

Development Management Report

Summary of Application

<p><u>Application Numbers:</u> 20/05097/VAR & 20/05098/VAR</p>	<p><u>Parish:</u></p>	<p>Sheriffhales</p>
<p><u>Proposals:</u> 20/05097/VAR - Variation to condition 6a attached to planning permission reference Number: SC/MB2005/0336/BR dated 16/02/2018 to allow for the maximum permitted output to be raised from 250,000 to 400,000 tonnes</p> <p>20/05098/VAR - Variation of Condition No. 6a attached to planning permission 17/03661/EIA dated 20 August 2018 to increase the maximum permitted output from 250,000 to 400,000 tonnes</p>		
<p><u>Site Address:</u> Woodcote Wood, Weston Heath, Shropshire</p>		
<p><u>Applicant:</u> NRS Woodcote Aggregates Ltd</p>		
<p><u>Case Officer:</u> Graham French</p>	<p><u>email:</u> planningdmc@shropshire.gov.uk</p>	

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



Figure 1 – Quarry Location

1.0 BACKGROUND

1.1 Woodcote Wood Quarry (area 23.7ha) is operated by NRS Woodcote Aggregates Ltd and is located at Heath Hill 4.3km south of Newport (figure 1). The quarry is mainly within Shropshire, but a small area along the northern boundary (0.8ha - approximately 7%) falls just within Telford & Wrekin (figure 2). Shropshire is the lead planning authority.

1.2 The former Shropshire Telford and Wrekin Minerals Local Plan (1996-2006) identified the site as a 'preferred area' for sand and gravel extraction and the SAMDev Plan carried this forward as an existing commitment. The quarry is now controlled under two separate but inter-related planning permissions, one covering the original application area (Ref. SC/MB2005/0336/BR). The other (Ref 17/03661/EIA) covering the eastern part of the site encompassing the new access and the plant site area.

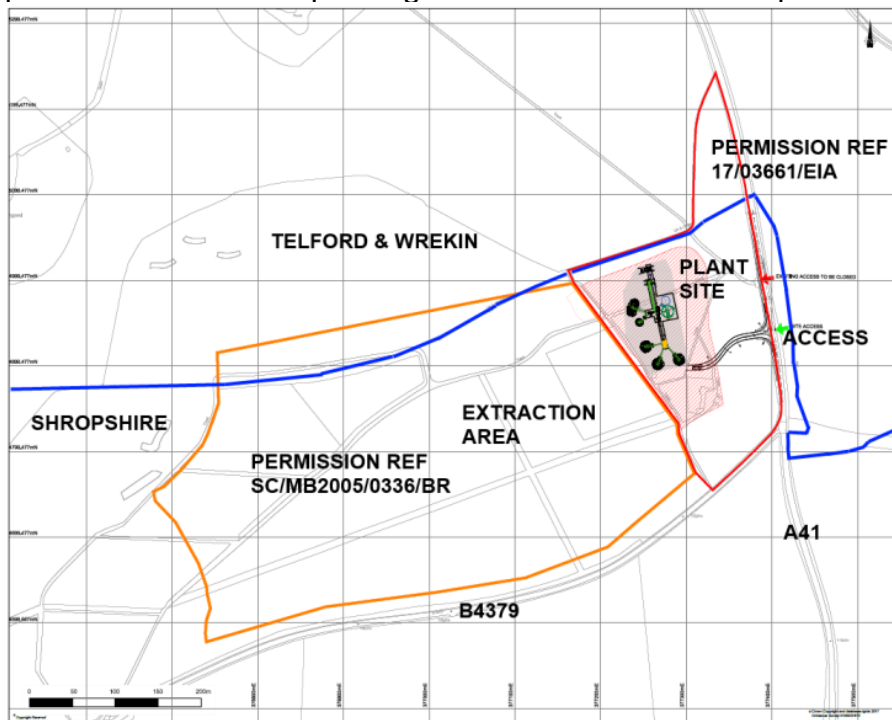


Figure 2 – Block Plan

1.3 The planning committee of the former Shropshire County Council resolved to approve proposals to extract sand and gravel at Woodcote Wood at its meeting on 25/7/2006 (ref. SC/MB2005/0336/BR). The application involved extraction of 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The approval resolution was subject to a legal agreement covering off site highway matters and other issues.

1.4 The permission involved provision of a roundabout access at the junction between the A41 and the B4379 which links the A41 to the A5 via Sheriffhales. However, the applicant was unable to secure agreement to acquire third party land for the roundabout so the legal agreement could not be completed. At the request of the landowner Apley Estates the application was then held in abeyance for a number of years whilst the feasibility of achieving an alternative access directly onto the A41 was reviewed.

- 1.5 An application to establish the alternative access was submitted in June 2017 (Ref 17/03661/EIA), involving a 5.2ha easterly extension to the original planning application area. Updated survey information to accompany the original application was also submitted at the time with the objective of re-ratifying the original committee resolution. Both applications subsequently obtained committee approval in February 2018 and the original application was permitted then subject to the amended access. Permission was subsequently also issued for the new access on 20/8/2018 following completion of an associated legal agreement.
- 1.6 Additionally, Telford & Wrekin Council permitted their equivalent application for the original quarry site subject to the same conditions which were recommended in the Shropshire Council application. There was no requirement for them to determine an application for the new access as no operational areas of this application are located in Telford & Wrekin. The quarry became operational in spring 2019.
- 1.7 Subsequent permissions have been granted for a maintenance workshop (18/05490/FUL) as well as the discharge of conditions attached to the original planning permissions (18/01945/DIS, 18/04807/DIS, 18/04795/DIS). Permission was also granted on 31st March 2020 for a horizontal cement silo unit, a 70-kVA electricity generator, a pressure washer to clean lorry wheels, a water tank and a 30,000-gallon double-bonded diesel storage tank (18/05408/FUL). An application for the installation of a sand and gravel bagging plant with silo, hoppers, diesel generator and storage areas was approved 20/02218/FUL in February 2022. Then in May 2022 permission was granted for a temporary 2-year extension to the operational hours permitted by condition 12a attached to planning permission 17/03661/EIA to allow up to eight delivery vehicles to arrive, load processed sand and depart outside of normal working hours (20/02330/VAR).

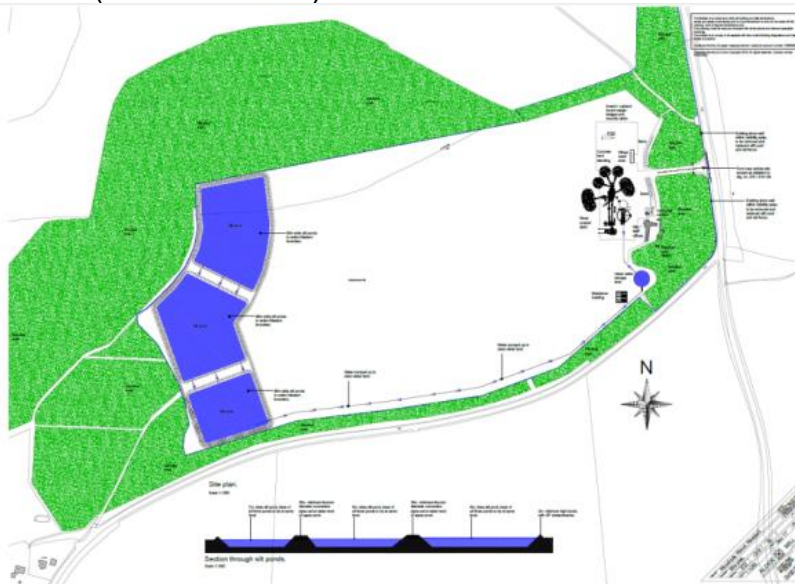


Figure 3 – Site Layout



Figure 4 – Google Earth Image – May 2020

3. THE PROPOSAL

- 3.1 The proposal is to vary Condition 6a of permission reference 17/03661/EIA and Condition 6a of permission reference SC/MB2005/0336/BR in order to increase the maximum permitted output of the quarry from 250,000 to 400,000 tonnes.
- 3.2 As the operations at the quarry are covered by the two main permissions above it is necessary for both permissions to be varied for the proposed increase in output to take effect. However, given the close inter-relationship between the two permissions it is expedient to deal with both applications in a single officer report.



Figure 5 – Quarry plant site

4. SITE LOCATION / DESCRIPTION

- 4.1 The site is located approximately 4.3km to the south of Newport, Shropshire. It is surrounded by coniferous trees comprising plantation to the north and west and screening belts to the south and east with the A41 to the east and the B4739 to the

south with open arable fields beyond (Figure 3). The small settlements of Heath Hill and Bloomsbury are located 600m to the south-west and 400m to the south east respectively.

- 4.2 An unoccupied residential dwelling formerly known as ‘The Keepers Cottage’ has been sensitively converted into a site office and would return to residential use following completion of mineral working. Other properties in the area include Woodcote Hall, a residential nursing home approximately 610 metres to the north-west, properties along the A41 east of Woodcote Hall and approximately 300 metres to the north, properties along the A41 at Bloomsbury approximately 425 metres to the south and properties in and around Heath Hill to the south-west, the nearest of which are approximately 850 metres away.
- 4.3 The application site is not in the Green Belt but falls within an area of open countryside. It falls within the outer limits of the Impact Risk Zones of the Aqualate Mere and Muxton Marsh SSSIs but is not close to either of these sites. The Grade II Registered Park/Garden of Lilleshall Hall lies around 1,415 metres south-west of the application site. The site also falls within a Mineral Safeguarding Area (Policy MD16) and a Petroleum Exploration and Development Licence Area.



Figure 6 – Quarry access

5. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 5.1 The applications have been referred Committee by the local Member Councillor Kevin Turley following objections from Sheriffhales Parish Council. This is on the basis that works to the A41 / B4379 junction have not been completed in accordance with the details agreed in the legal agreement accompanying the new access permission reference 17/03661/EIA. Section 6 below describes the status of these works.
Note: The application site area falls cumulatively just below the applicable area threshold of 25ha for Schedule 1 EIA development (25ha) at which there is an automatic committee referral under the Council's scheme of delegation.

6. COMMUNITY REPRESENTATIONS FOR BOTH APPLICATIONS

6.1.i. Sheriffhales Parish Council: Objection. Sheriffhales Parish Council (SPC) and a significant number of residents raised objections to the planning applications made in respect to Woodcote Quarry in 2018. Many of the concerns and objections raised related to Highway matters, environmental impact and disturbance and the potential for negative impacts on surrounding communities and environments. Despite these objections Shropshire Council (SC) granted approval and applied a series of conditions and legally binding obligations to the permission. In addition, the applicant gave various commitments in respect to the planning consent.

ii. Following the granting of planning permission SPC have sought clarification from SC on numerous occasions as to what precisely the planning conditions, and or legally binding obligations applied to the planning consent by SC were and equally what the commitments made by the applicant in obtaining planning approval were. In respect to both these cases SPC has specifically sought clarification on matters relating to Highway safety, Traffic Management and Environmental Impact. The clarification sought by SPC has never been provided by SC and SPC is of the view that many of these planning conditions, legally binding obligations and commitments by the applicant have not been delivered. This position is reaffirmed by the statements made in paragraphs 4.3 and 4.4 of the Design and Access statement that accompanies the current application (20/05097/VAR) In paragraph 4.3 the applicant's agent suggests the current T-junction access arrangements to the site off the A41 was the local preferred preference. SPC strongly contests this statement.

iii. In paragraph 4.4 the applicant's agent suggests a number of highway improvements have been delivered as part of the implementation of the 2018 planning consent. These include:

- Improved signage and line markings on the A41 approaches to the B4379 junction
- Match funding for improvements to the A41/ B4379 junction
- A hard verge on available highway land extending to the immediate south of the A41/B4379 junction to improve southbound visibility exiting from the B4379.

SPC believes none of these obligations or commitments have been delivered. In addition to the above the applicant's agent states that the current application would result in the number of daily two way traffic movements increasing from 88 to 134, an increase of approximately 53% SPC believe such an increase would merely make a currently unacceptable highway position significantly worse.

iv. As a result of the above SPC wishes to object to the current application in the strongest terms based in summary on:

- 1 The failure of the applicant to discharge existing legally binding planning obligations and commitments
- 2 An unacceptable increase in traffic movements which would only exacerbate an existing unsatisfactory highway safety situation.

- v. In addition, SPC would wish to formally request this application is referred to the relevant Planning Committee for determination and that SPC exercise their right to make representations to that Committee.
- 6.2 Environment Agency – No comments
- 6.3 SC Ecology – No objection. As long as the extraction of any minerals does not take place within 3 metres of the top of the permanent groundwater table and remains within the authorised extraction area and in compliance with condition 25 then there should not be any deterioration of the ground water.
- 6.4 SC Trees – No objection providing the additional mineral extraction is to take place within the existing excavated area and entails no further encroachment into, or loss of, the surrounding trees and woodland (as appears to be the case from the submitted information).
- 6.5 SC Public Protection - No comments received.
- 6.6ai. SC Highways Development Control – No objection. Planning applications 20/05097/VAR (related to permission SC/MB2005/0336/BR) and 20/05098/VAR, (related to permission 17/03661/EIA) both seek to vary an existing planning condition, and raise the export limit from 250,000 to 400,000 tonnes per calendar year. As such, while these are separate applications, they are considered here together as they form a single proposal and therefore the following highway comments are relevant for both applications.
- ii. History of Proposals - These two applications are for variation of identical planning conditions attached to two separate planning permissions on the same site. These permissions are as follows:
- SC/MB2005/0336/BR: Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41. Permitted on 16 February 2018.
 - 17/03661/EIA: Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site. Permitted on 20 August 2018.

Each of the above permissions was subject to several Conditions, of which Condition 6a in each case was as follows:

Mineral shall not be exported from the Site at a rate exceeding 250,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).

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

- iii. In order to review the impacts of the proposed change, it is necessary to understand the highways issues that were raised in consideration of the SC/MB2005/0336/BR and 17/03661/EIA applications. The key points of relevance to transport in relation contained with the committee report for applications SC/MB2005/0336/BR and 17/03661/EIA were as follows:

- The resolution to approve SC/MB2005/0336/BR was made in July 2006, subject to a legal agreement covering off-site highway matters and other issues. The proposals involved access via a proposed new roundabout at the junction of the A41 and B4379. However, the third-party land required was not made available, so the legal agreement was not signed, and the permission was not issued.
- Subsequently, alternative access proposals were put forward in application 17/03661/EIA.
- The 17/03661/EIA proposals were for a 5.2ha easterly extension to the original site to accommodate a new site access directly off the A41. The sand and gravel processing plant originally proposed to be situated at the western end of the original application site would also be re-located to the proposed eastern extension.
- The application SC/MB2005/0336/BR was also re-submitted, to re-ratify the 2006 committee approval resolution. The two sites were intended to be managed as a single quarry unit.
- The quarry would have an operational life of approximately 13 years. It was not intended to alter the phasing of the quarrying proposals.
- SC/MB2005/0336/BR was approved subject to Conditions (including 6a, which is the subject of the current application). Also, the requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 for application SC/MB2005/0336/BR was to be updated and transferred to 17/03661/EIA. In the event that application 17/03661/EIA were not approved by the Committee both applications would have to be reported back to a subsequent committee for determination.
- In the 17/03661/EIA Committee Report, SC Highways Development Control raised no objection, subject to the development being served by a modified access junction and improvements to the site road frontage as detailed in the recommended conditions and informative notes. The following points were raised which are of relevance to the issue of volume of mineral output:
 - o SC Highways considered that the general principle of the development is acceptable from a highways and transport perspective insofar as the “proposed 7.3m wide site access road is sufficient to avoid the potential for site traffic blocking back onto the A41”.
 - o The above point was also supported by the submitted Transport Assessment “which is considered to be sufficiently robust and acceptable in respect to the proposed traffic generation, distribution, growth and capacity assessment undertaken to support the development proposed”.
 - o “In addition, with the low number of HGV movements the proposed localised widening and traffic management (signing & lining) should be sufficient to manage the passing of HGVs on the 6m wide route within the site.”
 - o “Notwithstanding the above, the ‘ghost island’ right turn lane junction, proposed to serve this site access, is considered contrary to the interests of local highway safety. ... the proximity of the adjacent A41/B4379 junction creates a specific situation which could not support a right turn facility for a private access”.
 - o The two principal issues with the proposed right turn facility are:
 - i. The potential confusion to road users, as they may assume that the right turn lane relates to the B4379 junction rather than the private access to the

- site, resulting in unfamiliar drivers moving into the ghost island lane to undertake a right turn then having to merge back into the southbound lane of the A41, in conflict with another vehicle travelling legitimately on the inside of the merging vehicle, potentially in its blind spot.
- ii. The presence of a waiting vehicle (HGVs particularly) within the proposed right turn lane could significantly reduce/obscure the visibility, from the B4379 of approaching traffic travelling south on the A41 (i.e. behind the waiting vehicles), even despite the proposed visibility splay created for the new site access.
 - o The A41/B4379 junction has had an adverse history of injury accidents, of which a significant number appear to be linked to poor visibility (to the left), across the development site frontage, for drivers turning right from the B4379 onto the A41. Indeed, from experience, this is a difficult junction to turn right out of and has been of local concern many years. With development traffic only adding further complexity and confusion to all road users on the A41 and B4376.
 - o It was recommended that improvements to visibility are required plus a right-turn entry ban. Conditions 15 and 16 then address these matters by requiring visibility improvements and also a scheme preventing quarry HGVs from making right turns into quarry access, by use of CCTV.
 - o It was also suggested that improvements, to include amending local highway direction signs to better inform drivers of the proximity of the quarry access in relation to the B4379 junction.
 - 17/03661/EIA was granted permission subject to:
 - o Various Conditions (including 6a, which is the subject of the current application); and
 - o Legal obligations as follows (only those relevant to transport are shown):
 - i. Traffic routing and management agreements including preventing mineral lorries from using the B4379 and approaching from the north on the A41;
 - ii. Funding by the developer (£50k) for highway improvement works on the A41 and at the Sheriffhales Junction, to also include:
 - A hard verge on available highway land extending to the immediate south of the A41/B4379 junction to improve southbound visibility exiting from the B4379;
 - Improved signage and line markings on the A41 approaches to the B4379 junction to better inform drivers of the proximity of the quarry access in relation to the B4379 junction.
 - iv. Following the grant of permission a feasibility study of the A41/B4379 junction was undertaken by consultants WSP on behalf of the Highway Authority with the objective of improving safety along the A41 and at the B4379 junction. This includes traffic surveys including a video survey of the A41/B4379. The report recommends localised improvements to the surrounding highway network and improvements to the signage to better highlight the A41/B4379 junction and reduce any potential confusion with the new quarry access. The proposed works include:
 - Changing the 'Advanced direction map type' signs on both approaches to 'stack type' signs to help prevent visibility being obscured by the adjacent hedgerows.
 - Installation of new Weight Restriction information signs at appropriate locations.

- Relocating the southbound junction warning sign to beyond the quarry access to avoid confusion for motorists travelling south.
- A new direction sign for the quarry access.
- Removal of existing blue stack type alternative HGV route sign on the southbound approach.
- Relocating the B4379 direction sign to an appropriate location for southbound traffic.
- The road markings around the junction are proposed to be refreshed where required and potential carriageway surface improvements may be required to facilitate this.
- It is also recommended that consideration is given to Vehicle Activated Sign to provide a warning to southbound drivers of potential queuing traffic. Due to the rural location, establishing a power supply may increase construction costs, and exceed the £50,000 contribution, previously secured.

The Section 106 works are in the current Highways Capital programme and are due to be delivered at the earliest opportunity subject to detailed design and sufficient funding being available.

- v. Key Concerns: In summary, the key transport and highways points of concern of the two main planning permissions are as follows:
- Traffic blocking back onto the A41 from the access was considered as an issue, though this was acceptable for the development as proposed previously, i.e. with the output limit of 250,000 tonnes per year. The proposed increase in output of 60% could change this acceptability.
 - The potential for platooning of arrivals may be manageable to an extent, by programmed vehicle movements, but drivers may not always adhere to these rules. Furthermore, an incident causing a delay to all traffic on the route may cause several HGVs to catch up with one another and thus arrive in a platoon.
 - The proposed increase in output levels would be an intensification of an already hazardous situation. The extent to which this hazard would be intensified is considered below in the review of the Design & Access Statement.
- vi. Review of Design & Access Statement: The following review is in response to the Design & Access Statement regarding the above two applications, which are on the same site. Our comments are set out below.

Traffic Impact

- This section of the Design & Access Statement discusses the predicted traffic volumes compared to the volumes predicted for the existing permission; as well as a brief summary of highway improvements undertaken to improve safety.
- The Design & Access Statement says that the original predictions for lorry movements associated with the mineral extraction were based on the assumption that the extracted and processed sand and gravel would be taken off the site mostly in 20-tonne lorries (90%), with a few 32-tonne lorries in use (10%).
- The study also based its predictions on an average annual output of 196,154 tonnes over a 275-day working year and approximately 70 two-way HGV movements per day, or 19,250 per annum.

- The application of Condition 12a – to restrict working hours to 11.5 hours per day Monday to Friday, and 5.5 hours Saturdays – would result in an average of three HGVs per hour entering and three departing (though this is not mentioned in the Design & Access Statement). However, this is based on an annual output of 196,154 tonnes. While the permission made an allowance for up to 250,000, an increase to 400,000 would more than double the hourly number of entering HGVs, to more than six per hour.
- The Design & Access Statement also says that it “is estimated that the proportion of 32-tonne lorry loads now equates to approximately 20% of the total vehicular movements”. Applying this to the 400,000-tonne annual output and the working hours noted above, this would give an average of 5.8 HGVs per hour entering the site.
- As noted above (though not in the Design & Access Statement), there is a potential for these HGVs to queue at the entrance if they arrive in a platoon. Whether it is an average of 5.8 or 6 HGVs per hour, there is definite potential for platooning (even with fewer than the hourly total) to the extent that a queue of HGVs could obscure visibility for drivers attempting to turn right from the B4379 into the A41. As noted above, despite the points made in the Design & Access Statement, this proposal would be an intensification of an already hazardous situation.
- The Design & Access Statement also outlines the improvements made to the access and to the B4379/A41 junction, to improve safety.

vii. Mitigation - In view of the above, and the intensification of HGV movements at this location, it is considered that in order to make the proposed applications acceptable from a Highway perspective, further mitigation to address these concerns needs to be considered. The following measures could be considered, though the potential problems of each measure are noted also:

- A planning condition to reduce the number of HGVs further, by requiring larger vehicles for all movements: this may have some impact in terms of reducing HGV numbers, though it would be partly offset by the greater visibility obstruction of each individual vehicle. It may also be difficult to enforce.
- A Road Safety Audit (RSA) of the currently modified junctions (the access junction and the B4379/A41 junction) with the worst-case predicted HGV movements, accounting for a platoon of the largest size vehicles. Upon completion of such an RSA, further review and discussions can take place.
- Increase in Section 106 contribution to facilitate increase the scope of mitigation works to deliver a vehicle activated sign for southbound traffic. Further total contribution of £25,000 to be secured prior to commencement and to be returned within 5 years if unspent

6.6bi SC Highways, updated comments: I can confirm that Shropshire Council as Highway Authority raises no objection to the granting of consent, subject to the outcome of the Road Safety Audit, currently being undertaken by the applicant.

ii. As previously outlined, Shropshire Council are currently in receipt of two Section 106 highway contributions in relation to previous applications determined in relation to Woodcote Wood Quarry. In accordance with the Section 106 agreement, the first contribution should have been spent by 25th May 2020. Whilst a proportion of the contribution has been spent on design fees, construction has not yet taken place and

therefore a proportion remains unspent. As part of this application, we would seek to obtain confirmation from the applicant that the paid back clause will not be enacted.

- iii. As previously outlined the applicant have fulfilled their obligations in terms of making localise improvements to the vehicular access to the Quarry and setting back a section of the wall to improve. Any obligations to deliver offsite works remains the responsibility of Shropshire Council. Based on the estimated cost of works outlined within the attached report. A further contribution of £25,000 should be sufficient to deliver Option 1 (additional signing and lining) and Option 2 (Vehicular Activated Sign), with contingency for design and providing an electrical supply to the VAS.
- iv. In relation to the proposed planning conditions, from a Highway Authority perspective we would be supportive of a planning condition being placed on any permission granted that controls the conveying of vehicles into the site. We would also support the proposed condition that restricts the extraction of materials to 325,000 tonnes per annum until larger 30 tonne capacity HGV's are brought into use.

6.7 Telford and Wrekin Council – No objection. Vehicle activated signage is recommended on the northbound approach to the Sheriffhales junction. It is understood that there is a right turn ban for quarry traffic approaching from the north.

6.8 SC Drainage: No comments.

6.9 Public Comments - The application has been advertised in accordance with statutory provisions. No representations have been received.

7. THE MAIN PLANNING ISSUES

- i) Policy Context
- ii) Justification for the proposed increased output
- iii) Traffic / highway safety including the ability of the existing junction onto the A41 to accommodate the additional traffic
- iv) Environment and amenity - Whether the proposals would lead to any increased disturbance to local amenities (e.g. noise or dust) or the local environment (visual, drainage, ecology or heritage).

8. OFFICER APPRAISAL

8.1 Policy Context

8.1.1 The NPPF advises 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' (Para 209). 'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy' (Para 211). At the same time planning authorities should amongst other matters 'ensure that there are no unacceptable

adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites' (Para 211b). 'Minerals planning authorities should plan for a steady and adequate supply of aggregates' including amongst other matters by preparing an annual Local Aggregate Assessment and making provision for land won aggregates in their planning policies (Para 213).

- 8.1.2 Core Strategy Policy CS20 (strategic planning for minerals) advises that Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. Mineral working should be environmentally sustainable and should seek to deliver targeted environmental benefits in accordance with policies CS8 and CS17.
- 8.1.3 Policy MD17 (controlling mineral working) requires consideration to be given to a number of matters including (i) protecting people and the environment from any adverse traffic impacts; (ii) site access and traffic movements, including the impact of heavy lorries on the transport network; (viii) evidence of the quantity and quality of the mineral to be excavated. It also refers to the possible need for restrictions on output to make a development environmentally acceptable.
- 8.1.4 The site is an established quarry forming part of the county's sand and gravel landbank and the principle of mineral working has been established by previous planning consents. The application is linked to quarrying activity and the economic benefits of the proposals must therefore be accorded great weight in accordance with NPPF paragraph 211. At the same time the NPPF and relevant planning policies require that there should not be any unacceptable adverse impacts on the local environment and amenities, including with respect to road safety.
- 8.1.5 The NPPF requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel (the 'subregional apportionment'). This level of production is agreed through the regional working party for the West Midlands which includes representatives for all mineral planning authorities in region. The apportionment for Shropshire currently stands at 0.71m tonnes per annum, based on 3 year and 10 year rolling production averages as confirmed by annual aggregate monitoring returns.
- 8.1.6 The increased output from Woodcote Wood would theoretically allow overall increase in the production capacity for sand and gravel in Shropshire from 0.71 to 0.86mt which is above recent apportionment levels but well below historic production peaks. This gives increased confidence that the county will be able to continue to supply sand and gravel at or above the agreed production level for the duration of mineral workings at the site. Whilst the increased production rate would deplete permitted reserves more quickly the applicant advises that new borehole records have confirmed an additional economic resource of fine sand at depth. The company has however been advised that any working of this deeper resource would need to be the subject of a separate planning consent.

8.1.7 The proposal would comply in principle with Core Strategy Policy CS20 SAMDev policy MD5 as it will facilitate the quarrying activities which contribute to maintaining the landbank for sand and gravel in Shropshire in an area already committed for such development.

8.2 Justification for increased output

8.2.1 During operation of the quarry the applicant has been successful in securing a number of significant supply contracts and it has become apparent that there is a greater demand for the quarry products than can be met with the current output restriction of 250,000 tonnes per annum. In particular, the quarry supplies a regional mortar production site at Bilston with fine sand. The original 2017 application advises that ‘the demand for good quality fine sand for mortar is particularly acute at this time’. A high level of demand for this material produced by the quarry has continued to be encountered.

8.2.2 The ongoing operation of the quarry has also led to an increased understanding of the traffic implications associated with the quarry operations. Arising from this the applicant and their highway consultants have concluded that the current quarry access has the capacity to accommodate increased HGV movements. Accordingly, the current application has been submitted to vary the currently approved output limits in order that the increased demand for mineral products which the applicant is encountering can be met.

8.2.3 The applicant has identified an additional source of mortar sand at depth within the site which was not identified during the original borehole surveys. This indicates that there is the potential to supply mineral at an increased output for longer than had been anticipated. The applicant has however been informed that any proposal to increase the currently approved extraction depth would need to be subject to a separate planning application.

8.2.4 It is concluded that the proposed increased output can be justified as facilitating increased supply of proven mineral from the site to meet an identified market need. This is provided the applicant can demonstrate that there would be no unacceptable highway safety or amenity concerns.

8.3 Environmental effects

8.3.1 Traffic and highway safety: A Transport Assessment dated July 2017 accompanied the original quarrying application. This concluded that the site was likely to generate a total of 114 two-way vehicle movements over an 11.5-hour period (07:00 - 18:30), of which 70 were forecast to be HGV movements. This equated to approximately 6 two-way movements per hour. The report concluded that “this level of generated traffic is not considered to be significant, and the existing local highway network is not anticipated to be adversely affected”. The proposal “should therefore be considered acceptable in transport terms”. The Highway Authority accepted this conclusion at the time subject to the 250,000 tonne per annum output restriction and to a legal agreement covering the following highway matters:

- i. Routing restriction preventing use of Sheriffhales Road and preventing vehicles from approaching from the north and turning right into the site, monitored by CCTV;
 - ii. Securing funding for highway improvements along and to the south of the A41 site frontage and at the Sheriffhales Road junction (2 separate instalments of £25k).
- 8.3.2 The current proposals would increase the maximum quarry output by 150,000 tonnes per annum (from 250,000tpa to 400,000tpa). This would increase the permitted lorry movements from a maximum of 24,200 to a maximum of 36,850 per year, which would represent a maximum increase of 52.27%. However, the maximum can be regarded as a worst-case scenario based on the use of smaller 20 tonne rigid chassis loads. In practice the company's lorry fleet is changing to one of mainly larger 32 tonne articulated loads. Hence, any increase in numbers is likely to be significantly less than the assumed worst-case situation.
- 8.3.3 Sheriffhales Parish Council has objected to the current proposals on the basis that the highway improvements required by the legal agreement have not been undertaken at the A41/B4379 junction. The Highway Authority has explained why this is the case in 6.6 above. In summary the applicant has undertaken the highway improvement works which were required to facilitate a safe access to the site under the requirements of planning permission reference 17/03661/EIA. The quarry access junction has been provided in accordance with the approved plans. The estate boundary wall has also been realigned further back along the whole of the A41 site frontage. This has resulted in an improvement in visibility between the site access and the B4379 junction to the south.
- 8.3.4 Additionally, the applicant has paid the £50k for highway improvement works required under the legal agreement and has transferred an area of hard verge to the north of the B4379 into the ownership of the Highway Authority to facilitate future improvements to the A41 / B4379 junction. As such, the applicant has met all relevant obligations linked to the quarrying permissions. The fact that the Highway Authority has not yet spent these funds on improving the junction does not represent a failure of compliance on the part of the applicant. The Highway Authority advise in section 6.6 above that instead this is due to the Authority wanting to progress a more comprehensive improvement to the junction which will require additional funding and a Road Safety Audit. A feasibility study has been undertaken by the Highway Authority. A preferred option has been identified and this is due to be tested via a Road Safety Audit. The Highway Authority indicated last year that the improvement works are provisionally scheduled for the current financial year.
- 8.3.5 The Highway Authority has not objected to the proposed increase in output in highway safety terms, subject to the applicant making a further contribution of £25k to cover the cost of a speed activated warning sign to the south of the A41/B4379 junction on its northern approach. This improvement would be capable of being implemented before the substantive junction improvement works. They have also supported a condition which prohibits any increase in production above 325,000tpa until the applicant has evidenced to the satisfaction of the Planning Authority that the proportion of larger 32 tonne HGV's within the company's fleet using the quarry has exceeded 50% of the total. This will secure a material reduction in HGV movements overall relative to the

assumed 'worst case' scenario whereby all HGV's are of the smaller 20 tonne load type. A condition covering this has been included in Appendix 1. The applicant has advised that the figure of 50% may already have been exceeded, though formal confirmation of this is yet to be provided.

- 8.3.6 A representation was received from a local resident in connection with another application to temporarily extend working hours at Woodcote Wood (20/02330/VAR). This alleged that quarry HGV's were using the Sherifhales Road in contravention with the s106 legal routing restriction. However, there have been no other reports to this effect. CCTV cameras at the site access cover the B4379 junction and the legal agreement contains a penalty clause banning drivers from the site if there are infringements. The matter will be kept under review with the applicant but at present there is no reason to suspect that the routing restriction is not being fully complied with.
- 8.3.7 The applicant has provided a Road Safety Audit ('RSA') in support of the current application. This concludes that the quarry access is operating safely. The RSA does note that the carriageway in the vicinity of the A41/B4379 junction is in a poor state of repair and recommends that this is re-surfaced. This work would be the responsibility of the Local Highway Authority.
- 8.3.8 In conclusion, the applicant has met all relevant highway criteria associated with the previous planning consent and legal agreement. Whilst improvement works to the A41/B4379 junction have not yet been undertaken it is the responsibility of the Highway Authority and not the applicant to progress these works. The applicant is willing to make an additional payment to fund the provision of a vehicle activated speed sign on the approach to the A41/B4397 junction from the south. Additionally, the applicant is willing to accept a condition limiting the annual tonnage to 325,000tpa until the level of larger 30 tonne HGV movements exceeds 50% of the total fleet using the quarry. On this basis the Highway Authority has not objected and it is not considered that a refusal on highway grounds could be substantiated.

8.4 Residential amenity

- 8.4.1 The quarry site adjoins one residential property (The Hollies) and the applicant proposes that mineral workings would extend to within 34-52m of this property behind a wooded slope. Two other private properties are located 170 and 290m to the east of the site. A further 6 properties (5 at Boars Head Farm) are 300-370m to the east. In terms of quarrying operations noise, vibration and dust are generally acknowledged as having the greatest potential to affect residential amenities.
- 8.4.2 A noise and vibration assessment accompanied the 2017 quarrying applications, concluded that there would be no adverse noise impacts from the quarry operations once peripheral bunding had been constructed. In terms of road traffic noise, the assessment concluded that the highest increase in noise at the sensitive receptor locations would be 1 decibel. As such, noise would not be significant. The potential to increase vibration levels at nearby residential properties was also considered unlikely given the distance to the nearest properties.
- 8.4.3 A local resident commented in relation to another application to temporarily extend working hours at Woodcote Wood (20/02330/VAR) that plant noise was audible from

their property. No other noise complaints have been received during over 3 years of quarry operations. The matter will however be kept under close review with the applicant and in accordance with noise conditions attached to the quarrying permissions.

8.4.4 A dust assessment accompanying the 2017 quarrying applications also concluded that the proposed dust control measures would be sufficient to avoid dust impacts in the surrounding area. The quarry has been operating for over 3 years now and there have been no complaints in relation to noise, vibration or dust. The proposed increased output would involve the plant site in increasing the rate of mineral processing by just over 1/3 relative to the current situation. However, the plant site is well screened and contained, is some distance from the nearest residential property. A robust system of noise and dust control exists within the site, supported by planning conditions and there has been no history of complaints from the existing operations. As such, there is no reason to suspect that the proposed increase in output would give rise to any material increase in the level of noise or dust emissions.

8.5 Other amenity issues

8.5.1 Visual Impacts: A Landscape and Visual Impact Assessment accompanied the 2017 quarrying applications and concluded that there would be no significant adverse visual effects. The quarry site is surrounded by a belt of retained trees with earth bunding on the inside of this. As such, the quarrying operations are generally well screened from the surrounding area. The current proposals do not involve any changes to the physical screening measures surrounding the site. As such, it is not anticipated that the proposals would lead to any new adverse visual effects.

8.5.2 Ecology: An ecological survey accompanied the 2017 quarrying applications and various measures were implemented in order to ensure that the quarrying operations complied with relevant policies and guidance on ecology. The proposed increase in output would not result in any effects on habitat areas on the margins of the site. The ecology team has not objected provided extraction does not take place within 3 metres of the top of the permanent groundwater table. The extraction depth is controlled by the approved restoration contour plan and cross sections and would not be changed under the current application. The approved cross sections indicate extraction to a maximum depth of 100m AOD at the eastern end of the site and an average extraction depth of 20m with the void sloping from west (shallowest) to east (deepest). Given that these would not change it is not anticipated that the proposals would result in any ecological impacts.

8.5.3 Water Environment A hydrological assessment accompanying the 2017 quarrying permissions concluded that there are no surface water features within the site but there are six within 1km of the Site boundary. The Site is located within the Meese - Aqualate Mere tributaries catchment, and within the catchment associated with Moreton Brook which has an overall Water Framework Directive status of Poor. A Conceptual Site Hydrogeological Model (CSHM) identified the potential sources of groundwater recharge, groundwater pathways and potential sensitive receptors. The assessment concludes that with the implementation of mitigation measures, the effects of the quarrying operation on the water environment of the site and the surrounding area will not exceed minor and therefore will not be significant.

- 8.5.4 There have been no reports of deterioration in the water environment during more than 3 years of operation at the quarry site. The current proposals for increased output would not be expected to change the conclusions of the hydrological assessment given that the same working methods and drainage provisions would continue to apply within the site. The council's drainage team has not objected and it is concluded that the proposals can be accepted in drainage terms.
- 8.5.5 Archaeology and Cultural Heritage: A heritage assessment accompanying the 2017 quarrying applications advises that there are a number of designated and non-designated heritage assets in the area surrounding the site. Undesignated heritage assets within the site include the estate boundary wall along the A41 which has been re-built on a new alignment and Keepers Cottage which has been refurbished for use as a site office. Five Grade II listed buildings are located at Woodcote Hall 500m to the north. A further Grade II listed building, Brandon House, is located 575m to the north east. Lilleshall Hall Registered Park is located 1.6km to the west. However, the quarry site remains well screened on all sides by areas of retained woodland or peripheral tree belts, so that its external appearance remains unaltered. The current proposals would not change this. Hence, the setting of these heritage assets would not be compromised.
- 8.6. The effect of a variation under s73 of the Planning Act: The effect of a s73 variation is to issue a new permission which sits alongside the original permission(s) being varied and can be implemented in preference to them. Where any approval is issued under s73 it is appropriate to update the whole original schedule of planning conditions to take account of any changes which have occurred since the original decision was issued – for instance following the discharge of details required by the original planning conditions. This updating exercise has been carried out in Appendix 1 for both applications which are covered by the current report.
9. CONCLUSION
- 9.1 The proposal to increase the maximum output of the quarry by 150,000 tonnes to 400,000 tonnes per annum would allow the quarry to fill a gap in the national market for fine sand for mortar production and increase the contribution that Shropshire can make to the national supply.
- 9.2 The increased use of 32-tonne lorries to transport processed excavated mineral away from the site will mean that the increased traffic movements on the local highway network in real terms will be around 52.27%. There are few residential properties in the vicinity of the quarries or on the A41 exit route and this road has more than adequate capacity to cope with the additional lorry movements proposed.
- 9.3 Whilst the concerns of Sheriffhales Parish Council, in particular regarding delays in improving the A41/B4379 junction are noted the applicant has discharged all relevant previous obligations regarding highway matters and decisions on the exact nature of the junction improvements rest with the Highway Authority. In view of this it is not considered that a highway objection to the current proposals could be sustained.

- 9.4 The highway authority has not objected to the proposals subject to a legal agreement securing a further financial payment of £25k to facilitate vehicle activated signage on the northbound A41 approach to the B4379 junction. This can be achieved via a deed of variation to the existing legal agreement accompanying permission reference 17/03661/EIA. No other environmental issues have been identified which would outweigh the support given to this mineral proposal by Paragraph 211 of the NPPF. Approval is therefore recommended subject to the additional highway contribution and the conditions listed in Appendix 1.

10. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the recommendation below.

Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

11. FINANCIAL IMPLICATIONS

There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning

consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

Additional Information

12 RELEVANT PLANNING HISTORY

- BR/02/0011/HRM Remove 3 no. hedgerows whose total lengths are approximately 240metres. NOOBJC 13th January 2003
- 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site GRANT 20th August 2018
- 18/01945/DIS Discharge of Conditions 13 (highways), 28 (ecology), 29 (external lighting), 30 (mitigation report), 31 (trees), 32 (bird boxes), 33 (landscaping) & 34 (habitat management plan) relating to planning permission SC/MB2005/0336/BR - Construction of access to B4379, extraction and processing of sand and gravel, reprofiling and restoration of the site, related highway works to B4379 and A41 DISPAR 8th April 2019
- 18/02246/DIS Discharge of Conditions 7c (noise monitoring scheme), 14 (stockpiling areas) & 15 (plant & machinery) relating to planning permission SC/MB2005/0336/BR - Construction of access to B4379, extraction and processing of sand and gravel, reprofiling and restoration of the site, related highway works to B4379 and A41 DISAPP 3rd February 2022
- 18/03674/VAR Variation of condition no. 13 attached to planning permission ref SC/MB2005/0336/BR to allow on-site Construction Works for Screening/Washing Plant and Concrete Base Whilst Road Construction Works are Ongoing (Temporary Permission for Six Months) APPRET
- 18/04795/DIS Discharge of Conditions 7, 13a, 15a, 16, 17, 19, 20, 26 (in part), 36, 38, 40 (in part) & 42 relating to planning permission 17/03661/EIA - Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site GRANT 14th January 2020
- 18/04807/DIS Discharge of Condition 21 (archaeology) relating to planning permission SC/MB2005/0336/BR - Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41 DISPAR 22nd October 2018
- 18/05408/FUL Retention of 50-tonne, low level, horizontal cement silo, 70 kVA generator, jet wash facility, water and diesel storage tanks GRANT 31st March 2020
- 18/05490/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the erection of maintenance workshop building GRANT 10th June 2021
- 20/02218/FUL Application under Section 73A of The Town & Country Planning Act 1990 for the installation of sand and gravel bagging plant with silo, hoppers, diesel generator and storage areas GRANT 14th February 2022
- 20/02330/VAR Variation of Condition 12a attached to planning permission 17/03661/EIA dated 20 August 2018 to vary the permitted opening hours to allow up to eight delivery vehicles to arrive, load processed excavated sand and depart outside of normal working hours (06:00 to 20:00 Mondays to Fridays, 06:00 to 13:00 Saturdays) to serve a 24-hour Mortar Plant in Bilston and other customers' sites (temporary trial permission for 24 months) GRANT 9th May 2022
- 20/05097/VAR Variation to condition 6a attached to planning permission reference

Number: SC/MB2005/0336/BR dated 16/02/2018 to allow for the maximum permitted output to be raised from 250,000 to 400,000 tonnes PDE

- 20/05098/VAR Variation of Condition No. 6A attached to planning permission 17/03661/EIA dated 20 August 2018 to increase the maximum permitted output from 250,000 to 400,000 tonnes PDE
- SC/MB2005/0336/BR Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41 GRANT 16th February 2018

13. PLANNING POLICY

13.1 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt);
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS11 (natural and built environment)
- Policy CS8 (Facilities, Services and Infrastructure Provision)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)
- Policy CS20 (Strategic planning for Minerals)

13.2 Site Allocations and Management of Development Document (SAMDEV)

- MD2 – Sustainable Design
- MD4 - Managing Employment Development
- MD5 - Sites for Sand and Gravel Working
- MD7b– General Management of Development in the Countryside
- MD12: The Natural Environment
- MD13: The Historic Environment
- MD15 - Landfill and Landraising Sites
- MD16 - Mineral Safeguarding
- MD17: Managing the Development and Operation of Mineral Sites

14 HUMAN RIGHTS

14.1 Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QKTWUVTDJ5G00>

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QKTWV6TDJ5I00>

List of Background Papers:

Planning Application reference 11/01890/MAW and the accompanying Environmental Statement, Regulation 19 submission of further information.

Cabinet Member (Portfolio Holder): Cllr Ed Potter

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 - Conditions

APPENDIX 1

Legal Agreement / Deed of Variation Clause for 20/05098/VAR

- i. Additional payment of £25k to facilitate provision of vehicle activated signage on the southern A41 approach to the B4379 junction.

Note: Provisions of existing legal agreement associated with permission reference 17/03661/EIA to remain in place including traffic routing and management agreements including preventing mineral lorries from using the B4379 west of the site access as a through route, preventing lorries from waiting outside the site entrance prior to the site opening and prior notification of any major short-term contracts which might result in increased vehicle flows.

Conditions for 20/05098/VAR

1. The quarrying development to which this planning permission relates is deemed to have commenced on the date of issue of planning permission reference 17/03661/EIA, namely 20th August 2018. This date is referred to hereinafter as 'the Commencement Date'.

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

Definition of the permission

- 2a. This permission shall relate to the areas edged red (and blue on the approved location plan accompanying application reference 17/03661/EIA (Drawing no. ST16018-102) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme for planning permission reference 17/03661/EIA which comprises the following:
- i. The application form dated 25th July 2017
 - ii. The Non-Technical Summary dated July 2017;
 - iii. The planning supporting statement dated July 2017;
 - iv. The Environmental Statement dated July 2017 and the accompanying appendices.
 - iv. The submitted drawings accompanying the Environmental Statement, namely:
 - ST16018-101 – Site Context Plan
 - ST16018-111 - Restoration Plan
 - ST16018-103 – Site Layout Plan
 - SA17 - 013 – Proposed Plant Layout
 - ST16018-110 – Topographical Survey
- c. The further information comprising:
- The building inspection and bat emergence survey report from Wardell Armstrong dated October 2017;
 - The email from Wardell Armstrong to Shropshire Council dated 20/10/17 and the accompanying plans, namely J32-3161-PS-011e and J32-3161-PS-019; J32-3161-PS-016c section[2].
 - The email from Alder Mill dated 6/02/18 and the accompanying drawing reference 372/216/04 titled 'Agricultural Access'.

Reason: To define the Site and permission

Time limits

3. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by notifying the Local Planning Authority of the intended commencement date for stripping of soils and commencement of mineral extraction.*
4. Extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

Limits of mineral extraction

- 5. There shall be no entry into each new mineral working phase until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

Output (Condition hereby varied)

- 6a. Mineral shall not be exported from the Site at a rate exceeding 325,000 tonnes per calendar year (commencing on 1st January and ending on 31st December) until Local Planning Authority has confirmed that the criteria specified in Condition 6b have been met.
- b. Notwithstanding Condition 6, mineral may be exported from the Site at a maximum rate of 400,000 tonnes per calendar year once the developer has confirmed that the number of 32 tonne HGV's in the fleet accessing the quarry has exceeded and will remain above 50% of the total and the Local Planning Authority has provided written approval to this effect.
- c. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

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

Noise and dust

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

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

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties during temporary operations such as soil stripping.

The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.

- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

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

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.

- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

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

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

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

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

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

Lighting

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

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

Hours of working

Normal mineral working operations

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

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

Extended working

- b. Extended working within the following hours is permitted for a temporary period of 2 years only beginning with the date of this permission:

6.00 – 20.00 on Mondays to Fridays and 6.00 - 13.00 on Saturdays
and such operations shall not take place on Sundays and Bank Holidays.

During the extended hours up to eight HGV's per weekday and 4 on Saturdays may arrive, load process excavated sand and depart. Records of such movements shall be maintained separately and shall be provided to the Local Planning Authority upon prior written request.

The variation hereby approved shall cease to have effect on the expiry of 2 years beginning with the date of this permission.

Maintenance working

- c. Notwithstanding Conditions 12a essential maintenance works to plant and machinery on the Site may also be undertaken between the hours of 13.00 p.m. - 18.00 p.m. on Saturdays.

Reason: To safeguard the amenities of the area.

Highway matters

13. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by submitting details of the site access and visibility splays to the Local Planning Authority and implementing the approved details.*
14. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by confirming to the Local Planning Authority that the site access has been constructed in accordance with the approved details.*
- 15a. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by confirming to the Local Planning Authority that the site visibility splay has been constructed in accordance with the approved details.*
- b. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing approval of the Local Planning Authority for a scheme providing for the realignment of the boundary wall on the B4379 and confirming subsequent implementation of the scheme.*
16. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by confirming to the Local Planning Authority that a CCTV scheme has been implemented at the site access.*

17. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the written approval of the Local Planning Authority for a Construction Traffic Management Plan.*
- 18a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.
- b. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the written approval of the Local Planning Authority for a scheme detailing internal access roads within the site.*

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

19. A wheel wash facility shall be retained at the Site for the duration of the operations hereby permitted. Wheel cleaning shall be employed by all goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

Informative Notes:

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

The applicant should in the first instance contact Shropshire Councils Street works team.

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

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

Plant and stockpiling

20. Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the written approval of the Local Planning Authority for details of quarry plant and stockpiling areas.

Removal of G.P.D.O. rights

21. Notwithstanding the provisions of Part 17 A and Ba of the Town and Country Planning General Permitted Development Order 2015 or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

Phasing

22. The Site including the area edged blue on the approved location plan shall be worked in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application and application reference SC/MB2005/0336/BR.

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

Drainage / pollution

- 23a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound

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

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

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

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

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

Archaeology

26. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the approval of the Local Planning Authority for an archaeological written scheme of investigation under discharge of conditions permission 18/04807/DIS.*

Soil / material movement and storage

27. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

28. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.

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

29. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition.

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

Reason: To prevent damage to soil structure.

30. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
 - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
 - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
 - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
 - v. shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
 - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
 - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

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

Site maintenance

31. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof from the commencement of the development until the completion of aftercare.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land

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

Reason: To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas.

Slope stability

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

Reason: To ensure slope stability is maintained.

Ecology

34. *Note: This condition previously attached to permission reference 17/03661/EIA has been superseded as the works to Keepers Cottage have been completed and relevant bat surveys have been undertaken.*
35. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of bat boxes at the site.*
36. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of bird boxes at the site.*
37. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - iii. Include no lighting on the access road.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation

Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

38. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of an updated badger survey under discharge of conditions approval reference 18/04795/DIS.*

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

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

40. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of a landscaping / habitat creation plan under discharge of conditions approval reference 18/04795/DIS.*

41. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of a habitat management plan under discharge of conditions approval reference 18/04795/DIS.*

Informative notes:

- i. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
- ii. *Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. Advice should be sought from an experienced ecologist if reptiles or amphibians are found during site clearance.*

- iii. *All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. During all building renovation, demolition and extension works there is a risk of encountering bats which can be found roosting in unexpected locations. Contractors should be aware of the risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc. If a bat should be discovered on site then development works must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.*

Removal of plant and structures

42. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the approved restoration and aftercare schemes.

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

Aftercare

43. Aftercare schemes for agricultural and non-agricultural areas shall be submitted for each restored section of the Site as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to bring the land to the required standard for wildlife or amenity use as appropriate. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. cultivation works;
 - iv. reseeded where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - v. grass cutting or grazing;
 - vi. replacement of hedge and tree failures;
 - vii. weed and pest control;
 - viii. drainage including the construction/maintenance of ditches and soakaways;
 - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - x. habitat management proposals within the aftercare period;
 - xi. track maintenance within the Site;

- xii. repair to erosion damage;
- xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
- ix. A system of under drainage where natural drainage is not satisfactory;
- x. Field Water Supplies.

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

44. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 43 above shall be carried out in each stage for a period of five years* following the agreement of an aftercare scheme for that stage of restoration.

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

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

Annual Review

- 45a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:
- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
 - ii. Drainage provisions as necessary for the restored areas.
 - iii. The provision of fences, hedgerows, gates and water supplies.
 - iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
 - v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
 - vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

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

Conditions for 20/05098/VAR

1. The quarrying development to which this planning permission relates is deemed to have commenced on the date of issue of planning permission reference 17/03661/EIA, namely 20th August 2018. This date is referred to hereinafter as 'the Commencement Date'.

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

Definition of the permission

- 2a. This permission shall relate to the area shown in the approved location plan accompanying planning application reference SC/MB2005/0336/BR, hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme for permission reference SC/MB2005/0336/BR which comprises the application form, supporting statement and environmental statement.

Reason: To define the Site and permission

Time limits

3. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged by notifying the Local Planning Authority of the intended commencement date for stripping of soils and commencement of mineral extraction.*
4. Extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and restoration of the site.

Limits of mineral extraction

5. There shall be no entry into each new mineral working phase until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

Output (Condition hereby varied)

- 6a. Mineral shall not be exported from the Site at a rate exceeding 325,000 tonnes per calendar year (commencing on 1st January and ending on 31st December) until Local Planning Authority has confirmed that the criteria specified in Condition 6b have been met.
- b. Notwithstanding Condition 6, mineral may be exported from the Site at a maximum rate of 400,000 tonnes per calendar year once the developer has confirmed that the number of 32 tonne HGV's in the fleet accessing the quarry has exceeded and will remain above 50% of the total and the Local Planning Authority has provided written approval to this effect.
- c. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

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

Noise and dust

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

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

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

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

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

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

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

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

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

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

Lighting

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

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

Hours of working

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

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

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

Reason: To safeguard the amenities of the area.

Highway matters

13. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged by submitting details of the site access and visibility splays to the Local Planning Authority and implementing the approved details.*
PLANT AND STOCKPILING
14. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged by confirming stockpiling details to the Local Planning Authority.*

Removal of g.p.d.o. rights

15. Notwithstanding the provisions of Part 17 A and B of the Town and Country Planning (General Permitted Development) Order 2015 or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

Phasing

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

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

Drainage / pollution

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

Reason: To prevent pollution of the water environment.

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

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

Reason: To prevent pollution of the water environment.

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

- 19a. No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.
- b. No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

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

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

Reason: To protect the groundwater resource and the biodiversity dependent upon it.

Archaeology

21. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the approval of the Local Planning Authority for an archaeological written scheme of investigation under discharge of conditions permission 18/04807/DIS.*

Soil / material movement and storage

22. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

23. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.

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

- 24a. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition.
- b. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth the developer shall take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

25. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil;
 - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
 - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
 - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
 - v. shall not subsequently be moved or added to until required for restoration;
 - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
 - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

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

Site maintenance

- 26a. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof from the commencement of the development until the completion of aftercare.
- b. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

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

Slope stability

27. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any stability problems with the potential to adversely affect

adjacent land or the use of the site are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial measures, as determined by the competent person, shall then be employed in accordance with an agreed timescale, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

Ecology

28. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of bat boxes at the site.*
29. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - iii. Include no lighting on the access road.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

30. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of an updated badger survey.*
31. No further felling of boundary trees and scrub shall take place on the development site without prior approval of the local planning authority. Boundary trees and scrub will be retained during the lifetime of the development and restoration phase.

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

32. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of bird boxes at the site.*
33. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of a landscaping and restoration plan.*
34. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of a habitat management plan.*

Restoration

35. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of a landscape planting scheme.*

Removal of plant and structures

36. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the approved restoration and aftercare schemes.

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

Aftercare

37. A detailed aftercare schemes shall be submitted for each restored section of the Site as soon as restoration has been completed to the written satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to achieve the approved afteruse. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. cultivation works;
 - iv. reseeded where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - v. grass cutting or grazing;
 - vi. replacement of hedge and tree failures;
 - vii. weed and pest control;
 - viii. drainage including the construction/maintenance of ditches and soakaways;
 - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - x. habitat management proposals within the aftercare period;
 - xi. track maintenance within the Site;

- xii. repair to erosion damage;
- xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
- ix. A system of under drainage where natural drainage is not satisfactory;
- x. Field Water Supplies.

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

38. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 37 above shall be carried out in each stage for a period of five years* following the agreement of an aftercare scheme for that stage of restoration.

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

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

Annual review

- 39a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Local Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:

- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
- ii. Drainage provisions as necessary for the restored areas.
- iii. The provision of fences, hedgerows, gates and water supplies.
- iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

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