

## Development Management Report

### Summary of Application

<b><u>Application Number:</u></b> 22/01875/VAR	<b><u>Parish:</u></b>	Claverley
<b><u>Proposal:</u></b> Variation of Condition No.2 (approved plans) and No.16 (highway and access) attached to planning permission 17/05303/MAW dated 17/05/19 in order not to implement previously approved right turn lane at site access		
<b><u>Site Address:</u></b> Land near Shipley, Bridgnorth Road, Shipley, Shropshire		
<b><u>Applicant:</u></b> JPE Holdings Ltd		
<b><u>Case Officer:</u></b> Graham French	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

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

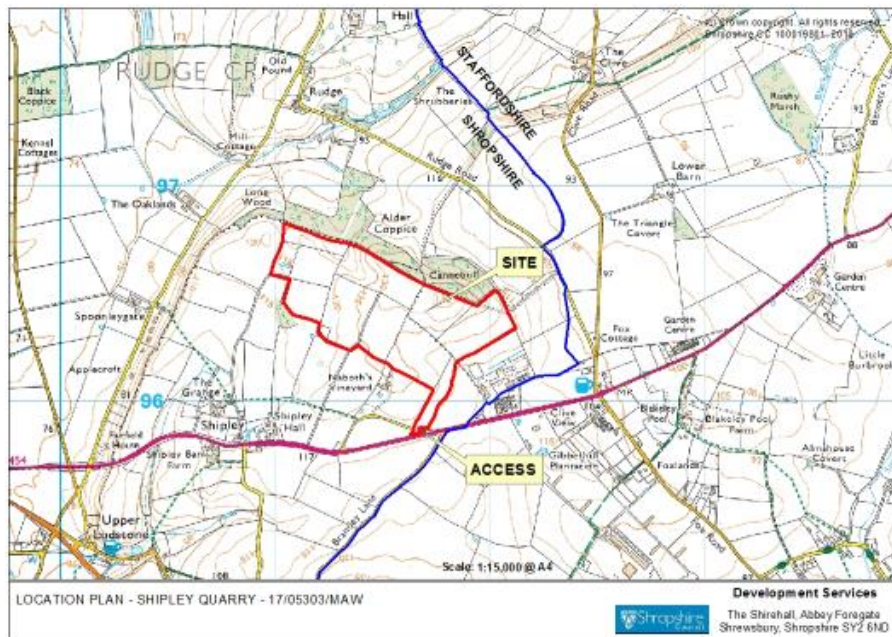


Figure 1: site location

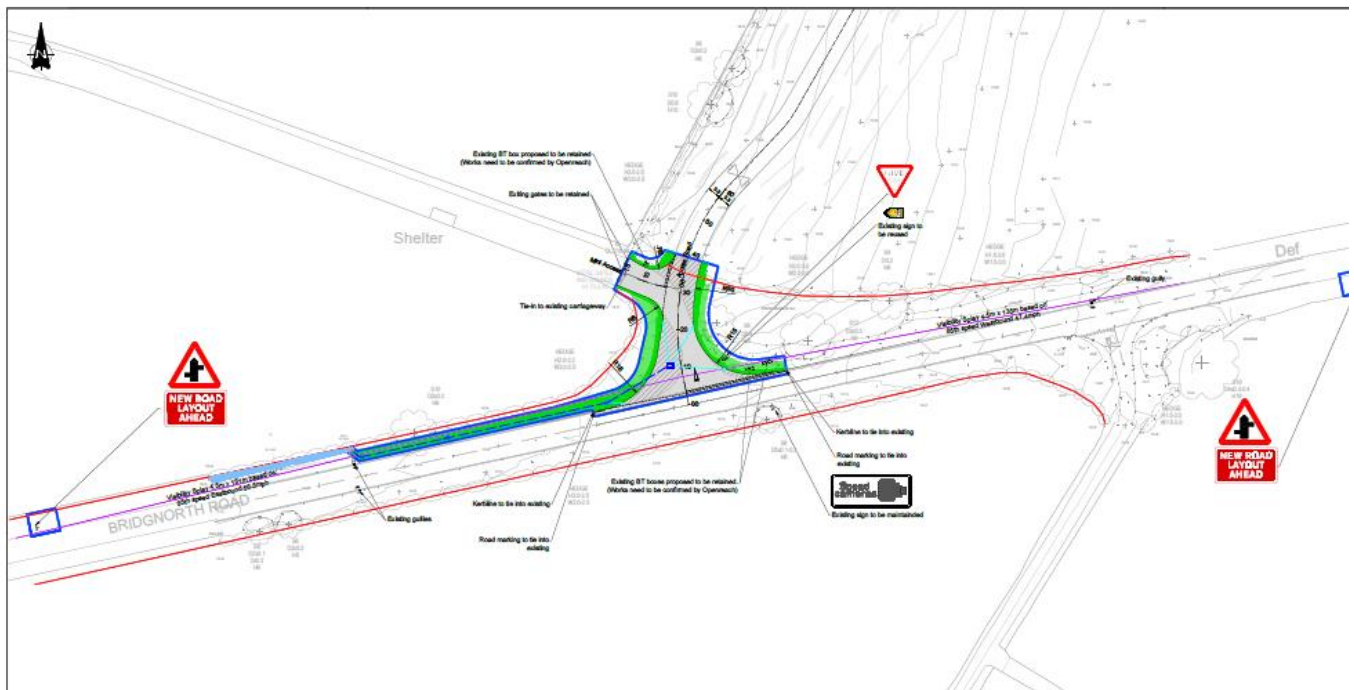
## REPORT

### 1. THE PROPOSAL

1.1 **Background:** Planning permission to extract 3.5 million tonnes of sand and gravel at the site over 14 years with phased restoration to agriculture and wildlife uses was granted on 17<sup>th</sup> May 2019. A Judicial Review was lodged by objectors on the grounds of

hydrology, Green Belt and air quality issues. The High Court Judgment was that the Council had not erred in its decision to approve the application and the development could proceed. Since this time preparatory works have been ongoing with construction of the plant site, access road, surface drainage, silt lagoon and screen bunding. Extensive planting has also been undertaken around the boundaries of the site. Mineral extraction would be able to commence following any approval of the currently proposed access amendment

- 1.2 A local community liaison group has convened, and meetings have taken place in February and April this year. The meetings have been chaired by Councillor Marshall with attendance by Councillor Lynch and representatives from the two Parish Councils, the local community and Shropshire Council planning and highways. The principle of the proposed access variation has been discussed at these meetings.
- 1.3 The proposals: The applicant JPE Holding Ltd is applying to vary the approved access arrangements for Shipleigh Quarry under planning permission 17/05303/MAW. The proposal is to remove a right-turn lane which is shown in currently approved access drawing (see Fig 2 below).



**Fig 2 – Proposed amended access without ghost island**

- 1.4 The proposal would bring the access plans approved for planning purposes into line with those approved under S184 of the Highways Act. A Stage 3 Road Safety Audit has been undertaken by the applicant’s highway consultant for the ‘as built’ junction arrangement (i.e. without the ghost island). This concludes that the current layout can safely accommodate all quarry HGV access from the A454 Bridgnorth Road and represents a safety improvement relative to the previously approved scheme involving the ghost island.
- 1.5 The applicant is proposing to vary Condition 2 or planning permission ref. 17/05303/MAW in order to substitute in the following updated document and plan to facilitate the proposed variation:

- i. Supersede approved plan 18531 03 Site Access Layout (under Condition 2b iv), with the latest highways S184 approved layout drawing (108813 101 D General Arrangement Plan)
  - ii. Supplement and supersede the approved Annex 1 - road safety audit (Condition 2c) with the new Stage 3 Road Safety Audit (SA 3433 December 2021 Stage 3 Road Safety Audit (SA 3433 December 2021 - Waterman Aspen) relating to the as constructed situation.
- 1.6 The applicant originally sought to progress the proposals as a non-material amendment (22/01214/AMP). However, the proposals were adjudged to involve material issues which exceeded the remit of the non-material amendment procedure. Accordingly, the current application has been submitted instead for an amendment under section 73 of the Planning Act. This carries the requirement for formal consultations to facilitate a more transparent decision-making process.

## 2. SITE LOCATION / DESCRIPTION

- 2.1 The Site (NGR SO 81533 96443) is located within the Green Belt on the eastern boundary of Shropshire (see figure 1). It is 2km south-southwest of the Staffordshire village of Pattingham, c.5km west-southwest of Wolverhampton and c. 9km east-northeast of Bridgnorth. The Site will have direct access on to the A454 Bridgnorth Road which links Bridgnorth to Wolverhampton. The planning application area totals 44.53ha of agricultural land, of which 23ha would be subject to mineral extraction operations.

## 3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have been referred to committee by Councillor Lynch, the local Member for the area covering the quarry access and the decision to refer the application to committee has been ratified by the Chair of the Committee.

## 4. COMMUNITY REPRESENTATIONS

- 4.1 Claverley Parish Council: No comments received. Comments related to the earlier non-material amendment application expressed concern that the proposals exceed the remit of the non-material amendment procedure. Concern also the amenity implication for directing quarry HGV's past residential property on the A454 frontage at Shipley.
- 4.2 Worfield and Rudge Parish Council (adjacent parish): No comments received. Comments related to the earlier non-material amendment application expressed concern that the proposals exceed the remit of the non-material amendment procedure. Concern was also expressed on an earlier proposal to divert quarry traffic approaching from the west past the access to turn back on itself at the Royal Oak Roundabout 1.6km to the west in order to avoid right-turn movements into the access. This was due to the Parish Council's concerns regarding the poor state of the carriageway in this location and evidence of stacking at peak times on the B4176 which crossed the A454 at this location. However, the current proposal does not involve directing HGV's via the Royal Oak island.
- 4.3 SC Highways: The Highway Authority has indicated that the revised junction layout is acceptable in principle. The amended layout is supported by a Road Safety Audit and has been approved under Section 184 of the Highway Act.

### Public Comments

4.4 The application has been advertised in accordance with statutory provisions. No representations have been received.

## 5. THE MAIN PLANNING ISSUES

- i. Policy context
- ii. Whether the proposals can be justified in terms of highway safety
- iii. Environmental effects
- iv. Green Belt appraisal

## 6. OFFICER APPRAISAL

- 6.1 Policy context: The current proposals are linked to mineral working, so they derive support from the NPPF. This 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).
- 6.2 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.
- 6.3 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.
- 6.4 The principle of mineral working at this site has been established by planning permission reference 17/05303/MAW and has subsequently been upheld by the High Court following a Judicial Review challenge. The principal issue to address for the current application is whether the proposed amended access layout is acceptable in highway safety terms.

- 6.5 Highway safety / justification: Paragraph 111 of the NPPF advises that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. The 2017 minerals application includes a traffic assessment which considers the effect of the proposed quarry on the local road network. This advises that both peak hour and daily development flows are low and unlikely to have any material impact in any context. The proposals would change proportional flows on Bridgnorth Road by less than 2%. This is less than the daily variation in traffic flows on the Bridgnorth Road so is not considered material, either proportionally or in absolute terms.
- 6.6 With respect to the current proposals the applicant states that the Road Safety Audit (‘RSA’) undertaken by an independent highway consultant Waterman Aspen confirms that the previously approved ‘ghost’ island arrangement is not needed to accommodate right hand turns in to the quarry and that its removal represents a safety improvement. It is further stated that there are no implications for projected traffic movements over the life of the quarry.
- 6.7 An earlier 2018 Road Safety Audit prepared by the same consultant identified a potential problem with the original access design with the ghost island whereby eastbound drivers may overtake on the straight past the site access unaware of the approaching right-turn lane. The new RSA concludes that removal of the right turn lane has resolved this issue and notes that ‘junction ahead’ warning signs and overtaking restrictions have been included as per the RSA recommendation.
- 6.8 The applicant advises that 70% of HGVs would continue to move to and from the West Midlands conurbation with the remainder moving to the west, in the direction of Bridgnorth and Telford. The s106 routing provisions directing HGV’s on the A454 and avoiding minor roads would continue to remain in force. A 50mph speed limit would continue to be extended from Staffordshire past the site access towards Shipley using a £10k fund secured under the s106 agreement for the quarrying permission. Wider highway improvement details for the A454 would also be unaffected with a further £25k of funding for these works also secured under the s106 Agreement.
- 6.9 Claverley Parish Council previously expressed concerns at an earlier iteration of the revised layout which involved directing HGV’s approaching from the east past the site access to turn at the Royal Oak Island 1.6km to the west. They pointed out a number of concerns in relation to the current highway situation at the Island which they were concerned could be exacerbated by quarry HGV traffic. The new road safety audit has addressed these concerns by concluding that the proposed new quarry access arrangement excluding the ghost island would be capable of safely accommodating HGV’s turning into the site from the east and would result in a safety improvement relative to the original junction layout.
- 6.10 Highway officers have not objected and have approved the revised junction layout under section 184 of the Highways Act (section 278 would no longer apply). It is concluded that the revised junction layout can be regarded as acceptable and that refusal on highway grounds could not be sustained. (Policy MD17)

Environmental effects

- 6.11 The environmental implications of the quarry development have been comprehensively assessed under the main quarrying permission reference 17/05303/MAW and further information has subsequently been provided on these matters in order to discharge conditions imposed on the quarrying permission. All outstanding requirements for information linked to the original quarrying permission have now been discharged under discharge of conditions permission references 19/03737/DIS, 20/00640/DIS, 20/01971/DIS, 20/02324/DIS, 21/01690/DIS and 21/05108/DIS.
- 6.12 The current application would not result in any changes to the approved quarrying scheme with the exception of the proposed amended junction layout. As such, there is no requirement to revisit wider environmental issues linked to the quarrying scheme such as ecology, heritage, amenity and drainage in considering the current application.

Green Belt

- 6.13 The site is located in the Green Belt which is protected by the NPPF (Chapter 13) and Policies CS5 and MD6. The Green Belt has five main purposes (NPPF para 138):
- a) to check the unrestricted sprawl of large built-up areas
  - b) to prevent neighbouring towns merging into one another
  - c) to assist in safeguarding the countryside from encroachment
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.14 Mineral extraction is one form of development which may be acceptable within the Green Belt (NPPF Para 150). The quarrying proposals at Shipley were found to be acceptable development within the Green Belt and this conclusion was reinforced by the High Court decision on the Judicial Review challenge in January 2020. The current site access proposal would not change any other key details of the application. Moreover, removal of the previously proposed ghost island means that the site access would be subject to less engineering / change at the access which is where key views from within the Green Belt are afforded. As such, it is concluded that the proposals would not harm NPPF Green Belt objectives and may be mildly beneficial with respect to these objectives.

Effect of variation under Section 73

- 6.15 The effect of a variation under S73 of the Planning Act is to create a separate permission which sits alongside the original permission being varied and which can be implemented in preference. There is a requirement that any conditions attached to the original permission will be carried forward and updated in the context of the new variation as this may become the main planning consent where the permission is implemented. In the case of the current application a number of applications to discharge conditions attached to the original mineral permission have since been approved. It is necessary for any updated conditions attached to a variation permission to take account of this. This updating exercise has been undertaken in Appendix 1 below.

## 7. CONCLUSION

- 7.1 The proposal is to not proceed with construction of the originally approved ghost island for traffic turning right into quarry access from the A454. A Road Safety Audit has concluded that the simple T-junction layout now proposed without the ghost island would be able to safely accommodate quarry traffic and would also address a safety issue which had been identified with the ghost island.
- 7.2 Highway officers have not objected to the proposed amendment which has already been approved for the purpose of the Highway Act. Previous concerns from Claverley Parish Council about directing HGV traffic via the Royal Oak Island to the west of the site access so that it approaches the access from the west have been addressed by the Road Safety Audit which concludes that HGVs approaching from the east can turn safely into the site access.
- 7.3 The proposals would not result in any other changes to the previously approved details of the quarrying operations. As such there would not be any impacts to the local environment or amenities. It is concluded that proposals can be accepted in relation to relevant development plan policies and guidance and other material planning considerations subject to the recommended conditions.

## 8. 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.

## 9. 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

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RALNN7TDN5200>

## 10. PLANNING POLICY

10.1 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt) – allowing for development on appropriate sites within the countryside that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: required community uses and infrastructure which cannot be accommodated within settlements;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change
- Policy CS11 (natural and built environment) states that the character, quality and diversity of Shropshire's environments will be protected, enhanced and, where possible, restored in a way that respects this character.
- Policy CS8 (Facilities, Services and Infrastructure Provision) – seeking the development of sustainable places by preserving and improving facilities and services; facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs in locations that are appropriate and accessible; positively encouraging infrastructure where this has no significant adverse impact on recognised environmental assets
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire's environmental assets
- Policy CS18 (Sustainable Water Management) – to reduce flood risk; to avoid an adverse impact on water quality and quantity
- Policy CS20 (Strategic planning for Minerals)

10.2 Site Allocations and Management of Development Plan (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

## 11. HUMAN RIGHTS

- 11.1 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

## 12 RELEVANT PLANNING HISTORY:

- 12/02049/FUL Application under Section 73A of the Town & Country Planning Act 1990 for the use of land as a model flying club, car parking area and erection of storage shed (Retrospective) GRANT 15th October 2012
- 16/01952/SCO Scoping Opinion for the extraction of sand and gravel SCO 16th August 2016
- 17/05303/MAW The phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration GRANT 17th May 2019
- 19/03737/DIS Discharge of Conditions 9 (Noise and Dust Monitoring Scheme) and 24 (Hydrogeological Monitoring Scheme) attached to Minerals and Waste application 17/05303/MAW DISPAR 26th November 2019 Grant March 2022
- 20/00640/DIS Discharge of Condition 29A (Scheme to safeguard trees and hedgerows) and 35 (Construction Environmental Management Plan) associated with planning application number 17/05303/MAW DISAPP 18th February 2020
- 20/01971/DIS Discharge of conditions 3a (commencement date), 11b (interim access arrangements), 18b (construction and surface treatment), 19 (wheel wash facility), 20 (specifications of quarry site) and 42a (stripping soils) on planning permission 17/05303/MAW DISAPP 30th July 2020
- 20/02324/DIS Discharge of condition 30a (Tree Planting and Habitat Creation Scheme) attached to planning permission 17/05303/MAW The phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration DISAPP 31st July 2020
- 21/01690/DIS Discharge of condition 28 (archaeology) on planning permission 17/05303/MAW DISPAR 9th April 2021
- 21/05108/DIS Discharge of condition 17 (highway drainage) on planning permission 17/05303/MAW DISAPP 2nd December 2021
- 22/01214/AMP Non-material amendment to planning application number 17/05303/MAW REFUSE 11th April 2022
- 22/01875/VAR Variation of Condition No.2 (approved plans) and No.16 (highway and access) attached to planning permission 17/05303/MAW dated 17/05/19 in order not to implement previously approved right turn lane at site access PDE

List of Background Papers:

Planning Application reference 22/01875/VAR and the accompanying documents and plans

Cabinet Member (Portfolio Holder): Cllr E.Potter

Local Member: Cllr Elliot Lynch (Alveley & Claverley), Cllr Richard Marshall (Worfield)

Appendices:

Appendix 1 - Conditions

## **APPENDIX 1**

### **Legal Agreement Clauses attached to permission reference 17/05303/MAW which continue to apply:**

- i. Traffic routing and management agreement preventing mineral lorries from using the minor roads in the vicinity of the site, with appropriate penalty clause for infringements;
- ii. Funding by the developer (£10k) for relocation of speed restriction nearer to the site access;
- iii. Provision for off-site hydrological monitoring at appropriate locations to be agreed;
- iv. Provision for off-site air quality monitoring at appropriate locations to be agreed;
- v. Securing availability of additional land for Great Crested Newt mitigation should this be required by Natural England under an EU Protected Species License;
- vi. Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme;
- vii. Formation of a local community liaison group by the developer.

### **Conditions**

1. The quarry development approved under permission reference 17/05303/MAW and hereby varied shall be deemed as having commenced on 1<sup>st</sup> June 2020 as per the cover email dated 15<sup>th</sup> May 2020 accompanying discharge of conditions application reference 20/01971/DIS. This date shall be referred to hereinafter as 'The Commencement Date'.

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

#### DEFINITION OF THE PERMISSION

- 2a. This permission shall relate to the areas edged red on Figure 2 (Existing Topographic Survey) accompanying application reference 17/05303/MAW (Drawing no. CE-CB0617-DW34) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development approved by permission reference 17/05303/MAW and hereby varied shall be undertaken in accordance with the approved scheme incorporating the following documents and plans:

- i. The application form dated 3<sup>rd</sup> November 2017
- ii. The Non-Technical Summary dated 31/10/2017
- iii. The planning supporting statement dated 31/10/2017
- iv. The Environmental Statement dated 31/10/2017 and the accompanying appendices.
- iv. The submitted drawings accompanying the Environmental Statement as amended, namely:
  - Figure 2 - CE-CB0617-DW34 -Topographical Survey;
  - Figure 3 - CE-CB0617-DW13c- Amended Working Scheme (dated 10/07/18);
  - Figure 4 – CE-CB0617-DW15c - Updated Concept Restoration Plan (dated 10/07/18);
  - CE-CB0617-DW21 - Figure 6 Phase 1 & 2 - Years 2-3 (as amended by Fig3);
  - CE-CB0617-DW24 - Figure 9 - Phase 5 - Years 9-10 (as amended by Fig3);
  - 108813 101 D General Arrangement Plan (supersedes 18531-03 – Site Access Layout).
- c. The further information submitted under Regulation 25 of the Environmental Impact Assessment Regulations 2018 comprising:
  - Stage 3 Road Safety Audit (SA 3433 December 2021 - Waterman Aspen) (supersedes Annex 1 - road safety audit)
  - Annex 2 - water features survey;
  - Annex 3.1 - cultural heritage addendum;
  - Annex 4.1 - ecology & trees;
  - Annex 4.2 – badgers;
  - Annex 5 - updated visual information;
  - Annex 6 - amenity protection.

Reason: To define the Site and permission

#### TIME LIMITS

- 3a. The commencement date for the quarry development approved under permission reference 17/05303/MAW and hereby varied is confirmed as 15<sup>th</sup> May 2020 as per the cover email accompanying discharge of conditions application reference 20/01971/DIS.
- b. No less than 7 days prior notice of the intended date for commencement of mineral extraction shall be given in writing to the Local Planning Authority.

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

4. Extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

#### LIMITS OF MINERAL EXTRACTION

5. There shall be no entry into each new mineral working phase as defined by Figure 3 (amended working plan) until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

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

#### OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 250,000 tonnes per calendar year (commencing on 1<sup>st</sup> January and ending on 31<sup>st</sup> December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

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

#### NOISE AND DUST

7. Noise mitigation measures shall be employed for the duration of the quarrying operations in strict accordance with the recommendations in section 5-5.2.3 of the Noise Assessment report ref CE-CB-0617-RP17-FINAL produced by Crestwood Environmental Ltd.

Reason: To protect residential amenity.

- 8a. Subject to Condition 8c all noise mitigation measures stated in the Noise Assessment report ref CE-CB-0617-RP17-FINAL and report reference CE-CB-0617-RP42 - FINAL (dated 31 May 2018) produced by Crestwood Environmental Ltd shall be carried out in full for the duration of works on site. In particular, a 3.5m high screening bund shall be constructed along the southern boundary of the site and a 2.5m bund shall be constructed along the northern boundary. The platform for the quarry plant site shall also be set a minimum of 2m below existing ground levels.
- b. 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)
The Alders	43.8
Naboths Vineyard	49.4

- c. Notwithstanding condition 8a, 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.

Reason: to protect residential amenity.

- 9. Noise and dust monitoring related to the permitted quarrying operations shall be undertaken in accordance with the schemes approved pursuant to discharge of conditions permission reference 19/03737/DIS.

Reason: To protect residential amenity.

*Note: Monitoring within the site shall be supplemented by monitoring in other appropriate areas under the control of the applicant, under the provisions of the section 106 Legal Agreement accompanying this permission.*

- 10. No development shall occur within Phase 5b and within 50m of the south east boundary of the Site in Phase 6b under the terms of this permission unless the following criteria are met:
  - i. The developer has submitted detailed noise and dust management plans specific to these areas of the development having regard to section 4.4 of the report reference CE-CB-0617-RP42 - FINAL by Crestwood Environmental dated 31<sup>st</sup> May 2018 and the results of noise and dust monitoring in preceding phases;
  - ii. The Local Planning Authority has provided written approval of the noise and dust management plans for Phase 5b.

Reason: To protect residential and local amenities.

- 11. Temporary operations for construction of the southern and eastern bunds and the access haul route shall take place in strict accordance with the outline Construction Environmental Management Plan (CEMP) detailed in report reference CE-CB-0617-RP42 - FINAL by Crestwood Environmental dated 31<sup>st</sup> May 2018. This is with the sole exception that construction within the CEMP area shall take place between 0900 - 1600 hours Monday to Friday only unless any works outside of these times have first been agreed in writing by the Local Planning Authority.
- 12a. The dust mitigation measures stated in the Dust Management Scheme, report reference CE-CB0617-RP10-FINAL and report reference CE-CB-0617-RP42 - FINAL (dated 31 May 2018) produced by Crestwood Environmental Ltd shall be carried out in full for the duration of all works on site. The sole exception to this shall be that no construction works shall take place outside of 0900 - 1600 hours Monday to Friday unless this has first been agreed in writing by the Local Planning Authority.

- b. The quarry haul route shall be maintained so that it is beyond a distance of 200m from the edge of the property boundary of the dwelling known as Naboth's Vineyard until such time as Phase 5b comes in to operation, in accordance with Section 4.3 of report reference CE-CB-0617-RP42 dated 31<sup>st</sup> May 2018.

Reason: To protect residential amenities.

13. The Dust Management Scheme (Ancient Woodland Specific Aspects) in section 4.1.32, and the recommendations in sections 3.3.20 – 3.3.26 of the 'Additional Ecological and Arboricultural Information and response to Planning Application Consultation (Planning Ref: 17/05303/MAW), Addendum to Chapter 6 of the Environmental Statement, Ref. CE-CB-0617-RP41 – Final' dated 31<sup>st</sup> May 2018 by Crestwood Environmental Ltd. shall be implemented from the commencement of the development until the restoration phase has been completed.

Reason: To ensure sensitive receptors including the Ancient Woodland and Ancient Plantation Woodland to the north of the site and Great Crested Newt (European Protected Species) habitats are not damaged by dust from quarrying activities.

14. 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.

#### HOURS OF WORKING

15. Mineral extraction and associated operations under the terms of this permission shall not take place other than between the following hours except where emergency access is required or for undertaking maintenance to quarry plant:

7.00 – 18.00 on Mondays to Fridays and 7.00 - 13.00 on Saturdays  
and such operations shall not take place on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the area.

#### HIGHWAY AND ACCESS

16. The quarry access shall be maintained in accordance with the details approved under the approved access plan reference 108813 101 D General Arrangement Plan for the duration of the quarrying and restoration operations hereby approved.

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

17. The visibility splays at the site access onto the A454 shall be maintained permanently clear of all obstructions for the duration of the quarrying and restoration operations hereby approved.

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

- 18a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.

- b. Details of construction and surface treatment for the internal access road leading to plant site shall be submitted for approval prior to the Commencement Date. The internal access road shall be constructed and maintained in accordance with the approved details

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

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

Reason: In the interests of highway safety.

Informative Notes:

- i. Mud on highway: *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*
- ii. 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.*
- ii. 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>



iii. Works on, within or abutting the public highway: This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

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

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

#### PLANT AND STOCKPILING

20. Note: This condition previously attached to planning permission reference 17/05303/MAW has been discharged through provision of quarry plant details under discharge of conditions approval reference 20/01971/DIS.

#### 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. Phasing within the site shall take place in strict accordance with the approved working scheme plan (reference CE-CB0617-DW13c) detailed in section 4.3 of the report reference CE-CB-0617-RP42 - FINAL dated 10th July 2018.

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

## DRAINAGE AND HYDROLOGY

23. *Note: This condition previously attached to planning permission reference 17/05303/MAW has been discharged through provision of surface water drainage details under discharge of conditions approval reference 21/05108/DIS*

Notes:

- i. A 'permit to discharge' to surface water may be required to control the quality of any surface water discharge from settlement lagoons to controlled waters. To discuss and/or apply for a permit please contact the local Environment Agency Land and Water team on telephone 02030 251670.
  - ii. The Environment Agency has advised that dewatering the proposed excavation (even at the permissible 20m<sup>3</sup> de minimis daily abstraction rate if in the same system) may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features.
24. The hydrological monitoring scheme approved under discharge of conditions approval reference 21/05108/DIS shall be implemented in full for the duration of the quarrying operations hereby approved.

Reason: To protect the local water environment from harm resulting from any localised interactions, in accordance with Core Strategy Policy CS18.

*Note: This condition is linked to a section 106 legal agreement clause which facilitates hydrological monitoring in appropriate locations in the area surrounding the application site.*

- 25a. Within one month of the identification of any potential material changes to local groundwater levels and/or local water features, as defined within the HMS (referred to at Condition 24), a scheme of investigation ("the Scheme of Investigation") shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include:
- i. Proposals to investigate the cause of the material change to local groundwater levels or those local water features identified in the HMS;
  - ii. Measures to mitigate the associated risks, where the cause is attributable to on-site operations hereby consented; and
  - iii. Proposals for subsequent monitoring and reporting in relation to the success or subsequent amendment of mitigation measures undertaken.
- b. Once the Scheme of Investigation has been approved in writing by the Minerals Planning Authority, it shall be implemented in full thereafter.

Reason: To protect the local water environment should monitoring in accordance with the HMS approved under Condition 24 indicate a material change by securing mitigation if necessary in accordance with Core Strategy Policy CS18.

26. No extraction operations shall take place below 109m above ordnance datum unless the hydrological monitoring scheme required by Condition 24 has confirmed to the written

satisfaction of the Local Planning Authority that extraction below this level would not intercept the permanent groundwater table.

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

27. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason: To ensure the permitted development does not adversely affect the drainage of adjoining areas.

#### Archaeology

28. Archaeological investigations shall take place within the Site in accordance with the Written Scheme of Investigation approved under discharge of conditions permission reference 21/01690/DIS.

Reason: The site is known to hold archaeological interest

#### Arboriculture

29. Safeguarding of trees shall be maintained within the Site for the duration of the mineral working and restoration works hereby approved in strict accordance with the arboricultural scheme approved under discharge of conditions permission reference 20/00640/DIS.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- 30a. Tree planting and habitat creation within the Site shall take place in accordance with the scheme approved under discharge of conditions permission reference 20/02324/DIS.

- b. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting and habitat creation to enhance biodiversity and the appearance of the development and its integration into the surrounding area.

#### ECOLOGY

- 31a *Note: This condition previously attached to permission reference 17/05303/MAW has been discharged through confirmation that the applicant has obtained a European*

*Protected Species for Great Crested Newt from Natural England (license reference 2019-40866-EPS-MIT-1).*

- b. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority) an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the mitigation and enhancement measures and method statements are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To ensure the protection of Great Crested Newts and bats which are European and UK protected species and other wildlife.

32. A minimum buffer zone of 30m of semi-natural habitat will be securely fenced between the northern woodland boundary and mineral extraction for the lifetime of the development. There will be no movement of vehicles or storage of materials within the buffer except for the first 5m beside the extraction boundary of Phase 2 where a temporary soil bund will be stored.

Reason: To protect Ancient Woodland and Plantation Ancient Woodland from direct and indirect damage due to mineral extraction in accordance with NPPF 118, CS17: Environmental Networks and SAMDev Plan policy MD12: Natural Environment.

33. All site clearance, mineral extraction, landscaping and biodiversity enhancements shall occur strictly in accordance with the recommendations in Appendix E8 Confidential Ecology Information – Badger by Crestwood Environmental Ltd., unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of Badgers.

34. *Note: This condition previously attached to permission reference 17/05303/MAW has been discharged through confirmation that the applicant has provided 4 bat boxes within the Site.*

35. The Construction Environmental Management Plan for ecology approved under discharge of conditions permission reference 20/00640/DIS shall remain in force for the duration of the mineral extraction and restoration operations hereby approved.

Reason: To protect features of recognised nature conservation importance, in accordance with SAMDev policy MD12, Core Strategy policy CS17 and section 170 of the NPPF.

36. For each phase of the permitted development, commencing after 2 years from the date of the planning consent the approved ecological measures and mitigation secured through conditions shall be reviewed and, where necessary, updated and amended. The review shall be informed by further ecological surveys (in line with recognised national good practice guidance) in order to:

- i. Establish if there have been any changes in the presence and/or abundance of species or habitats on the site, and

- ii. Identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the phase. Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up to date ecological information and that ecological mitigation is appropriate to the state of the site at the time phases of development commence, in accordance with wildlife legislation, NPPF 118 and MD12.

- 37. Habitat management shall take place throughout the mineral working and restoration operations hereby approved in accordance with the habitat creation scheme approved under discharge of conditions permission reference 20/02324/DIS (also covering Condition 30a).

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

#### Informative notes

- i. *Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett. No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site. There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.*
- ii. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree pruning or removal of scrub or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- iii. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 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 immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*

#### LIGHTING

38. 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.

#### SITE MAINTENANCE

39. 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

40. 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.

#### SOIL HANDLING

41. 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.

- 42a. Not less than five working days prior notice shall be given to the Local Planning Authority of the intention to start stripping soils in each phase of the site.

- b. 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.
- c. 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.

Reason: To allow monitoring of soil stripping operations (40a) and to prevent loss or damage to soils (40b,c).

*Note: Where soils are stripped to less than 1 metre depth the developer should take action to rectify this deficiency by using soil making materials recovered during the working of the Site.*

- 43a. All soil and soil forming materials shall be handled in accordance with Defra's Good Practice Guide for Handling Soils. Soil shall only be moved when in a dry and friable condition and shall not be moved after significant rainfall. 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. Soil handling and movement shall not be carried out between the months of October to March inclusive, unless a scheme to agree soil movement outside of these times has first been agreed in writing by the Local Planning Authority.

Reason: To prevent damage to soil structure.

- 44a. 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 if they are to remain in place for more than 6 months;



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

- b. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the MPA showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein.

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

45. The applicant shall notify the MPA at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

46. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

#### REMOVAL OF PLANT AND STRUCTURES

47. 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

- 48a. Restored areas of the site which are designated for agricultural use shall be subject to 5 years aftercare.

- b. Aftercare schemes for each restored section of the Site shall be submitted as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide an outline strategy for the aftercare period in accordance with Paragraph: 057 of Minerals Planning Practice Guidance. This shall specify the steps to be taken and phasing in the management of the land to promote its rehabilitation to the target afteruses; including where appropriate:

- i. A map identifying clearly all areas with phasing, subject to aftercare management,
- ii. A remedial field drainage system, and
- iii. A pre-release report to demonstrate that the land has been reclaimed to the required standard.

- c. Aftercare schemes for each phase shall make provision for the following works, 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. Vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
- ix. Habitat management proposals within the aftercare period;
- x. Track maintenance within the Site;
- xi. Repair to erosion damage;
- xii. Provision of drainage including the construction/maintenance of ditches, ponds or soakaways and an underdrainage system where natural drainage is not satisfactory;
- xiii. Provision of field water supplies.

Aftercare shall be undertaken in accordance with the approved schemes.

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: Areas designated for non-agricultural afteruse including as habitat areas shall be subject to extended aftercare as specified in the section 106 legal agreement accompanying this permission.*

#### ANNUAL REVIEW

- 49a. Before 1<sup>st</sup> 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.