

**AGENDA ITEM**



Committee and date  
**Southern Planning Committee**  
**26th November 2024**

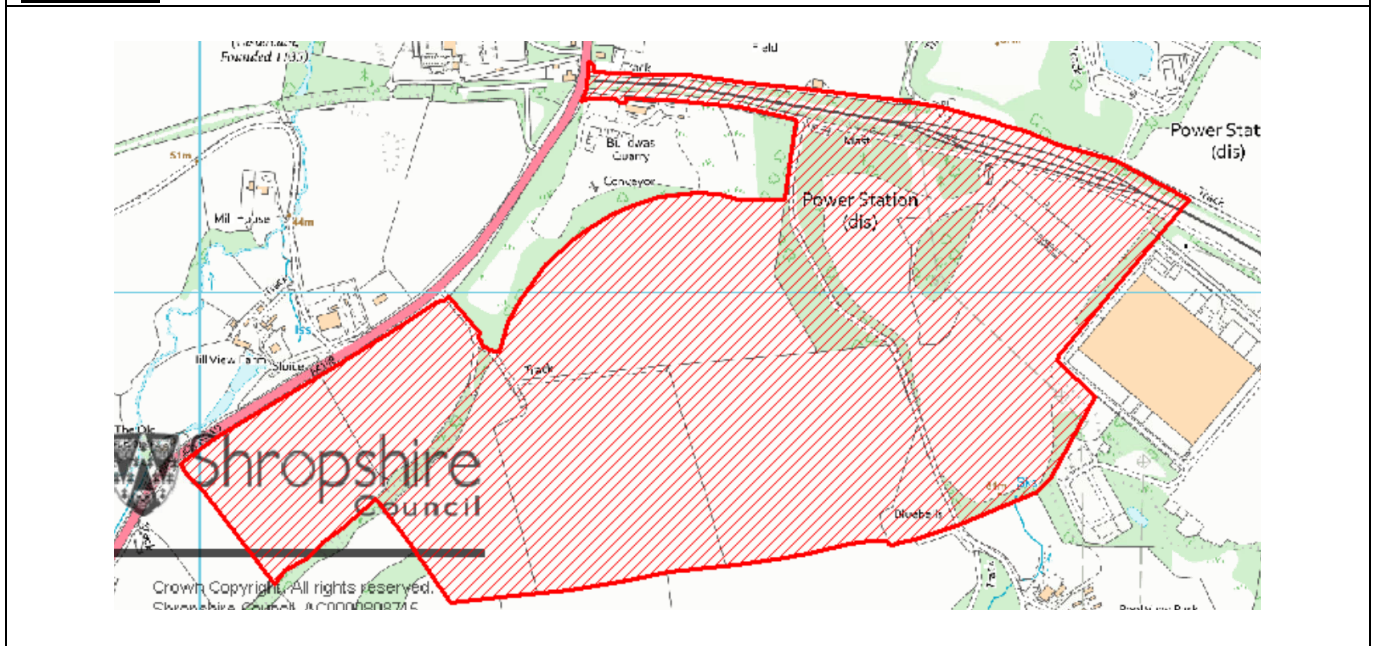
**Development Management Report**

Responsible Officer: Rachel Robinson, Executive Director Health Wellbeing and Prevention

**Summary of Application**

<b>Application Number:</b> 24/02537/VAR	<b>Parish:</b>	Buildwas
<b>Proposal:</b> Application under Section 73 - application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year		
<b>Site Address:</b> Proposed Quarry To The East Of Much Wenlock Road, Buildwas, Telford, Shropshire		
<b>Applicant:</b> Mr T Hurdiss		
<b>Case Officer:</b> Mike Rigby	<b>email:</b> mike.rigby@shropshire.gov.uk	

**Grid Ref:** 364621 - 303994



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**Recommendation:- APPROVAL** subject to the additional conditions set out in Appendix 1 upon receipt of the signed unilateral undertaking, with delegation to officers for redrafting conditions attached to original permission.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This is a Section 73 application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year. The effect of the application would be to proceed with the extraction, processing and export of the mineral, as already permitted, but by road rather than by rail.
- 1.2 The original planning permission sits within a broader suite of consents with the purpose of redeveloping the former Ironbridge power station site.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The approved minerals extraction site (the application site) consists of land within and immediately to the west of the site of the former Ironbridge Power Station site. It covers an area of circa 49 hectares including agricultural fields and derelict brownfield land associated with the site of the former power station. The latter includes a rail siding which served the power station and an area of previously developed land that was used for the storage of coal, biofuel and ash.
- 2.2 The site is situated to the south of the former Buildwas Quarry site (the 'JPE site'). The A4169 Much Wenlock Road runs north to south along the application site's western boundary. The River Severn and Buildwas Road, which run east west, are to the north, separated from the application site by a sports field and a disused railway line.
- 2.3 The existing access to the application site is via a priority controlled T-junction with Buildwas Road and a road bridge over the River Severn.
- 2.4 The former Buildwas Quarry site (the JPE site) is accessed from a private road which runs along the northern boundary of the former quarry. Its access with the Much Wenlock Road is a simple priority controlled T-junction.
- 2.5 Much Wenlock Road links the villages of Buildwas to the north and Much Wenlock to the south and meets Buildwas Road at a T-junction 200m north of the existing JPE access.

2.6 For context, the former Power Station lies around 1km to the west of the historic town of Ironbridge and 5km to the southwest of Telford. It is also situated at the southwestern end of the Ironbridge Gorge, a UNESCO World Heritage Site, and associated Conservation Area. The latter are around 1km from the mineral application site.

2.7 The approved mineral working area is around 130m to the south of the Shropshire Hills AONB on the opposite side of the A4169. The buildings of Buildwas Abbey, which is a Scheduled Ancient Monument, are located around 280m to the northwest of the approved extraction area.

2.8 The closest dwelling is Crossing Cottage, which is situated on the A4169 opposite the existing JPE access.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 Call-in by Committee Chair

### 4.0 Consultation Responses

#### 4.1 Statutory and Non-statutory Consultation

4.1.1 **Shropshire Hills AONB (National Landscape) Partnership.** Response: The SHAONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.2 **Canal & River Trust.** Response: Makes no comment on the basis that the terms of the application fall outside their scope as a statutory consultee.

4.1.3 **Environment Agency.** Response: Has no comment to make on this application.

4.1.4 **Sport England.** Response: The application falls within neither their statutory nor non-statutory remits and they therefore provide no specific response on this application.

4.1.5 **Telford & Wrekin Council.** Response:

#### **Local Highways Authority:**

As a recap the County boundary lies at Holbrook Coppice on the A4169 so it is only to the north of here where any additional HGV movements associated with the Quarry will fall within our Borough. There is already a routing agreement in place to form a one-way rotation at Jiggers Bank Roundabout for HGVs accessing and exiting the M54, utilising the A5223 and A4169 corridors to ensure movements are

rationalised between both routes. These routes are higher order A roads and for that reason no technical objection can be made to not allow their use for what is a predicted 71 additional HGV movements on each across a usual day.

**Ward Member – Cllr Healy:**

The agreed HGV route must be adhered to, to protect the narrower roads of the Gorge and limit the impact on residential communities. If I understand TWC LHA comments correctly some traffic will go to Castlefields roundabout in which case, I would like to comment that the pedestrian crossing should be in place prior to the increase of HGV movements.

Just a side note, to install a pedestrian crossing on the east side of the roundabout would require a good length of pavement on both sides. Currently all pedestrians cross on the west side where there is pavement. A signalised crossing here makes more sense to me.

4.1.6 **National Highways.** Response: No objections to the variations of condition 12.

4.1.7 **Forestry Commission.** Response: No comments.

4.1.8 **Historic England.** Response: No advice offered.

4.1.9 **Ironbridge Gorge World Heritage Site Steering Group.** Response: Our remaining concerns to note are as follows:

We are disappointed that the withdrawal of Network Rail from this scheme now leads to all the movement of materials to be removed by road. This is particularly disappointing given that Network Rail was fully onboard when the project was initially proposed (as referenced in Network Rail's response to the original application as outlined in their email of 5 February 2020).

We would ask you to consider undertaking any necessary roadworks in the off season to avoid a negative impact on businesses in the Ironbridge Gorge, the majority of which are reliant on tourism.

We would ask Planners to ensure that there are arrangements for effective enforcement of restrictions on vehicles ignoring the designated routes in and out of the Gorge. Many of the roads outside of the designated routes are unstable and material damage would be likely to infrastructure and potentially property.

We are concerned that without firm mitigations on the timing of, and enforcement of specific routes for, the removal of materials, there will be a significant negative impact on the Outstanding Universal Value (OUV) of the Gorge. This risk of a negative impact on OUV is further exacerbated by the decision of Network Rail not to progress the rail line. We would encourage steps to be taken by the Council to ask Network Rail to reconsider this decision, whether for this project or for the general benefit of being able to reduce vehicle movements in the Gorge without limiting its

accessible to local residents and employees and regional, national and international visitors.

I would ask that the Planning Authority notes the basis on which the IGWHS Steering Group is responding, as outlined above. I would further ask that the Planning Authority note and take account of the residual concerns that the Steering Group has regarding the proposal and to take them fully into account in determining its decision.

- 4.1.10 **Councillor Claire Wild (Local Member).** Response: The current JPE planning consent should be legally terminated. All traffic movement from the former JPE site should cease immediately. The JPE permission did not have a routing agreement, and it is important that any approved routing agreement is adhered to. Conditions should be imposed that ensure every vehicle entering and leaving the site is logged and captured on CCTV, these logs should be available for inspection by the LA if requested. In addition, CCTV should be also installed at the junction of the site access and egress to ensure that any routing agreement is adhered to, also these movements should be logged and available for inspection by the LA when requested. This application will cause significant problems for the residents who live close by. I would ask for a box junction or similar at the access/egress of all the impacted properties so that the residents who live close by are able to enter and leave their properties safely at all times. With the works due to commence on the site access by Crossing Cottage, this application and also the imminent works to the Buildwas Bank junction I would ask that marshals are employed to assist local residents and that this is conditioned at least for the completion of the new access. The transport statement p4 para 1.8 refers to a Network Rail meeting in April, I am very interested in the possible option of a passenger train line and invite further comment from Harworth on this point.

I fully support the objections raised by the PC and local residents

- 4.1.11 **Buildwas Parish Council.** Response: BPC wishes to object to these proposals for the following reasons;
- The proposal for 300,000 tons of material being transported by road is significant and will cause a great deal of issues for the local community, due to the extra articulated lorry movements and real potential of a backlog of HGV's entering/exiting the site.
  - As part of the reserved matters application, it was agreed that structural improvements to the route of the railway were to be secured with Network Rail. While it is noted that Network Rail have requested that the developers provide a Basic Asset Protection Agreement before they will do any work in respect of developing the bridge strengthening project. This has not yet been actioned by the developer and this application to deviate from the initially desired prospect of moving sand and gravel by rail is not being considered at the appropriate time, it is our view that until the developer considers a Basic Asset Protection Agreement then this application should be refused.

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- Noise from unladen trailers will undoubtedly cause concerns amongst local residents, particularly the early morning movements.
- Safety of road junction at bottom of bypass, also with the amount of equine stabling and the routes used for horse exercise would pose a safety challenge.
- In the early stages of the proposals, Shropshire Council guaranteed that the limit would be 100,000t/yr and this directly contravenes this "guarantee".
- We are concerned that all the forecasts are averaged out as if HGV movements will occur at regular intervals during the day. 12 hours has been used by the consultants (ADC Infrastructure) in some of their calculations. This to be disingenuous. At the very least, the assumptions need to be challenged.
- There is no account for much of the substrates being required early in a day on the sites to which it is to be delivered.
- There is no account for the difference between summer and winter delivery schedules and we know sites shut down for most of December and some of January. This will further distort the true nature of the number of HGV movements of sand and gravel at other times of the year.
- There appears to be no reference to power station development traffic arriving and leaving during building construction of the various phases and this should be part of the calculated extra volume of traffic movements during the time of mineral extraction from the site.
- The HGVs that move minerals from the quarry to the various onsite building site locations have to arrive and leave (daily?) This should be part of the extra volume of traffic movement calculations. The calculations address a had full of staff arriving and leaving site but no mention of these lorries.
- While there are only five reported incidents, this is plainly not representative of real situation, many of the more minor accidents go unreported, but there have been a significant number of accidents in the last 24 months which have been reported but appear to be omitted from the data being reviewed.
- Consideration should be given to the extra wear and tear that these proposals would have to our roads meaning the conditions will become poorer much quicker than from usual traffic movements. Transporting by road will also mean that neighbouring roads will be full of dust and debris.
- If minded to approve, Shropshire Council could include a condition that site management are responsible for road sweeping when required.

4.1.12 **Environmental Protection, SC Regulatory Services.** Response: Has no objection to the variation of condition sought.

4.1.13 **SC Landscape Consultant.** Response: We have reviewed the submitted planning statement and are of the view that the proposed changes to Condition 12 are unlikely to notably affect the outcome of the LVIA that formed part of application 19/05509/MAW. Consequently, we raise no objection to the proposed variation.

4.1.14 **SC Ecology.** Response: No comments to make on this application.

- 4.1.15 **SC Conservation.** Response: We have no comments to make on this VAR application relevant to historic environment matters.
- 4.1.16 **SC Drainage and SUDS.** Response: The proposals are unlikely to significantly increase flood risk and therefore are acceptable.
- 4.1.17 **SC Rights of Way.** Response: From checking the Definitive map of Public Rights of Way I can confirm that Footpaths 13, 14 & 16 will be affected by the work to be undertaken. A temporary closure application has already been submitted on behalf of the landowner which will temporarily close the three footpaths for the duration of the works. An alternative route is available which utilises the existing rights of way network.
- 4.1.18 **SC Archaeology.** Officers have no comments on this application in regard to archaeological matters.
- 4.1.19 **SC Highways.** Shropshire Council as Local Highway Authority raises no objection to the granting of consent, subject to a unilateral undertaking being entered into to ensure that the operation of the JPE Quarry ceases operation prior to the commencement of any mineral extraction and is not brought back into use. The submitted application has been assessed on this basis and is a key consideration in terms of determining the application from a highway perspective. This agreement should form part of the permission granted and be enforceable.

Shropshire Council as Local Highway Authority position remains that the preferred method of extraction of materials from site should be primarily via rail. However, it is acknowledged that at this time, this is not a viable option. We remain concerned with regard to the increase in vehicle movements as a result of this variation and on this basis would seek mitigation to offset the overall impact on the surrounding highway network. It is recommended that prior to commencement the applicant submit a Construction Management Plan that outlines measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network.

The obligations as set out within the outline permission granted only required the signalisation of the Much Wenlock Road junction prior to the 400<sup>th</sup> dwelling. The applicant has brought forward the installation of the signalised junction. All technical details with regard to the junction have now been agreed and a Section 278 agreement is under negotiation at the time of submission of these comments, but is likely to be in place before November 2024. On this basis it is considered that the applicant has taken reasonable measures to mitigate the impact of the development. In addition to the works on the A4169 Much Wenlock Road junction, we are also in negotiation with the applicant with regard to the early delivery of the works to Buildwas Road junction/Buildwas Bank/Much Wenlock Road junction. Works are not subject to a formal Section 278 agreement but an application has been made and preliminary road booking has been secured for March 2025, or at the end of the duration of the works to Much Wenlock Road junction.

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Whilst it is acknowledged that the movement of HGV'S will increase as a result of the variation, based on the likely quantum of development the junction modelling results presented indicates that the northern site access T-junction would operate acceptably with the (wider) development fully built-out in the 2036 assessment year. Therefore, based on the above analysis, we are satisfied that the junction would also operate acceptably during the minerals extraction period.

Based on the latest phasing plan for the consented development, the applicants' transport consultant has tried to outline the likely number of vehicle movements in the morning and afternoon peak. Indicating that the number of vehicle movements will only reach a significant number towards the end of the mineral extraction period and the number of movements associated with the mineral extraction is minimal in comparison to other uses on the site.

Development traffic using the northern site access junction during the minerals extraction				
Land use	Phase	Units/proportion	Morning peak hour two-way trips	Evening peak hour two-way trips
Residential	Phase 1 (2025)	110	68	71
	Phase 2a (2025)	200	123	130
	Phase 2b (2026)	50	31	32
	Phase 3 (2027)	100	61	65
	Phase 4 (2027)	135	83	88
	Total	595	366	386
Employment	Phase 2b (2026)	100%	177	169
Local centre and primary school	Phase 3/4 (2027)	100%	90	64
Minerals extraction	Up to 2029	100%	12	12
Construction	-	100%	25	25
<b>Total</b>			<b>670</b>	<b>656</b>

Overall, in view of the likely number of additional vehicle movements as a result of the proposed variation, it is not considered that a highway objection could be sustained.

## 4.2 Public and Community Comments

- 4.2.1 The application has been advertised in the usual ways and 7 comments from the public have been received. Of these, 5 are objections and the remaining 2 are classified as neutral.
- 4.2.2 The 5 objections all centre around the additional road traffic that this proposal would generate and especially the environmental and safety impacts of that additional traffic. The neutral comments were reminders from both the Open Spaces Society and the Ramblers Association to ensure the protection of rights of way.

## 5.0 THE MAIN ISSUES

- 5.1.1 Planning permission for the mineral extraction has been granted. The single issue at



stake here is how that mineral is to be exported from site. The original planning application envisaged that the majority of the material would be exported from site via the existing railhead that previously served the Ironbridge Power Station. This application to vary condition 12 of permission no. 19/05509/MAW is made on the basis that the railhead is not going to be available by virtue of the fact that work required to strengthen the Albert Edward Bridge, which carries the railway over the River Severn, will not, counter to previous expectation, be carried out by its owner, Network Rail, in the foreseeable future.

- 5.1.2 The previously approved export of 300k tpa of sand and gravel by rail relied on the reopening of the former railway line that runs into the site. At the time that the minerals application was approved it was acknowledged that this would require Network Rail to undertake significant works to restore the Grade II listed Albert Edward Bridge and the line up to Madeley. Subsequently, Network Rail has confirmed that it does not have the funds or the economic drivers to commence the above works, hence the timescale for their delivery is at best long term and now uncertain.
- 5.1.3 Overall, the rail link upgrade will not be forthcoming before the mineral's permission expires, nor will it be provided in time for the approved extraction to progress in a timely manner relative to the agreed land profile for the strategic residential scheme. Indeed, it is possible that the works required to support heavy rail wagons may never be funded by Network Rail.
- 5.1.4 The removal of the mineral is an intrinsic element of the wider redevelopment of the former power station site, which requires a reduction of the current land level and the flattening out of the central knoll/ridge to create the development platform (for residential development). Importantly, the approved scheme responded to concerns raised by various consultees, taking suitable account of the setting of the 'AONB' ('National Landscape') and Buildwas Abbey, which is a Scheduled Ancient Monument (SAM). Indeed, a condition of the outline permission prevents any residential development in the area of the quarry area ahead of the approved extraction being completed.
- 5.1.5 The mineral yield created by the reduction in land level is also a benefit in itself in that it generates economic activity and helps Shropshire fulfil its role as an important producer of aggregates, including sand and gravel.
- 5.1.6 At issue here is whether the removal of the mineral by road rather than rail is acceptable.
- 5.1.7 The principal permission permits the extraction of 1.9 million tonnes of sand and gravel for up to 6 years post commencement. However, further approved details have established an intended 5-year extraction period. Since the initial grant of consent, it has been established that 600,000 tonnes of the mineral can be used on-

site as bulk fill and this is what is now proposed.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The principle of this development has already been established. At issue is the acceptability of the export of the extracted mineral by road instead of rail, as currently permitted.

6.1.2 The council has consulted widely, and all the responses have been considered in forming this recommendation.

### 6.2 Key Judgments

6.2.1 The existing permission permits the removal of up to 400ktpa of sand and gravel from site for 5 years to a total of 1.9mt. Since then, it has been determined that the wider development can absorb a proportion of the total minerals won from the site, with 600,000 tonnes of the total to be used on-site as bulk fill, leaving 1.3mt to be exported. The applicant proposes that the mineral be exported at a maximum rate of up to 300,000tpa, by road, over a period of up to 4.5 years.

6.2.2 The existing consent for minerals extraction includes the provision of an intermediate upgrade to the existing access from Much Wenlock Road. The outline permission for the mixed-use scheme requires that intermediate access to be upgraded to a traffic signalled T-junction upon the occupation of the 400<sup>th</sup> dwelling. However, as outlined in the Transport Statement that accompanies this application, the applicant is proposing to deliver the traffic signal-controlled T-junction early, removing the need for the intermediate junction improvement with Much Wenlock Road. Construction has begun and the signalised junction is expected to be complete by March 2025.

6.2.3 The existing Section 106 Agreement relating to the minerals permission establishes a routing restriction which directs all quarry traffic up the Buildwas Bank Ironbridge by-pass and away from the Buildwas, Much Wenlock and Ironbridge roads. The Section 106 Agreement includes a clause which ensures that it will still have effect with any subsequent, varied permission secured via a Section 73 application. The HGVs that currently enter and leave the JPE recycling site have no such routing controls.

6.2.4 As HGV movements are clearly the principal consideration in respect of this application, it is crucial to consider the comments of Shropshire Highways. They raise in their consultation response, perhaps, the key issue in that the loss of the railhead as the principal means of transporting the mineral away from the site is regrettable. The existence of the railhead, with its connection to the rail network beyond the Albert Edward Bridge was a natural candidate for the removal of bulk mineral from the approved site. Rail-borne mineral transport relieves pressure on the local and strategic highway network and its use is preferred to road-borne transport. It was known at the time of the initial planning application for mineral extraction that

work to strengthen the Albert Edward Bridge would be required in order to facilitate such movements and that there was a realistic prospect that such works would be forthcoming. However, extensive discussions between Network Rail (the owner of the bridge and associated railway track), the council and the applicant have subsequently made clear that there is no prospect of that work taking place in the foreseeable future, if at all. This new reality has generated this application to amend the existing permission to enable the mineral to be removed from site by road.

6.2.5 While that new reality may indeed be widely viewed as regrettable, Highways do not object to the application provided the following occur:

1. That a Construction Management Plan be submitted, outlining measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network;
2. The signalisation of the Much Wenlock Road junction;
3. Early delivery of the works to Buildwas Road junction/Buildwas Bank/Much Wenlock Road junction;
4. That the applicant enters into a unilateral undertaking to bring to an end the permitted use of the JPE Quarry as a recycling centre.

6.2.6 Element 1, above, is a new requirement and could be conditioned if this application were permitted. Elements 2 and 3 are already planned as part of the wider redevelopment of the power station site and their early delivery has now been secured. Element 4 refers to a quarry (known as the JPE Quarry) which is now in the applicant's ownership. It is a worked-out sand and gravel quarry located immediately to the north of the permitted site. Though it has no further mineral reserves, it continues to operate as a construction materials recycling centre, with waste materials brought onto the site for reprocessing into secondary aggregates. These activities generate a level of vehicle traffic. In order to limit the overall traffic movements from activities in this area, the council has negotiated with the applicant a unilateral undertaking to cease these recycling activities at the JPE Quarry, which will instead be used to process the virgin material to be extracted from the permitted site, which is adjacent.

6.2.7 It is noted that none of the technical consultees have objected to the proposals being considered here.

6.2.8 The 5 public objections to the proposal, together with that of Buildwas Parish Council focus, understandably, on concerns surrounding the impact of additional road traffic, principally the environmental effects and road safety.

6.2.9 These have been carefully considered and key in that consideration is the fact that Highways believe that, with the 4 stipulations highlighted in 6.2.5 above, "the junction modelling results presented indicate that the northern site access T-junction would operate acceptably with the development fully built-out in the 2036 assessment year. Therefore, based on the above analysis, we are satisfied that the junction would also

operate acceptably during the minerals extraction period.” They conclude “it is not considered that a highway objection could be sustained.” The work to signalise the Much Wenlock Road junction is now underway and scheduled for completion in March 2025.

6.2.10 The comments and concerns of the Steering Group of the Ironbridge Gorge World Heritage Site are noted, including their disappointment at the loss of the rail-borne transport option. It should be further noted, however, that the failure to strengthen the Albert Edward Bridge does not preclude the use of the railway line for passenger transit, merely freight. Indeed, recent trials of a ‘very light rail’ passenger transit system have been undertaken as part of the wider redevelopment of Ironbridge Power Station. The further concerns expressed by the Steering Group would, in my opinion, be adequately addressed by the measures set out in 6.2.5 above.

6.2.11 The comments of Councillor Wild, the local member, are noted. The suggestions around the operation of the routing agreement are very pertinent and can be taken up as part of the consideration of a Construction Management Plan.

6.2.12 Concern has been expressed by local correspondents about the impact that the proposal would have on the cleanliness and condition of the local highway network. These are considerations that can be taken up as part of the consideration of a Construction Management Plan. Safety concerns would, in my view, be adequately addressed by the off-site highway improvements, the delivery of which has been brought forward and is now either underway or imminent.

### 6.3 Policy Considerations

6.3.1 For the purposes of this application, the adopted development plan comprises:  
**The Core Strategy 2006-2026 – adopted February 2011**

**The Site Allocations and Management of Development (SAMDev) Plan – adopted December 2015.**

6.3.2. **The National Planning Policy Framework (NPPF)** and the emerging Development Plan also comprise material considerations.

6.3.2.1 The NPPF is a key material consideration with an overarching aim of achieving sustainable development. It establishes a presumption in favour of development that is in accordance with the development plan.

6.3.2.2 **Paragraph 8** sets out three elements of sustainable development which requires the planning system to fulfil a number of roles: economic, social and environmental. The NPPF sets out the Government’s policy and intentions to significantly and positively impact on the determination of planning applications, setting out a clear presumption in favour of sustainable development (**Paragraph 10**). **Paragraph 11** confirms that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.3.2.3 **Paragraphs 215 and 217** within the **minerals chapter** of the NPPF state 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*' and '*When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy*'. **Paragraph 216** seeks planning policies that safeguard mineral resources by defining Mineral Safeguarding Areas and stresses that certain identified mineral resources should not be sterilised by non-mineral development [e.g. housing]. The NPPF further advises (**Paragraph 217**) that '*Mineral Planning Authorities [MPAs] should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and should take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality*'. **Paragraph 219** requires MPA's to plan for the future steady supply of aggregates by ensuring, amongst other matters, the maintenance of landbanks of at least 7 years for sand and gravel.

### 6.3.3. **Development Plan Policies**

6.3.3.1 Relevant adopted Development Plan policies in the determination of this Section 73 application are:

Shropshire Core Strategy

**Policy CS5: Countryside and Green Belt** - Supports minerals development in the countryside where such will not have unacceptable adverse environmental impacts.

**Policy CS6: Sustainable Design and Development Principles** - Requires designs of a high quality to respect and enhance local distinctiveness including residential development restoring, conserving and enhancing the natural, built and historic

environment taking account of local context and character, and those features which contribute to local character.

**Policy CS8: Facilities, Services and Infrastructure Provision** - Seeks the development of sustainable places including facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs whether arising from new developments or existing community need, in locations that are appropriate and accessible.

**Policy CS9: Infrastructure Contribution** - Seeks the provision of relevant infrastructure at residential and employment developments to support the creation of sustainable communities.

**Policy CS17: Environmental Networks** - Seeks to identify, protect, enhance, expand and connect Shropshire's environmental assets including contributing to local distinctiveness and not harming AONBs (now called 'National Landscapes').

**Policy CS20: Strategic Planning for Minerals.** - Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. It lists how this will be achieved including:

- Protecting Mineral Safeguarding Areas (MSA's) including requiring non-mineral development in these areas to avoid sterilising or unduly restricting the working of proven mineral resources.
- Maintaining landbanks of permitted reserves for aggregates consistent with the requirements of national policy guidance.
- Only supporting proposals for sand and gravel working outside the identified broad locations for future mineral working and existing permitted reserves, where this would prevent the sterilisation of resources, or where significant environmental benefits would be obtained, or where the proposed site would be significantly more acceptable overall than the SAMDev Plan allocated sites.

### 6.3.3.2 The Site Allocations and Management of Development (SAMDev)

**Policy MD2: Sustainable Design** - Requires development to be appropriate in various respects including visually, in relation to character including landform considerations, heritage and infrastructure capacity.

**Policy MD5: Sites for Sand and Gravel Working** - Sets out the approach for the release and timing of 3 allocated mineral sites and the approach to be taken for non-allocated sites. In terms of non-allocated sites/windfall sites (such as the one the

subject of this application) **Policy MD5(3)** sets out that:

Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:

- i The proposal would meet an unmet need or would prevent the sterilisation of the resource; and,
- ii The proposal would not prejudice the development of the allocated sites; or
- iii Significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits

**MD8: Infrastructure Provision** - States that development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall, and where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable.

**MD12: The Natural Environment** - Seeks the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration by various means.

**MD13: The Historic Environment** - States that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored including ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.

**MD16: Mineral Safeguarding** - States that applications for non-mineral development which fall within Mineral Safeguarding Areas (MSAs) and which could have the effect of sterilising mineral resources will not be granted unless:

- i The applicant can demonstrate that the mineral resource concerned is not of economic value; or
- ii The mineral can be extracted to prevent the unnecessary sterilisation of the resource prior to the development taking place without causing unacceptable adverse impacts on the environment and local community; or
- iii The development is exempt.

**MD17: Managing the Development and Operation of Mineral Sites** - States that applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. It states that particular consideration will be given to a detailed list of issues (see full policy in Appendix 2) with the most relevant to this application being:

- Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
- The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
- Protecting, conserving and enhancing the significance of heritage assets including archaeology

## 6.3.4 **The Emerging Local Plan**

6.3.4.1 The Draft Shropshire Local Plan was first submitted for Examination in September 2021. To inform the next stage of its examination a 6-week consultation regarding various documents was undertaken, closing on 11th June 2024. The Inspector's letter of February 2024 indicates further Hearing Sessions are programmed for later in 2024. The NPPF states that local planning authorities may give weight to relevant policies in emerging plans. Given the stage that the emerging plan has reached it can be given only limited weight at the present time, albeit with greater weight being given to certain policies in certain circumstances, such as where allocated sites have been approved ahead of the plan being adopted. For example, **Emerging Policies S2, S12 and S20** support the development of the Former Ironbridge Power Station site (including associated uses and adjoining agricultural land) as a 140ha 'Strategic Settlement' for housing and economic development. As set out above, outline permission for this development was given in 2022.

6.3.4.2 The replacement policies for CS20, MD5 and M17 regarding mineral safeguarding and working in the emerging plan (**DSP16, DP29, DP30 and DP31**) are worded very similarly to the existing adopted policies and do not change their aims and assessment criteria in terms of sand and gravel sites. The application site also remains a non-allocated Mineral Safeguarded Area in the emerging Local Plan in spite of the extant minerals planning permission. Amongst other things, Emerging Policy DP28 supports sustainable transport including the provision of passenger rail services.

## 6.3.5 **Other Relevant Documents as Material Considerations**

6.3.5.1 The following documents are also relevant as are other documents cited specifically within the submitted technical reports:

- The National Planning Policy for Minerals (2014)
- Planning Practice Guidance on Air Quality
- Ironbridge Gorge World Heritage Site Supplementary Planning Document.

## 7.0 **CONCLUSION**

7.1 The removal of the mineral has an economic benefit beyond the important role that it plays, in landscape terms, in mitigating the impact of the residential development that will follow on the same, lowered, site.

7.2 Whilst, in planning terms, the transport of the mineral by rail would be preferable over road transport, there is no realistic prospect of that now being possible.



7.3 There are no policy reasons to refuse the application.

7.4 On this basis, the **RECOMMENDATION IS TO GRANT PERMISSION** as set out in the application subject to the following further conditions:-

1. No mineral is to be exported from the site until a Construction Management Plan has been submitted to and approved by the local planning authority, such plan to outline measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network and be followed at all times during the operation of the mineral extraction;  
Reason: In order to minimise the impact on the local highway network.
2. No mineral is to be exported from the site until work to signalise the Much Wenlock Road junction has been completed and the signals are fully operational;  
Reason: In order to minimise the impact on the local highway network.
3. No mineral is to be exported from the site until the approved works to Buildwas Road junction/Buildwas Bank/Much Wenlock Road junction have been completed and are fully operational;  
Reason: In order to minimise the impact on the local highway network.
4. The total amount of mineral processed at the site in a calendar year (i.e. between 1st January and 31st December) under the terms of this permission shall not exceed 400,000 tonnes. Of this total, not more than 300,000 tonnes shall be dispatched from the site by road per calendar year. (i.e. between 1st January and 31st December).  
Reason: In order to minimise the impact on the local highway network.
5. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority within one month of the end of each calendar year.  
Reason: In order to minimise the impact on the local highway network.

The grant of permission is subject to the completion and signing of a Unilateral Undertaking to prevent the further import or export of material to or from the JPE Quarry, save for that won from the permitted site.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of

policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if 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 dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

# AGENDA ITEM

Southern Planning Committee – 26<sup>th</sup> November 2024

Proposed Quarry To The East Of  
Much Wenlock Road, Buildwas

## 10. RELEVANT PLANNING HISTORY:

19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site GRANT 16th September 2022

19/05560/OUT Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works GRANT 16th September 2022

23/00427/DIS Discharge of conditions 22c (noise mitigation plan), 23a (reversing alarm) and 24c (dust mitigation) on planning permission 19/05509/MAW DISAPP 3rd April 2023

23/00428/DIS Discharge of conditions 30 (fencing/boundary treatments), 35 (soil bunds), 36 (soil handling strategy) 44a (site restoration), 44b (interim restoration plan) and 45 (habitat management plan) on planning permission 19/05509/MAW DISAPP 3rd April 2023

23/01613/DIS Discharge of conditions 15 (water monitor scheme) and 27 (road and access design and construction) on planning permission 19/05509/MAW DISAPP 21st November 2023

24/02537/VAR Application under Section 73 application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year PCO

## 11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

[24/02537/VAR | Application under Section 73 application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year | Proposed Quarry To The East Of Much Wenlock Road Buildwas Telford Shropshire](#)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

# AGENDA ITEM

**Southern Planning Committee – 26<sup>th</sup> November 2024**

Proposed Quarry To The East Of  
Much Wenlock Road, Buildwas

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## APPENDIX 1

### Conditions

Re-drafted conditions from original application

### Additional conditions

### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

1. No mineral is to be exported from the site until a Construction Management Plan has been submitted to and approved the local planning authority, such plan to outline measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network;  
Reason: In order to minimise the impact on the local highway network.
2. No mineral is to be exported from the site until work to signalise the Much Wenlock Road junction has been completed and the signals are fully operational;  
Reason: In order to minimise the impact on the local highway network.
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Reason: In order to minimise the impact on the local highway network.

The grant of permission is subject to the completion and signing of a Unilateral Undertaking to prevent the further import or export of material to or from the JPE Quarry, save for that won from the permitted site.

### CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. The total amount of mineral processed at the site in a calendar year (i.e. between 1st January and 31st December) under the terms of this permission shall not exceed 400,000 tonnes. Of this total, not more than 300,000 tonnes shall be dispatched from the site by road per calendar year. (i.e. between 1st January and 31st December).  
Reason: In order to minimise the impact on the local highway network.
5. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority within one month of the end of each calendar year.  
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