

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 19/05509/MAW	<u>Parish:</u>	Buildwas
<u>Proposal:</u> Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site		
<u>Site Address:</u> Proposed Quarry to the east of Much Wenlock Road, Buildwas, Telford Shropshire		
<u>Applicant:</u> Harworth Group Plc		
<u>Case Officer:</u> Graham French	<u>email :</u> planning.southern@shropshire.gov.uk	

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

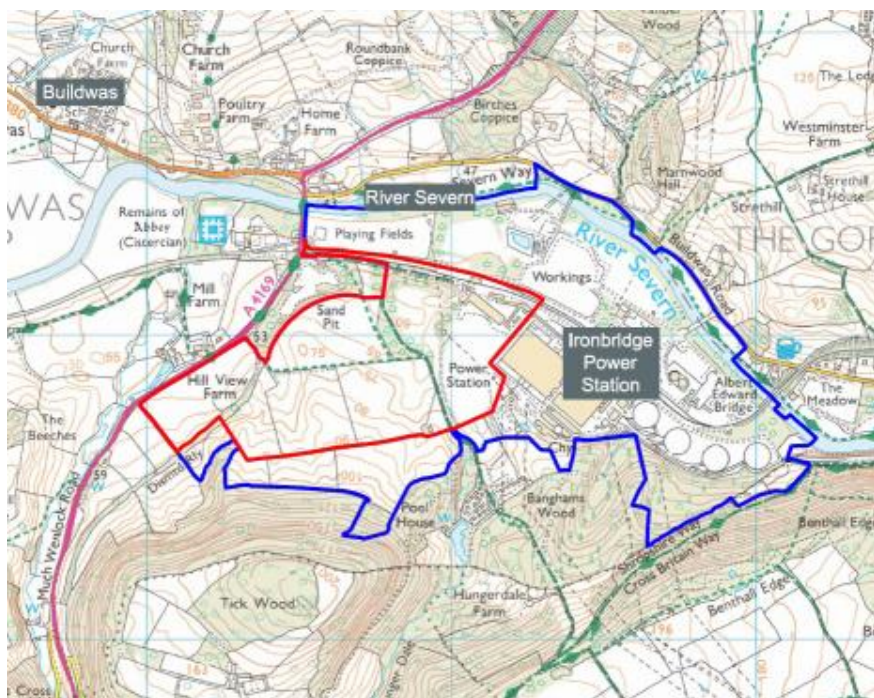


Figure 1 – Location Plan

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is to extract 1.9 million tonnes of sand and gravel from land within and to the immediate west of the former Ironbridge Power Station site. The site would be worked and restored in a phased manner over a period of 5 years. Demolition of the Power Station is nearing completion. The proposals fall within the area of an outline application to redevelop the power station site for housing and employment uses (ref: 19/05560/OUT).
- 2.2 The applicant, Harworth Group Ltd, justifies the proposals on two main grounds. Firstly, they will allow recovery of sand and gravel in advance of development, thereby avoiding sterilisation of this mineral resource. Secondly, they will allow formation of an engineered development platform suitable for accommodating the residential development proposed as part of the outline planning application.
- 2.3 Access to the site is by a private road which runs along the northern boundary of the Buildwas Quarry, off Much Wenlock Road. The proposal involves transporting the 75% of the mineral via rail utilising the existing infrastructure of the Power Station and 25% via HGV.



Figure 2 – Phasing

- 2.4 A new processing site would be constructed on the former Coal, Biofuel and PFA storage area of the power station. The plant will allow the dry screening of mineral. Mineral will be transported to the processing area via dump truck across the private road which connects the Caravan Park.

- 2.5 The phased nature of the development means that operations will move progressively around the site, meaning that any effects will be of limited duration at any particular point in time.
- 2.6 Two restoration schemes accompanied the original application. One supports the outline residential scheme if approved. The other is to agricultural land if the residential scheme is not permitted. However, the further information provided by the applicant in December 2020 advises that the mineral scheme would not be implemented if the residential scheme is not approved. The applicant is willing to enter into a legal agreement to confirm this and a legal clause to this effect has been included in Appendix 1.
- 2.7 Environmental Statement: An Environmental Statement accompanies the application under Schedule 1 of the EIA Regulations 2017 (as amended) and includes reports on transport, hydrology, ecology, visual impact and other relevant matters. Further information was requested by the planning authority under Regulation 25 of the EIA Regulations and this was received in December 2020.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The application site covers an area of 49ha, which includes agricultural fields and derelict brownfield land associated with the site of the former Ironbridge Power Station. The proposed mineral operations would form a new area of sand and gravel extraction south of Buildwas Quarry.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals are for schedule 1 EIA development and as such are automatically referred to committee under the Council's scheme of delegation. They are also linked to an application for redevelopment of Ironbridge Power Station, also schedule 1 EIA development, which is being brought forward as a strategic site proposal under the current review of the Council's SAMDev plan.

4.0 COMMUNITY REPRESENTATIONS

Consultee Comments

A significant number and volume of comments has been received from planning consultees. Summary comments are provided here and a more comprehensive schedule is included in Appendix 2.

- 4.1 Buildwas Parish Council – Objection due to the negative impact on the local area including noise dust and traffic movements.
- 4.2 Much Wenlock Town Council Objection due to impacts on highways, the World Heritage Site, the Area of Outstanding Natural Beauty, Buildwas Abbey and other local designations, land stability. Questions policy justification for mineral extraction.
- 4.3 Broseley Town Council – Neutral stance providing there are no negative impacts for the Broseley area.

- 4.4 Leighton and Eaton Constantine Parish Council (neighbouring parish): Objection on highway safety and environmental grounds. Questions policy justification.
- 4.5 Cressage Harley & Sheinton Parish Council (neighbouring parish): Objection on highway grounds. Rail connection is uncertain.
- 4.6 Barrow Parish Council (neighbouring parish) object on highway grounds.
- 4.7 Easthope Shipton and Stanton Long Parish Council (neighbouring parish) object on highway grounds.
- 4.8 The Gorge Parish Council (adjoining parish): Objects to the proposed working hours.
- 4.9 Telford & Wrekin Council – No objection subject to conditions covering environmental matters (included in Appendix 1).
- 4.10a Environment Agency – Comments on application as originally submitted. Further information needed on hydrogeological impacts and baseline situation. Permit amendment required for Pulverised Fuel Ash ('PFA') processing.
- b. Comments following receipt of further information on hydrology from applicant. Have not objected. Advice in previous comments still applies. A surface water management condition is recommended.
- 4.11 AONB Partnership – Objection principally on the basis of the scale and proximity of this major development in the immediate setting of the AONB.
- 4.12 Natural England – Response on original consultation. Further information is required to determine impacts on designated sites and protected landscapes. Further information addressing this was subsequently submitted by the applicant in December 2020. Natural England were re-consulted. No response received.
- 4.13 Highways England – No objection.
- 4.14 Ironbridge World Heritage Site Steering Group - Concerns about the impact of the proposed mineral extraction and transport scheme on the setting and significance of the World Heritage Site. Concerns about night time rail track maintenance and potential implications for flooding and land stability.

Internal Comments

- 4.15 SC Trees – No objection.
- 4.16 SC Rights of Way – Need to maintain access to existing rights of way during the development.
- 4.17 Regulatory Services - No objection subject to conditions.
- 4.18 SC Highways Development Control – No objection subject to conditions.

- 4.19 SC Ecology No objection subject to conditions. Further information was requested on designated sites and priority species and has been provided by the applicant. Consideration of the Habitats Regulations '3 derogation test's will not be required because no works to Albert Edward bridge are proposed as part of this planning application. The submission of a future planning application where works are proposed to the bridge will need to include the results of the hibernation survey and a mitigation strategy for bats. Agrees with comments of T&W ecologist on the outline application.
- 4.20 SC Conservation - No objection.
- 4.21 SC Archaeology – No objection
- 4.22 SC Drainage – No objection subject to a condition requiring prior approval for a scheme of surface and foul water drainage.
- 4.23 Councillor Claire Wild (Local Member) – Requests conditions controlling hours of working, HGV movements, air quality and ecology monitoring and legal obligations concerning road safety.
- 4.24 Telford & Wrekin Council (T&W) – No objection subject to conditions, informative notes and legal agreement clauses delivering necessary infrastructure to support the development within the T&W administrative area. Detailed discussions have taken place at officer level between Shropshire Council and T&W.
Note: As a cross boundary application Harworth submitted an equivalent outline application to T&W which received an approval resolution at a meeting on 18th June 2021 subject to conditions and legal agreement clauses.

Public Comments

- 4.24 The application has been advertised in the press and by site notice and the nearest properties have been individually notified. The application has attracted representations from 94 individuals including 93 objections which can be inspected on the Council's online planning register (see link in section 11 of this report). The main concerns can be summarised as follows:
- i. Green field location of proposed quarry.
 - ii. Effect on wildlife. Key location for Little Ringed Plover and other bird species. Where will all the displaced wildlife go?
 - iii. Sensitive location near to AONB, World Heritage Site and Buildwas Abbey Scheduled ancient monument. Effect on setting of these designations. Effect on SSSI's and Ancient Woodland;
 - iv. Questioning need for the mineral. Economic case is unproven;
 - v. Concern about quarry traffic and highway safety. Limited capacity of local highway network. HGV's and cycling safety;
 - vi. Concerns about general and residential amenity including noise, dust, air quality and visual amenity. Noise carries in the Gorge and air pollution is trapped. Pollution and noise from trains. Noise from night-time rail maintenance. Concern about hours of working and noise. House shaken by HGV's. Loss of tranquility;
 - vii. Loss of best and most versatile agricultural land;
 - viii. Precedent for further greenfield development;

- ix. Concern the proposals could exacerbate existing flooding problems. Insufficient hydrological information submitted. Gravel currently acts as large rainfall soakaway;
- x. Need to ensure most mineral goes out by rail;
- xi. What happens if mineral can't be removed at the proposed rate? Impose a condition requiring 75% is removed by rail;
- xii. Climate change – mineral extraction will have a large carbon footprint;
- xiii. Effect on tourism. Will reduce attractiveness of the Abbey;
- xiv. Need to protect rights of way.
- xv. Need for strict conditions and monitoring for transport and working arrangements.

Representations have also been received from the following:

- 4.25 David Turner (former Councillor for Much Wenlock) - Concerns about the impact of the development on wildlife, air quality, visual amenity, highway safety and noise.
- 4.26 Much Wenlock Civic Society: The principle of avoiding sterilisation of mineral is understood. The Civic Society asks that Shropshire Council does not grant permission unless the condition is included that rail transport removes a minimum of 75 percent of the sand and gravel off the site. Use the A4169 junction in Much Wenlock should be avoided for air pollution and highway safety reasons.
- 4.27 Telford & Wrekin Local Access Forum & British Horse Society Access Officer (Telford and Wrekin): The development impacts on a number of important and well-connected Public Rights of Way. I would be very concerned if these routes became major vehicular routes for use by the quarry traffic. It is not acceptable to move the routes just onto a verge or similar.

5.0 THE MAIN ISSUES

- i. Planning policy and need for the development;
- ii. Environmental implications of the proposals, including with respect to highways, ecology noise, dust, working hours, hydrology, agriculture, restoration and afteruse.

6.0 OFFICER APPRAISAL

Planning policy and need

- 6.1 Introduction: The current application to extract sand and gravel is linked to an outline application to redevelop the former Ironbridge Power Station site for housing, employment and ancillary uses which forms a separate item on this Agenda. The applicant has put forward two main justifications for the proposals which are considered further below:
 - 1. To avoid sterilisation of the mineral present in the western part of the site which would become inaccessible if the housing proposed in this area under the outline application proceeds.

2. To allow establishment of a level development platform for the housing proposals which is set down relative to current levels, thereby also allowing improved screening of the housing development.

The applicant has confirmed that the mineral proposals would not be implemented unless the masterplan development proceeds.

- 6.2 Avoiding sterilisation of mineral: The application site is located within a Mineral Safeguarding Area ('MSA'). This designation indicates the presence of a potentially economic mineral resource (in this case sand & gravel) without establishing any presumption in favour of working that resource. SAMDev Policy MD16(3) states that '*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*'... '*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*'. A development proposal could be refused if mineral safeguarding interests apply and are not satisfactorily addressed under Policy MD16.
- 6.3 The applicant has assessed the mineral beneath the site and finds that there are 1.9 million tonnes of recoverable sand and gravel. The applicant's boreholes confirm that the actual volume of mineral is much greater. However, the quality of some of the deposits is variable and the mineral beneath and nearer to the groundwater table is not deemed to be recoverable for economic and technical reasons.
- 6.4 In summary, recoverable mineral within the MSA will be worked in advance of any housing development in accordance with Policy MD16. Additionally, mineral not deemed to be recoverable for economic and/or technical reasons would remain in situ as a development platform for the housing proposals. Retention of this other mineral is not considered to conflict in this instance with the mineral safeguarding policy.
- 6.5 Establishing a suitable development platform: The topography within the site falls generally to the north but includes a central ridge with subordinate easterly and westerly gradients. The topographic variation within this part of the masterplan site presents a problem for housing development which prefers more even gradients. Additionally, without removal of the mineral any housing development would be at a higher elevation and subject to potentially increased visibility.
- 6.6 A significant proportion of the mineral proposed for excavation is located within topographic ridge. Hence, in addition to avoiding sterilisation of mineral the proposal to work the sand and gravel would deliver benefits in terms of improved gradients and screening of the residential development from external viewpoints.
- 6.7 Policy – links to outline planning application for redevelopment: The outline planning application for the redevelopment scheme of the power station site is being put forward as a strategic development site in the Council's emerging local plan which will cover the period 2016-2038 and replace the current SAMDev plan. The review of the local plan is at an advanced stage and subject to support from Council it is intended to

submit the plan to the Planning Inspectorate for consideration later this summer where it will then be subject to an independent examination. Although little weight can yet be accorded to the revised local plan it should be noted that there are other relevant planning considerations arising from the proposals to redevelop the former power station site. The site comprises a significant area of previously developed land with large scale buildings and significant remediation requirements. There is also significant national policy support for the delivery of housing and for the redevelopment of brownfield sites. The current application will facilitate the outline redevelopment proposals for the power station site. As such, it derives support from national policy on housing and brownfield land and from the status of the masterplan site in the emerging local plan.

- 6.8 Policy - minerals: The National Planning Policy Framework (NPPF) advises (paragraph 203) that ‘it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation’. *‘When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy’* (para 205). Minerals planning authorities should plan for a steady and adequate supply of aggregates including amongst other matters by maintaining a landbank of at least 7 years for sand and gravel (para 207). The NPPF also establishes a presumption in favour of development which is in accordance with the development plan.
- 6.9 In Shropshire the development plan comprises the Core Strategy and the SAMDev Plan. The proposed site is not allocated for mineral extraction under SAMDev policy MD5(2). As such, the application falls to be considered under the ‘windfall’ criteria of policy MD5(3), having regard also to the resource protection Policy MD16 referred to above. Policy MD5(3) stipulates that ‘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; or,
 - 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’.
- 6.10 The proposals would not ‘meet an unmet need’ but have been specifically put forward to avoid sterilisation if the proposed residential development proceeds in this area. Additionally, there would be no prejudice to existing allocated sites, none of which are located within a 10km radius of the site. The criterion of Policy MD5(3)i and ii are therefore met. Hence, the criteria of Policy MD5(3) overall are satisfied. Regarding Policy MD5(3)iii the proposals are not offering to exchange or surrender any existing mineral consents. A comparison of acceptability with existing allocated sites is not required given compliance with MD5(3)i and ii. The applicant states that if the housing scheme proceeds then the proposals would offer significant benefits by facilitating a level development platform which is set down and screened relative to current ground levels.

- 6.11 Policy for aggregate supply: Paragraph 207 of the NPPF requires Mineral Planning Authorities (MPA's) such as Shropshire to plan for the future steady supply of sand and gravel by ensuring amongst other matters that sufficient permitted reserves exist for at least 7 years of sand and gravel, having regard to relevant national advice and local policies. MPA's also have a duty to cooperate with neighbouring MPA's to ensure adequate provision within the sub-region. Core Strategy Policy CS20 (sustainable mineral working) amongst other matters reaffirms Shropshire's commitment to make continued provision for sand and gravel production at the appropriate apportionment level.
- 6.12 Shropshire is a member of the West Midlands Regional Aggregates Working Party (WMRAWP) which comprises a group of all mineral producing authorities in the West Midlands region. The WMRAWP identifies agreed annual production targets ('sub-regional apportionments') for each local authority area. Sufficient sand and gravel must then be made available in each area to meet the sub-regional apportionment target and to provide reserves sufficient to meet the 7-year rolling landbank of permitted reserves required by the NPPF. Shropshire must therefore identify sites in its minerals policy documents with sufficient capacity to meet this production target.
- 6.13 It has been over 8 years since the call for mineral sites linked to the current SAMDev plan and Shropshire's new emerging local plan does not make provision allocation of any new quarries. As such, windfall sites coming forward under SAMDev Policy MD5(3) such as the current application site will have an increasingly important role to play in meeting future demand for sand and gravel. Whilst the bulk of mineral from the proposed site is proposed to be exported by rail up to 100,000 tonnes would be exported by road annually to local markets. Some of this would potentially be used in redevelopment of the power station site, thereby reducing highway movements. This would have the potential to displace mineral which would otherwise have been worked at other permitted sites, thereby leaving it available for other uses and supporting Shropshire's existing landbank.
- 6.14 Much Wenlock Town Council has questioned the need for the mineral in the site on the basis that Shropshire is meeting its landbank criteria and other existing quarries have the capacity to meet the County's needs. However, the main justification for the current proposals is not to supply local markets but is linked to the need to avoid sterilisation of mineral by other development under SAMDev Policy MD16.
- 6.15 Conclusion on policy and need: In summary the current proposals have come forward as a windfall mineral development under SAMDev Policy MD5(3) and to avoid sterilisation of the mineral within the site by subsequent housing development in accordance with SAMDev Policy MD16. The proposals meet the criteria for a windfall site and would make a useful contribution to the Council's sand and gravel landbank at a time when no new policy allocations for mineral sites are currently being made. They would also facilitate establishment of a level development platform for future housing development proposed under the outline application for redevelopment of the power station site. Additionally, removal of the central knoll within the site would allow significantly improved screening for the housing scheme which is in a sensitive area near nationally designated sites. The need for the proposed temporary quarry can

therefore be accepted in principle. This is subject to the proposals also meeting other relevant policy tests with respect to the environmental matters discussed below.

Environment and amenity

- 6.16 The NPPF advises (para 205) that ‘Mineral Planning Authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment or human health, and should take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality’. MPA’s should also ensure amongst other matters that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 6.17 Traffic: Some concerns have been expressed by local town and parish councils that heavy vehicles from the site could impact adversely on the local highway network. In response the applicant has agreed to accept a condition limiting the total amount of mineral exported by road from the site to 100,000 tonnes a year. This equates to just under eighteen return movements (36 individual movements) using 20 tonne loads per working day (assuming a 5 ½ day working week) or twelve return loads by 30 tonne vehicles (24 individual movements). Assuming a 9-hour working day, this would equate to 4.4 individual movements per hour (@ one movement every 14 minutes) for 20 tonne loads or 3.3 movements per hour (@ one movement every 18 minutes) for 30 tonne loads. Additionally, the applicant has agreed to accept a legal agreement requiring implementation of a routing restriction which directs all quarry traffic up the Buildwas Bank Ironbridge by-pass and away from the Buildwas, Much Wenlock and Ironbridge roads, except where local access is required to customers along these routes. This restriction is capable of being enforced by use of CCTV cameras at the Much Wenlock Road junction. A legal agreement clause has been recommended requiring the applicant to install and monitor CCTV cameras.
- 6.18 A number of Parish Councils and local residents have voiced detailed concerns about the effect of HGV traffic from the proposals on the local road network. The proposed tonnage and routing restrictions address these concerns for this temporary operation by limiting the total amount of mineral traffic and directing it away from sensitive areas of the local highway network. The Council’s highway adviser WSP has indicated that there are no highway objections to the proposals and that the existing junction has sufficient capacity and visibility. This is having regard to existing uses also occurring at the junction including the Pool View caravan park and Buildwas Quarry. This is subject to a planning condition requiring submission of a scheme detailing interim improvements to the highway junction to accommodate the quarry traffic, with implementation of the scheme prior to commencement of the quarry development.
- 6.19 Paragraph 109 of the NPPF advises that “development should only be prevented or refused on highways 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, and it is considered that the proposed conditions and legal clauses would ensure that there would be no severe residual highway impacts after mitigation. The proposals can therefore be accepted in highway terms subject to the recommended planning condition and legal routing clause.

- 6.20 Noise: The NPPF requires Mineral Planning Authorities to have regard to the need to protect local residents living near mineral sites from quarry related noise. The technical guidance on noise from mineral working which accompanies the NPPF provides further guidance on the levels of noise which are acceptable (s30). The guidance advises that subject to a maximum of 55dB(A)LAeq, 1h, MPA's should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult to not exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator. In such cases, the limit set should be as near that level as practicable during normal working hours (0700-1900) and should not exceed 55dB(A) LAeq, 1h. Increased daytime limits of up to 70dB(A)Leq 1h are also allowed for short-term operations up to 8 weeks per year where this would generate benefits such as improved screening (NPPF Minerals Technical Guide s31).
- 6.21 The Environmental Statement includes a noise report which predicts noise levels at the nearest sensitive properties in accordance with methodology set out in national guidance (BS8233, BS4142, WHO guidelines and NPPF). The nearest sensitive receptors are at Pool View Caravan Park to the south east where the assessment identifies a moderate adverse effect. However, with the inclusion of bunding of around 4.5m in height along the southern boundary of the soil storage area, the assessment has identified a residual minor adverse effect at Pool View Caravan Park. Two other nearby properties are located opposite the proposed site access on Wenlock Road. The upper limit of 55dB is met for all receptor properties in this 'worst-case' scenario with or without the identified bunding. With respect to noise from rail movements the report advises that given the context and low frequency of such movements off-site any effect would be minor at worst and no mitigation would be warranted. The report concludes that overall, the extraction operations would not cause an unacceptable noise impact. Public Protection have not objected and have indicated that a 55dBA noise limit would be appropriate. A condition controlling noise has been recommended in Appendix 1. The proposals are considered acceptable in relation to noise on this basis. SAMDev Policy MD2, MD17.
- 6.22 Hours of working: The proposed hours of working are 7am to 7pm Mon-Friday and 7am to 1pm on Saturdays with no Sunday or Bank / Public Holiday working. The Council's Regulatory Services officers recognise that the Buildwas / Much Wenlock road is a busy commuter road where road noise is the dominant background noise source. However, traffic levels reduce on Saturdays and Public Protection suggest that a later start of 9.00am on Saturdays may be appropriate, unless monitoring during works suggests there is no increased noise impact on nearest properties. It is not considered that a 9am start on Saturdays would be impracticable for the operator and this is unprecedented for a Shropshire Quarry. However, the officer would support a condition requiring an 8am start on Saturdays unless noise evidence confirms that an earlier start would be acceptable. SAMDev Policy MD2, MD17.
- 6.23 Dust / Air Quality: The Environmental Statement has considered the potential for different activities to generate dust and methods of controlling dust have been identified in accordance with a Dust Action Plan. A source of water for dust suppression would be retained permanently on site. The nearest privately owned properties at Pool View Caravan Park (260m south east of the extraction area) and along Wenlock Road

(180m to the north and 200m west of the extraction area) are separated from the proposed extraction area by distance and topography. The ES concludes that the proposed measures would ensure that dust can be controlled within acceptable levels. These conclusions are generally supported by experience of the existing workings. An appropriate condition covering dust control has been recommended. The proposals were screened and found to fall below the national thresholds at which a road traffic emissions impacts assessment was required. Regulatory Services officers have not objected but advise that a robust dust management plan will be required detailing routine control and additional control measures. This has been conditioned. SAMDev Policy MD2, MD17.

- 6.24 Visual Impact: The site is in a sensitive visual environment. The application area is within 10m of the AONB on the opposite side of the A4169 with the mineral working area being 130m south of the AONB. The buildings of Buildwas Abbey the scheduled ancient monument are located 280m to the north of the extraction area. The Ironbridge Gorge World Heritage Site and associated Conservation Area is 1.1km to the east of the mineral extraction area and 900m east of the plant site processing area (though this would be screened by the retained transformer building). A landscape and visual impact assessment concludes that any landscape or visual effects resulting from the Proposed Development will be temporary, progressive and localised. The applicant states that operations would be carried out sympathetically and to a high standard to support this.
- 6.25 Shropshire Council's landscape consultant ESP accepts the methodology applied in the LVIA and has made a number of recommendations which have been taken into account in an updated LVIA submitted by the applicant. ESP were concerned that as the minerals scheme was not yet permitted the current on the ground situation should be used as the landscape baseline rather than the situation following any mineral extraction. To resolve this it was suggested that the following condition be included within any permission for the outline masterplan application:

'No development, apart from the preliminary works involving the construction of the new access road onto the Much Wenlock Road shall take place within the limit of mineral extraction shown on drawing No. HE014_D.1003B until all approved mineral extraction works have been completed. This is unless a scheme setting out the details of the proposed additional preliminary works has been submitted to and approved in writing by the Local Planning Authority'.

The applicant has agreed to this condition. Accordingly, ESP has not objected to the proposals on landscape and visual amenity grounds.

- 6.26 The proposed development would not proceed unless the masterplan development which encompasses the current application site also proceeds. The implications of the masterplan scheme for heritage and visual designations are considered in detail in the report on the masterplan planning application which forms a separate item on this agenda. This concludes that there would be less than substantial harm to the setting of the World Heritage Site / Conservation area and Buildwas Abbey at the lower end of the scale but that mitigation measures would allow the test set by NPPF Paragraph 196 with respect to heritage assets to be met. The current temporary mineral proposals would facilitate the strategic masterplan scheme because failing to recover mineral in

advance of development would conflict with Policy MD16 thereby adversely affecting consideration of the masterplan scheme. Additionally, it would lower and even out the landform in the west of the site, providing improved screening for subsequent development. This would in turn reduce any visual impact of the strategically important masterplan development on the setting of local heritage assets.

- 6.27 The localised setting of the AONB would be subject to some change through removal of a low knoll facing the AONB but this is not considered that this would on its own result in harm to the setting of the AONB. It is considered overall that the design and temporary nature of the proposals and the contained nature of the site should ensure acceptability in relation to landscape and visual impacts in accordance with Core Strategy Policy CS17 and SAMDev policies MD12 and MD13.
- 6.28 Agriculture: The NPPF advises (para. 170b) that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. An agricultural report confirms that there would be a loss of 20.6 ha of grade 2 and subgrade 3a best and most versatile agricultural land if the quarrying proposals are approved. The applicant would not implement the quarrying scheme unless the masterplan development is also approved and has accepted a legal clause securing this commitment. As such there would be no loss of best and most versatile land unless the masterplan development is approved and no loss of such land which is specific to the current proposals.
- 6.29 Additionally, the soil resources of the site would be protected under a soil management plan for re-use as part of landscaping works for the re-development proposals. It should also be noted that the soil resource in the brownfield parts of the masterplan site is very limited and poor in quality. The availability of high-quality soils from the proposed quarry area would allow delivery of a significantly improved landscaping scheme for the whole site.
- 6.30 Detailed soil management conditions have been recommended in Appendix 1. Subject to this it is concluded that the current 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 Archaeology: An assessment concludes that the impact on archaeological features is limited and this has been accepted by the Council's historic environment team leader. However, a planning condition is proposed to ensure that monitoring is carried out in liaison with the Council's Archaeology section as extraction operations are undertaken.
- 6.32 Built Heritage: Where a development has 'less than substantial harm' to a heritage asset including its setting then the decision taker is required by NPPF Paragraph 196 to weigh up the effects on the asset and any mitigating factors against the public benefits of the development. A heritage assessment concludes that the proposals would not result in cumulative or residual impacts on heritage assets. It is stated that following the mineral extraction and associated restoration works, there will be a minimal change to the settings of the Buildwas Abbey Scheduled Monument with a minor change in views from within and across the southern portion of the heritage

asset. This will have a minor effect on the asset, which is not considered significant. The heritage assessment does not state that any effects would be 'less than substantial' in the terms meant by NPPF Paragraph 196. To adopt a precautionary approach the officer assumes that this is the case and will apply the Paragraph 196 test.

- 6.33 In terms of mitigating factors the applicant's visual impact assessment has confirmed that there is very limited inter-visibility between the site and the scheduled ancient monument, the 3 buildings of which are surrounded by mature trees. The temporary mineral working scheme would be managed and phases such that workings would at all times be behind a retained slope or below ground level relative to the scheduled monument.
- 6.34 The current application includes measures which are specifically designed to reduce the visibility of the proposals from external viewpoints, including the Buildwas Abbey scheduled ancient monument. As stated above, hedges and planting along the western boundary of the site will be preserved and supplementary landscaping is proposed. The phased working method means that only a limited area within the site will be subject to excavation / disturbance at any one time with previously worked areas being progressively restored. Machinery will be set down and hidden behind the extraction face from most viewpoints. Any visibility of open faces will be temporary and limited. The situation will be reviewed on an ongoing basis to ensure optimal screening. Physical separation between the working areas and heritage assets would also provide mitigation for any visual or amenity effects.
- 6.35 Additionally the mineral proposals would also allow any future residential development in this area under the strategic masterplan to be set down relative to existing ground levels, thereby allowing improved screening of such development from the scheduled monument. The mineral scheme would also only be implemented if the masterplan scheme is also approved. Hence, there would be no impacts on the scheduled monument or its setting from the proposed development unless the strategically significant masterplan development also proceeds. Having regard to the above matters it is concluded that the proposals meet the tests set by Paragraph 196 of the NPPF and that accordingly, the equivalent test set by SAMDev Policy MD13 is also met.
- 6.36 The heritage statement advises that the proposed export of materials of materials by rail will ensure the upkeep and preservation of the Grade II Listed rail bridge to the east of the site, which will result in a minor benefit to its significance. There would be negligible visual impact on the World Heritage Site which is 800m from the mineral site boundary and screened by the large retained transformer building. No unacceptable direct or indirect impact has been identified when assessed against EIA regulations, the NPPF and other material policy considerations.
- 6.37 The Historic Environment team has not objected to the current application or the masterplan development which forms the wider development context in which the current application sits. It is concluded that the proposals can be accepted in relation to relevant policies and guidance on built heritage including SAMDev policy MD13.
- 6.38 Ecology: The NPPF advises (Para 175) that 'when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

6.39 A small wooded protrusion of Tick Wood SSSI to the south of the site immediately adjoins part of the western boundary of the application site. An appropriate stand-off would be maintained to the SSSI within the site. The majority of the SSSI is located 130m or more from the application boundary.

6.40 An ecology report identifies that the application site includes 4 separate habitat types incorporating nine species groups. An ecological assessment studies these features and concludes that any permanent effects on nature conservation interests would be limited to 2 of the seven features and would not be significant. For the remainder of the features any residual effects are predicted to be significant positive or neutral. The two permanent not significant adverse effects concern the loss of arable fields and the subsequent effect on the farmland bird assemblage currently utilising the fields. This includes the little ringed plover, which will eventually lose suitable bare ground breeding habitat within the Site.

6.41 The applicant has provided subsequent clarification on a number of issues raised by the Council's ecologist:

- i. The geological SSSI at Buildwas Quarry is not located within the area of the current application. Management is the site owner's responsibility.
- ii. The proposals provide for a minimum 15m stand-off in accordance with current Natural England and Forest England standing advice. The stand-off exceeds 50m in some areas and the average exceeds 15m.
- iii. The ecologist has requested clarification on the level of activity at Buildwas Quarry as a baseline for assessing environmental effects from the development. The applicant confirms that whilst the ecology chapter of the ES makes no reference to activity at Buildwas Quarry it utilises ecological survey data to establish the ecology baseline in accordance with best practice.

- iv. Information has been provided to confirm that the proposals would not affect hydrology in the SSSI / Ancient Woodland.
- v. Details of site drainage proposals and mitigation measures to avoid a possible cause of increase in sediment input and increased flood risk of surface watercourses has been provided.
- vi. Information in measures to mitigate any potential land instability problems including in the GCN mitigation area and adjoining the ancient woodland has been provided.
- vii. Tick Wood and Benthall Edge SSSI is significantly exceeding its Critical Loads for Nitrogen and is demonstrating signs of enrichment. The development could generate increased levels of Nitrogen as NO_x gases via traffic/locomotive emissions and other sources of combustion. The applicant has provided an assessment of possible impacts on habitats. Current guidance for the assessment of air quality impacts on designated nature conservation sites is provided by the Institute of Air Quality Management. The Design Manual for Roads and Bridges represents the main guidance for determining whether a detailed assessment of the impact of emissions arising from increased traffic levels on the strategic road network is required. An assessment is required if a European Site is within 200m of an affected road with a projected change in the annual average daily traffic (AADT) of $\geq 1,000$ or increase in heavy duty vehicles (HDV) of ≥ 200 . The predicted increase in traffic is below relevant thresholds in the DMRB guidance so the need for an air quality impact assessment can be scoped out. The project has not identified any other projects or plans that would affect this conclusion.
Note: The officer accepts that the site falls below the threshold for a detailed air quality assessment and concludes that a Construction Environmental Management Plan coupled with appropriate stand-offs and planning conditions as listed in Appendix 1 will provide protect appropriate protection for the SSSI during the temporary quarrying proposals. The Council's ecologist and the Ecologist for Telford & Wrekin Council have not objected.
- viii. A draft Construction Environmental Management Plan ('CEMP' has been provided.
- ix. The ecologist has asked why a narrow band of woodland running down the north western side of the application area along the dismantled railway needs to be removed. The applicant has confirmed that this would not be removed. This might be a misinterpretation as a larger extent of woodland is shown on the 'Alternative Agricultural Restoration Scheme' Plan due to proposed new planting. Some localised loss of this woodland would ultimately be necessary under the outline residential application in order to create the proposed new roundabout access onto the Wenlock Road. All retained woodland will be protected.
- x. The applicant has decided that the minerals development will not be implemented if the associated Masterplan development is not granted planning permission and is willing to accept a legal agreement clause securing this. Therefore, the alternative agricultural restoration scheme no longer forms part of the proposals.

Hence, a biodiversity nett gain assessment for the minerals application is not required.

- xi. The ecologist has asked whether the 'grassy knoll' referred to in the geological report contains valuable species rich grassland. The applicant has confirmed that the grassland is locally more diverse in this location but is not 'species rich'. Species-rich grassland to be created on one of the former arable fields alongside Much Wenlock Road will more than adequately compensate for the loss of the small areas of slightly more species-diverse grassland within the pasture.
- xii. The ecologist has advised that the buffer from the edge of mineral extraction along hedge line 2 ('H2') should be continued north to protect this green corridor and bat flight route. The applicant has confirmed that this area would be suitably protected and buffered and mineral extraction in this area would be completed within 2 years.
- xiii. The ecologist notes that the phasing plans indicate that scrub is to be removed along the route of the proposed access road and rail loading facility. What mitigation is to be provided for bats in this area? The applicant has confirmed that an assessment of trees for roosting potential did not identify any trees with such potential in areas where woody vegetation will need to be removed.
- xiv. The ecologist has requested submission of a monitoring and mitigation strategy for the GCN mitigation pond area. The applicant is willing to provide a more detailed strategy by condition although the ecology chapter already addresses this and the area is subject to a protected species license issued by Natural England.
- xv. No works are proposed in proximity to the river so there is no requirement for a botanical survey in this area.
- xvi. A badger mitigation strategy has been provided.
- xvii. The ecologist has advised that the lack of compensatory habitat for little ringed plover (a UK protected species) has not been adequately justified. The applicant notes that the ecology assessment advises that this is an adaptable and transient species and that no mitigation is required. However, since the ES was submitted two factors provide an opportunity for enhancement for this species. The two arable fields alongside Much Wenlock Road were originally required for the mineral extraction process, but this is no longer the case, making them available for alternative use which could include biodiversity enhancement measures. Additionally, new research confirms arable fields are being used increasingly by this adaptable species and they have been recorded as nesting in cropland in Cheshire. As such it is proposed to manage an arable field within the applicant's holding for this purpose, including employing a sympathetic cropping regime and addition of local stony patches to the soil.
- xviii. The ecologist welcomes the proposal to provide exposed mineral cliffs for sand martins and topsoil free mineral for natural regeneration of vegetation is welcomed. Confirmation is required however that this can be achieved without

compromising slope stability. The applicant confirms that the proposed gradient of the stabilised slope will not provide suitable conditions for the sand martin to create nest holes. The proposal is therefore to cut a few sections of vertical face at the top of the slope to provide suitable conditions. Their location at the top of the slope is such that any collapse of the face would be minor and not compromise slope stability.

- xix. The ecologist has asked for confirmation of measures to minimise impacts on the commuting routes of bats and other nocturnal species. The applicant has confirmed that the only loss of habitat in relation to important features for commuting bats would be the creation of the new quarry access through the woodland. Impacts on this woodland have been mitigated by the choice of the position of the crossing point, which will utilise an existing agricultural access track through the woodland. There is a lack of species diversity and a shrub layer is absent at this crossing point.
- xx. A bat survey of the Albert Edward Bridge has been provided and confirmed roosting potential at the bridge abutments. Three pipistrelle roosts were identified.
- xxi. A lighting plan has been provided.
- xxii. An impact plan accompanying the GCN license issued by Natural England confirms that there would be no loss of core habitat for a small GCN population in a water body in Buildwas Quarry. The GCN license application approved by Natural England advises that the small population 'are highly unlikely to disperse to the arable fields due to a reasonably vegetatively bare area between the quarry site and the arable field and highly suitable and valuable core habitat of grassland and scrub immediately adjacent to this waterbody. Newts are considered highly likely to utilise this core habitat rather than disperse in to unsuitable, intensely farmed arable habitat'.
- xxiii. It was originally proposed to temporarily divert a footpath through the GCN mitigation area. This has however been re-considered by the applicant and an alternative diversion route has been identified on the revised phasing plan.
- xxiv. The applicant is willing to accept a condition requiring monitoring to take place to ensure that reptiles do not move into the new quarry via the end of the GCN fence.

6.42 The above measures are acceptable to the Council's ecology team who do not object to the proposals. Planning Conditions attached to any Decision will ensure that the proposal operates in a sustainable manner keeping any environmental effects to an acceptable minimum. It is not considered that the proposals would be likely to result in any adverse effects to the SSSI or loss or deterioration of irreplaceable habitats given the nature of the development and its spatial relationships to the SSSI. Accordingly, the test set by NPPF Paragraph 175 is met. It is concluded that the proposals can be accepted in relation to relevant policies and guidance covering ecology, including Core Strategy Policy CS17 and SAMDev Policy MD12. This is provided robust mechanisms are put in place to ensure that the proposed ecological mitigation measures are

delivered in practice. Appropriate ecological conditions are recommended in Appendix 1.

- 6.43 Slope stability: Regulation 32 of The Quarries Regulations 1999 states that ‘the operator shall ensure that a suitable and sufficient appraisal of all proposed or existing excavations or tips at the quarry is undertaken by a competent person in order to determine whether any such excavation or tip is a significant hazard’. A consultant’s geotechnical analysis reviews the proposed operations and local geology and concludes that the proposed excavations will not present any significant slope stability hazards provided the design parameters are fully implemented. The report advises that slope stability will be subject to regular and at least annual review by the appointed geotechnical consultant as the development proceeds. A hydrological report (next section) confirms that if a perched water horizon is encountered in the excavation face then the design of the face will be modified to reflect this.
- 6.44 This matter can be dealt with by inclusion of a ground stability monitoring condition (included in Appendix 1). Under this condition any evidence of ground stability would be picked up by routine inspection by site operatives and / or by a slope stability specialist. The planning authority would be notified, and a mitigation scheme would be submitted and implemented. The main area where stability could be an issue is the excavated face at the southern end of the proposed quarry where there is a proposed 1 in 3 gradient of up to 25m. It should be noted that the masterplan scheme makes provision for terracing and tree / shrub planting parallel to the contours of the slope up this slope which should add further stability to the slope over time. This would be secured under a landscaping scheme attached to a reserved matters application. It is concluded that the proposals can be managed acceptably with respect to slope stability.
- 6.45 Hydrology and water resources: The Environment Agency indicated in its initial consultation response that further information is required to demonstrate that the proposals would not increase flood risk. The applicant’s consultant subsequently provided further information on boreholes and hydrology and entered into discussion with the EA on this matter. The Environment Agency did not object in its subsequent consultation response but recommended an additional condition to manage surface water which is included in Appendix 1.
- 6.46 A hydrological assessment has involved survey work including drilling 24 exploration boreholes (9 monitoring wells) allowing analysis of the local groundwater network. The groundwater monitoring recorded all boreholes to be dry throughout the monitoring programme, with the exception of one located close to the southern extent of the proposed mineral extraction, where water was recorded to be present at an elevation of 65.7 - 66.0m AOD as a result of a localised sump effect in a clay deposit. The base of the monitoring boreholes ranges from 57.2m AOD to 40.35m AOD suggesting that the water table deepens substantially to the north, consistent with the topography. A pond present in the existing quarry floor to the north of the site is considered to represent the local groundwater level and this lies at an elevation of c. 37 - 38m AOD. The proposed base level of the quarry terminates 5 - 10m above the base of the proven unsaturated zone. This indicates that the workings would be dry and that a significant freeboard would remain above the extraction base to remain as a soakaway.

- 6.47 A geophysical survey was also conducted to assist in understanding the baseline characteristics of the water environment. Potential moderate impacts on surface water, groundwater and flood risk were identified during the operational and restoration phases. The report does not anticipate any significant adverse residual effects following the implementation of good practice and management strategies.
- 6.48 The mineral resource is located within and beneath a knoll which is above the surrounding ground levels. The applicant's boreholes confirm dry strata to a significant depth confirming that a significant unsaturated area will remain to act as a soakaway below the proposed extraction base. As such, the natural soakaway effect referred to by some stakeholders should not be materially affected. Additionally, drainage balancing measures can be provided within the excavation void under the surface water management scheme requested by the Environment Agency. Additional measures including SUDS and drainage balancing ponds would be provided as a requirement of the residential scheme. These would be designed to ensure that drainage from the site is attenuated to greenfield run-off rates. This would be conditioned under the outline scheme.
- 6.49 The hydrology report concludes that the proposals will not cause an unacceptable impact upon the water environment or have an impact upon human beings, flora and fauna. It is considered that the applicants hydrological survey work supports this conclusion. Given also the ability to impose relevant planning conditions covering hydrology monitoring and surface water management it is considered that the proposals comply with Core Strategy policy CS18 and other relevant policies and guidance.
- 6.50 Rights of Way: The existing footpath running west to east is to be diverted to provide an alternative safe and secure route throughout the proposed development. The applicant advises that the alternative route will be constructed to a high standard to ensure that footpath users are not inconvenienced. The Rights of Way team is aware of this and will consider an application for the diversion at the appropriate time.
- 6.51 Restoration and aftercare management: The NPPF (paragraph 204) requires Mineral Planning Authorities such as Shropshire to put in place policies to ensure worked land is reclaimed at the earliest opportunity. High quality restoration and aftercare of mineral sites should take place, 'including for agriculture, geodiversity, biodiversity, native woodland, the historic environment and recreation'. SAMDev Policy MD17 and Core Strategy Policy CS20 support this objective.
- 6.52 The current application differs from a typical quarrying scheme in that mineral would be recovered in advance of proposed residential development without which the quarry would not proceed. As such, aftercare requirements would be focused on providing an interim restoration landform and managing the site sustainably in advance of any residential development. Not all soils saved from the agricultural fields would therefore be spread back on completion of excavations. Some are likely to be stored until required for use in restoration works across the residential application site. Other soils may be transported to developing areas of the residential site. Conditions covering soil handling and interim management of excavated areas have been included in Appendix 1.

- 6.53 Socio-economic: The quarry will contribute to the economy throughout its operational period. This is through investment in goods and services, including salaries, business rates, service contracting, hire of equipment and capital expenditure. Further indirect employment will be generated for owner-drivers of quarry vehicles. Much of the employment will be of a skilled and semi-skilled manual nature under-represented in the local economy. These effects would be maintained for the duration of the quarrying proposals.
- 6.54 Interactions and cumulative effects: The Environmental Statement concludes that the proposals are unlikely to give rise to unacceptable levels of environmental or local amenity impact including cumulative impacts. This is taking account of the temporary and phased nature of the operations with inbuilt protections and the additional controls which can be imposed by conditions and under the proposed legal agreement.
- 6.55 Consideration of alternatives: It is considered that not working the mineral within the site would not be an acceptable or practicable option. This is because it would result in sterilization of the mineral beneath the site in conflict with SAMDev policy MD16. Additionally, it would mean that it may not be possible to establish an acceptable development platform for future housing development in this area of the site, given the undulating topography and relative elevation of this area.
- 6.56 The applicant's viability appraisal demonstrates that it is necessary to include the western greenfield part of the site within the development in order to secure a viable redevelopment scheme for the whole site. The masterplan proposals put forward by the applicant are the subject of extensive consultations and stakeholder engagement. It is not considered that a materially different masterplan scheme not involving mineral extraction would be sustainably deliverable within the development parameters of the site.
- 6.57 Carbon management and climate change: The application details indicate that the proposals would not lead to an increased risk of flooding once appropriate safeguards are applied. The wider restoration proposals linked to the outline residential scheme would lead to increased habitats, thereby helping to manage the effects of climate change on biodiversity. The applicant has committed to ensure energy efficiency and to reduce the carbon footprint of its operations. If the current proposals were not to proceed then the mineral in the site would be sterilized. The option of supplying mineral from the site to the residential development would be lost and sand and gravel would have to be sourced from other areas with additional implications for the carbon footprint of the development. The proposals to use rail transport for $\frac{3}{4}$ of the mineral also represents a carbon saving relative to road transport.

7. CONCLUSION

- 7.1 The quarrying proposals are linked to an application to redevelop the former Ironbridge Power Station site for residential, employment and associated uses. This has been put forward as a strategic site in the Council's emerging local plan which will replace the current SAMDev plan. The applicant has confirmed that mineral extraction would not proceed unless the redevelopment scheme also proceeds.

- 7.2 Two main justifications have been put forward by the applicant. Firstly, the proposals would avoid sterilisation of the sand and gravel mineral in the site by the redevelopment proposals by allowing recovery of mineral to take place in advance of housing development. This is in accordance with Policy MD16 of the current SAMDev plan. Secondly, the proposals would allow removal of a low knoll which runs through the centre of the site and for setting down of the ground levels relative to the current situation. This would provide a stable development platform for the proposed housing development in this area with improved screening from the surrounding area which includes the AONB and Buildwas Abbey.
- 7.3 The potential environmental and amenity effects of the proposals have been assessed in detail as part of the applicant's Environmental Statement. Further information has been formally requested and provided. There are no sustained objections from technical consultees which would suggest that the proposals should not proceed. Additional information on ecology confirms that no species or designations would experience unacceptable adverse effects after mitigation has been provided. The ecology team has not objected and the test in NPPF Paragraph 175 with respect to wildlife designation is considered to be met. Highway officers have not objected. Further information on hydrology has been provided in response to comments from the Environment Agency and conditions requiring water management and monitoring are included in Appendix 1. Because a significant freeboard of unsaturated sand and gravel will remain in-situ above the groundwater level the natural soakaway effect of the strata should continue to operate effectively though surface water management within the site will also address this.
- 7.4 The proposals would result in the loss of best and most versatile agricultural land but only if the outline masterplan development proceeds. There would be some limited effects on the setting of Buildwas Abbey scheduled ancient monument but it is considered that the test set in NPPF Paragraph 176 is met. The phased nature and design of the development and associated landscaping proposals mean that any visual effects would be minimised.
- 7.5 The application also derives support from policies which support the redevelopment proposals, including with respect to provision of housing and redevelopment of brownfield sites. Additionally, there is general support for mineral proposals in the NPPF due in particular to the economic benefits which such development can bring.
- 7.4 No issues have been identified which would be likely to give rise to unacceptable impacts on the local environment or amenities which would justify refusal once the proposed mitigation measures are accounted for. It is concluded on balance that proposals are sustainable and can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.
- 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. The officer has reviewed available information to establish whether the proposals might potentially raise issues with the Equalities Act 2010. No such issues have been identified.
- 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 Guidance and Planning Policies

National Planning Policy Framework: Summary of relevant minerals guidance:

9.1 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
- 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
- S13: Much Wenlock Area

10. RELEVANT PLANNING HISTORY:

- SA/88/1489 Import and grading of fly ash from the power station adjoining the quarry. WDN 30th November 1988
- SC/MS2006/1376/SY Variation of conditions 4 and 5 attached to planning permission MS1996/0056/SY to extend for a further 10 years the life of the existing recycling facility for inert construction and civil engineering waste materials PERMIT 29th June 2007
- SC/MS1996/0056/SY Development of a permanent recycling facility for inert construction and civil engineering waste materials PERMIT 3rd September 1996
- SA/77/0095 Construction of a car park for 12 cars. PERCON 10th March 1977
- SA/74/0618 Permanent retention of existing site office to be used as administrative offices. PERCON 26th November 1974

- SA/84/0784 Scheme of landscaping involving deposit of pulverised fuel ash produced. PERCON 8th November 1984
- SA/77/0472 Erect an 132KV Overhead Line via two steel towers over the railway to connect existing transformer (adjacent to 400KV switch house) to existing 132KV switch house. PERCON 12th July 1977
- SA/75/0524 Erection of pump house and oil overburn installation (amendment to previous planning permission 74/642). PERCON 29th July 1975
- SA/77/0981 Erection of a primary electricity sub-station for electricity distribution. PERCON 20th December 1977
- SA/00/0040 Installation of new precipitators and ductwork in connection with dust abatement project. PERCON 23rd February 2000
- SA/77/0009 Extension of existing vehicle servicing building (30' x 12'). NOOBJC 25th March 1977
- PREAPP/11/01444 Proposed Covered Fuel Store PREAIP 18th October 2011
- 12/00032/MAW Construction and operation of a fuel store for the storage of wood pellets GRANT 5th April 2012
- 12/02134/DIS Discharge of Condition 8a (Dust Management Scheme) 10 (Complaints Procedure) 12a (Construction Management Plan) 12c (Construction Workers Compound) 13 (Fuel Store Design) 15 (Water Drainage) 16B (Site Contours) attached to planning reference 12/00032/MAW - Construction and operation of a fuel store for the storage of wood pellets GRANT 10th July 2012
- 12/02648/AMP Application for Non-Material Amendment following grant of planning permission ref. 12/00032/MAW to alter the dimensions of the building. Construction and operation of a fuel store for the storage of wood pellets GRANT 10th July 2012 12/04934/DIS Discharge of Conditions 6b, 7b and 17a (Lighting) attached to planning ref. 12/00032/MAW. Construction and operation of a fuel store for the storage of wood pellets DISAPP 3rd December 2012
- 14/00905/DIS Discharge of condition 22a. Construction and operation of a fuel store for the storage of wood pellets. DISAPP 23rd July 2014
- 15/00922/DIS Discharge of Condition 22a (Biofuel Procurement Report) on Planning Application 12/00032/MAW for the submission of report discharging annual reporting requirement under Condition 22a DISAPP 17th February 2016
- 15/05594/VAR Variation of Condition No. 23b attached to Planning Permission 12/00032/MAW dated 5th April 2012 - The building should be removed from site by 31st December 2017 unless a scheme has been submitted to and approved in writing by the Local Planning Authority. GRANT 17th February 2016
- 16/01583/VAR Variation of conditions 4 & 5 (time period) attached to planning permission SC/MS1996/0056/SY (varied on SC/MS2006/1376/SY) to allow for continuation of use as a recycling centre GRANT 9th November 2016
- 16/02486/CPE Importation and storage of a range of aggregates in 20 tonne loads. Sale to local builders in small loads for use in the construction industry. Storage areas have been located around the outside of the central inert waste recycling area, as shown on the Site Plan. Annual inputs of 8,000 to 10,000 tonnes. LA 21st March 2017
- 16/00926/DIS Discharge of Condition 22a (Biofuel Procurement Report) on Planning Permission 12/00032/MAW for the construction and operation of a fuel store for the storage of wood pellets DISAPP 2nd March 2016

- 16/02868/SCR Request for a Screening Opinion under Regulation 5 (2) of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (As Amended) EAN 26th July 2017
- 17/02079/VAR Variation of Condition 23b of permission reference 12/00032/MAW (as varied by 15/05594/VAR) to allow a further 2-year extension for retention of former fuel store building (to 31/12/19) GRANT 22nd June 2017
- 17/02314/DEM Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of Ironbridge power station conveyors 6 and 7 and associated structures PNR 14th June 2017
- 17/04439/DEM Application for Prior Notification under Schedule 2 Part 11B of The Town and Country (General Permitted Development) (England) Order 2015 for the demolition of: Zone 1 - four, natural draft, hyperbolic cooling towers and the cooling water supply channels and pipework; Zone 2 - the turbine hall and boiler house, electrostatic precipitators, chimney and admin block including adjacent workshops and stores; Zone 3 - the auxiliary boiler and associated tanks, and the area of land previously used for contractor welfare during outages; Zone 4 - two heavy fuel oil (HFO) tanks and the water treatment plant, the main site gatehouse, sewage treatment plant, storage buildings; Zone 5 - biomass store, coal stock conveyors, coal plant stores and workshop, the sports pavilion and bungalow REP3J 6th November 2017
- 18/03597/FUL Construction of 20no wildlife ponds GRANT 2nd November 2018
- 19/00627/DIS Discharge of Conditions 9 (Landscaping Plan) and 10 (Habitat Management Plan) on Planning Permission 18/03597/FUL for the construction of 20no wildlife ponds DISAPP 26th March 2019
- 19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site PDE
- 19/01346/DIS Discharge of Condition 4 (Stakeholder Engagement) 5 (Noise Monitoring Scheme) 6 (Dust Management Plan) 7 (Asbestos Management Plan) 8 (Water) 9 (Drainage Scheme) 11 (HGV Routing) 14 (Protected Species/Habitats) 15 (Great Crested Newt) 16 (Reptile Mitigation Strategy) 17 (Badgers) 18a & 18b (Bat Survey) 19 (Otters & Peregrines) 21 (Site Waste Management Plan) attached to planning permission 17/04439/DEM Application for Prior Notification under Schedule 2 Part 11B of The Town and Country (General Permitted Development) (England) Order 2015 for the demolition of: Zone 1 - four, natural draft, hyperbolic cooling towers and the cooling water supply channels and pipework; Zone 2 - the turbine hall and boiler house, electrostatic precipitators, chimney and admin block including adjacent workshops and stores; Zone 3 - the auxiliary boiler and associated tanks, and the area of land previously used for contractor welfare during outages; Zone 4 - two heavy fuel oil (HFO) tanks and the water treatment plant, the main site gatehouse, sewage treatment plant, storage buildings; Zone 5 - biomass store, coal stock conveyors, coal plant stores and workshop, the sports pavilion and bungalow DISAPP 12th June 2019
- 19/01779/SCO EIA Scoping Opinion for construction of around 1,000 residential dwellings, 20ha of commercial floorspace and associated infrastructure, to include a village centre (to potentially include a primary school, health provision and local

commercial development) Park and Ride Scheme and leisure facilities SCO 17th July 2019

- 19/02723/FUL Erection of a bat house GRANT 19th July 2019
- 19/03477/SCO Environmental Impact Assessment Scoping Opinion request relating to proposed extension of Buildwas Quarry as part of redevelopment proposals on land at Ironbridge Power Station GRANT 4th October 2019
- 19/04048/DIS Discharge of condition 20 (Construction Ecological Management Plan) on planning application 17/04439/DEM DISAPP 18th October 2019
- 19/04208/DIS Discharge of Condition 13 (Land Stability) on Planning Permission 17/04439/DEM for the application for prior notification under Schedule 2 Part 11B of The Town and Country (General Permitted Development) (England) Order 2015 for the demolition of: Zone 1 - four, natural draft, hyperbolic cooling towers and the cooling water supply channels and pipework; Zone 2 - the turbine hall and boiler house, electrostatic precipitators, chimney and admin block including adjacent workshops and stores; Zone 3 - the auxiliary boiler and associated tanks, and the area of land previously used for contractor welfare during outages; Zone 4 - two heavy fuel oil (HFO) tanks and the water treatment plant, the main site gatehouse, sewage treatment plant, storage buildings; Zone 5 - biomass store, coal stock conveyors, coal plant stores and workshop, the sports pavilion and bungalow DISAPP 18th October 2019
- 19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site PDE
- 19/05560/OUT Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works PCO
- 19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site PDE
- 19/05560/OUT Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works PCO
- 20/01792/DIS Discharge of Condition 4 (Landscaping) and 5 (Habitat Management Plan) associated with planning application number 19/02723/FUL DISAPP 20th August 2020
- 20/04930/FUL Erection of a peregrine falcon tower GRANT 18th February 2021
- 20/05301/FUL Phase 1 Earthworks - enabling works to commence upon grant of outline planning permission for the wider redevelopment proposals GRANT 8th March 2021

- 21/02012/FUL Change of use of existing railway track to a demonstrator track for very light rail (temporary permission for 3 years), construction of platform and associated hardstanding area to accommodate temporary buildings for use as office; welfare facilities; and maintenance building INV
- 21/02607/FUL Erection of Electricity Substation. REC

11. ADDITIONAL INFORMATION

Link to application documents:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2REMBTD07V00>

List of Background Papers: Planning application reference 20/03173/MAW and the related Environmental Impact Assessment, plans and supplementary reports as listed fully in condition 3 of Appendix 1 attached.

Cabinet Member (Portfolio Holder) Cllr Ed Potter

Local Member Cllr. Claire Wild

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

APPENDIX 1

Legal Agreement Clauses

- 1) The mineral permission shall not be implemented unless planning permission has been granted for the Masterplan development (ref 19/05560/OUT);
- 2) Routing restriction for HGV's to avoid Much Wenlock, Buildwas and Ironbridge to be enforced by CCTV cameras installed at the site access. Repeat offenders to be banned from the site.

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. For the avoidance of doubt development is defined as the commencement of soil stripping within the Site. The commencement of development within the Site is hereafter referred to as the "Commencement Date".

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. HE-014-D.001A

hereinafter referred to as "the Site".

Reason: To define the Permission.

DEFINITION OF THE PERMISSION

3. Except as otherwise provided by the conditions attached to this permission the development hereby permitted shall be carried out strictly in accordance with:
- i. The submitted details as contained in the application form dated 18th December 2019.
 - ii. The following documents supporting the application:
 - The Environmental Statement dated December 2019;
 - The appendices accompanying the Environmental Statement, namely:
 - Appendix 1 – Scoping Opinion;
 - Appendix 2 – Policy Audit;
 - Appendix 3 – Non Technical Summary;
 - Soils and Agricultural Quality Report;
 - Air Quality Appendices;
 - Soil contamination and ground investigation appendices;
 - Ecology appendices;
 - Geology appendices and landslide appraisal;
 - Archaeological and built heritage appendices;
 - Highways, proposed access and Transport Statement;
 - Hydrology appendices;
 - Landscape and Visual Impact Assessment appendices;
 - Noise assessment appendices;
 - Trees appendices.
 - iii. The submitted drawings accompanying the Environmental Statement, namely:
 - JER1594-IBLOC-001 - Site Location Plan;
 - HE-014-D.001A - Location Plan;
 - HE-014_D.1.003A - Block Phasing Plan;
 - HE-014_D.1.004A – Phase 1 Working;
 - HE-014_D.1.005A – Phase 2 Working;
 - HE-014_D.1.006A – Phase 3 Working;
 - HE-014_D.1.007A – Phase 4 Working;
 - HE-014_D.1.008A - Masterplan enabling scheme;
 - HE-014_D.1.011A - Masterplan enabling scheme sections;
 - Screening plant details (Figure J).
 - iv. The Regulation 25 submission of further information dated August 2020 and the associated appendices, namely:
 - Appendix 1 - revised block phasing plan (drawing number HE-014_D.1003B);
 - Appendix 2 - Addendum to ES Volume 1 Chapter 7 (Ecology);

- Appendix 3 - Regulation 32 stability appraisal (the Quarries Regulations 1999);
- Appendix 4 - Hydrology;
- Appendix 5 - Drainage;
- Appendix 6 - Landscape planting;
- Appendix 7 - Air quality and dust;
- Appendix 8 - Updated Flood Risk Assessment;
- Appendix 9 - LVIA - Response to AONB Partnership;
- Appendix 10 - LVIA – Buildwas Abbey landscape setting;
- Appendix 11 - Built Heritage.

Reason: To define the permission.

TIME LIMITS

- 4a. The extraction of sand and gravel from the Site under the terms of this permission shall cease within 6 years of the Commencement Date as defined in Condition 1 above.
- b. The date when extraction of sand and gravel has been completed within the Site under the terms of this permission shall be notified in writing to the Local Planning Authority.

Reason: To define the completion date for mineral extraction operations under the terms of the permission in accordance with the approved details.

5. The Site shall be fully restored within 18 months of the completion of mineral extraction under the terms of this permission and in accordance with scheme required to be approved under Condition 44b below.

Reason: To ensure the full and proper restoration of the Site within acceptable timescales.

6. The Local Planning Authority shall be notified in writing of the following events:-
 - i. the commencement of topsoil stripping and mineral extraction in the extension area;
 - ii. the commencement and anticipated completion of restoration in each successive phase within the Site.

Reason: To ensure satisfactory monitoring following the Commencement Date for the various specified operations with the Site.

GPDO RIGHTS

7. 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 6 metres in height which are located within the existing Processing Plant area identified on the approved plans.

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

PROTECTION OF RETAINED VEGETATION

- 8a. All the existing perimeter hedges and fences shall be maintained, made stockproof where necessary and protected from damage by the operator until the restoration is completed. Where the Site boundary does not coincide with an existing hedge or fence, the operator shall provide and maintain appropriate fencing until the restoration of the Site is completed. Undisturbed hedgerows within or bounding the Site shall be properly maintained, throughout the period of working and restoration.
- b. 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.

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

9. No soil storage shall take place other than in accordance with the details shown on the approved working plans as referred to in condition 3(iii) above.

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

HOURS OF WORKING AND GENERAL CONTROL OVER OPERATIONS

- 10a. Subject to Condition 10b and except in the case of emergency, records of which shall be retained for inspection by the Local Planning Authority, the quarrying and associated processing and associated rail and road transportation uses shall not take place outside the following hours:-

Mondays to Fridays 07.00 - 18.00 hours

Saturdays 08.00 – 13.00 hours

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

- b. The hours specified in Condition 10a above shall apply unless a scheme of extended working hours has first been submitted to and approved in writing by the Local Planning Authority. Any such scheme should demonstrate that the proposed extended working will not cause an unacceptable amenity impact to nearest residents, including with respect to noise.

Reason: To safeguard the amenities of the area.

- 11a. Access gates located at the entrance to the Site shall be locked or managed to ensure that no heavy goods vehicles enter the Site before 07.00 hours.
- b. 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.

- 12a. The total amount of mineral processed and dispatched from the Site in a calendar year (i.e.

between 1st January and 31st December) under the terms of this permission shall not exceed 400,000 tonnes. Of this total, not more than 100,000 tonnes shall be exported by road per calendar year with the remainder being exported by rail.

- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority within one month of the end of each calendar year.

Reason: In accordance with the approved scheme and to ensure that the production and dispatch of minerals is controlled at a level which is designed to protect the amenities of the local area.

13. There shall be no vehicular access or egress for vehicles engaged in the supply of sand and gravel extracted from the Site other than by way of the proposed quarry entrance onto the A4169 Much Wenlock Road as shown on the approved phasing plans.

Reason: To ensure that mineral vehicles travelling to and from the Site only use the approved Accesses to the Site.

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

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

SITE DRAINAGE, POLLUTION CONTROL AND HYDROGEOLOGY

15. No development shall take place until a 'water monitoring scheme' incorporating a further assessment of the impact and management of groundwater flood risk is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved throughout the duration of the development, including the restoration and aftercare period. The Scheme shall include, but may not be limited to:

- water features survey including private water supplies and the Cound Brook;
- any borehole, well, spring or private water supply that is identified as being at risk of derogation or otherwise negatively impacted by the mineral extraction;
- water monitoring locations;
- method and frequency for recording monitoring results (level and quality);
- method and frequency for reporting of monitoring results to MPA and EA, detailing how and when the monitoring data and the Scheme itself shall be reviewed to assess if any impacts are occurring;
- methods for investigating the causes of any such impacts and for remediating them.

Reason: To protect the water environment and prevent any deterioration of 'controlled waters' (as defined under the Water Resources Act 1991), including groundwater.

16. If monitoring results from the approved water monitoring scheme provides evidence of any adverse risk of deterioration to groundwater flows and quality or increase in flood risk extraction of mineral on site shall cease until a scheme providing for investigation and mitigation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in

accordance with the approved details and shall include:

- i. Methods and analysis for investigating the causes of identified changes and for remediating them and
- ii. Criteria for monitoring and review of success and failure of any remediation works carried out;
- iii. Proposals for implementing further action where appropriate.

Reason: To protect the water environment and prevent any deterioration of 'controlled waters' (as defined under the Water Resources Act 1991), including groundwater.

17. There shall be no siting of structures or storage of materials and existing ground levels shall not be raised within 8 metres of top of the bank of all watercourses within or fringing the Site.

Reason: To ensure that flood water storage capacity is maintained and access to watercourses is maintained.

18. Throughout the period of working, restoration and aftercare the operator shall take steps to ensure that drainage from areas adjoining the Site is not impaired or rendered less efficient by the permitted operations.

Reason: To ensure the continuing satisfactory drainage of the Site.

19. No oil, fuel or chemicals shall be stored within the Site without the prior written approval of the Local Planning Authority. Any storage within bunded areas shall take place in properly constructed facilities consisting of an impervious base and impervious bund walls. The size of the bunded compound shall be equivalent to 110% of the capacity of the stored liquids and all filling points, vents and sight glasses shall be located within the compound.

Reason: To prevent pollution of groundwater and surface water resources.

- 20a. The presence of asbestos has been confirmed in shallow soils in the former coal stock yard area where the proposed mineral processing and stocking area would be located (RPS Preliminary Risk Assessment and Ground Investigation Report' reference JER1594v2). A further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority (LPA). The Remediation Strategy shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

- b. In the event that further contamination is found at any time when carrying out the approved development that was not previously identified this shall be immediately it must be reported in writing to the LPA. An investigation and risk assessment in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' shall then be submitted to and approved in writing by the Local Planning Authority within an timescale to be agreed by the LPA. Where the investigation determines that remediation is necessary a remediation scheme shall be submitted to and approved in writing by the LPA which shall ensure that the site will not qualify as contaminated land

under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The scheme shall be implemented in accordance with the approved details.

- c. Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the identified contamination has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and any risks to controlled waters, property and ecological systems are minimised so that no unacceptable pollution risks are posed by the development to human health and offsite receptors.

Note:

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document: <http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

21. Prior to cessation of mineral extraction under the terms of this permission a scheme detailing measures for the final drainage of the Site prior to any redevelopment linked to the outline masterplan scheme (application reference 19/05560/OUT) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable standard of final drainage for the Site.

NOISE, DUST AND LIGHTING

- 22a. Subject to Condition 23b the maximum noise attributable to the permitted operations shall not exceed 55dB(A) LAeq 1h (free field) at the receptor properties identified in the noise report accompanying the Environmental Statement and also for properties on the Buildwas Road between Marnwood and Sunny Severn Rise Boarding Kennels & Cattery.

Note: Operations should also be managed wherever possible to avoid an increase of 10dB LA90 above the identified background noise levels at the receptor properties.

- b. An increased noise limit of 70dB(A) LAeq 1h (free field) shall apply for of up to 8 weeks in any calendar year (Jan 1st to December 31st inclusive) to allow temporary operations such as soil stripping and bund formation to proceed.
- c. A site-specific noise mitigation plan, including proposals for noise monitoring and management and complaint investigation and resolution shall be submitted for the approval in writing of the Local Planning Authority within 2 months of the Commencement Date and shall thereafter be implemented in accordance with the approved details.

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

impact of noise emissions

- 23a. Before any extraction of minerals takes place within the Site a scheme incorporating details of the type of reversing alarms to be fitted to vehicles operating within the Site shall be submitted for the approval in writing of the Local Planning Authority.
- 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.

- 24a. The dust management plan in the Environmental Statement shall be implemented continuously during the Site operations and shall be periodically reviewed.
- b. With the exception of the temporary period of the construction of screening mounds and soil storage areas around the edges of the Site, operations shall be controlled so that there shall be no fugitive dust from the Site when viewed at the Site boundaries. In particular, sufficient water shall be made available within the Site so that circulation routes and other exposed areas can be treated with water as necessary to minimise dust emissions.
- c. A scheme setting out measures for the monitoring and mitigation of dust in the Site shall be submitted to the Local Planning Authority within 2 months of the Commencement Date. The submitted scheme shall be implemented in accordance with the approved details.

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

25. The processing plant within the Site shall incorporate dust suppression measures including water sprays and such measures shall be maintained in effective working order throughout the duration of the mineral processing operations under the terms of this permission.

Reason: To protect the amenities of the area from dust generated by mineral processing operations at the Site.

26. 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 to minimize the potential for light spillage and associated visual impacts. The use of any floodlights shall be limited to the approved hours of operation.

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

HIGHWAYS

27. No development shall take place until details of the design and construction of the road and access have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

- 28a. A wheel cleaning system shall be deployed at the site for the duration of the mineral extraction operations hereby approved. All heavy goods vehicles exporting mineral from the Site shall be directed through the wheel wash system before joining the public highway.
- b. The haul road serving the processing plant shall be regularly maintained and swept to provide a clean and even running surface, free from potholes.

Reason: To ensure that wheel cleaning measures are satisfactory over the life of the Site.

- 29 HGV's accessing/egressing the development shall do so using the routing detailed in the Transport Statement submitted as part of the approved scheme.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

Informative notes:

Works on, within or abutting the public highway

- i. *This planning permission does not authorise the applicant to:*
- *construct any means of access over the publicly maintained highway (footway or verge) or*
 - *carry out any works within the publicly maintained highway, or*
 - *authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or*
 - *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway*

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/roads-and-highways/road-networkmanagement/application-forms-and-charges/>

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

Extraordinary maintenance

- ii. *The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.*

No drainage to discharge to highway

- iii. *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*

Mud on highway

- iv. *The applicant is responsible for keeping the highway free from any mud or other material*

emanating from the application site or any works pertaining thereto.

Railway use and Albert Edward Bridge

- v. *The applicant will need to enter into further dialogue with Network Rail to ensure that the rail line is available for use for mineral export within the timescale anticipated in the planning application. In particular, it is necessary to ensure that repairs to the Albert Edward Bridge are undertaken as soon as reasonably practical, at the outset of the development. Should the*

- vi. *Should the rail link be delayed then the applicant will need to put forward additional measures to offset the carbon production of this site as part of any formal variation to the current application submission.*

CONTROLS OVER METHOD OF OPERATIONS

- 30. A scheme providing details of new fencing and / or boundary treatments for the Site during each phase of the minerals development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of mineral extraction under the terms of this permission. The proposed fencing and / or boundary treatments shall be implemented in accordance with the details of the approved scheme.

Reason: To ensure the Site is enclosed to an acceptable standard and that hedgerows are maintained.

- 31. The extraction of sand shall not take place other than in accordance with the approved scheme of phased working shown on drawings listed in Condition 3 above. In particular, operations shall be carried out so as to minimize the amount of operational area which is subject to disturbance at any one time.

Reason: To ensure that working of the Site takes place in accordance with the Permitted Scheme.

- 32. No new buildings or mineral stockpiles shall be constructed at the Site unless further details of any such structures have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any proposals to construct new temporary buildings or mineral stockpiles at the Site are subject to appropriate planning controls in the interest of visual and general amenity.

- 33. Mineral shall not be stockpiled other than in the approved stocking area adjacent to the quarry plant site as shown on the approved block phasing plan accompanying the application (Drawing No. M05108(d)_01).
 - b. At no time throughout the duration of the operations hereby permitted shall the height of stockpiles or overburden mounds exceed 10 metres.

Reason: In the interests of general and visual amenity.

SLOPE STABILITY

34. A scheme setting out measures for reviewing and ensuring slope stability shall be submitted for the approval of the Local Planning Authority within 6 months of the Commencement Date. The scheme shall incorporate the following measures:
- i. Confirmation of measures for draining areas above excavated slopes throughout the operational and aftercare phases of the Site;
 - ii. A regular visual inspection regime to assess slope stability with a mechanism to report any identified problems to the Local Planning Authority, including investigation / recording of any water seepages, evidence of surface movement or surface erosion features encountered in excavated slopes which could impact on slope stability;
 - iii. A commitment to obtain specialist geotechnical advice on slope stability if necessary where a slope stability issue has been identified;
 - iv. Confirmation of detailed gradients for excavation and final restoration batters within the Site;
 - v. Confirmation of appropriate stand-offs to site boundaries with measures for physical demarcation of these stand-offs;
 - vi. Confirmation of detailed planting seeding measures and timescales to assist in stabilizing excavated slopes as soon as practicable after mineral extraction has ceased in a given phase.

Reason: To preserve slope stability within the Site having regard to the proximity of Telegraph Lane and Bridgwalton House to the excavations.

SOIL STRIPPING, MOVEMENT AND STORAGE

35. A scheme setting out detailed provisions for construction of new soil bunds within the Site shall be submitted for the written approval of the Local Planning Authority within 2 months of the date of this permission. The submitted scheme shall include details of locations, heights, gradients, seeding timescales and the timetable for bund formation. Following approval of the scheme required by this condition the construction and management of soil bunds shall take place in accordance with the details of the approved scheme.

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

36. A detailed soil handling strategy shall be submitted for the written approval of the Local Planning Authority within 2 months of the date of this permission. The submitted scheme shall include confirmation of controls on soil handling and storage and confirmation of measures to maximise the use of soil seedbanks.

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

37. 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.

38. 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.

39. 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.

40. 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.

- 41a. Stripping, movement, storage and any 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 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.

42. No turf, topsoil or subsoil shall be removed from the Site unless the details have first been agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient soils are retained for the comprehensive restoration of the Site.

ECOLOGY, LANDSCAPING AND RESTORATION

- 43a. Operations under the terms of this permission shall take place in strict accordance with the existing European Protected Species (EPS) Mitigation Licence with respect to Great

Crested Newts. If a modification to this license is required by Natural England then this shall be applied for within one month of the date of this permission.

- b. The applicant shall put in place a monitoring system to ensure that Great Crested Newts and other amphibians and reptiles do not move into the new quarry via the end of the GCN fence.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species and other amphibian and reptile species.

Notes:

- i. *There is a need to monitor the amphibian and reptile populations within the mitigation area and to ensure that habitat quality is appropriately establishing, with recognition for the need for any intervention (particularly if water levels drop during breeding season). The potential for dust and hydrology to affect habitat quality should also be subject to ongoing review.*
- ii. *Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- 44a. The Site shall be restored progressively in accordance with the general principles shown on the approved working plans.
- b. Within 3 months of the date of this permission a detailed interim restoration plan (i.e. prior to the masterplan development) shall be submitted for the approval in writing of the Local Planning Authority and these works shall be carried out as approved. The submitted scheme shall include:
- i. Planting plans, including wildlife habitat and features (e.g. sand banks, hibernacula, bat and bird boxes, species-rich grasslands) showing location and number of each;
- Tree and shrub species lists for mixed native hedgerow and woodland creation; (Woodland to be of NVC community types appropriate to the area and specific site conditions);
 - Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation;
 - Means of ground preparation and planting pit specification where relevant;
 - Measures for tree protection and support (eg rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters);
 - Early years maintenance schedule (eg mulching and / or weeding, straightening and eventual removal of stakes and ties);
 - Replacement of losses as appropriate to achieve 90% survival rates after 5 years;
 - Timing of commencement and completion of the various phases of the scheme;
 - scale plans of the proposed planting sites;
- ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- iii. Schedules of plants, noting species (including scientific names), planting sizes and

- proposed numbers/densities where appropriate;
- iv. Native species used to be of local provenance (Shropshire or surrounding counties);
- v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- vi. A scheme for the formation and treatment of all lakes to be established as part of the restoration of the Site including depths of the lakes, 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;
- vii. A scheme for the restoration of the plant and stocks area and silt lagoons area;
- viii. Implementation timetables.

- c. All landscape planting shall undergo aftercare management for a 5 year period, commencing on the date at which the planting is completed to the satisfaction of the Local Planning Authority, including replacement of any failures with species of identical.

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

45. A detailed habitat management plan shall be submitted to and approved by the Local Planning Authority within 3 months of the Commencement Date and 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 a 5 year project register, 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. Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be implemented in accordance with the approved details.

Reason: To protect features of recognised nature conservation importance and maintain created habitat.

46. 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.

47. Unworked agricultural areas within the Site and areas which have been subject to interim restoration under the scheme required by Condition 44b above shall continue to be subject to an appropriate management regime and shall in particular be treated with herbicides as necessary to avoid weed infestation.

Reason: To avoid a build-up of weeds in soils from the site.

48. All buildings, plant and machinery within the Site which have been installed in connection with the operations authorised under this permission or any previous permission relating to the Site, shall be demolished, and 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 scheme referred to in Condition 44b above.

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

REVIEW OF SITE OPERATIONS

49. The Site shall be subject to a formal annual review of operations throughout the period of working, restoration and aftercare hereby approved. The annual review shall cover issues including:
- i. noise and dust mitigation;
 - ii. extraction and processing;
 - iii. progressive restoration;
 - iv. aftercare, including to agriculture and nature conservation;
 - v. a review of any complaints received and action taken.

Reason: To provide a suitable mechanism for the ongoing review of Site operations.

ON SITE RETENTION OF APPROVED DOCUMENTS AND PLANS

50. A copy of all documents and plans comprising the permitted scheme as referred to in Condition 3 above shall be held at the Site for inspection and reference for the duration of the permitted development.

Reason: To ensure the permitted documents are available to on-site personnel.