via the applicant company's own vehicles. It is indicated that there would be a maximum of 2 hgv's operating in this manner. It should be noted that the substantive mineral extraction application can be dealt with in its own right, but that the stock piling at Norton Farm provides a material benefit to mitigate and control the impact of hgv's travelling through Condover.
- iv. The highway authority acknowledge that applicant company Salop Sand & Gravel have been operating out of Gonsal Quarry since the 1950's under a series of planning consents, with hgv movements connected with the quarry operations restricted to travelling from the site through Condover village and exiting out onto the A49 south at its junction south of Bayston Hill. There is therefore a long history of the quarry activities at Gonsal and the routing of hgv quarry traffic through Condover. Gonsal Quarry is identified in the SAMDev and is an important mineral resource within Shropshire, although more latterly the aim has been to try and identify an alternative traffic route to the site avoiding Condover. Whilst aware that that alternative access options have been considered and as part of this application, Condover remains the most economic and suitable hgv route having regard to the current scale of extraction as part of this submission and the anticipated timescale to win the material.

The current proposal seeks consent to extract 930,000 tonnes over a 6.5 year period, equating to 150,000 tonnes per annum.

- v. It is acknowledged at the outset that there is significant local opposition and of the Parish Council to this application having regard to the continuation of quarry hgv movements through Condover village and the highway safety considerations. In this regard the highway authority must have regard to para 109 of the NPPF, which sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The word 'severe' is therefore interpreted as a high threshold to breach in considering if a highway objection on highway capacity and/or safety grounds is both warranted and sustainable to potential appeal.
- 4.5 SUDS – No objection subject to a surface and foul water drainage condition. The proposed surface water drainage in the Flood Risk Assessment is acceptable in

principle. The Environment Agency has updated the guidance on Climate Change and 25% should be used for commercial development in the Severn catchment. The final drainage details, plan and calculations should be submitted for approval.

- 4.6 SC Ecology – No objection subject to the following comments. Conditions and informative notes are recommended.
- i. Habitats and biodiversity: The site appears to comprise arable farmland of limited value for wildlife and the landscape plans show considerable biodiversity gains via the planting proposals bordering the application site which is supported by the SC Ecology team.
  - ii. Badgers: Although the site is dominated by arable farmland which is generally considered to be poor quality sett building and foraging habitat, there are records for Badger within 1km of the site and it is conceivable that the local Badger population may use the site on an occasional or transitory basis. Nevertheless, there is an abundance of similar and higher quality habitat in the wider area and the site is unlikely to be of importance for the local Badger population. A pre-commencement survey should be conditioned to ensure the protection of Badgers.
  - iii. Great Crested Newts: There are records of Great Crested Newts within 2km of the site however site is dominated by arable farmland that provides poor quality terrestrial habitat. There is one waterbody, namely the quarry settling pond within 250m of the site, which is located approximately 220m to the east of the site and separated from the site via the interlying development associated with Norton Farm. It would be prudent to assume that Great Crested Newts are present in this waterbody, however studies suggest that the core habitat for Great Crested Newts is within 50m from a breeding pond which in this case is woodland and scrub which is of high-quality terrestrial habitat for Great Crested Newts (Cresswell and Whitworth, 2004). It is therefore unlikely that Great Crested Newts will be using the poor-quality arable farmland within the site during terrestrial phases.
- 4.12 Councillor Dan Morris (Condover) has been informed of the application and has referred the application to committee.

#### Public Comments

- 4.13 The application has been advertised in the press and by site notice and the nearest properties have been individually notified. The application has attracted objections from 23 individuals. The concerns of objectors can be summarised as follows:
- i. No traffic benefit: There is nothing in this application to suggest that it will alleviate quarry traffic passing through Condover. The level of minerals being extracted from Gonsal is the same so there will be no reduction in passages of lorries. The volume of HGV traffic through the local community is intolerable. I understand the traffic figures used to support the satellite sticking yard are disputed. Using a greater number of smaller vehicles could perhaps double the trips through the village one way. However this is being proposed a shuttle service with round trips - could we be looking at 4 times as many journeys through our tight lanes? It is unclear as to how a mini roundabout opposite the school provides any mitigation

against the vibrations, noise, dust and the fact that pedestrians routinely have to seek refuge in the form of diving into a wall or hedge to avoid the quarry lorries.

- ii. Highway safety concern: Increased HGV traffic at the entrance to Norton Farm/quarry will cause a considerable issue on this road, particularly as it lies very close to a blind bend. There is currently an application to extend Norton Quarry. Should both these projects be granted, the number of large vehicles entering and exiting at this junction will be ridiculous onto such a small highway and in such a dangerous position. The traffic survey was not representative. The idea that 20 or 30 tonne rigid vehicles will cause much less risk to people and property is not true. The fact the traffic survey revealed traffic speeds were below the 30mph limit only shows the roads are such that anyone going faster would actually be driving dangerously. The proposed "tweaks" to road layout would not help. The route through the village contains tight bends. It is single track in places and the pavements are narrow in places. The route passes a primary school, and is used by children walking to and from school. The effect of moving this bulk freight through the village will be same whether it is carried by purchasers' vehicles or a shuttle service of HGVs. This would seem another plan which would increase the lorry traffic through Condover - a Heritage site. Their maths of the amount of lorries seems to be way out, and there would be many more coming through the village. Since moving to the village seven years ago, I have seen a continued increase in heavy goods traffic through the village centre. The roads in and around the village are now in a very poor state of repair, with no action being taken to resolve this issue. Walking through the village is hazardous at times due to the attitude of many of the vehicle drivers, who seem quite willing to mount the pavements in order to pass other vehicles. I have three young children who are unable and unwilling to play anywhere in the street in this village because of the danger and intimidation caused by the heavy vehicles coming through from the quarry. Surely this alone, the right of children to feel comfortable in their own village, should be a primary consideration in this matter. I might also add that the road from Condover to the Quarry is constantly muddy and covered with stones and rocks and the owner seems to have no desire or is not compelled to rectify this on a regular basis. This is an incredible opportunity for Shropshire Council to focus on improved heavy goods traffic management around Condover, in a positive way that supports businesses, rather than putting artificial limits on their activity to mitigate the inconvenience to residents and other road users.
- iii. Output control concern. I am astounded that the applicant has breached their extraction planning limits and is now using the excess volumes and resulting huge increases in traffic to act as a precedent to justify a continuation of the problem. Is the excess extraction and flagrant breach in planning taken into consideration when granting future permissions around volume? Can we be confident monitoring and enforcement of planning constraints will be done in future? What is to stop 'scope creep' if the quarry gradually pushed the boundaries and limits again. We now know that the limit in the extant planning permission has consistently been exceeded by a factor of three - 150,000tonnes/annum instead of 50,000tonnes/annum. This shows complete disregard for the effect on Condover and attempting to regularise the breach by a new application must not be allowed.

- iii. Planning policy non-compliance. Shropshire Council need to operate by their own quarry guidance plan (SAMDev Plan) and arrange an alternative route directly onto the A49 for the quarry traffic should they wish to grant permission. If the quarry owners will not pay for the new access road to the A49 yet this is considered national critical infrastructure, why are the council/ relevant government agencies not looking at ways of funding this? It is obvious that further extension will be applied for in the future. A new access will no doubt be in use for much longer than 5 years. The owner of the Quarry, Mr Parton, sent a signed letter to Planning on 07/10/14 which confirmed that construction of the new road would not be a problem for any future expansion. We have had feedback from Planning where at first it was said that the new road did not apply to a Southern Extension. When that was proved by evidence to be incorrect, we were then told that Planning would over-ride SAMDev because it was a quarry and there was a need. We have not seen anything which proves that need cannot be met elsewhere or indeed justification that a threefold increase is needed. We have been given feedback about the construction of the new road. The last we heard was that it would cost £2 million. Those figures have never been presented and detailed. We also had an earlier verbal version where Network Rail objected to a new bridge, even though the proposed new road on SAMDev goes over an existing non limited weight bridge on Grange Lane.
- iv. Visual amenity: Converting the designated area into a lorry yard with piles of minerals and the necessary infrastructure to co-ordinate this, is going to create an eyesore on the approach to Condover. The bund proposed will not even nearly be big enough to detract from operations. Lyth Hill is a very popular walking spot, from there, the existing enormous farm buildings are already a blight on the landscape, the addition of a large mineral storage yard is surely inconceivable.
- v. Traffic noise, vibration and heritage: Concerns about traffic noise in the village. due to the weight of the contents being carried as well as the weight of the lorries themselves, they create such noise and even vibrations which I can feel through the house. Vibrations from this traffic can be felt in my house, and are damaging the Grade 2 Listed Stables & Carriage House on our property (an extensive programme of repairs for this building is now required). I also object to the proposal to reduce the size of the grassed triangle near the church on the grounds of materially changing the aesthetics of the Conservation area and again, for a single business commercial gain,

## 5.0 THE MAIN ISSUES

- i. Policy context;
- ii. Highway context and justification for the proposals;
- iii. Other environmental implications of the proposals, including with respect to ecology noise, dust, working hours, hydrology and agriculture;
- iv. Reversibility of the proposals.

## 6.0 OFFICER APPRAISAL

### Policy context

- 6.1 The proposed site is located on agricultural land in the open countryside beyond the settlement boundary of Condover but immediately adjoining the existing buildings at Norton Farm Condover. Core Strategy Policy CS5 seeks to avoid expansion of non-agricultural and particularly open market residential development in the open countryside in line with national policy to protect the countryside. Exceptions to this policy can relate to appropriately designed agricultural, leisure and tourism uses.
- 6.2 The current proposals for a depot linked to a quarry use do not fall within one of the exception categories which can normally be permissible in the open countryside. However, here are some extenuating circumstances which lend support to the proposals:
- The proposals are temporary (<5 years) and reversible in nature and make provision for the land to be restored to its current agricultural condition;
  - The proposals would facilitate an improvement to the way in which HGV traffic from Gonsal Quarry is managed as it passes through Condover village and onward to the A49. The application responds to concerns raised about quarry traffic by Condover Parish Council and is supported by the Highway Authority;
  - The proposals incorporate substantial landscaping proposals which remain as an ecological betterment upon cessation of the depot use;
  - The landscaping proposals would facilitate screening of a new large agricultural building to the immediate east which currently has no screening as seen from the west;
  - The proposals are directly related to an application to work a proposed allocated mineral site and form part of the highway mitigation strategy for the allocated site. As such they derive support from NPPF paragraph 205 which requires great weight to be given to the benefits of mineral extraction including the economic benefits;
  - The information submitted in support of the application indicates that there would be no unacceptable impacts on land use or environmental impacts once proposed mitigation measures and recommended planning conditions are applied.
  - The site is physically separated from the nearest privately owned residential properties;
  - The proposed structures and uses are of limited size and are capable of being screened within the development;
  - The proposals would support the stable profitability of the existing agricultural use at Norton Farm in a similar way to an agricultural diversification.
- 6.3 When these factors are taken together it is considered that the proposed temporary and reversible depot use would not raise any fundamental conflict with policy CS5 and related development plan policies and guidance.

#### Highway context and justification for the proposals

- 6.4 Salop Sand & Gravel Supply Co. Ltd operates Gonsal Quarry, which lies approximately 1.6km to the south-southwest of Condover village in Shropshire. Gonsal Quarry has provided sand and gravel to the local construction industry since the 1950s. The quarry is currently worked under planning permission reference 13/00336/EIA (granted 24/04/18). The existing planning permission includes a legal agreement with a routing restriction requiring all HGV traffic travelling to / from the site (unless making local deliveries) to pass through Condover village to the A49.

- 6.5 A planning application is currently under consideration for a southern extension to Gonsal Quarry (ref: 20/01373/MAW). A traffic assessment accompanying the quarry extension application has not identified any grounds for refusal in terms of highway capacity and this conclusion has been accepted by Highway officers.
- 6.6 However, the applicant has noted the concerns of residents regarding quarry HGVs running through the village and has put forward the current proposals as a way of providing some mitigation for these concerns. Two smaller rigid chassis HGVs would be employed to transport extracted material to Norton Farm. This would then become the main distribution point for existing customers, some of whom currently run larger articulated HGVs through the village.
- 6.7 The applicant advises that the proposals would deliver the following benefits in terms of quarry vehicle control:
- i. Traffic movements would be equalised out, thereby avoiding intermittently intensive quarry traffic movements which can sometimes occur. The quarry application transport assessment advises in this respect that levels can theoretically reach 12 movements per hour at peak times under the current situation where the 3 main customers can all require product at the same time. By contrast the proposed depot use would ensure that individual quarry HGV movements took place no more frequently than once every 30 minutes.
  - ii. Larger articulated vehicles used by some of the quarry's customers would no longer need to go through Condover as they would obtain product from the proposed depot at Norton Farm instead.
  - iii. The quarry lorry drivers would have a detailed understanding of the local road network and its limitations / pinch points as they would use the road on a daily basis.
  - iv. The quarry vehicles would be clearly marked as such and would be readily traceable if any problems were encountered, in contrast to customer vehicles. The Parish Council would be provided with vehicle license plate and quarry contact details, thereby securing driver accountability.
  - iv. Controlled despatch of quarry traffic means that quarry HGVs would not meet other quarry HGV's in opposing directions in the village.
  - v. There would be an ability to control despatch of quarry vehicles to avoid peak school dropping off and picking up times. This cannot currently be controlled as there is no ability to control the quarry customer's HGV's.
- 6.8 In addition to this the quarry pays 9p per tonne towards highway maintenance under a legal agreement attached to the existing planning consent which would be extended if the quarry extension is approved. £8000 has been paid with respect to the 2017 calendar year and an invoice for a further £42,000 due for working in the calendar years of 2018, 2019 and 2020 will shortly be sent to the quarry operator. The additional mineral contained within the proposed extension is estimated to yield a further £65,000

based on the 9p per tonne rate. The quarry operator has indicated a willingness to pay this money up front at an early stage rather than over the estimated 4½ years of mineral working. This would yield a total of @£115,000 paid by the quarry company to be used for highway maintenance / improvements. The transport assessment accompanying the minerals application puts forward some suggestions for how this money could fund improvements to the local highway network, including provision of a 20mph speed limit and a traffic island and pedestrian crossing point at the school. There is some local community concern that any improvements funded by the applicant could, together with the depot proposals be used to justify a subsequent continuation of quarry HGV movements through Condover.

- 6.9 The highway officer has expressed a preference for general improvements to the highway through Condover and funding to establish a 20mph speed limit. Ultimately it will be for the Highway Authority to decide how any money should be spent, in consultation with the local community. It should be noted that between 50 and 85% of HGV traffic through the village is not from Gonsal Quarry and these other users do not provide any legal agreement funding for highway maintenance. As such Gonsal Quarry would provide the only non-Highway Authority funding to assist with highway maintenance and mitigation.
- 6.10 Condover Parish Council and some residents have questioned these benefits on the basis that the same amount of mineral is proposed to be exported from the quarry irrespective of whether the depot use proceeds. They advise that the proposal to use of smaller 20 tonne rigid chassis HGV's in place of larger 30 tonne articulated vehicles would imply 50% more HGV traffic than would be the case with articulated HGV's. However, the articulated HGV's have a wider turn radius and so are less suitable for use on the narrow route through Condover village and there is a greater risk of such vehicles meeting head-on in opposing directions. It is therefore considered that the ability of the depot proposals to restrict quarry HGV's to rigid chassis 20 tonne vehicles represents a significant benefit in terms of quarry vehicle control. The points made in 6.4 i-v above are also recognised as benefits relative to the current situation.
- 6.11 A traffic assessment accompanying the quarry extension application finds that daily weekday flows averaged 2585 vehicles at the location of highest traffic flow north of the school where between 122 and 163 HGV's were recorded per weekday. The peak hourly flows varied between 46 and 277 movements. The assessment advises that the overall traffic volumes are low in absolute terms, even at the busiest times. The peak hour flows recorded of 277 movements are comparable with the capacity of a single-track road with passing places (between 50 and 300 movements per hour).
- 6.12 In terms of the Gonsal Quarry traffic, the daily HGV flows through Condover were seen to vary significantly, between 4 loads / 8 movements and 30 loads / 60 movements per day. The peak number of loads leaving the site in any hour during the survey was 6. However, the timescale for loading quarry vehicles could result in a theoretical worst case of 12 movements per hour which equates to 1 HGV movement every 5 minutes. An annual production level of 150,000 tonnes and a 5.5 day working week results in an average of 27.3 loads / 56 HGV movements per day for a 20 tonne payload (reducing by 50% for a 30 tonne payload). The transport assessment advises that quarry vehicle movements account for between 15 and 53% of HGV activity through Condover at the

centre of the village. Hence a significant volume of HGV traffic is not associated with the Quarry.

- 6.13 The transport assessment also finds that there is no significant accident or personal injury record involving HGVs in Condover with only one incident involving an HGV over 7.5 tonnes in a 21 year period and none in the most recent 5 year period. Local residents have queried this conclusion based on the number of near miss and minor incidents which go unreported.
- 6.14 For decades the quarry has exported mineral through Condover at a similar or greater rate to that which is currently proposed. No fundamental changes to highway infrastructure have occurred during this timescale though traffic levels have increased generally and there is now a greater number of larger articulated HGV's on the roads. The transport assessment advises however that there is no accident or personal injury record involving quarry HGVs at Condover. Recorded levels of traffic through the village are also not high when based on national standards, being equivalent to those of a single-track road with passing places. The Highway Authority has not objected to the quarry extension and has advised that it would not be possible to justify refusal on highway capacity grounds. They have also accepted verbally that the proposed depot would provide an appropriate way of reducing the impact of quarry HGV's on the local road network. This is notwithstanding the conclusions of the transport assessment as noted above.
- 6.15 Traffic – output: The Parish Council has objected to continued quarry HGV movements through Condover and advises that the proposal for 150,000 tonnes per annum is a three-fold increase over the current permitted maximum of 50,000 tonnes per annum. The 50,000 tonne limit was however imposed based on the details of the previous application rather than on any highway capacity grounds. These indicated that the current limited working area contained mainly fine building sand which has a lower-volume market. This justified a condition reducing the annual output relative to previous consents. Historically from Gonsal has been permitted to export up to 250,000 tonnes of mineral per annum and has routinely produced between 150 and 200,000 tonnes per year. The currently proposed southern extension at Gonsal contains a more varied mix of sand and gravel typical of previous supply patterns for the quarry and capable of supplying a more volumetric market. Hence, a condition reducing output to 50,000 tonnes per annum would not be justified on mineral supply grounds.
- 6.16 Highways – Alternative Access for Gonsal Quarry: The current application for an aggregate depot at Norton Farm is linked to an application for a southern extension at Gonsal Quarry. The southern extension ant Gonsal and a larger northern extension are allocated by Policy MD5b. However, the development guidelines accompanying the policy indicate that any application should obtain access to the allocated sites by means of a new access road linking to the A49. The applicant has reviewed options for delivery of a new access road and concluded that this is not viable. The applicant has verbally provided detailed evidence in support of this to the officer. The quarry extension application therefore proposes continued access through Condover for the proposed 4½ year duration of mineral working. This would be linked to a mitigation package including formation of the proposed satellite depot at Norton Farm and continuation of highway maintenance funding.

- 6.17 Because the current application does not involve construction of a new access route to the A49 it could be regarded as a 'technical departure' from this element of the SAMDev plan although the reference to the new access falls within the 'development guidelines' rather than the policy text. The following considerations must be taken into account in assessing the acceptability of not pursuing the new access referred to in the development guidelines:
- i. The highway authority has not objected to the quarry extension proposals on the basis of the proposal to export up to 150,000 tonnes per year from the quarry using the route through Condover;
  - ii. The applicant has put forward mitigation proposals which are designed to mitigate the impact of quarry traffic during the proposed temporary period of future operation.
  - iii. The quarrying proposals are relatively small scale and would secure production for up to 4.5 years at the proposed output rate;
  - iv. The quarry has been operating for over 50 years with outputs through Condover which are similar to the levels currently proposed;
  - v. There have been no fundamental changes in the design and circumstances of the local highway though there is a general trend towards increased traffic and larger HGVs;
  - vi. The transport assessment advises that the level of traffic recorded through Condover Village is not high based on national standards and equates to the level which might be expected for a single-track road with passing places;
  - vii. The transport assessment advises that the road has a generally good accident safety record (though local residents refer to unreported and near miss incidents);
- 6.18 The SAMDev development guidance for Gonsal Quarry combines consideration of the current modest extension with the much larger northern extension allocation. The two extensions would be expected to be worked separately given their geographic separation. The applicant has reaffirmed that the northern extension would not be worked unless a new access can be delivered or an alternative traffic mitigation solution can be agreed. The small southern extension would not be capable of supporting the significant costs of delivering the new access referred to in the development guidelines if this was capable of being delivered from a practical perspective. The larger northern allocation at Gonsal may be capable of supporting the cost of the new access if it was subsequently found to be feasible practically, in conflict with current advice from the applicant.
- 6.19 The currently proposed southern extension at Gonsal would be worked separately from the larger northern extension and cannot on its own support the cost of the new access set out in the development guidelines to SAMDev policy MD5b. The applicant is entitled in these circumstances to seek to apply to continue to use the existing quarry access route through Condover in conflict with the development guidelines. The application must be considered on its individual merits having regard to the fact that the Highway Authority has not objected.
- 6.20 Highways – Norton Farm Junction capacity: The proposed development would result in increased traffic movements at the existing shared access to Condover Quarry and Norton Farm, due to the vehicle movements to and from the proposed depot and existing activities using the Norton Farm access. This includes traffic to and from the

proposed depot existing farming activities and operation of the adjacent sand and gravel quarry operated by Hanson. The 150,000 tonnes of sand and gravel supplied by Gonsal Quarry from Norton Farm would equate to between 20 daily loads (40 movements) based on a 30 tonne articulated payload and 30 daily loads (60 movements) based on a 20 tonne rigid chassis payload. Recent weighbridge data from Gonsal Quarry revealed an average of 24 loads / 48 HGV movements per day. The same types of vehicles currently attracted to Gonsal Quarry would divert to Norton Farm in order to avoid travelling through Condover village. Based on the higher level of activity (60 movements per day) the average hourly flow is established to be 6.3 movements per hour or around 5.5 – 6 minutes of quarry HGVs travelling through Condover per hour.

- 6.21 All sales traffic would turn left into the access and approach from and leave in a northerly direction. Beyond the Norton Farm access to the north, these vehicles transporting the sold material would have no detrimental impact when compared with the current situation, as the vehicles are already on the network. The difference would be that they would no longer continue through Condover village in order to access the sand and gravel supplies from Gonsal Quarry. The capacity of the Norton Farm / Condover Quarry access was assessed when determining the recent application for an extension to the quarry. The results confirm that the access would operate well within capacity in the 2023 design year assessed.
- 6.22 Justification – conclusion: The National Planning Policy Framework advises in paragraph 109 that development proposals should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Authority has not objected to the quarry extension or the proposed depot. They have accepted that the proposed depot would assist in mitigating quarry HGV movements associated with the proposed 4½ year quarry extension. The junction at Norton Farm has adequate capacity and there is no HGV accident / injury record in Condover. Traffic levels are equivalent in terms of national standards to a single track carriageway with passing places.
- 6.23 The development guidelines in SAMDev policy MD5b do not prevent the applicant from coming forward with proposals to continue exporting mineral through Condover for a further temporary period. It should also be noted that the depot is linked to an application for an allocated quarrying site. As such it derives some support from both SAMDev policy MD5 (sites for sand and gravel working) and paragraph 205 of the NPPF whereby ‘great weight’ should be given to the benefits of mineral extraction including to the economy. It is concluded that the justification for the proposed depot can be supported in principle. This is provided there would be no unacceptable effects on other land use / environmental impacts.
- 6.24 Noise: The proposed development has the potential to generate noise through:
- noise emanating from the bagging operations – trailer, conveyor and hoppers;
  - the movement of HGVs associated with the import of sand and gravel via road; and
  - movement of vehicles internally around the site.
- 6.25 The site is situated within the context of Norton Farm and apart from Norton farmhouse, the site is not bordered by land uses that are considered to be sensitive to

noise such as other residential property. The following noise mitigation measures are however proposed:

- all on-site plant will be regularly maintained to operate in good working order;
- Engine idling will be avoided whenever possible and engines turned off where practicable. Unnecessary revving of engines will be avoided and reducing speed of vehicle movement will be encouraged;
- All vehicles operating on-site requiring audible reversing alarms will be fitted with white noise systems; and
- Soil bunds of 3.5m in height will be put in place around the northern, southern and western boundaries of the site, whilst an existing bund is already in place to the eastern boundary associated with Condover Quarry.

6.26 To provide added reassurance a condition limiting maximum noise attributable to site operations to 55dBLAeq at the nearest noise sensitive properties has been recommended in Appendix 1.

6.27 Dust: The NPPF technical guidance that includes specific guidance on the management of dust and air quality from mineral operations. The planning application incorporates a dust mitigation scheme to minimise the generation of airborne dust. Dust suppression measures including the dampening of areas of hardstanding when required will ensure that dust is not generated by on-site vehicle movements. In addition, delivery vehicles will be sheeted when transporting materials and vehicle cleanliness will be maintained at all times.

6.28 Visual Impact: A landscape and visual assessment (LVIA) accompanying the planning application concludes that the size and scale of the site operations and their constituent elements is small. The site is set within a medium scale agricultural landscape which contains individual small-scale developments including farmsteads and barns. The LVIA concludes that the proposal is a small-scale temporary development which will not result in any adverse significant effects on the landscape or visual receptors. The proposed bunding, seeding and planting will ensure that the development is assimilated into its local setting. The planting also offers potential for ecological corridors and native biodiversity. The proposed mitigation measures will also aid in the screening and landscape integration of the existing barns adjacent to the site which currently have no associated landscaping. It is concluded that the proposed temporary development is acceptable on landscape and visual grounds and would leave longer term landscape and biodiversity benefits.

6.29 Agriculture: Paragraph 170b of the NPPF requires that the economic and other benefits of the best and most versatile agricultural land should be taken into account. The site area is 3.48ha comprising mainly arable land which is expected to be of grade 3a quality. However, the proposals are temporary in nature and linked to the lifespan of the proposed quarry extension at Gonsal. Accordingly planning conditions in Appendix 1 limit the maximum use of the site to 5 years and set detailed requirements for soil handling and restoration.

6.30 There would be some loss of agricultural land (less than 0.5ha) in order to provide the landscape planting which would remain after use of the depot ceases. It is considered

that the visual and ecological benefits of this would compensate for any such loss and would deliver an overall environmental benefit. It is concluded that the proposals can be accepted in relation to relevant development plan policies and guidance covering agricultural land including NPPF paragraph 170b and Core Strategy Policy CS17.

- 6.31 Ecology: An ecological report includes a desk top study, a review of previous ecological work and a walk over survey. This finds that the site is an intensively managed arable field with very low/negligible ecological value. Bomere, Shomere and Betton Pools site of Special Scientific Interest (SSSI) is located within 1km to the north east of the site, beyond the existing agricultural barns and Condover Quarry. The report advises that given the scale and nature the proposed development, it is not considered likely to impact on the status of the SSSI.
- 6.32 There is a record of Great Crested Newt (GCN) within 1km of the site with 3 mapped waterbodies within 500m of the site, all of which are located within Condover Quarry. However, there are no areas of suitable terrestrial habitat for Great Crested Newts present within the site boundary. An adjacent hedgerow which is assessed to provide terrestrial habitat for Great Crested Newts is to be retained. Hence the report concludes that the proposed development will have no impact on Great Crested Newts. A hedgerow adjacent to the south east corner of the site may be used by bats for commuting purposes but will not be disturbed. No evidence of badger was found on site during the walkover survey. It is not considered that the proposed development will impact on any other fauna of significant value and/or protected species.
- 6.33 The report recommends a pre - commencement check to ensure no new badger setts have been created before works onsite begin and that no additional lighting is created in close proximity of the adjacent hedgerow. Conditions covering these matters have been included in appendix 1. The Council's ecology section has not objected and has acknowledged the potential for biodiversity gain offered by the landscaping proposals. It is concluded that the proposals can be supported on ecological grounds. Core Strategy Policy CS17, SAMDev Policy MD12.
- 6.34 Hydrology and water resources – The site is located within Flood Zone 1 representing the lowest risk of fluvial flooding and is not in an area with critical drainage problems as notified by the Environment Agency. Drainage proposals for the site are designed to ensure the site can be operated safely without increasing flood risk. A Flood Risk Assessment has been undertaken. The Council's drainage service has not objected.
- 6.35 Measures will be employed on site to minimise the risk of pollution including:
- Inspection of vehicles entering and leaving the site on a daily basis – including checks for leaks on hydraulic pipes, fuel pipes etc;
  - Fuels, hydraulic oils and other hydrocarbons to only be kept in the prescribed area within the site. Such fluids to be kept on an area of hardstanding and the fuel store to kept within a bunded area. The bund must be of sufficient volume to contain 110% of the fuel store volume;
  - Inspection of the structural integrity of the fuel store and bunding on a regular basis; and
  - Emergency, spillage clean up procedures (and relevant equipment) in place within the site to contain and recover spillages should they occur.

It is concluded that the proposals can be accepted in relation to drainage and pollution control. Core Strategy Policy CS18.

## 7. CONCLUSION

7.1 The proposed depot would serve as a storage / distribution facility for Gonsal Quarry. It would accommodate sales to customers including collections / deliveries in the larger articulated vehicles. As a result, such vehicles would no longer pass through Condover in order to access the sand reserves.

7.2 This arrangement also offers the opportunity to equalise flows of quarry traffic, avoiding intermittently intensive periods and to avoid HGVs associated with Gonsal Quarry from passing through the village during school pick-up and drop-off times. Removing the articulated HGV movements through Condover associated with Gonsal Quarry and allowing improved control of quarry vehicle movements would provide a degree of betterment for the village.

7.3 The proposals are linked to an application for an allocated quarrying site and as such are supported by NPPF paragraph 205. environmental impacts of the proposal have been considered and no unacceptable impacts have been identified. Approval is therefore recommended subject to the conditions set out in Appendix 1.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 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, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than 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.

8.2 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.

- 8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.
- 8.4 Financial Implications: There are likely financial implications of the decision and/or imposition of conditions if 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. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 9. BACKGROUND

### Relevant Planning Policies

#### 9.1 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt) – allowing for development on appropriate sites within the countryside that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: required community uses and infrastructure which cannot be accommodated within settlements;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change
- Policy CS8 (Facilities, Services and Infrastructure Provision) – seeking the development of sustainable places by preserving and improving facilities and services; facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs in locations that are appropriate and accessible; positively encouraging infrastructure where this has no significant adverse impact on recognised environmental assets
- Policy CS9 (Infrastructure Contribution);
- Policy CS16 (Tourism, Culture and Leisure);
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire's environmental assets;
- Policy CS18 (Sustainable Water Management) – to reduce flood risk; to avoid an adverse impact on water quality and quantity
- Policy CS20 (Strategic planning for Minerals) Note: Gonsal Quarry associated with the current application is within an area identified as a broad location for future mineral working in the plan accompanying policy CS20.

#### 9.2 SAMDev Plan:

- MD2 – Sustainable Design

- MD4 - Managing Employment Development
- MD5 - Sites for Sand and Gravel Working
- MD7b– General Management of Development in the Countryside
- MD12: The Natural Environment
- MD13: The Historic Environment
- MD15 - Landfill and Landraising Sites
- MD16 - Mineral Safeguarding
- MD17: Managing the Development and Operation of Mineral Sites

10. RELEVANT PLANNING HISTORY:

- 11/01608/FUL Erection of an agricultural grain store GRANT 11th July 2011
- 12/04679/DIS Discharge of Condition 3 (Materials) attached to planning ref
- 11/01608/FUL. Erection of an agricultural grain store DISAPP 8th January 2013
- 16/05189/FUL Erection of an agricultural grain store GRANT 7th March 2017
- 19/04953/FUL Installation of a ground source heat pump array and erection of drying shed NPW 13th January 2020
- 20/00349/FUL Installation of a ground source heat pump array and erection of drying shed WDN 1st March 2021
- 20/02110/CPE Application for a Lawful Development Certificate for existing agricultural grain store not built in compliance with condition no.2 (11/01608/FUL) LA 9th December 2020
- 20/02112/FUL Application under Section 73A of the Town and Country Planning Act 1990 for erection of an agricultural grain store (retrospective) GRANT 29th January 2021
- 20/05371/FUL Development of a satellite stocking yard to serve operations from Gonsal Quarry PDE
- 21/01117/FUL The application is for the installation of a ground source heat pump array, the erection of a drying shed and the construction of a landscaped screening bund on land at Norton Farm. REC
- SA/85/0038 Erection of an agricultural building to be used for housing cattle. PERCON 21st February 1985

10.2 View application:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLR8ZITDJK700>

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 20/05317/FUL and the related plans and documents. Also the related planning application for a southern extension to Gonsal Quarry, reference 20/03173/MAW

Cabinet Member (Portfolio Holder) Cllr Gwilym Butler

Local Member Cllr. Dan Moriss

Appendices: APPENDIX 1 - Legal obligation heads of terms and recommended conditions

## APPENDIX 1

### Conditions

#### COMMENCEMENT OF DEVELOPMENT

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

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

#### DEFINITION OF THE SITE AND PERMISSION

2. This permission shall relate to the land edged red on Drawing No. KD.GSL.D.021 hereinafter referred to as "the Site".

Reason: To define the Permission.

#### DEFINITION OF THE PERMISSION

3. The development hereby permitted shall be carried out strictly in accordance with the approved documents and plans.

Reason: To define the permission.

#### TIME LIMITS

- 4a. The use hereby approved shall cease within 5 years of the Commencement Date as defined in Condition 1 above.
- b. The intended date when importation saleable products to the site commences shall be notified in writing to the Local Planning Authority.

Reason: To define the completion date for the use hereby approved and the date for commencement of operations at the depot.

5. The Site shall be fully restored within 12 months of the completion of depot operations as defined in Condition 4a above.

Reason: To secure restoration of the Site within an acceptable timescale.

#### GPDO RIGHTS

6. Notwithstanding the provisions of Part 17 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order, the erection of any additional plant or machinery or structures or erections of the nature of plant or machinery shall not take place within the Site without the

prior written approval of the Local Planning Authority. The only exception to this shall be for structures not exceeding 5 metres in height.

Reason: To enable the control of any further development within the Site.

#### PLANTING AND SCREENING OPERATIONS AND OTHER PRELIMINARY OR ASSOCIATED WORKS

- 7a. All trees, hedgerows and bushes within the Site but outside the limits of extraction shall be retained and managed and, where appropriate, protected during excavation and restoration works by fencing or other means.
- b. A scheme detailing measures to ensure continued protection of the existing mature hedgerows and woodland within the margins of the Site shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission.

Reason: To preserve and protect existing vegetation within the Site.

#### HOURS OF WORKING AND GENERAL CONTROL OVER OPERATIONS

8. No development shall commence until a scheme detailing the proposed access improvements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the bringing into use of the depot hereby approved.

Reason: To ensure that the permitted development is served by an appropriate access in the interests of highway safety.

- 9a. Unless otherwise approved in writing by the Local Planning Authority, or except in the case of emergency, records of which shall be retained for inspection by the Local Planning Authority, the quarrying and associated processing operations and uses hereby permitted shall not take place outside the following hours:-

Mondays to Fridays 07.30 - 17.00 hours

Saturdays 07.30 - 16.30 hours (Maintenance Work only)

No operations shall take place on Sundays, Bank Holidays or other National Holidays.

10. Measures shall be implemented to avoid the possibility of vehicles waiting outside the site prior to the permitted opening hours as specified in condition 10a above.

Reason: In the interests of highway safety.

- 11a. The total amount of saleable products delivered to the depot in any calendar year shall not exceed 160,000 tonnes in total unless a scheme detailing any proposed increase above this level has first been submitted to and approved in writing by the Local Planning Authority.

- b. Written records of the tonnage of saleable products imported to the depot each year shall

be maintained and shall be provided to the Local Planning Authority within one month of the end of each calendar year.

Reason: In accordance with the approved details and to ensure that the importation of saleable materials is controlled at a level which is designed to protect the amenities of the local area.

12. Any minerals imported to the Site shall be derived only from Gonsal Quarry and shall only use the access route between the Quarry and Norton Farm via Station Road Condover.

Reason: In the interests of highway safety.

- 13a. No bulk fill or waste materials shall be imported to the Site under the terms of this permission.

- b. No soils or soil making materials shall be brought on to the Site unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure that satisfactory control is maintained over the operations at the Site.

#### SITE DRAINAGE, POLLUTION CONTROL AND HYDROGEOLOGY

14. Condition: No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is brought into use.

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

*Informative Note: If non permeable surfacing is used on the new access, hardstanding and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.*

#### NOISE, DUST AND LIGHTING

15. Noise attributable to the development hereby approved shall not exceed a level of 55dB(A) LAeq 1h (free field) at the nearest privately owned residential properties surrounding the site.

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

- 16a. All vehicles employing reversing alarms within the site shall be fitted with white noise reversing alarms.

- b. All plant and machinery used within the Site shall incorporate silencers fitted in accordance with the manufacturers' specifications and those silencers shall be maintained in full working order.

Reason: To protect any noise sensitive properties from noise disturbances.

17. Site operations shall be controlled so that there shall be no visible emission of dust from the Site when viewed at the Site boundaries. In particular internal surfaces and stockpiles shall be sprayed with water as necessary to minimise dust emission.

Reason: To protect the amenities of the area from any dust generated by operations within the Site.

18. A water bowser of a type and size appropriate to control dust generated from the haul roads and other working areas within the Site shall be employed on the Site when weather conditions require the suppression of dust.

Reason: To ensure suitable dust suppression measures are employed on the Site particularly during dry and/or windy weather conditions.

19. No fixed lighting shall be installed at the Site unless the details of such lighting have first been submitted to and approved in writing by the Local Planning Authority. All fixed lighting employed at the Site shall be designed so as to minimize the potential for light spillage and associated visual impact.

Reason: To protect the visual amenities of the area and to reduce the potential for disturbance to local wildlife.

#### INTERNAL SITE ROADS AND WHEEL CLEANING MEASURES

20. The internal access road serving the site shall be regularly maintained and swept to provide a clean and even running surface, free from potholes.

Reason: To protect the amenities of the area to minimise the risk of pollution and to ensure a satisfactory access to the Site over the operational period.

#### CONTROLS OVER METHOD OF OPERATIONS

21. Unless otherwise first approved in writing by the Local Planning Authority mineral and other permitted saleable materials referred to in the application supporting statement shall not be stockpiled other than in the approved stocking areas shown on the approved layout plan.

- b. At no time throughout the duration of the operations hereby permitted shall the height of stockpiles exceed 5 metres.

Reason: In the interests of general and visual amenity.

#### SOIL STRIPPING, MOVEMENT AND STORAGE

22. No movement of soil shall take place except when the full depth of soil to be stripped or otherwise transported is in a suitable dry soil moisture condition. Conditions shall be sufficiently dry for the topsoil to be stripped and separated from the subsoil without difficulty. Soils should be drier than field capacity in the case of coarse textured soils and

drier than lower plastic limit for fine textured soils.

Reason: To ensure the satisfactory handling of soil resources within the Extension Site.

23. Before any part of the Site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is built upon or used for the stacking of subsoil, soil making material or overburden, or for the construction of a road, all available topsoil shall be stripped from that part using dump trucks, front end loading shovels and/or conveyors.

Reason: To ensure that soils are stored in a satisfactory condition for future restoration uses.

24. All soil types within the Site as approved by the Local Planning Authority shall be stripped and stored separately and within those soil types, the top and subsoils shall be stripped and stored separately. Any overlap of soil types in a storage mound shall be kept to the minimum necessary for the effective formation of that mound and the interface shall be suitably defined on site and on a record plan provided to the Local Planning Authority so that soil types can be easily located at mound removal stage.

Reason: To ensure that soils are stored in a satisfactory condition for future restoration uses.

25. Subsoils shall be stripped from the extraction area to a minimum 75cm in depth and shall be stored for the subsequent restoration of this part of the Site.

Reason: To ensure that sufficient subsoils are reserved for future restoration uses.

26. Mounds of topsoil, subsoil and soil making materials shall be constructed with only the minimum of compaction necessary to ensure stability. They shall be graded and seeded with a suitable grass seeds mixture, and the sward shall be managed throughout the period of storage including the removal of any weeds at an early stage of growth.

Reason: To ensure the satisfactory preservation of soils for restoration of the Site.

- 27a. Stripping, movement, storage and subsequent replacement of soils shall only be undertaken using a back-actor, front end loading shovels, dump trucks and/or conveyors.

Reason: To minimise possible damage to soils for use in future restoration.

- b. Stocking of soils in mounds shall be to a maximum height of 3.5 metres and such mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability.
- c. Run-off from soil storage areas shall be contained within the Site or intercepted via peripheral drains and settled out through on-site treatment facilities prior to any discharge from the Site.

Reason: To ensure the satisfactory conservation of soils, the proper construction of soil storage areas and to prevent the pollution of the Mor Brook or other surface waters..

## ECOLOGY, LANDSCAPING AND RESTORATION

28. Within one month of the commencement date a landscaping plan illustrating biodiversity gain shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g. hibernaculum, integrated bat and bird boxes/features, amphibian-friendly gully pots and/or bug houses];
  - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - iii. Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;
  - iv. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
  - v. Native species used are to be of local provenance (Shropshire or surrounding counties);
  - vi. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
  - vii. Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

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

29. Prior to first use of the site, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- i. A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
  - ii. A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Swifts (swift bricks or boxes), Sparrows (32mm hole, terrace design), Starlings (42mm hole, starling specific) and/or small birds (32mm hole, standard design)) shall be erected on the site prior to first use of the development.

The boxes shall be sited at in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

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

30. Prior to the commencement of development, a badger survey shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to

the Local Planning Authority. If new evidence of Badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures shall be implemented as approved.

Reason: Badgers are a highly mobile species and are known to create new setts and abandon and re-use existing setts in relatively short periods of time. The survey is to ensure the protection of Badgers under the Protection of Badgers Act 1992.

Informative notes

- i. *Great Crested Newts are protected under the 1992 Habitats Directive, the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations and the 1981 Wildlife and Countryside Act (as amended). It is a criminal offence to kill, injure, capture or disturb a Great Crested Newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
- ii. *Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.*
  - *If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.*
  - *Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area.*
  - *Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.*
  - *All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.*
  - *Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be*

*provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*

- *Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.*
- *If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
- *If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).*

*iii. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*

- 31a. All trees, hedgerows and shrubs within the Site boundary but outside the limits of extraction shall be retained and managed and, where appropriate, protected during excavation and restoration works to the reasonable satisfaction of the Local Planning Authority.
- b. No disturbance shall take place to any established trees or shrubs within or surrounding the Site until after the end of the bird nesting season (March - June inclusive), unless a supplementary ecological survey has been submitted to and approved in writing by the Local Planning Authority which shows that the affected vegetation is not being used by any nesting birds.

Reason: To preserve and protect existing vegetation within the Site which is not allocated for removal and to safeguard any nesting bird species.

- 32a. All plant and machinery and structures within the Site which have been installed in connection with the operations authorised under this permission shall be demolished, and / or removed from the Site within twelve months of completion of cessation of the use hereby approved and the site shall be reinstated to its previous use as an agricultural field whilst retaining the approved landscape planting.

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

## RESTORATION

- 33a. Restoration of the Site involving soil replacement shall be carried out in dry ground and weather conditions. Soil shall be drier than field capacity in the case of coarse textured soils and drier than lower plastic limit for fine textured soils. All subsequent cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition to minimise soil damage and to maximise the effects of the subsoiling and rooting operations.

- b. Movement of soils shall be carried out using low ground pressure equipment and in particular earth scrapers shall not be used for restoring best and most versatile agricultural land. Soils from areas scheduled for restoration to best and most versatile agricultural land shall be restored using the dump truck/loose tipping method in narrow strips of approximately 10 metres width. In particular dump trucks shall not travel on the replaced soils and any machinery travelling over the soils shall be kept to the minimum necessary to spread the soil and achieve a satisfactory restoration.
- c. During the replacement of soils and other materials the restoration of the Site shall be carried out in a sequence which shall prevent the mixing of topsoil, subsoil making material and overburden.

Reason: To ensure the satisfactory handling and spreading of soils for restoration.

34a. A minimum of 90 cm of subsoil shall be re-spread evenly over those areas approved to receive such subsoil. The subsoil shall be treated in accordance with the general requirements of Condition 54 above. Except where soils are being loose tipped no layer of replaced soil shall exceed 300mm thickness before it is subsoiled (rooted) and the subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. Subsoil upon which other soils have been stored shall also be subsoiled (rooted) in the same manner.

- b. Stones with a diameter in excess of 10cm or other deleterious materials shall be removed from Site or buried on the Site in a location and depth notified to the Local Planning Authority.

Reason: To ensure the satisfactory restoration of the Site.

35a. After satisfactory replacement and treatment of the subsoil, a 30 cm layer of topsoil shall be re-spread evenly over those areas approved to receive such topsoil. The topsoil shall be subsoiled (rooted) and cultivated and topsoil upon which other topsoil has been stored shall be subsoiled (rooted) and cultivated in the same manner.

- b. All operations involving soil replacement and cultivation treatments shall only be carried out when the full volume of soils involved is in a suitable dry soil moisture condition.

Reason: To ensure the satisfactory restoration of the Site.

36. Stones with a diameter in excess of 10cm and any other material in the restored soil profile which is deleterious to the establishment of the proposed afteruses shall be removed from the Site or buried at considerable depth in a manner to be the subject of the prior approval of the Local Planning Authority.

Reason: To ensure the satisfactory restoration of the Site.

#### AFTERCARE

37. The site shall undergo aftercare management for a 5 year period, commencing on the date at which the restoration is completed to the satisfaction of the Local Planning Authority.

Reason: To bring the land to the required standard for agricultural use and wildlife habitats.

38. A detailed aftercare scheme shall be submitted as soon as restoration of the site has been completed to the satisfaction of the Local Planning Authority. The submitted scheme shall provide for the taking of such steps as may be necessary to bring the land to the required standard for agriculture, including as appropriate:

- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding;
- ii. measures to reduce the effects of compaction;
- iii. fertiliser and lime application;
- iv. cultivation works;
- v. reseeded where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
- vi. grass cutting or grazing;
- vii. replacement of hedge and tree failures;
- viii. weed and pest control;
- ix. drainage including the construction/maintenance of ditches and soakaways;
- x. field water supplies
- xi. under drainage
- xii. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
- xiii. habitat management proposals within the aftercare period;
- xv. track maintenance within the Site;
- xvi. repair to erosion damage;

Reason: To ensure the establishment of a productive afteruse for the non-agricultural areas of the Site in accordance with the details of the approved scheme.