

TWC/2016/0437

Land South of junction, A41/Pave Lane, Newport, Shropshire  
Proposed quarry for the extraction of sand and gravel and importation of inert fill material for the restoration of the site

**APPLICANT**

Mick George LTD

**RECEIVED**

16/05/2016

**PARISH**

Chetwynd Aston and Woodcote

**WARD**

Church Aston and Lilleshall

**OFFICER** Vijay Kaul

**INTRODUCTION**

- a) The purpose of this report is to advise Planning Committee of the recently received Non-determination Appeal, and to request guidance on the issues relating to the Council's case presented to the appeal.
- b) This application was validated by the Council on the 16th May 2016, with the target period for determination ending on the 5<sup>th</sup> September 2016 in line with standard practice. Extensions of time were agreed with the Appellant until 15 December 2016 but no subsequent extensions of time were agreed.
- c) As a very complex application requiring specific advice from several sources including Shropshire Council the statutory deadline for determination was exceeded and a non-determination appeal was requested by the applicants.
- d) The purpose of this report is to inform Planning Committee of the recommendation that officers would have made to Planning Committee had the Application been due for determination by them and to seek guidance on the Council's Statement of Case to be presented to the appeal.
- e) The Appeal for non-determination was received on the 23<sup>rd</sup> February 2017, and has been validated by the Planning Inspectorate. All persons who were notified or consulted about the Application, and any other interested persons who made representations regarding the Application have been written to and informed of the Appeal.
- f) The Appellant has requested that the Appeal be considered under the Public Inquiry procedure, which given the complex and technical nature of this application and the level of objections received, the Local Planning Authority consider appropriate.
- g) Objectors are still allowed sufficient time to respond formally to the Inspectorate, and as such any comments received will form part of the appointed Inspector's deliberations. All existing objections have been sent to the Inspectorate.

- h) The Planning Inspectorate has confirmed that the Public Inquiry will occur on 14<sup>th</sup> November 2017

## 1. THE PROPOSAL

- 1.1 The Application seeks full consent for a proposed quarry for the extraction of sand and gravel and importation of inert fill material for the restoration of a 51.6 hectares site on land south of the junction of the A41 and Pave Lane, near Newport.
- 1.2 It is proposed to extract some 2.65 million tonnes of sand and gravel, at a rate of 200,000 tonnes per annum on an excavation area of up to 22 metres. The site would be worked sequentially in two phases over 15 years. Phase A running from east to west, and Phase B running from south to west.
- 1.3 The proposed plant and facilities on the site would include;
- Processing mobile plant area which shows the working size as being 8 metres in height and 14.65 metres wide when the three conveyor belts arms are fully extended.
  - Stockpiling areas
  - Up to 4 portacabin type units for site offices
  - Weighbridge
  - Wheelwash
  - Medium sized ready mixed concrete plant within the Mineral Processing Area. This operation would sit within and alongside the main quarry operations.
  - Mobile Crusher
  - Recycling equipment
- 1.4 Passing immediately south of Muster Hill Woods, the internal access road would continue in 'cut' before crossing the existing farm access track (Restricted Byway No9) before terminating in the mineral processing area. It is proposed to establish the site access onto Pave Lane to include appropriate visibility splays and constructed with an asymmetrical layout providing a 15m radius to the east and a more restrictive radius to the west to ensure all HGVs turn right out of the site toward the A41.
- 1.5 The applicant proposes a routing agreement for HGVs accessing the site using a defined route avoiding travel on unclassified roads through local villages.
- 1.6 The accompanying Transport Assessment (TA) provides an indication of traffic generation for HGV movements, based on an extraction rate of 200,000 tonnes per annum and inert filling activities of 150,000 tonnes, and based on a typical 260 day working year. The TA calculates this as up to 160 movements per day (80 in and 80 out) in any one day. This equates to around 16 HGV movements (8 in and 8 out) per hour throughout the day.
- 1.7 It is proposed to operate the quarry (i.e. extract and process minerals) between 0700 hours to 1800 hours, Monday to Friday and 0700 hours to 1300 hours on Saturday with no operations on Sundays or Public/Bank Holidays.

To increase the efficiency of site operations, it is also proposed to load up to 15 HGVs before the site closes at 1900 hours, and park them onsite overnight so these vehicles can leave the site from 0600 hours the following day (Monday to Friday). For the Ready Mix Concrete operations, the operating hours would be identical i.e. 0700 hours to 1800 hours, Monday to Friday and 0700 hours to 1300 hours on Saturday with no operations on Sundays or Public/Bank Holidays.

- 1.8 The Application form and Environmental Statement state that the proposal would create some 42 jobs (other economic benefits are referred to later in this report).
- 1.9 The proposal would require a bespoke Environmental Permit (EP) from the Environment Agency (EA)
- 1.10 The proposal is EIA development, under Schedule 1(19) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and is accompanied by an Environmental Statement which contains the following Annexures;
  - Annexure 1 - Landscape and Visual Impact Assessment (FPCR)
  - Annexure 2 - Soils Assessment (Land Research Associates)
  - Annexure 3 - Noise Assessment (LF Acoustics)
  - Annexure 4 - Transport Assessment (David Tucker Associates)
  - Annexure 5 - Phase I Habitat and Protected Fauna Survey (FPCR)
  - Annexure 6 - Hydrological and Hydrogeological Assessment & Flood Risk Assessment (Hafren Water Ltd)
  - Annexure 7 - Archaeology (Pre-construct Archaeology)
    - i) Archaeological Evaluation and Geophysical Survey Report
    - ii) Setting Assessment
  - Annexure 8 - Market Appraisal
- 1.11 A separate Planning Statement also accompanies the application.
- 1.12 The site would be progressively restored with some 1.5 million m<sup>3</sup> of imported inert materials to reinstate the land to the current high quality agricultural land achieving a restoration profile suitable for farming and habitat creation. If the material imported to the site contains material suitable to recycle, it will be stockpiled and processed as secondary aggregate.
- 1.13 The restoration of the site includes the following;
  - Establishment of additional broadleaf woodland planting extending the “buffer zone” to Greens Wood, and also to the western and northern boundaries of the site at an early stage of development.
  - Re-instatement of high quality agricultural land, with lower quality land used to establish areas of broadleaf planting and 6.3 ha of permanent grassland
  - Increase in length of species rich hedgerows across the site.
  - Carr woodland and wet grasslands

- An area of 8.96ha of land outside the site, in the applicant's ownership to be included in a formalised Nature Conservation Plan.
- 1.14 Sections of three rights of way (Restricted Byway No8, Restricted Byway No 9 and Bridleway No 10) would be temporarily diverted at the outset of the development. 270m section of Restricted Byway No 8 would be removed during operation then re-instated following completion and restoration of the site. The proposed permissive bridleway route of Bridleway No. 9 and Restricted By Way No. 9 would be upgraded to a formal Right of Way following completion and restoration of the site.
- 1.15 During the course of the application the following additional information was received;
- Extensive representation submitted as part of the Examination in Publication for the Telford and Wrekin Local Plan to support the applicant's aim to allocate Pave Lane. This particularly focused on the locational advantages of Pave Lane being the sole quarry within Telford and Wrekin Council's administrative area and the saving of miles travelled by HGV's and corresponding CO2 emissions.
  - Letter from the current land owner of Barnsley Lane site (in Shropshire) , one of the contributory quarries to serve the Authority's required mineral supply, to confirm that an application will not be submitted for this site while in his ownership.
  - Cross section plans to determine impact upon properties west of A41
  - Additional noise monitoring surveys conducted at properties along Pitchcroft Lane. The report concludes that the site can be worked while keeping noise emissions to within environmentally acceptable limits.
  - Photomontage to show views from Childpit Lane, following construction of screening mounds and same view after 5 years following introduction of woodland planting with superimposed actual location of the processing plant.
  - Increased area of environmental enhancements (see latest plan P2/16/04 Rev A) – 6.3 ha of permanent grassland on the land near to Green Wood Reservoir, this would be facilitated by additional ponds and seasonal wetlands.
  - Extended aftercare of 15 years of all re-instated field headlands and permanent grassland (field no. FR4 shown in drg no. P2/16/04/Rev A.
  - Applicant and landowner increased the Nature Conservation Management Plan from 5 years to 20 years.

## **2. SITE AND SURROUNDINGS**

- 2.1 The proposed application site covers an area of 51.6ha from which excavation of sand and gravel will be over 27.4ha.
- 2.2 The rural site is situated to the north east of Telford and 2.4km to the south of Newport immediately to the west of the A41 and south of Pave Lane.

- 2.3 It comprises six fields currently managed for agriculture, with a small agricultural reservoir located in its western extent. Some 41.3 ha of the site is identified as 'best and most versatile' (BMV) agricultural land. It is bounded to the east by the A41 (road) and a number of properties (located alongside the A41) including Walton Folly and New Lodge. Further properties are located immediately opposite on the eastern side of the A41. These dwellings are some distance from the processing area, but are between 80-100m away from the extraction and infilling operations during the phases closest to the properties.
- 2.4 The site is bounded to north, west and south by arable fields and small pockets of woodland including a large area of ancient replanted woodland (Greens Wood) to the west and a small woodland block (Muster Hill Wood) to the north of which is Pave Lane
- 2.5 There is a ridge running approximately north to south through the centre of the site, called Muster Hill, with levels to the east falling gently to a rolling landscape and to the west more sharply, with a flatter landscape beyond. The highest point on the site is recorded as approximately 134m OD, with levels along the eastern edge of the site around 105-110m OD, and 115m OD on the western boundary.
- 2.6 There are four dwellings along Childpit Lane to the south west, located approximately 500 metres from the site boundary where it is proposed to locate the minerals processing area.
- 2.7 Meadowcroft and Greenbank are properties located on Pitchcroft Lane to the north west of the proposed quarry, approximately 200m away from the internal access road extraction area, and 460m away from the proposed minerals processing area. A small cluster of properties formerly part of Pave Lane Farm, which itself is a Grade II Listed Building, (Woodcote Barn, Aston Barn, Muster Hill Barn, Tillys Barn) are located at least 180m away from the extraction area and internal access road. These properties are at a low level compared to the proposed quarry site and are partially screened by the existing land formation.
- 2.8 Properties within Pave Lane are located to the north of the proposed quarry and access. The nearest of these is Herongate 4 (formerly known as Forge Link), which is located some 60m away from the access point.
- 2.9 There are a number of properties located alongside the A41 to the east of the proposed quarry, including Victoria Cottage, Walton Folly and New Lodge. These dwellings are some distance (approximately 600m) from the processing area, but have the potential to be affected from the extraction and infilling operations during the phases closest to the properties.
- 2.10 Woodcote Hall, a Grade II Listed building operating as a nursing home, is located to the south east of the proposed quarry. This property would be approximately 600 metres from boundary of the minerals processing area, with the closest phase of extraction (shown as B7) approximately 350 metres

away. To the west of Woodcote Hall are a further complex of buildings which are also Grade II Listed. South-east of this complex of buildings is St Peters Church, which is also Grade II Listed.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 There is no mineral planning history for the application site. However, the then Shropshire Council Planning Committee resolved on 25<sup>th</sup> July, 2006 subject to the signing of a Section 106 Agreement, to grant a conditional planning permission for sand and gravel extraction, re-profiling and restoration of the nearby cross boundary Woodcote Wood Site.
- 3.2 The Woodcote Wood site is a cross boundary site with Telford & Wrekin, but as it is mainly within Shropshire, it was subsequently determined by Shropshire County Council. The Plans Board of Telford & Wrekin Council had earlier resolved on 19<sup>th</sup> July, 2006 to recommend to Shropshire County Council that subject to the completion of a Section 106 Agreement, to grant a conditional planning permission.
- 3.3 The Section 106 Agreement has not yet been signed and neither the former Shropshire County Council nor the successor mineral planning authority, Shropshire Council have granted a conditional planning permission. Representations from Shropshire Council, the landowner and prospective mineral operator have been received to clarify the existing position on the status of this application. This is referred to further on in this report.
- 3.4 The application site is not proposed for allocation in the Telford & Wrekin Local Plan and has therefore been the subject of a parallel representation to the Local Plan from the owners and potential operators of the application site. The Council does not intend to modify the Local Plan to allocate the application site but awaits the Inspector's Report.

### **4. PLANNING POLICY CONTEXT**

- 4.1 Decisions must be taken in accordance with the Development Plan policies below, unless material considerations indicate otherwise.
- 4.2 National Guidance:

#### National Planning Policy Framework

Paragraphs 6 – 16, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, conserving and enhancing the natural environment and the sustainable use of minerals.

## National Planning Policy for Waste Management

### Planning Practice Guidance (PPG)

This confirms that minerals can only be extracted where they are present and identifies the principal issues a mineral planning authority should address in determining minerals applications.

- 4.3 The relevant Development Plan policies (further details in appendix 1) for the application site comprise:-

#### Saved Wrekin Local Plan policy:

OL11 – Woodland and Trees

#### Core Strategy

CS2 – Jobs

CS12 – Natural Environment

CS13 – Environmental Resources

CS14 – Cultural, Historic and Built Environment

#### Shropshire and Telford & Wrekin Minerals Local Plan, 1996-2006 (JMLP)

Remains in force within the Borough of Telford & Wrekin although superseded by later development plan documents in the adjoining Shropshire Council.,

Saved Policy M1

Saved Policy M2 The Need for Minerals

Saved Policy M3 Development Control Considerations

Saved Policy M4 Operational Considerations

Saved Policy M6 Protecting Archaeological Remains

Saved Policy M7 Benefits of the Countryside and the Local Economy

Saved Policy M8 Planning Obligations

Saved Policy M10 Ancillary Development

Saved Policy M11 Transport of Minerals

Saved Policy M14 states: 'The Future Working of Sand and Gravel' states that:

Saved Policy M15 Sand and Gravel Working outside the allocated Sites and Preferred Area.

Saved Policy M17 Secondary Aggregates

Saved Policy M27 (Reclamation and After-use)

Saved Policy M29 Safeguarding Mineral Resources

- 4.4 Telford & Wrekin Local Plan (Submission Version) 2016:

The Telford & Wrekin Local Plan has been submitted to the Planning Inspectorate for examination in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and has recently been subject to an Independent Examination. The Public Hearings into the Local Plan have now ended and the Inspector's report is expected shortly. The Council has offered some modifications to its minerals policies

Weight should now be given to the Local Plan policies in accordance with paragraph 216 of the NPPF because they have been prepared on the basis of up to date evidence and the Council consider them to be sound.

SP4 – Presumption in favour of sustainable development

EC3 – Employment in the rural area

NE1 – Biodiversity and geodiversity

NE2 – Trees, hedgerows and woodlands

C3 – Impact of Development on Highways

BE7 – Parks and gardens of historic interest

BE8 - Archaeology and scheduled ancient monuments

ER4 - Sand and gravel resources

ER6 – Mineral Development

ER7 – Waste Management Facilities

ER12 – Flood Risk Management

## **5. SUMMARY OF CONSULTATION RESPONSES**

### **5.1 Local Parish and Town Councils**

Consultation responses have been received from Chetwynd and Woodcote Parish Council where the site is located and neighbouring local councils of Newport Town Council and Church Aston Parish Council. These bodies have all objected to the proposal on a number of issues in particular: the need for the operation/mineral; the availability of inert fill material; impact on landscape and character; highways safety and access; impact of HGV movements; impact on residential amenity; surface water drainage and groundwater protection; wildlife and ecological impacts; and potential impacts on local businesses. Chetwynd and Woodcote Parish Council have drawn particular attention to the status of Pave Lane as a least preferred site in the JMLP and policy ER4 of the Telford and Wrekin Local Plan (Submission Version). Neighbouring councils are particularly concerned about the number and frequency of HGV movements. Further details of these responses are contained in Appendix 2.

### **5.2 Statutory Agencies**

The Environment Agency (“EA”), Historic England, Natural England all have no objection to the proposal provided various conditions are imposed. The EA are concerned about monitoring boreholes and the requirement for an Environmental Permit for inert landfill, site restoration and control/mitigation/monitoring of emissions. Historic England advise that the local planning authority satisfies itself of any impact and mitigation on setting and landscape and that archaeological advice should be sought for any potential impact on archaeology and non-designated heritage sites or assets. Natural England are satisfied that the proposals are in accordance with national guidance and that in their opinion an equivalent area of best and

- most versatile agricultural land will be reinstated. Biodiversity enhancements should be sought from the proposal
- 5.3 Severn Trent Water – Waste Water Services: No objections subject to condition relating to drainage plans for the disposal of foul and surface water flows.
- 5.4 Highways England: No objection.
- 5.5 The Coal Authority – Comment. No requirement for a Coal Mining Risk Assessment to be submitted. If proposal is granted planning permission, include The Coal Authority’s Standing Advice informative.

Telford and Wrekin Council internal consultees

- 5.6 Highways Authority: Support subject to conditions.
- Safety of A41/Pave Lane junction has been sensitivity/safety tested by external consultant with the Local Highways Authority - no material geometrical deficiencies, capacity of the junction in terms of delay times and queue lengths have been doubled with no capacity issues identified, good safety record for ghost turn priority junction. Conditions required to improve condition of junction (i.e. resurfacing of junction, refurbishment of road markings, remove vegetation, street lighting of junction).
  - Some confidence in the applicant’s proposals to use a Geofence system, but condition required for submission of full directional signage scheme on the A518/A41 and Pave Lane directing quarry traffic to A41/Pave Lane junction only. Will advise on the wording in S106 Agreement for routing agreement and monitoring fee.
  - Conditions required to secure wheel washing measures to prevent quarry traffic depositing mud and detritus onto the public highway, and full details of site access construction off Pave Lane.
- 5.7 Pollution Control (Environmental Health): Support subject to conditions. The applicant has undertaken monitoring exercises to accurately determine the background noise levels in the area, The submitted documents have shown that the operations at the quarry can meet the criteria as set out in the Planning Practice Guidance (Minerals ID8), provided the mitigation measures as set out in LFAcoustics Noise Assessment dated April 2016 (and update to Childpit Lane) be imposed.
- 5.8 Ecology: Objection - The proposal meets the basic tests contained within NPPF and other relevant habitat and species legislation and guidance of no net biodiversity loss or impact on protected or priority habitat or species and basic enhancements are offered.

However given, the policy objections relating to need and the policy requirement for the scheme, as a least preferred site, to demonstrate ‘significant environmental benefits’ (JMLP policy M15) the scheme does not make the most of the available opportunities to provide significant environmental benefits and benefits to biodiversity in the long term. The proposal is, therefore, not acceptable in policy terms. Conditions are recommended to secure, in the long term, the basic species and habitat

protection and enhancement measures offered by the applicant and to require the submission of additional information relating to habitat management and aftercare. Detailed Ecology comments are contained Appendix 3

- 5.9 Arboricultural: Comment: There are trees on site and adjacent to it and trees will have to be removed to gain access to the site. Greens Wood on the western boundary is a designated ancient woodland site. Happy to condition that the soil mounding must start at 1 metre past the canopy edge of all woodland belts to ensure adequate root protection.
- 5.10 Senior Rights of Way Officer: No objection. Requested a detailed statement to be provided as to how the restoration, or enhancement, of the current rights of way network will be implemented, along with the other related works, when the quarry has closed and that correct legal procedures have been followed to temporarily divert the current rights of way.
- 5.11 Drainage (Council): Support subject to conditions concerning: onsite sediment control; a detailed drainage scheme for the operation; and detailed drainage scheme for the restoration element.
- 5.12 Built Heritage Conservation Officer: Comments concerning impact on nearby listed historic structures of Pave Lane Farm to the north and the Woodcote Hall complex and church to the south. Need to consider impacts of noise and vibration. Highlights a significant SAM (1020275 Enclosed Iron Age Farmstead, adjacent to The Croft, Pave Lane) to the north east of the site and requirement to consult Historic England and the County Archaeologist and act on their advice.
- 5.13 Shropshire Council Archaeology Service - Comment - Confirms that the proposal complies with the best practice guidelines and, together with field evaluation, provide a satisfactory level of information about the archaeological interest of the proposed development site in relation to paragraph 128 of the NPPF. Extraction could occur across the whole of the proposed development site subject to appropriate levels of archaeological mitigation being applied. Clarify the existence of a SAM 350m from the boundary. Recommend a condition to secure the implementation of a programme of archaeological work for each phase of extraction.
- 5.14 The Parks and Open Spaces Officer: No comment.
- 5.15 Contaminated Land (Environmental Health): No comment

#### External consultees

- 5.16 Shropshire Fire Service: Comment - Consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications"

- 5.17 Shropshire Council objects to the planning application on the basis that:
- Insufficient evidence has been provided of the need for the mineral at the site having regard to the nearby committed site at Woodcote Wood and associated concerns about the unsustainable over supply of sand and gravel and cumulative impact on the local environment and amenities.
  - Insufficient evidence has been provided to support the need for an inert landfill of the scale proposed in this location and there is concern that the proposals may hinder the National Waste Strategy of moving waste management up the waste hierarchy.
- 5.18 Shropshire Council have also provided further detailed comments, these are listed in detail in Appendix 4 but in summary:
- Shropshire have clarified the latest situation concerning Woodcote Wood that it is:
    - A committed site in the sub-regional landbank supply calculation
    - Alternative access has been discussed and agreed with the Highways Authority and no longer requires 3<sup>rd</sup> party land
    - An agent and operator have been appointed
    - Updated ecology and highways reports have been provided
  - Question cumulative impact and potential oversupply issues
  - Question the availability and supply of inert material for backfill
  - Question the impact of increased rates of recycling on supply of inert material
  - Question the rate at which the site can be backfilled and therefore the length of the time period
  - Do not consider the proposal would deliver significant environmental benefits as required by MLP policy M15(iv)
- 5.19 Shropshire Council have also provided letters submitted to them from Wardell Armstrong on behalf of Apley Estates (owners of the Woodcote Wood site) and operator N.R.S. confirming;
- The estate is now in the process of entering into new arrangements with N.R.S. (new operator)
  - N.R.S. already have a site in Saredon (Staffordshire), output from which already is sent to Telford as part of long standing contracts serving ready mixed concrete and concrete block plants – unable to supply additional material into West Midlands
  - Telford contracts can be served from Woodcote Wood, reducing transport distances, and expand operations within West Midlands.
  - Site has very limited ecological interest, site has been clear felled as part of the normal sequence of forestry – not replanted as intention to work the mineral
  - Various sections of Environmental Statement being updated – intend to submit in January 2017.
  - Intention to begin mobilisation process as soon as permission granted to allow the site clearance and preparation in 2017.

- Other access option could be employed entirely within the ownership of estate – would necessitate new application for access, quick and straightforward process.
- N.R.S. has every intention of seeking to develop Woodcote Wood into an extractive operation as soon as possible.
- Woodcote Wood is a logical expansion of N.R.S.'s business and will provide a more environmentally acceptable supply to customers in the Telford area.

Staffordshire Council: Comment – Confirm that there is no recognised shortfall of inert waste landfill capacity requirements in Staffordshire and Stoke-on-Trent as confirmed by 5.27 of the Joint Waste Local Plan. An accurate breakdown of inert landfill sites is provided indicating void capacity and timescale for infilling.

- 5.20 The Local Access Forum comments concerning: details of how rights of way to be managed during operation and post-restoration; incompatibility of proposals with safe use of rights of way; need for appropriate legal procedures to divert rights of way and restrict access ; and to consult Council's Senior rights of Way Officer.
- 5.21 The Ramblers Association - Object on grounds of working life of some 15 years (including restoration), increase daily vehicle movements of 22-30 tonne lorries, operating hours, concern for the noise, dust and general industrialisation of the landscape in very rural area; right of way network used by walkers, riders and cyclists. Inconvenience of diversions, noise and disturbance for users. Wide vistas will be changed to a series of canalised tracks for up to 15 years.
- 5.22 Woodcote Stables – Object on grounds of health and safety, high levels of traffic, owns stables and field directly opposite to what will be the entrance to the site, daughter has chronic lung disease, regularly visits visit her pony and ride in the Woodcote area - a terrible effect on her health from dust and higher levels of fumes from lorries.
- 5.23 The Lilleshall Equestrian Centre: Objects - Site not needed as the Borough already has in excess of 20 years of sand and gravel. The excess vehicle movement daily would create a problem on Pave Lane and the A41 as the A41 is already extremely busy. The quarry will have an environmental impact and will remove high quality agricultural land for at least 20 years. The quarry will also affect horse riding round this beautiful Shropshire countryside.
- 5.24 Wardell Armstrong has commented on behalf of their client Apley Estates as regards the position of the nearby Woodcote Wood site and respond to the reference made by Pave Lane applicant about the lack of deliverability of their site;
- Woodcote Wood has been known as a potential mineral site for many years and reserves are estimated at in excess of 2,500,000 tonnes.
  - RMC/CEMEX had an option on it for about 25 years and submitted a planning application in 2005 – SCC resolved to approve the permission

subject to the signing of a S106 agreement for substantial highways improvements including a roundabout at the entrance to the site.

- The recession led to the closure and mothballing of many mineral sites around the country, and permitted sites were slow to be developed, which included this site.
- Upsurge in the market is demonstrated by the independent and uninvited expressions of interest from 4 operators – N.R.S. now appointed.
- The presence of Smectite (clay) contamination is not unusual, and not considered to be an issue for processing mineral from Woodcote Wood. The Phasing plans submitted with the application show the provision for the processing area, including settlement lagoons.
- Recent consultation with Shropshire and the highways authority which has resulted in an acceptable revised scheme of highways improvements which do not require 3rd party land and bring the costs of the works to an acceptable and sustainable level.
- The ecological survey has been updated, a new traffic management report has been provided & it has been confirmed that the archaeology has not changed and requires no further submission.
- Shropshire Council confirmed that to bring the application forward, these reports should be formally submitted with the inclusion of an updated mineral needs report in order for a decision to be made on the application – can be done once identity of new operator confirmed

In summary, the Woodcote Wood site is:

- Deliverable within a relatively short time frame;
- Requires no further 3rd party agreement;
- Has been fully assessed in terms of environmental impact
- Has been fully assessed in terms of operational viability
- Need in the market is demonstrated by the independent and uninvited expressions of interest from 4 operators,

### **Neighbour consultation responses**

5.25 Direct notification letters were sent to the occupiers of neighbouring properties, and the application was also advertised with site notices and a local press notice. As a result 141 letters of objection have been received, raising in the main the same issues as those already identified and that can be summarised under the following headings; need for the operation/mineral; impact on landscape and character; highways safety and access; impact of HGV movements; impact on residential amenity; surface water drainage and groundwater protection; wildlife and ecological impacts; and potential impacts on local businesses. Further detail is set out in Appendix 5.

5.26 Following consultation, there has also been 9 letters of support have been which are summarised as follows:

- Adequate and resilient supply of minerals is required for growth of UK, West Midlands and Telford and Wrekin
- Continued growth of Telford requires the tools to undertake the works.

- Inert disposal point within 5 miles of NE Telford is welcomed – effectively, there is no inert waste site in Telford that is competitively priced, and we as contractors are taking material up to 25 miles away, more road traffic, pollution and miles on roads and trucks.
- Sand and gravel pit locally to support the proposed infrastructure must be positive.
- Abundant evidence of long-term decline in sand and gravel reserves – potential supply issue – Pave Lane can work toward replenishing.
- Support the benefit to local economy and job creation.
- Potential environmental impacts have been mitigated.
- NPPF supports sustainable development and mineral extraction.
- Recognise the visual sensitivity. More footpaths, hedges and woodland areas are proposed.
- Currently, operators have to pay excessive haulage costs to import clean gravels for land drainage schemes from further afield – much needed local resource for future development
- Site would service other bordering Local Authorities
- Site would lessen carbon emissions
- Proposed housing and business development identified in Local Plan would benefit from the locality of site.
- Struggled to get sensible prices for ready mixed concrete – have to travel to Birmingham to source. Local supplier can help keep prices competitive.
- Support the use of the site for inert waste mover and disposal.
- Any inert material has to go to Shrewsbury, Cannock or Wombourne area.
- Sand and gravel has to be collected from Rugely over 20 miles.
- Mick George operation at Cambridge provides an all-encompassing service

5.27 All letters of representation and full consultation responses are available for inspection via the Council's planning website pages.

## **6. PLANNING CONSIDERATIONS**

6.1 Having regard to the Development Plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of development
- Need for the mineral
- Cumulative impact with the proposed Woodcote Wood development
- Impact on living conditions of neighbouring properties
- Access and highway safety
- Trees
- Agriculture (Soils)
- Ecology
- Drainage
- Landscape
- Cultural Heritage

- Hydrology/Hydrogeology

## 6.2 Principle of development

6.2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan for Telford and Wrekin comprises the Telford & Wrekin Core Strategy, saved policies within the Wrekin Local Plan, the Shropshire and Telford & Wrekin Minerals Local Plan, 1996-2006 (JMLP) which is still in force within the Borough of Telford & Wrekin. Saved Policy M15 'Sand and Gravel Working outside the allocated Sites and Preferred Area' is a key Saved Policy which is considered to be fully NPPF compliant, and one which allows the consideration of Sand and Gravel sites which are not currently allocated. It states that:

*“The supply of sand and gravel during the Plan period should be provided from existing permitted reserves and the areas referred to in Policy M14. Proposals for sand and gravel outside these areas will therefore only be granted planning permission if one or more of the following exceptional circumstances apply:*

- *where the need for the mineral outweighs the material planning objections (Policy M2);*
- *working would prevent the sterilization of the resource (Policy M29);*
- *significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions; and/or,*
- *the site might be significantly more acceptable overall than the allocated sites or the preferred area, and would offer significant environmental benefits.*

6.2.2 Policy M15 allows for the consideration of alternative sites outside those that are allocated. It is therefore incumbent upon the applicant to demonstrate that for the proposed site at Pave Lane there is a need for the mineral which outweighs material planning objections or that the site is significantly more acceptable overall than the allocated or preferred area, and once this is established that it would offer significant environmental benefits.

6.2.3 The Telford & Wrekin Local Plan has been submitted to the Planning Inspectorate for examination in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and has been subject of an Independent Examination. Weight should now be given to the Local Plan policies in accordance with paragraph 216 of the NPPF because they have been prepared on the basis of up to date evidence and the Council consider them to be sound.

6.2.4 Telford and Wrekin Local Plan Policy ER4 - Sand and gravel resources (as proposed to be modified) , set out the Council position in respect of supporting new sand and gravel sites, these can only be supported if the need

for the mineral outweighs the material planning objections (Policy ER6) and one or more of the following circumstances apply:

- ii. Working would prevent the sterilisation of the resource; and/or
- iii. Significant environmental benefits would be obtained.

6.2.5 Proposals for a new sand and gravel quarry should demonstrate they are environmentally acceptable to work and be consistent with Policy ER6, which effectively sets out the key technical issues to consider, as well as including cumulative impacts with other development, and other relevant plan policies.

6.2.6 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations in planning decisions.

### **6.3 Need for the Mineral**

#### Evidence of market need for mineral

6.3.1 Paragraph 145 of the NPPF requires mineral planning authorities such as Telford and Wrekin to plan for a steady and adequate supply of aggregates. This includes amongst other matters by;

- Preparing an annual Local Aggregate Assessment, based on a rolling average of 10 years sales data and other relevant local information
- Participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment.
- Making provision for the maintenance of landbanks of at least 7 years for sand and gravel

6.3.2 Local Aggregate Assessments may be prepared jointly with one or more other minerals planning authorities. At the West Midlands regional level this is reflected by supply requirements for the provision of sand and gravel for each individual sub region, which for the Borough is the sub region of Shropshire and Telford & Wrekin. Shropshire provides all the sand and gravel production in the sub region since there have been no productive sites within Telford & Wrekin since the 1980s.

6.3.3 The Local Aggregates Assessment (LAA) is in accordance with the National Planning Policy Framework and guidance on the Managed Aggregate Supply System (MASS) issued by Government in October 2012. The source for the most up to date position on sand and gravel information in Telford & Wrekin is the 2015-2016 Local Aggregates Assessment, which was approved by the West Midlands Aggregate Working Party on the 26<sup>th</sup> October 2016. This group (WMAWP) comprises of members from the minerals industry and officers from other local planning authorities.

6.3.4 The latest LAA indicates that sand and gravel production in Shropshire and Telford & Wrekin in 2015 had significantly recovered from recent years and is now above both the 10 year rolling average for sand gravel sales (0.69mt) and the 3 year average (0.67mt). The 2015-16 LAA says that existing

reserves (i.e. permitted landbank of permissions) is 10.43 million tonnes, equivalent to 15 year's production at the current 10 year average of 0.69mtpa. There are currently 10 permitted sites for sand and gravel working in Shropshire, 5 of which were operational. Shropshire Council has consistently responded positively to both planned and windfall applications to release more material to maintain productive capacity to counter balance the impact of the unworked site commitments.

- 6.3.5 The majority of the material produced is used locally within the sub-region to supply the construction industry with building sand, concrete and concrete products. About 70% of current sand and gravel reserves is contained in three site commitments (Sleap, Woodcote Wood, Barnsley Lane) which have remained unworked for over 5 years. This strongly suggests that both local demand and cross boundary markets are not currently strong enough to support the level of capital investment in infrastructure which would be required to implement these sites, although mineral working at Woodcote Wood is expected to commence during the next few years.
- 6.3.6 The objective of the 'managed aggregate supply system' is to balance demand and supply by ensuring sufficient reserves of sand and gravel are available, having regard to timescales required to bring new mineral sites into production. If insufficient reserves are available locally then this can have adverse economic consequences including increased transport costs and uncertainty for developers. Conversely, if there is oversupply this can also lead to adverse consequences, including cumulative environmental impacts locally. Some operations may also be potentially rendered uneconomic through competition or there may be production complications such as a build-up of less saleable materials or sterilisation of reserves. The assumed rate of extraction at individual sites may also be reduced leading to additional costs and complications in site development such as delays in restoration.
- 6.3.7 When determining planning applications, Paragraph 144 of the NPPF is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy. There is no denying that the site at Pave Lane, has the ability to produce sand and gravel, indeed Submission Version Policy ER4 acknowledges this in the accompanying explanatory text.
- 6.3.8 The applicant has provided a letter from the landowner at Barnsley Lane to confirm that they have released the operator rights to mine sand and gravel, and therefore this site should be taken out of the list of site commitments. Although discussed further below, the applicant also maintains that due to the length of time coming forward Woodcote Wood should not form part of this landbank.
- 6.3.9 For the purposes of the Examination in Public of the Telford and Wrekin Plan, Shropshire Council have re-calculated the productive requirement for sand and gravel for the remaining Telford & Wrekin plan period from 2016 to 2031, as 10.35mt (15 years at 0.69mt). This requirement can be met from:

- 2.8mt from current reserves at existing operational sites (this allows for resource depletion since the completion of the calculation for the SAMDev Plan);
- 4.1mt at unworked site commitments (comprising Sleaf [later in the Plan period] and Woodcote Wood [assumes a start in the next few years]). No contribution has been assumed from Barnsley Lane which is unlikely to be worked in the near future);
- 4.10mt in preferred allocations in the SAMDev Plan;
- 1mt windfall allowance;

6.3.10 This generates a supply of 12mt against a requirement of 10.35mt, which is the equivalent of just over a 17 year landbank at the current 10 year average of 0.69mtpa. This continues to reinforce the point that Pave Lane site is not required to either contribute to the landbank to address a shortfall or as a further site allocation.

6.3.11 The letter in relation to removal of the Barnsley Lane site whilst helpful clarification has no impact on this application, since the latest assessment of sand and gravel productive capacity, already assumes that there will be no contribution from this site. The current sand and gravel supply will provide 17 year's production significantly in excess of the NPPF requirement for a minimum 7 year landbank for sand and gravel.

6.3.12 Planning Practice Guidance advises that an adequate or excess landbank is not a reason for withholding planning permission. The total landbank size is only one measure of the need to release additional reserves. It is also necessary to consider the ability of the existing operational sites to supply market demands, the suitability and availability of alternative materials and issues of possible sterilization should production cease at a quarry site.

Whilst market demand has now picked up slightly there is currently enough sand and gravel available in the sub-region without the need to singularly warrant support for an additional 'large' resource area to be worked at the current time.

6.3.13 Whilst the applicant has focused on comparing permitted or promoted reserves and their distance from Telford as the main centre as an exercise to analyse the sustainability credentials of Pave Lane, it is evident that sand and gravel is readily available within the Shropshire area and adjoining districts, these are not inappropriately located relative to the main market areas, and have operated as such for a number of years. A similar sand and gravel reserve (in numeric terms) to that being proposed at Pave Lane is also available at Woodcote Wood which has been endorsed as a committed site to contribute to the landbank. Overall it is considered that local market is adequately served by sand and gravel for the purposes of the local plan period.

6.3.14 Apart from the indication that mineral processing plant will contain equipment provided on site to deal with the 'smectite' contained in the sand and gravel,

there is no indication that the mineral being provided is particularly specialised and required to serve a distinct and separate market. Known constraints on the availability of consented reserves, such as Barnsley Lane not coming forward in the near future have been taken into account.

6.3.15 The Council do not agree that the proposal at Pave Lane would be required to address any shortfall for the area in the annual production level as required by the NPPF. Rather it would serve the same market as the preferred committed site of Woodcote Wood, and would lead to an over-supply of sand and gravel locally. This leads to the pertinent issue over whether Woodcote Wood is a realistic and deliverable site, such that it should be relied upon in the land bank.

#### **6.4 Deliverability of Woodcote Wood**

6.4.1 As already referred to above, and in many of the representations, Woodcote Wood is located in close proximity to the application site, being some 1.1km to the south of the application site. This nearby site has a committee approval resolution from July 2006 (SC/MB05/0336/BR). This site has a mineral reserve of 2.55 million tonnes, equating to an operational life of some 13 years extraction at an extraction rate of 200,000 tonnes per annum. At the time of the planning application, Telford and Wrekin Council recommended to the then Shropshire County Council that the proposal be granted conditional planning permission subject to a S106 being signed. Whilst an associated legal agreement was not completed at the time Shropshire Council have advised, that the landowner's agent has put forward a detailed programme of action seeking to re-activate the scheme and this is at an advanced stage.

6.4.2 Woodcote Wood is allocated as a 'preferred area' in the Shropshire Telford and Wrekin Minerals Local Plan (1996-2006). Policy M14 (the future working of sand and gravel) specifies that the site shall come forward towards or beyond the end of the plan period. The policies of the Plan have been saved in the Telford and Wrekin administrative area. The mineral reserves at Woodcote Wood continues to form part of the sub-regional sand and gravel landbank, through the Local Aggregate Assessments prepared by Shropshire Council.

6.4.3 The Minerals Local Plan allocated Woodcote Wood as a preferred area instead of other competing proposals such as Pave Lane. Pave Lane, Woodcote Wood and other prospective sand and gravel sites were carefully assessed as part of the preparation work into the Joint MLP. Woodcote Wood achieved the highest score in the analysis and was accordingly put forward for allocation. Part of this justification was due to the ability to effectively contain / screen the site within a boundary of established woodland and the relative remoteness of the site / lack of overlooking from existing residential property. Whilst the Pave Lane application is current, the basic environmental context of the two sites has not changed significantly since the previous Joint MLP assessment. Woodcote Wood was deemed to be a better option in environmental terms and the conclusion was upheld by two different Planning Inspectors following separate examinations of the Plan. This site continues to

be capable of achieving good visual containment due to its setting within a managed conifer plantation. It is still evident that this site is much further away from residential receptors and does not rely on significant landform changes to mitigate the impact upon residential or the wider landscape.

Notwithstanding, the Pave Lane application is supported by an Environmental Statement, which examines environmental impacts further.

- 6.4.4 The ENTEC report *Assessing Sand and Gravel Sites for Allocation in the Shropshire sub region: Site Assessment Report* (including Telford & Wrekin) jointly commissioned by Shropshire Council and Telford & Wrekin Council (March 2010) and later addendum (February 2011) again considered appropriate sites for the sub region for sand and gravel resources. The only other site in Telford & Wrekin considered as a future allocation was Pave Lane in the east of the borough close to an existing allocated area and commitment for sand and gravel extraction at Woodcote Wood in Shropshire. However Pave Lane was classed as 'least preferred' in the report meaning that it should only be considered if one or more of the unworked site commitments (Sleap/Barnsley/Woodcote Wood) in Shropshire fail to come forward. In the case of two of these sites (Sleap and Woodcote Wood), the mineral operators and landowners concerned have confirmed that there is a clear intention to work these sites during the Plan Period; furthermore the latest LAA data demonstrates there is sufficient supply from existing operations, commitments and additional resources allocated at 3 sites in Shropshire Council's Local Plan to satisfy the identified need for sand and gravel in the sub-region.
- 6.4.5 The Submission version of the Telford and Wrekin Local Plan recognises that the application site could come forward as an extension to the Woodcote Wood site, however, in this case, issues of cumulative impact would need to be considered and, the Woodcote Wood site has not yet been developed.
- 6.4.6 The applicant maintains that Woodcote Wood is undeliverable because; the access to the site requires land which is in the ownership of the Pave Lane landowner, the sand and gravel contains 'smectite' which requires an ample water supply and sufficient land area for silt water management, they also cite that the resolution to approve is over a decade old. The application provides the view that the need for the mineral outweighs any material planning objections to this proposal. In particular, the insecurity of the landbank, reliance on a very large permitted reserve distant from the main demand centre and reliance on sites which are undeliverable.
- 6.4.7 On this basis, they consider that the Pave Lane site should be considered in the context of Minerals Local Plan Policy M15, as significantly more acceptable overall than the preferred area of Woodcote Wood, promoting Pave Lane as the most deliverable and sustainable location for serving the growth agenda for Telford. This is a fundamental point of disagreement with the applicant.
- 6.4.8 The Council has received confirmation from the landowner for Woodcote Wood that a contract with a mineral operator (N.R.S.) to work the site has

recently been completed. Furthermore, N.R.S. correspondence received by Shropshire Council has been made available which confirms that they are actively progressing the production of updated environmental reports with the objective of re-ratifying the original approval resolution.

- 6.4.9 The consultation response from the owners of Woodcote Wood is a significant material consideration which cannot be ignored, this concludes;
- An agreement with a previous operator prevented the site being offered to an alternative operator to progress the site – this has now lapsed and the site has now been offered to another operator.
  - The site is capable of being developed without the requirement to obtain access agreements with any third party owners
  - The presence of Smectite does not represent an insurmountable technical problem.
  - There is ample provision made for the processing plant within the site
  - Updated species survey and some highways work (to assess a revised scheme of highway improvements which do not require third party land and bring the associated costs to an acceptable and sustainable level)

6.4.10 Regarding the requirement for third party land, the original planning application for Woodcote Wood involves a highway improvement scheme requiring the acquisition of third party land (i.e. landowner of Pave Lane). However, since the application was submitted in 2006 the A41 has been de-trunked hence, approval by Highways England for a new access onto the A41 is no longer required. The highways consultant acting for the Apley Estate has identified an alternative access option in discussion with highway officers at Shropshire Council which would not require third party land.

6.4.11 In light of the representation received by the land owner at Woodcote Wood and Shropshire Council, it is considered the claims of the applicant that Woodcote Wood is undeliverable are not substantiated. Woodcote Wood is a clearly a deliverable site, with Shropshire confident it can operate in the next 2 years. Accordingly, the Shropshire SAMDev Plan quite rightly treats this as a commitment and includes this in its local aggregates assessment, which is referred to above. That the majority of Woodcote Wood is located within the administrative area of Shropshire Council has no bearing upon Telford requiring a resource in our own administrative area to account for our planned future growth. In fact Woodcote Wood is closer to the main centre of Telford than the proposed Pave Lane site.

6.4.12 Now that an operator has been selected, Shropshire Council advise that the updated environmental information will soon be submitted with the objective of seeking to re-ratify the original approval resolution. It is considered this a material consideration, which should weigh heavily in determination of this planning application, one which continues to support the strategy for developing mineral sites for sand and gravel in a sequentially preferred manner. Further consideration is provided in the remainder of the report, to

evaluate the 'exceptional circumstances' put forward by applicant to meet the criteria of Saved Mineral Local Plan Policy M15, that;

- iv) *the site might be significantly more acceptable overall than the allocated sites or the preferred area, and would offer significant environmental benefits.*

6.4.13 Woodcote Wood is actually located in an equivalent, if not closer position to Telford to supply its future growth agenda, and therefore continues to be the nearest sand and gravel source to supply Telford, indeed this being a factor that was used to justify the Woodcote Wood recommendation to approve.

6.4.14 The principle of operating separate working of Pave Lane (at this point in time) would be unnecessary and unsustainable.

6.4.15 Members should be reminded that the environmental impacts of Woodcote Wood have been previously thoroughly assessed through the submission of an Environmental Statement, the resolution to approve supports that such impacts were acceptable. We can therefore confidently compare the impacts of both schemes to determine whether Pave Lane is significantly more acceptable overall than the preferred area of Woodcote Wood.

6.4.16 Members need to also be reminded that should Woodcote Wood not come forward in the anticipated timescales, greater weight can then be placed on the Pave Lane proposal, as there is general agreement that this is reasonably well placed to serve Telford and Wrekin.

## **6.5 Conclusion – Need for the Mineral**

6.5.1 The applicant maintains that the Shropshire SAMDev Plan allocates sites which are not deliverable, the local aggregates assessment does not take into account planned future growth, and insufficient attention has been given to Telford and Wrekin meeting its own need, therefore placing too much reliance upon importing materials from the adjoining Shropshire authority.

6.5.2 Conversely, it is considered the applicant has not demonstrated a compelling need for the mineral for the site to be released at this stage in the context of the allocated resource at Woodcote Wood, which is considered to be deliverable in the short term. No justification has been given that there would be a potential market which would justify the concurrent working of both sites. In the consultation process, representation has been received from Shropshire Council to clarify that Woodcote Wood forms part of existing 17 year land bank, and is considered to be deliverable in the short term. This remains a preferred committed site. Barnsley Lane has been removed as a commitment in the up-to-date land bank consideration.

6.5.3 It is acknowledged that Pave Lane has a recognised mineral which would contribute to the economy, however, given the potential oversupply of sand and gravel into the market, it is considered that the release of Pave Lane at this stage would not be positive introduction to the local economy. It does not

therefore provide a sustainable approach to the development of the mineral resources contrary to Policy M1, M2, M14 and M15 of the Shropshire and Telford & Wrekin Minerals Local Plan. Together these policies seek to conserve minerals whilst ensuring an adequate supply to meet needs by allocating sites from which supply of sand and gravel should be first be extracted and only on a sequential basis. It would not also meet the circumstances to release new sand and gravel sites outlined in Telford and Wrekin Local Plan policy ER4.

- 6.5.4 Whilst the specific environmental impacts are discussed below, overall Woodcote Wood is still considered preferable to Pave Lane given its better screening by a belt of peripheral trees along its boundaries, no need for land forming on its boundaries and its relative segregation from residential properties. This was supported by two separate Planning Inspectors following examinations into the Joint MLP and further verified by Consultants supporting the preparation of Shropshire's SAMDev Plan who concluded following a detailed sieve analysis of potential sites including Pave Lane that Woodcote Wood was the best candidate for a preferred area. Nothing substantial has changed in the intervening period. The local geography remains the same.

## **6.6 Need for an Inert Landfill capacity**

- 6.6.1 Relevant development plan policies are saved Policy M17 (Secondary Aggregates), saved Policy M27 (Reclamation and Afteruse) whilst Telford and Wrekin Local Plan Policy ER7 (Waste management Facilities) is also a material consideration.
- 6.6.2 Although waste disposal is a 'last resort', there will always be residual waste that cannot be managed in any other way. Local plans are expected to make provision for landfill where suitable sites exist, such as voids left from quarrying. Clean soils and other excavation wastes can also be beneficially used or disposed of onto land, and may be an essential element in landscaping, engineering and land remediation projects.
- 6.6.3 European and national policy encourage us to change our attitude towards the landfilling of waste. One of the key principles is that waste should be managed as a resource. Both European and national policy is also seeking to ensure that the waste management facilities have a key role in resource efficiency, facilitating the movement of waste up the waste hierarchy.
- 6.6.4 In respect of the Pave Lane proposals it is intended to restore the land to original elevations through the importation of inert waste materials. The extraction of sand and gravel is equally contingent on the requirement to deliver a beneficial restoration scheme, not least due to the important landscape contribution Muster Hill makes in the wider countryside setting, to reinstate to its pre-development 'best and most versatile' agricultural land status and to aid the drainage of the site. The Council agree with the

applicant, that the site is has to be restored to a similar profile that currently exists.

6.6.5 It must be borne in mind that the purpose of the planning permission and the subsequent restoration, is the extraction of mineral (sand and gravel) in an environmentally acceptable way, the driver for this application is not the creation of a hole for the future disposal of inert waste.

6.6.6 The applicant states within the Environmental Statement that suitable inert material will be imported and sequentially placed within the worked out sectors of the quarry to ensure that high quality agricultural land can be reinstated close to original ground levels and integrated into the wider landscape as confirmed by the Landscape and Visual Impact Assessment.

6.6.7 For clarification, the Landfill Directive article 2(e) definition of inert waste is

*'Inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater*

6.6.8 Unlike the Woodcote Wood scheme, the proposal will require a significant importation of inert material in the region of 1.5 million m<sup>3</sup> (using a conservative estimate provided by the application this would be 2.25mt, however a more realistic figure is 2.75 mt), to progressively restore the site in conjunction with quarry discard materials and soil resources from the site itself (i.e. once the sand and gravel is won). The material deposited at the site will be strictly inert and the applicant states that the annual input rate will be in the region of 100,000 m<sup>3</sup> (or 150,000 tonnes) pa. The applicant has provided a Market Appraisal which has assumed an approximate 150,000 tonnes pa input rate over the lifetime of the application (i.e. inputting from year 1, running progressively until year 15).

6.6.9 The applicant states the majority of these inert materials will originate from the construction and demolition industries, and that a proportion of the material imported to the site may be suitable to recycle as secondary aggregate, however, no specific breakdown is provided of what levels of recycling would occur. Clean hardcore and concrete will be temporarily stockpiled within the mineral processing area and, once a sufficient stockpile of suitable material has accumulated, periodically crushed to produce recycled aggregate, and thus moved up the waste hierarchy. The site's mineral processing area would receive such materials, then treated (i.e. crushed) to produce secondary aggregate before being distributed.

- 6.6.10 The Environmental Statement (Annexe 8) has identified future growth areas in both the administrative areas of Telford and Wrekin and adjoining authorities utilising a 20 mile radius from the Pave Lane site.
- 6.6.11 The applicant has provided some evidence to support their consideration that there is a declining and finite capacity for inert landfill in Telford, coupled with a longer term increase in arising's due to increased planned construction activity and a lack of alternative sites elsewhere. They consider this is an additional reason to support the mineral extraction at Pave Lane. With the proposed on-site recycling plant, the proposal would divert inert and construction, demolition and excavation waste (CDEW) from landfill, but it would also use 150,000 tonnes per annum of CDEW to raise the level of excavated area on a phased basis, back to the near original levels of up to 134 m AOD.
- 6.6.12 The applicant maintains they are a market leader in backhauling (return journeys) of fill material in their vehicles used to deliver aggregate, offering a complete service to customers including delivery of aggregate and aggregate products plus the processing and removal of surplus material. This is processed to recover aggregates and only unrecoverable residuals are landfilled. The applicant advises that the imported material is matched with the mineral output of the quarry and restoration follows closely ensuring there is no time lag in implementing of the progressive reinstatement of the land.
- 6.6.13 However, the Council concur with advice from Shropshire Council, which expresses significant doubt that the rate of infilling can commence as early as proposed, given the significant operational restrictions this would impose in the extraction void. Annual waste inputs in the region are known to have also declined over the past years.
- 6.6.14 With reference to the applicant's market appraisal, Table 2 appears to re-work RTAB data from 2009 - the data involved is now very dated and no longer reflects current circumstances. They also seem to have ignored the urgent need for landfill cover at Granville, the availability of large numbers of recycling facilities locally (e.g. Buildwas, near Ironbridge and Cartwrights at Halesfield, Telford) and the presence of Wood Lane quarry. Page 64 of Shropshire Council's published AMR for 2015-16 notes that:

*Environment Agency waste data suggests that about 0.4 million tonnes of inert waste generated in the two areas was handled at licensed waste management facilities in 2015, largely in Shropshire and neighbouring areas. Municipal waste data for 2015 indicates that about 7,000 tonnes of recycled aggregates were recovered from municipal recycling centres. Construction and demolition waste is a high density, low value material which, due to transport costs and distances in a predominantly rural area, cannot be moved more than short distances on a cost effective basis. 97% of construction waste generated in Shropshire in 2012 was managed within the county. Of the construction and demolition waste which was used as engineering material or*

*landfilled in 2005, it is estimated that a further 0.24 million tonnes could potentially be recycled as aggregate (derived from CLG 2007)."*

- 6.6.15 Annexe 8 – Market Appraisal of the Environmental Statement lists potential sources of inert material in the surrounding area. The 20 mile radius is based on the operational experience of the applicant. However, it does not provide any further evidence that it would be economic to transport such bulky materials over the distances involved. Inert waste is a high bulk, low intrinsic value material which does not stand the cost of being transported significant distances. Shropshire Council as a Waste Planning Authority has significant experience in dealing with inert waste proposals. The maximum economic distance for such waste to be transported would not normally be expected to exceed 20 miles. This distance may decrease further if the price of fuel continues to increase and suitable alternative processing capacity remains nearer to the West Midlands. The ability to attract inert waste is partly a function of the charge per tonne at the landfill site but, as noted above, it is also greatly dependent upon distance due to transport costs. This is particularly the case for inert waste which commands a lower gate price than other landfilled wastes.
- 6.6.16 Historically, inert fill in Shropshire has tended not to be transported more than 15-20km (9-12.5 miles) from its point of origin. The Pave Lane site is 8.5km (5.3 miles) from Telford but 20km (12m) from the edge of the West-Midlands conurbation and 26km (16 miles), via the A41 from the centre of Wolverhampton. A landfill site at Barnsley Lane which is 16.5km (10.2 miles) from Telford and 18km (11 miles) from the edge of the conurbation can only attract inert fill for restoration at a target rate of 25,000tpa.
- 6.6.17 It is acknowledged that the New Acres inert landfill site, next to Hadley Quarry, Telford is currently dormant, however, this could be re-opened if its operator Blockleys, part of the Michelmersh Group, considered it was commercially viable. In any case, Condition 2 of the extension to Hadley quarry planning permission, (W98/0714), requires the restoration of site with inert wastes to be completed by 31<sup>st</sup> December, 2032 - a similar timeframe to that being proposed as part of Pave Lane scheme. As part of its regular condition monitoring role, the Council have been informed that the applicant (Michelmersh) intend to fill this void working to the timetable in the planning consent. Contrary to the opinion of the applicant, there is an inert landfill site available in the Borough which will be operational in a similar timeframe to the proposal as Pave Lane.
- 6.6.18 It should also be re-iterated that the capacity of inert recycling facilities has seen a corresponding increase in recent years, the applicant acknowledges that over the proposed operation of the quarry that the amount of residual inert waste would also see a corresponding decline.
- 6.6.19 The Waste Evidence Base Report (September 2015) that has been produced for the Telford and Wrekin Plan makes reference to CD&E Waste;

*The quantity of Construction, Demolition and Excavation Waste (CDEW) is extremely difficult to measure. There is no central record of how much of this material is created by the construction industry and the data that does exist is not collated on a geographical basis. It is therefore not possible to measure accurately the quantity of this type of waste arising in the Telford & Wrekin area.*

*It particular, much of this type of waste is not managed at Permitted facilities and therefore there is no information on this waste stream recorded in the Waste Data Interrogator. It should be recognised however, that this may also indicate that most waste from construction activities is being sustainably managed by the industry, either on site or at alternative construction sites.*

6.6.20 This report also states that a significant amount of waste generated from the construction industry is recycled or re-used rather than being sent to landfill. Estimates of recycling levels of CDEW vary from 50% to 96%, depending of the level of planning that is put into a project before commencement. In managing CDEW arisings, it is therefore preferable to encourage builders and demolition contractors to focus on early planning of demolition rather than seeking to develop additional sites for sorting, bulking and crushing CDEW after demolition has occurred

6.6.21 The Waste Evidence Base Report (2015) provides estimates of the amount of waste generated in Telford and Wrekin over the period of the Local Plan, the capacity of existing and planned treatment facilities, cross boundary waste movements and an estimated waste capacity gap. This Report concludes that there is sufficient waste treatment and disposal capacity for Telford and Wrekin to achieve net self-sufficiency in the management of non-hazardous and inert wastes. Whilst this includes the use of Candles and Granville non-hazardous landfill sites, both of which have a finite lifetime. Candles Landfill site which has recently reached the end of its operational life with efforts now focused upon completing the site's restoration and aftercare. Granville has planning permission until 2026. New Acres site, next to Hadley Quarry is also available for the importation of inert material. The Telford and Wrekin Plan makes does make provision for landfill if a need is required (Policy ER7), however, as stated in the Plan this would be the last choice as recycling and re-use come first through the circular waste economy.

6.6.22 The accuracy of the data presented to indicate the need for landfill based upon CDEW arising's is considered questionable. No firm evidence has been provided by the applicant that there is a need for a new landfill site during the lifetime of the proposed quarry at Pave Lane. This is not an exceptional circumstance to support the Pave Lane site for extraction for sand and gravel.

6.6.23 Although suggesting that a vast majority of the inert material envisaged to restore the Pave Lane site would be incapable of recycling as it will consist of clays and soils, they consider that there are no other options available for the material to be put to a beneficial use consistent with the objectives of the National Waste Planning Strategy. However, in light of the recycling efforts which the applicants are equally committed to providing, the Council remain to

be convinced that such a vast amount of inert materials would be available at the importation rate of minimum 150,000 tonnes per annum.

6.6.24 The applicant has therefore failed to demonstrate there is an established need in the Telford area for a new landfill site for waste that cannot be recycled, composted or recovered. Upon further examination of the 20 mile radius from Pave Lane on which the Market Appraisal is based, it is also evident that neighbouring local authorities would not be reliant upon this facility to serve their administrative areas. The 20 mile radius is based on 'as the crow flies', rather than the actual distances travelled on the highway by their vehicles.

6.6.25 Although the applicant's submitted Market Appraisal (March 2016) is correct at paragraphs 3.11 and 3.12, about the requirement for additional inert landfill capacity based upon the Black Country Core Strategy (BCCS), the applicant significantly failed to take into account BCCS Policy WM3 which identifies a quantity of proposed new strategic waste management facilities which together are expected to make a significant contribution towards the capacity requirements in the Black Country. These include 3 quarry sites anticipated to become landfill facilities by 2026 (including for inert wastes). The evidence in the BCCS on the need for future landfill capacity indicated that provision could run out by the end of the plan period (2026). However, as more waste is likely to be diverted from landfill than anticipated in the BCCS, the sites that have become available or yet to come forward over the plan period in the Black Country will be sufficient to meet the requirements of the area.

6.6.26 City of Stoke-on-Trent Council are currently dealing with an application (60214/VAR) for a quarry restoration scheme at Fenton Manor which relies on the importation of inert material. This application been submitted to vary the timescale for complete infilling operations to restore the quarry due to lower than expected infill rates.

6.6.27 It is recognised, there are locations which would have easier access to Pave Lane, such as Staffordshire via the A5 and A41. However, according to paragraph 5.27 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan Adopted in March 2013 (up to 2026),

*'Staffordshire has a number of operational landfill sites and there is also potential additional capacity available at planning obligated sites i.e. mineral sites with planning permission to restore by landfill. Based on forecasts for waste produced in Staffordshire and Stoke-on-Trent, there is sufficient landfill capacity over the next 15 years and there is no evidence of a requirement "to meet specific local circumstance*

6.6.28 There are significant construction projects planned for this area and the surrounding authorities which will generate CDEW. However, it is evident that Local Plans in these surrounding authorities can account for the waste produced by these projects. Due to increasing transport costs and landfill tax, this waste stream is increasingly processed and re-used on site whenever possible, or used for agricultural improvements, landscaping or engineering purposes e.g. re-profiling golf courses. This supports Telford and Wrekin's

consideration that there is adequate void space within the Region to accommodate inert landfill material. This application has failed to demonstrate that there would be sufficient inert waste available for the proposed restoration of the quarry at Pave Lane.

6.6.29 The applicant has not provided an up-to-date or accurate assessment of current landfill sites and recycling efforts in the adjacent boroughs which would have a bearing on the rate of residual inert material that would be available to fill the extraction void at Pave Lane. Furthermore, large areas of the adjacent identified Council's, are excluded from the 20 mile radius upon which the Market Appraisal is based on. As already referred to above, construction, demolition and excavation wastes (CDEW) are heavy and bulky and thus more limited in terms of how far they can economically be transported.

6.6.30 The Environmental Statement states that;

*'A proportion of the inert fill material delivered to site may contain material such as brick, hardcore or concrete in which case such material will be separately stockpiled within the mineral processing area and be periodically processed to produce recycled aggregate before being exported from the site...A mobile crusher will periodically be brought to site to process this recycled material'.*

Increased recycling efforts for CDEW are required statutorily, so this part of the proposal could lead to shortages of suitable material available for use in quarry restoration, thereby extending the timescales required for completing the works and subsequent overall impacts on the environment and adjacent neighbours. This fails to convince that the site could be restored on a phased and progressive basis, and/or within the timescales by which this would need to be completed (i.e. 15 years). There is also doubt that the inert fill could be 'backloaded' to the site at the assumed rate as most mineral deliveries would not go to places where inert fill would be sourced. Hence, assumptions about traffic levels could be significant underestimates. Further harming the sustainability credentials that the applicant advocates would be inherent in their application.

6.6.31 If the applicant's assumption, that more waste would be attracted to the site, can be supported then there should be sufficient residual material for restoration purposes so that the final restoration of the site is not unduly compromised. However, this would also result in the increase of traffic movements to and from the site, which does not appear to be accounted for in the accompanying transport assessment.

6.6.32 In this respect the proposal cannot be supported. This also raises concern that the cumulative impact of additional vehicles removing recycled materials off-site along with vehicles bringing in waste materials and exporting minerals, has not been appropriately factored into this scheme.

- 6.6.33 Overall, if the recycling element of the proposal is considered to push waste up the 'waste hierarchy', there would be an increase in HGV movements required to export recycled materials and finally restore the site compared with those purely associated with quarrying and restoration.
- 6.6.34 It is considered that even if the timely restoration of the site would not be compromised, the benefits associated with waste recycling would not be outweighed by the impact of HGV movements on local residential amenity contrary to MLP Policy M6.
- 6.6.35 In comparison Woodcote Wood does not rely on the importation of amounts of inert material to reinstate levels to near original, neither does it include a recycling plant as an additional process, which as outlined above, would only reduce the amount of inert material available to fill the void or result in greater important of potential materials to be recycled, thus increasing trips rates. Once implemented and extraction is complete, its restoration is far less complicated and not affected by assumptions that have been provided within the Pave Lane submission. Notwithstanding the potential recycling plant to produce secondary materials, the provision of an additional inert facility is not required in Telford and Wrekin does not weigh in favour of permitting a new sand and gravel site, particularly in light of adverse economic impact it would have in the supply of sand and gravel.
- 6.6.36 On this point, the proposal has not demonstrated being significantly more environmentally acceptable than the allocated or preferred area, as it has the potential to discourage recycling efforts based on the volume of material required to restore the site. This element of the proposal does not accord with saved MLP Policy M15.

## **6.7 Cumulative impact with the proposed Woodcote Wood development**

- 6.7.1 The cumulative impact of mineral development is also capable of being a material consideration when determining individual planning applications (NPPF para 144 and PPG Para 18).
- 6.7.2 JMLP Policy M3 (vii) also states that when determining planning applications regard should be paid to the impact on the general area as a result of the cumulative impact of past, present and permitted future workings.
- 6.7.3 As previously noted, the Woodcote Wood site was preferred to the Pave Lane site and recommended as a third phase sand & gravel allocation by the Planning Inspector in his report on the first Public Inquiry into the Joint Shropshire and Telford & Wrekin Minerals Local Plan (JMLP), 1996-2006. Notwithstanding, the Woodcote Wood site was again recommended for inclusion into the Joint Minerals Local Plan by another Planning Inspector's report following a second public inquiry on the JMLP. Both Councils subsequently adopted the JMLP. The Woodcote Wood site has since received resolution for the grant of planning permission subject to the signing of a Section 106 Agreement. The independent Entec report into Sand and Gravel Resources for Shropshire and Telford & Wrekin in 2010 considers that

the Pave Lane site should only be brought forward when further sand & gravel supplies are required; and both the Apley Estate who own the Woodcote Wood site and Shropshire Council consider that the Woodcote Wood Site is viable and will come into production very shortly.

- 6.7.4 At present there is currently no reason to suggest that the Woodcote Wood site is not deliverable as both Shropshire Council, and the landowner's representations on this application (to Telford and Wrekin Council) provide clear evidence to support the landowners intention to develop the proposed quarry site at Woodcote Wood.
- 6.7.5 In relation to potential cumulative impact Woodcote Wood has a committee approval resolution and Shropshire Council as mineral planning authority has informed the Pave Lane applicant that the site is being progressed. It therefore has to be assumed that there is a high possibility of concurrent working and cumulative impact. In this case the applicant has made an erroneous assumption that the site will not come forward because they would prevent use of the highway land on their site which is now no longer the case. Taking into account that Woodcote Wood is a 'preferred' site with a resolution to approve, it is considered that cumulative impact should have been considered in the Environmental Statement in particular the impacts of HGV movements from both sites; operational factors such as dust and noise; landscape and biodiversity impacts. Whilst a market need statement should be provided to demonstrate sufficient local demand if there was concurrent working.
- 6.7.6 The accompanying Pave Lane Environmental Statement makes no reference to Woodcote Wood, but that the nearest closest quarry is that at Bridgnorth (Bridgwalton Quarry) some 25 km from the nearest margin of the Pave Lane scheme. The Council agree that if this was the only site to consider, the sites themselves are well screened and are not inter-visible and therefore no potential landscape cumulative impacts arise. Separate HGV routes are used to gain access to the quarries and accordingly there is no potential for cumulative impacts in respect of traffic. Moreover, the sites are too far apart for any cumulative ecological impacts to occur.
- 6.7.7 The applicant has not adequately assessed the potential for cumulative impacts in accordance with the EIA Regulation given the presence of the nearby committed minerals site at Woodcote Wood, the application does not therefore comply with Policy M3 of the Minerals Local Plan, and it would also not comply with Telford and Wrekin Local Plan policy ER6, which states (amongst other things), that the council will support mineral extraction, processing or associated development subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments.

## 6.8 Consideration of Environmental Issues

- 6.8.1 The extent to which the application is capable of addressing detailed technical / land use issues and offering environmental benefits is considered in the

following sections. These sections take into account accompanying Environmental Statement, the policies of the Minerals Local Plan, including M1 (sustainable approach), M2 (need for minerals), M3 (development control considerations), M4 (operational considerations), M7 (benefits to countryside), M11 (transport) and M27 (Reclamation / afteruse) and the Submission Version of Telford and Wrekin Local Plan Policies ER4 and ER6.

## 6.9 **Access and highway safety**

- 6.9.1 The Development Plan contains policies designed to ensure that proposals likely to generate significant levels of vehicle movements do not give rise to an unacceptably adverse impact on the local highway network. JMLP Policy M11 (Transport of Minerals) states that *“In determining all applications relating to mineral development, consideration will be given to the impact of heavy lorry traffic on the transport network and to the alternative opportunities to transport minerals by rail.”* It adds that where opportunities to transport minerals by rail are not feasible, then *“...there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network.”*
- 6.9.2 This is reinforced by advice set out in the NPPF, which requires a safe and suitable access to be provided and does not prevent development on transport grounds where the impact is not considered severe.
- 6.9.3 A Transport Assessment (Annexe 4) has been undertaken as part of the Environmental Statement which accompanies this planning application.
- 6.9.4 Many local representations have referred to the impact of the proposals on traffic generation along the A41, the safety of the junction of Pave Lane with the A41, and the unsuitability of Pave Lane for use by HGV vehicles in their objection letters.
- 6.9.5 The key highway matter in the determination of this application is that of the ghost right turn junction Pave Lane makes with the A41. A comprehensive study of this junction has been carried out by the applicant and has been further sensitivity tested and safety assessed by an external consultant in association with the Local Highway Authority. The key points that this highlights are that:
1. There are no material geometrical deficiencies in the junction, in that it meets those standards within Design Manual for Roads and Bridges TD42/95. It is to be noted that these standards account for the geometric requirements of Heavy Goods Vehicles.
  2. The capacity of the junction in terms of delay times and queue lengths has been sensitivity tested to account for twice the amount of anticipated quarry traffic with a higher proportion of it turning right to the A41 southbound. No capacity issues have been identified.
  3. An accident analysis of the junction for the past 10 years, up to September 2016, has been carried out and only three collisions have occurred, which were reported as resulting in slight injuries and having no discernible

pattern. This is considered to be an excellent safety record for a ghost turn priority junction of this nature.

- 6.9.6 The proposals will undoubtedly intensify the use of the junction with slower moving HGV traffic associated with the quarry operations. There is also the strong possibility that the backfilling rates with inert material would not be realised at the rate assumed, and therefore there is at least the possibility that the trip generation would be higher than predicted by the application, as more construction and demolition waste would need to be attracted to site to recycle. In conducting the sensitivity testing, this has given a worst case scenario, doubling the 160 additional daily HGV movements relating to the quarry activity and inert landfill disposal. The Highway Authority have therefore based their modelling on 320 additional HGV movements (this would in itself address the concerns expressed by Shropshire Council about the under estimation of vehicular trips and the implications this would have in terms of highway safety along the A41 – this however would not address the other cumulative impacts, as this exercise only considers the highways safety impacts.
- 6.9.7 The Highway Authority consider this has given a robust assessment of the capacity of the junction by doubling the number of trips predicted by the applicant's Transport Assessment. Whilst regard has been given to local and Parish Council concerns about the use of the Pave Lane/A41 junction, the evidence both provided by the applicant and tested independently by the highway authority does not support a convincing case against its use by HGVs on highway safety grounds.
- 6.9.8 The Highways Authority are aware of concerns relating to the possible routing of quarry HGV's through Chetwynd Aston on Pave Lane. This is more of an amenity issue to residents of Pave Lane rather than that of highway safety but in matters such as this a sensible approach should prevail, in that the A41 should be the prescribed route for all HGV traffic associated with the quarry. The Highway Authority has some confidence in the applicant's proposals to use a Geofence system (an early warning system to tell HGV drivers if they are about to enter a prohibited area), however this would obviously not apply to vehicles not operated by the applicant. To ensure adherence to routing quarry traffic straight onto and off the A41, a condition is requested for the provision of full directional signage scheme on the A518, A41 and Pave Lane which directs quarry traffic to and from the development site via the A41/Pave Lane junction only.
- 6.9.9 Additionally, provision with a S106 agreement would restrict HGV movements along local roads and through local villages. The applicant would establish a Liaison Forum, this would include Officers and elected representatives of Telford and Wrekin Council and local Parish Councils as well as officers of the Environment Agency.
- 6.9.10 The condition of the junction has deteriorated over recent years and is not considered fit for this intensified use. The applicant has agreed to undertake highway improvement works to the A41 junction including

- (i) Refurbishment of the carriageway of the A41 and Pave Lane on all approaches to the junction of the A41 with Pave Lane.
- (ii) Refurbishment of all road markings associated with the junction layout and include double white lines to ensure no overtaking through the A41 section of the junction)
- (iii) Removal of vegetation to improve forward visibility to traffic signs on approaches to the junction
- (iv) Refurbishment of centre and edge of carriageway studs on the A41
- (v) Refurbishment of traffic bollards on the traffic island at the junction
- (vi) Provision of street lighting throughout the junction

6.9.11 An additional matter of concern is that relating to the avoidance of quarry traffic depositing mud and detritus onto the public highway, accordingly a condition is required to implement wheel wash measures identified under section 4.12 of the submitted Environmental Statement.

6.9.12 The applicant has advised that the site access onto Pave Lane which will include appropriate visibility splays and kerb radii to enable the safe movement of HGVs in an easterly direction onto the A41. The new access will be constructed with an asymmetrical layout providing a 15m radius to the east and a more restrictive radius to the west to ensure all HGVs turn right out of the site toward the A41. The site access is coincidental with an existing field access and is set back from the highway verge, so vegetation loss to create the necessary visibility splays will be minimal. The access works to the quarry site off Pave Lane must also be conditioned.

6.9.13 As most of the suggested conditions relate to works on the public highway, these works must be secured by the applicant through a S.278 Highways Act 1980 agreement prior to the commencement of any works. As stated above, for the purpose of this application, these can be secured under a Grampian condition.

6.9.14 Any residual transport impacts from the proposed development would fall short of the severe impact that would warrant refusing the appeal on transport grounds in accordance with the advice in paragraph 32 of the NPPF.

6.9.15 The Local Planning Authority is therefore satisfied that the proposal would not be at odds with that part of Minerals Local Plan Policy M11, which requires the Local Authority to consider the impact of heavy lorry traffic on the transport network, and that satisfactory access to the Primary Route Network is provided, in this case the A41. It is considered the generation of HGV movements can be satisfactorily accommodated on the local highway network.

6.9.16 There are no grounds that indicate either that the application should be refused for highway safety reasons, or that likely adverse traffic impact would weigh significantly against the proposed development.

~~6.9.17~~6.9.11 In comparison with Woodcote Wood the impact upon traffic flows of the Pave Lane proposal would be doubled when factoring in the importation of inert material, and taking account of the recycling operation which does not appear to have been accurately accounted for in the submission. Overall, there would be an increase in HGV movements required to export materials and restore the site compared with those operations currently permitted at Woodcote Wood.

~~6.9.18~~6.9.12 It is not accepted that the highway impacts at Pave Lane would be overall better than the preferred area of Woodcote Wood, which is considered to be deliverable in the short term, and serving the same market for sand and gravel. Again, in this respect, whilst the development would not cause highway safety impacts, the number of additional trips on the highway would be significantly more than those associated with Woodcote Wood.

## **6.10 Impact on the character and appearance of the area - Landscape and Visual Impact Assessment (LVIA) and restoration**

6.10.1 A Landscape & Visual Impact Assessment (LVIA) has been prepared for the project. The LVIA has established a number of key representative viewpoints of the site from the surrounding landscape that are considered to be the principal public views and vantage points of the site and the proposed development.

6.10.2 Following concerns raised by the Local Authority about the impact of the proposed mineral processing area from properties from Childpit Lane, the applicant provided a photomontage, which shows existing views, views after formation of the re-profiled land with subsoil mound (S3) and planting after a 5 year period.

6.10.3 The Local Planning Authority has assessed the key viewpoints and broadly agrees with some of the visual conclusions of the LVIA, which are as follows.

- The ridge line running through the centre of the site prevents full views of the site from any one location.
- Existing well established blocks of woodland such as Musters Hill Wood, largely prevent views from the built up areas in the north.
- There is very little intervisibility with Pave Lane Village due to the intervening vegetation and topography.
- The only residential receptors with close up views of the site are the dwellings located on the western side of the A41. The Local Planning Authority considered this impact would be severe, however, a section plan was provided by the applicant to demonstrate that these impacts would be ameliorated by the planted subsoil mound, which is proposed to be offset from these houses, providing a gradual embankment to and help reduce the visual effects from these properties.
- The existing restricted byways and bridleways running through the site will be temporarily diverted.

6.10.4 It is not agreed that the site has a relatively limited zone of visual influence due to local topography and vegetation. Indeed to minimise the visual impacts

of the development, it is clear that extensive additional areas of proposed early planted broadleaf woodland will need time to mature to link up with existing woodland areas and form a strong visual screen from the north and west. Planting needs to be undertaken in addition to the formation of land reformation and bunding on the perimeters of the site to ensure that the wider visual impacts are minimised.

- 6.10.5 Despite reservations about the rate of infill utilising inert materials, the intention to return the extraction area to the same landform which existed prior to the proposed development and facilitate the recreation of the existing field pattern with native hedgerows and hedgerow trees, is in principle acceptable. This would not harm the wider landscape. The working of minerals and filling of the void will involve similar colours seen in the existing arable landscape, and so will not be particularly intrusive. The works will also be phased to minimise the extent of open areas at any one time.
- 6.10.6 The proposed mineral processing plant which is to be utilised for this development is adjudged not to have a significant visual impact due to its remote location and some existing vegetation screening. However the impacts of such can only be minimised by the establishment of screening mounds and additional planting from the majority of viewpoints.
- 6.10.7 As the proposal is to operate the proposed quarry in a phased manner, only operating part of the land at any one time, it would allow other areas to remain in productive agricultural use. The method of mineral extraction and the strategic positioning of landscaped screening mounds couple with peripheral woodland areas will limit views into the site. Only a limited area of the site would be operational. The indicative schemes for landscaping and position of screening mounds are acceptable, subject to further detail, implementation and maintenance issues which can be secured by appropriate condition.
- 6.10.8 The proposed development has therefore been designed to reflect the landscape policies in the development plan and landscape character assessments relating to the site.
- 6.10.9 Referring to the Woodcote Wood site, the JMLP recognises that the Woodcote Wood's woodland setting offers screening benefits for a minerals operation and the proposals were designed to maximise these benefits. Extraction would also be phased to limit the amount of land subject to quarrying disturbance at any one time and has been preceded by phased woodland felling. The Officer report noted that '*felling would occur as part of conventional forestry operations and would take place irrespective of any minerals development*'. The changes to the topography associated with mineral working would only be slightly perceptible from outside the site, as the ground level around the periphery would not change. The visual impact assessment accompanying the planning application concluded that the site would be generally obscured from view by the retained plantation around the site. In the longer term the area would be returned to woodland which was considered would blend well with the surrounding landscape and land uses.

6.10.10 As set out above, the Pave Lane Quarry proposal relies on land level changes/formation of bunds to contain the wider impact on the landscape. Overall Woodcote Wood is still considered preferable to Pave Lane given its better screening by a belt of peripheral trees along its boundaries, no need for land forming on its boundaries and its relative segregation from residential properties. On this aspect alone, the proposal does not indicate that it is significantly more acceptable than the preferred area of Woodcote Wood.

### **6.11 Impact on living conditions of neighbouring properties**

6.11.1 Saved MLP policy M3 states that In determining applications relating to mineral development, regard will be paid to any unacceptably adverse effects of the proposal upon:(i) towns, villages and nearby houses and occupied property both close to the proposed development site and close to proposed haul routes.

6.11.2 The National Planning Policy Framework clearly establishes (para. 144) that some noisy short term activities are unavoidable to facilitate minerals extraction, and there is a corresponding need to ensure that unavoidable noise emissions are controlled, mitigated or removed at source. The Planning Practice Guidance provides guidance and advice upon acceptable levels of noise from minerals operations.

6.11.3 The application site is located in open countryside but is in a landscape that includes farmsteads and isolated residential properties, some of which would share boundaries with the application site.

6.11.4 The nearest residential properties are located some 60m to the north-west from the access to the proposed quarry (Herongate 4 (formerly referred to as Forge Link), Pave Lane), with 1 and 2 Stockton Lane located some 100m from the site access, these properties being immediately opposite the junction of Pave Lane/A41, these properties would be further away from the actual extraction area.

6.11.5 New Lodge and Walton Folly would be situated 80m and 100m respectively from the extraction area, and due to the phasing, would only be impacted by the quarry extraction in later phases. A sub-soil mound up to 5m high would be situated beyond the rear gardens of these dwellings, these would be a substantial 60-70m deep.

6.11.6 Child Pit Lane (Sutherland Cottage) is the nearest dwelling to the Mineral Processing Area, with a distance of some 500m from the boundary of the dwelling to the nearest part this area. The remainder of dwellings in Child Pit Lane are marginally further away to the west. The applicant has been mindful of the proximity of these dwellings to the application site. As mentioned above, additional noise monitoring was carried out at this location to more accurately determine background noise levels. The report concludes that the site can be worked while keeping noise emissions to within environmentally acceptable limits. The properties along Childpit Lane that have a view to the site will have a medium range view of the Mineral Processing Area, which will

include a processing plant. This view will be mitigated by the processing plant being established at an elevation lower than that which exists at present, thus minimising the overall height of the plant which will itself be screened with the formation of a landscaped embankment (this re-profiled landforms creating a 5m high tree planted landscaped screen) along the southern boundary of the processing area. Upon further queries raised about the elevated relationship of these dwellings, a photomontage was produced to show views from Childpit Lane, following construction of screening mounds and same view after 5 years following introduction of woodland planting with superimposed actual location of the processing plant.

- 6.11.7 Greenbank, Pitchcroft Lane is located some 200m from the edge of the proposed extraction area (area identified as A1).
- 6.11.8 Woodcote Hall care home is located south-east of the application site, this being some 370m from the quarry extraction area and at least 620m to the edge of the Mineral Processing Area.
- 6.11.9 The principle of the minerals working adjacent to some of these residential properties has been found acceptable previously, but it is important to also assess the impact of the recycling operations on residential amenity. As set out previously in the report the applicant has advised that the processing operations would not involve any permanent built development, and the only source of potential visual intrusion would be through the formation of stockpiles of aggregate type material and the presence of additional plant and vehicles. The crushing and screening plant would remain located below subsoil mound levels so as to minimise noise generated, particularly on closest noise sensitive properties outside the site boundary.
- 6.11.10 A noise assessment provided as part of the Environmental Statement assesses the sound levels from the proposed activities. The assessment is based upon the technical guidance provided in the Planning Practice Guidance. The noise assessment considers noise from proposed operations on week days (0700 hours to 1800 hours) and Saturday morning (0700 hours to 1300 hours). For the Ready Mix Concrete operations, the operating hours would be identical. The applicant also proposes to load up to 15 HGVs before the site closes at 1900 hours, and park them onsite overnight so these vehicles can leave the site from 0600 hours the following day (Monday to Friday). A summary of the results is contained in Appendix 6.
- 6.11.11 The noise assessment confirms that the proposed operations on week days and Saturday mornings would comply with the Guidance which recommends for sound levels caused by mineral workings not to exceed the background sound levels by more than 10 dB(A) or with the alternative requirement of the technical guidance not to exceed 55 dB(A) LAeq 1 hour (free field). For the limited operations carried out during the period 06.00 – 07.00 hours noise limits can be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. The PPG advising in any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property. For any temporary operations, which would include

soils stripping and the construction or removal of storage mounds, carried out over a duration of not more than 8 weeks per year, a temporary noise working limit of 70 dB LAeq, 1 hour would be adopted in accordance with the current planning guidance.

- 6.11.12 The noise report highlighted the noise at the various locations during normal operation and the various stages of the quarry. The Council's Environmental Health Officer has assessed the information submitted and advises that the noise levels predicted are within the criteria as set out by the current PPG subject to the mitigation measures set out in the accompanying Noise Assessment to be secured by imposition of relevant conditions. Regular monitoring will inform the requirements for additional noise mitigation measures, and this can be appropriately controlled by condition.
- 6.11.13 To further minimise potential adverse visual and noise impacts associated with the internal access road, a landscaped topsoil screening mound (T2) together with two further areas of early tree planting, will be established. To assist in screening vehicles at the northern extremity of the access road, it is proposed to establish an area of broadleaf planting on recontoured land which will be undertaken within the first 18 months of the project and thereafter be managed throughout the duration of the development.
- 6.11.14 Quarry extraction remains an activity that can give rise to complaints by the nearest residents, the number of objections that have been received is testament to this. This is a finely balanced consideration, having regard to the PPG and subject to the imposition of appropriate planning conditions, it is not considered that noise from the proposed quarry extraction and accompanying mineral processing plant and recycling facilities would have an unacceptable adverse effect on the living conditions of neighbouring residents.

## **6.12 Dust**

- 6.12.1 Planning Practice Guidance sets out policies to establish the principles to be followed in respect of reducing and controlling dust in relation to environmental effects of mineral extraction and requiring a 'dust assessment study' to be submitted.
- 6.12.2 Section 4.7 and 9.4 of the Environmental Statement submitted with the application details the methods by which the potential impact of dust on neighbouring residents has been assessed, it identifies any activities that could give rise to dust emissions, it considers any site constraints, it details how the applicant proposes to control dust with various mitigation methods, the use of an Environmental Management System to ensure compliance with their environmental standards and how they plan to deal with complaints.
- 6.12.3 The Environment Health Officer considers that the dust assessment that has been carried out is in line with the criteria as set out by the current Planning Practice Guidance. A suitably worded condition to require the submission of the Environmental Management Plan and the Dust Action Plan will be required to ensure that the potential impact of dust will be suitably controlled.

## **6.13 Rights of Way**

- 6.13.1 JMLP Policy M3 requires proposals to pay regard to any unacceptable adverse effects of the proposal upon rights of way and public access land.
- 6.13.2 There are a number of rights of way within and bordering the application site, and sections of three of those (Restricted Byway No8, Restricted Byway No 9 and Bridleway No 10) will be temporarily diverted at the outset of the development to ensure that no conflict arises between users of those public rights of way and the development operations. The original routes of these rights of way will be reinstated following completion and restoration of the site.
- 6.13.3 The fabric of Restricted By way No 9 and Bridleway No 10 are not fundamentally affected by the proposed development but a temporary diversion is being proposed to limit the potential impact on users of those public rights of way. Only the 270m section of Restricted Byway No 8 is physically removed as part of the quarry development, but will be reinstated as part of the restoration scheme.
- 6.13.4 A number of concerns have been raised by user groups and the Local Access Forum, about the impact upon users during the operation of the quarry, and that the rights of way will either not be reopened or that they will not be fit for purpose when they are reopened after the cessation of work on the application site. To address these concerns the applicant has provided a detailed statement showing how the restoration, or enhancement, of the current rights of way network will be implemented, along with the other related works, when the quarry has closed. The Council's Senior Rights of Way Officer determines that this element is acceptable.
- 6.13.5 The applicant has offered a proposed enhancement of the rights of way network, through the inclusion of 760m of the diversion route of Restricted Bridleway No 10 to be provided as an additional bridleway route along the western boundary of the site and Greens Wood. The applicant has agreed to dedicate this route as a formal right of way. The route in question would primarily consist of a woodland rise linking with the restricted Byway north and south providing a circular route for users if so desired.
- 6.13.6 The proposal would result in a long-term gain in respect of Definitive Map routes. The applicant will have to ensure that the correct legal procedures have been followed to temporarily divert the current rights of way, where this required, to suitable alternative routes for the duration of the works.
- 6.13.7 Notwithstanding the long term benefits in respect of the definitive map routes, there is obviously a prolonged period where diversions would arise, and users of the rights of way would be exposed to a change in the amenity currently experienced when using the routes. The proposal at Woodcote Wood does not affect any public right of ways.

## **6.14 Trees**

- 6.14.1 Policy OL 11 (Woodland and Trees) of the Wrekin Local Plan states that “The Council will seek to retain and enhance the contribution that trees and woodland, (especially areas of ancient woodland) make to the landscape character of the District”.
- 6.14.2 The working scheme for the Pave Lane scheme confirms that no trees are to be removed as part of the project. The landscaping scheme detailed within the Environmental Statement identifies a number of existing woodland areas (including an area of ancient replanted woodland) located on the periphery of the site.
- 6.14.3 The designated area of ancient replanted woodland will be unaffected by the development proposals and will eventually become linked to the existing isolated pockets of woodland by the creation of new additional broadleaf woodland areas and hedgerows which are indicated to be provided early in the scheme, and ultimately as part of the site’s restoration scheme.
- 6.14.4 The Ancient Replanted Woodland site at Greens Wood would need to be buffered by at least 15m from the working area of the quarry and this standoff demarcated on the site for the working life of the proposal. This can be achieved by the inclusion of a condition.
- 6.14.5 It is proposed to plant new broadleaf woodland areas and/or adjacent to the northern, north-western and western boundaries of the site at an early stage of development. The proposal will also incorporate nearly 9ha of existing broadleaf and mixed woodland outside of the operational area.
- 6.14.6 Under a Nature Conservation Management Plan (NCMP) these areas will be managed throughout the development period to provide visual screening and deliver long term biodiversity benefits by both enhancing the structure and diversity of the existing woodland and the connectivity between similar habitats in the local area. The applicant has increased the length of the NCMP to a 20 year period.
- 6.14.7 The site at Pave Lane lies within the Landscape Type ‘Sandstone Estatelands’ the key characteristics of which are arable usage with regular field patterns. Tree cover in these areas comprises thinly scattered fields and hedgerow trees, together with occasional blocks of planted woodland. The restoration plan for the site has been designed to replicate, and where possible enhance, the existing landform such that it reflects the setting of the area.
- 6.14.8 A condition would be required to ensure that soil mounding would not harm the root protection areas of adjacent trees, which should ideally start at 1 metre past the canopy edge of all woodland belts. The proposal does not raise any objection from the Council’s Tree Officer.

## **6.15 Restoration and After-use - Ecology**

- 6.15.1 The final restoration proposals must strike a balance between retention of the site for agricultural purposes and biodiversity enhancements. Despite, reservations over the amount of inert material to restore the site within the lifetime of the proposal, it is considered that the accompanying Phase 1 Habitat Survey and additional information submitted to detail restoration proposals of the site provides sufficient detail to demonstrate that it will achieve no net biodiversity loss, and will not cause an unacceptable impact upon any protected or priority habitat or species, such as great crested newts, badgers and bats
- 6.15.2 Further, the scheme does offer some modest enhancements of widespread habitats in the form of woodland creation to increase ecological connectivity across the site and appropriate management, new hedgerows, pool and wet grassland creation in connection with site drainage proposals.
- 6.15.3 The proposal therefore accords with JMLP policy M3 criteria ii. and vi. and the requirements of policy M27 to deliver appropriate reclamation and afteruse with respect to biodiversity enhancements and restoration of high grade agricultural land. The minimum requirements of Core Strategy policy CS12 seeking habitat enhancements from development are considered to have been met but in no way exceeded by the scheme's restoration and aftercare proposals. Natural England have confirmed they have no objection on this basis. Having achieved an appropriate balance with the restoration proposals, controlling the final detailed elements of the scheme will be required by condition to ensure a comprehensively satisfactory scheme.
- 6.15.4 However, the habitat protection and enhancement measures offered do not constitute a 'significant environmental benefit' as a result of working the site as required by saved JMLP policy M15 for non-allocated sites or those outside preferred areas. It is felt that they are rather the minimum requirement for protection and enhancement of biodiversity as set out within NPPF and other relevant local plan policies.
- 6.15.5 Sand and Gravel quarry sites have been demonstrated nationally, through sensitive restoration for biodiversity and appropriate long term management, to be capable of providing excellent ranges and extents of notable habitats and of supporting significant assemblages of species particularly overwintering and breeding wetland birds. It is not considered that this applies in this instance.
- 6.15.6 However, the largest area of restoration would occur following the cessation of mineral working and the proposed restoration habitats will take some time to become properly established. During this timescale, management will be required, for instance, to replace planting failures and arrest any scrub incursion into the proposed glades. It is considered that proper establishment of the proposed afteruse will necessitate an extended aftercare period for restored areas rather than the normal 5 year period given the nature of the proposed restoration habitats. The applicant has confirmed that this would be

acceptable in principle and will undertake an extended 15 year period of aftercare. Any planning permission would incorporate conditions governing restoration works.

#### Great Crested Newts

6.15.7 Further clarification has been provided by the applicant and their ecologists relating to concerns on appropriate protection of great crested newts on the site. Based on the clarifying information provided it is accepted it would be possible to work the site under a non-licensable approach. This approach would be acceptable provided that suitable on-site ecological supervision and reasonable avoidance measures are followed, that the applicant accepts a small remaining risk associated with discovery of great crested newts on the site and provided that the approach to great crested newt mitigation is reviewed prior to the start of excavation of each new phases of the project. In all likelihood regular updating of the survey information would be required along with on-going ecological input throughout the working life of the quarry. This will require suitably worded conditions relating to submission of a reasonable avoidance measures method statement and review of approach prior to the excavation of each new phase.

#### Conservation Headlands

6.15.8 Conservation headlands on the site are to be in a 15 year extended aftercare period and this proposal shows an additional pasture field with some additional water bodies on part of the site again over the 15 year aftercare period.

6.15.9 Clearly the additional habitats they are now offering would result in some loss of the area restored to BMV over that initial 15 year period and the 15 year limit on that provision means this is not considered it to be permanent biodiversity gain as a result of the development.

#### Best and Most Versatile Agricultural Land (Soils)

6.15.10 Although there was initially a lack of clarity on the issue of best and most versatile agricultural land from the documents submitted to support the planning application the applicant has clarified that 'there is a very clear commitment to reinstate' all best and most versatile agricultural land. The restoration scheme does involve creation of 6.3ha of permanent grassland on the land near to Green Wood Reservoir, the Council agree that the resultant field shape would be more conducive to grassland than ultimate arable use.

6.15.11 To satisfy the requirements of the NPPF (para 112) it is proposed that soils will be handled according to the MAFF Good Practice Guide for Handling Soils. In the case of the Pave Lane Quarry there will be no permanent significant loss of "best and most versatile" agricultural land as a result of the development, albeit there would be some loss of the area over an initial period where the additional grassland is being offered.

6.15.12 By ensuring that only a limited sector of the site is being worked at any one time the majority of the site will remain in agricultural production. In respect of the main quarry site, soil resources (topsoil and subsoil) from the initial phase of working will be stockpiled in the new bunding and thereafter, soils will generally be progressively stripped in advance of mineral extraction and directly placed onto newly restored areas of the site thereby minimising the double handling of soil resources.

6.15.13 No objection has been raised by Natural England in respect of this.

### Restoration

6.15.14 The scheme seeks to strike a balance between restoration of best and most versatile agricultural land and biodiversity value and the restoration proposal does include the change of some 18.3ha of land to non-agricultural use or biodiversity value over varying timescales and that an increase in 72% of hedgerow length is proposed.

6.15.15 It is considered that the proposed scheme for this site, does not currently offer the 'significant environmental benefits' which would be required to make the proposal acceptable in terms of Policy M15.

6.15.16 Given the specific policies relating to sand and gravel development in Telford & Wrekin, the policy objections relating to need and the policy requirement for the scheme, under M15, to demonstrate 'significant environmental benefits' it remains the case that the scheme does not make the most of the available opportunities to provide significant environmental benefits and benefits to biodiversity in the long term. The proposal is, therefore, not acceptable in policy terms.

## **6.16 Water Management**

6.16.1 It is proposed to use the adjacent Greenswood Reservoir to supply water to the processing plant operations and serve as a readily accessible source of water for dust-suppression requirements throughout all stages of the development. If necessary water from an additional reservoir (Duck Field Reservoir) situated approximately 1km to the north can be transferred into it. All water used in the processing plant for dust suppression, washing etc will be recycled (it is estimated there will be a 7% water loss factor).

6.16.2 The extraction area of the proposed site is located on a principal aquifer which is used as a source of drinking water supply. The extraction area sits within a Source Protection Zone (SPZ) III for several Severn Trent Water borehole abstractions therefore, the risk to controlled waters is high and any investigation or risk assessment undertaken should reflect this level of risk.

6.16.3 The nearest licensed groundwater abstractions are 760m and 850m to the north-east, and 1km to the west-north-west respectively. There are two private groundwater abstractions at 500m and 550m to the south-west, and 875m to the north-east.

- 6.16.4 There is a reservoir on site in the west and ponds at 90m off the east corner, and 520m to the south-east. There is a stream the flows along the western boundary, 430m to the south-east and 730m to the north-east. Drainage ditches are present along the eastern boundary with the A41 road.
- 6.16.5 A Hydrogeological Impact Assessment (HIA) accompanies this application. This confirms that with appropriate mitigation there would be no detrimental impacts in respect of surface water or ground water resources.
- 6.16.6 During the working phases, it is proposed to manage surface run-off and groundwater using a system of cut-off ditches, drainage channels and temporary sumps. The water will be pumped and/or drained to settlement ponds with storm water storage capacity, which will be permanently established on the periphery of the site. Storm water storage will be provided within the excavation area and in the drainage channels with the clean water being discharged either to groundwater or to one of three discharge points. The silt settlement "lagoons" will in part form permanent features of the restored site. These and associated wetland areas will be established to create additional surface water attenuation prior to discharge at pre-development greenfield run-off rates plus a 30% allowance for future climate change provisions.
- 6.16.7 The EA's modelling of current groundwater levels indicate these may be at a level of 80-85 AOD, whilst these are at a higher level than those within the submitted Hydrological Risk Assessment, it re-affirms that provided mineral extraction occurs above those levels, there would be no risk to groundwater. The EA note that the monitoring boreholes are planned to be installed later this year, which would be a regulatory requirement of the Environmental Permit prior to commencement of development. It appears likely that there will be no requirement for dewatering of groundwater based on the information provided to date. However, should this situation change as a result of the new monitoring boreholes and data collected then the applicant would be required to contact the EA.
- 6.16.8 The proposed surface water treatment areas, have been designed to assist in managing surface water flows throughout the operational life of the quarry and are to be retained as an integral part of the restoration scheme. The phased nature of the working and restoration proposals should minimise the surface area subject to disturbance at any one time.
- 6.16.9 The Environment Agency has confirmed that these and related drainage / hydrological issues are capable of being dealt with satisfactorily by appropriately worded planning conditions
- 6.16.10 The proposed development is located within Flood Zone 1 (low probability) based on EA 'indicative' Flood Zone map. The HIA confirms that all surface water would be properly managed to ensure there are no uncontrolled discharges from the site and no potential flood risk. The Council's Drainage Engineers confirm no objection to the proposal subject to imposition of conditions to secure on-site sediment control during both the operational

duration of the quarry and the reinstatement period, detailed drainage scheme for the quarry while it is under operation, including details on how the water supply to mineral processing plant will be achieved and details of the drainage restoration scheme.

6.16.11 The proposed site falls within proximity of two Water Framework Directive River Water bodies River Meese and Strine Brook, Section 5.3 of the submitted (HIA) assesses the potential impact upon the abovementioned water bodies. The EA advise that the development should not impact upon the ability of these water bodies achieving 'Good Status' by 2017 with options for betterment considered where viable.

6.16.12 In conclusion the proposed development would not give rise to any predicted adverse impacts to surface and groundwater.

## **6.17 Cultural Heritage**

### Archaeology

6.17.1 In light of the archaeological potential of the site, a program of archaeological investigation works was necessary to inform the application. An archaeological desk-based assessment, geophysical survey and a settings assessment were prepared to inform the fieldwork and results of this scheme of evaluation trenching and the planning application.

6.17.2 The archaeological desk based assessment report provides an overview of the state of archaeological knowledge about the site. The geophysical survey report indicated the presence of a previously unrecorded enclosure site near the north-western side of the proposed development site. It also suggested the presence of a number of other anomalies across the site which represented possible archaeological features. Subsequent archaeological field evaluation of the site proved the presence of archaeological features associated with the enclosure near the north western side of the site.

6.17.3 The state of preservation of the surviving features means that they are not of sufficient significance to merit preservation in situ, extraction could occur across the whole of the proposed development site subject to appropriate levels of archaeological mitigation being applied.

6.17.4 The Senior Archaeological Projects Officer recommends a condition to secure a phased programme of archaeological work, to comprise full excavation within the area of high archaeological interest and a strip, map and sample process within the other extraction areas.

~~6.17.5~~ 6.17.1 The proposal is therefore considered to comply with Saved Minerals Local Plan Policy M6 which requires that the impact on sites of archaeological interest have been fully taken into account.

## Historic Environment

~~6.17.66.17.2~~ In line with NPPF requirements (para 128) a Settings Impact Assessment was separately undertaken to determine the impact the proposed scheme may have on both designated and non-designated heritage assets including Listed Buildings, Scheduled Monuments, Conservation Areas and Registered Historic Parks and Gardens, within the wider study area of 5km.

~~6.17.76.17.3~~ The Setting Assessment found that there is some potential for indirect (visual) impact associated with the designated heritage assets of Pave Lane Iron Age Settlement, Woodcote Hall, Golden Gates, Pave Lane Farmhouse and Lilleshall Park and Garden, situated to the North West, West and South East of the proposed development and in the case of Pave Lane Farmhouse, by dust and noise. However the early establishment and subsequent management of the proposed additional woodland areas and the creation of the topsoil screening mound T4 along the South east boundary would mitigate the visual impact. Furthermore, it is considered that as these impacts will be neither permanent nor constitute harm to the significance of assets affected. Potential impact from dust and noise would be mitigated through operational site management procedures, this has already been covered above.

~~6.17.86.17.4~~ The site area does not directly impact on the fabric of historic structures in the area Pave Lane Farm to the north and the Woodcote Hall complex and church to the south, which are all Grade II Listed Buildings.

~~6.17.96.17.5~~ It is considered that given the separation of the above designated heritage assets, with the proposed screening and buffering proposed, the proposed phasing, operational areas and restoration plan will not constitute harm to the significance of designated heritage assets.

~~6.17.106.17.6~~ Similarly, the setting of the three non-designated heritage assets (Woodcote Park, The Marlpits and Properties on Childpit Lane), would likewise be mitigated through the early establishment and subsequent management of the proposed additional woodland areas and operational site management procedures.

~~6.17.116.17.7~~ The proposal is considered to comply with Saved Minerals Local Plan Policy M3 insofar as ensuring that no unacceptable adverse effect arises upon listed buildings, conservation areas or scheduled ancient monuments.

## **6.18 Lighting**

6.18.1 The Environmental Statement affirms that a majority of the site operations will be carried out during daylight hours. However, during the winter months there may be a requirement to have some artificial lighting around the weighbridge, wheel washing facility and processing plant site areas for health, safety and security purposes.

6.18.2 Such lighting will be concentrated down onto the immediate operational areas and, as far as practicable, not overspill into any outlying areas. The elevation

of the floodlights will be limited to a maximum 5m height. The intensity of lights will vary between 25 and 75 LUX, with the spread of light up to 30 metres. Light spillage to the rear of fixed units (i.e. those attached to the plant offices etc.) will be negligible and glare from lighting towers will be limited by shrouds. Up to two lights may be required for security purposes through the night time period, but such lights will be limited to LUX levels not exceeding 20 and in any event would be downwards facing.

6.18.3 A suitably worded condition to require the submission of a lighting plan, to be agreed by the local planning authority, should be constructed. It should also be made clear that any change to the lighting on site would require the re-submission of a lighting plan which would need to be agreed by the local planning authority.

## **6.19 Planning Obligations**

6.19.1 In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

6.19.2 The applicant (and landowner) has offered to enter into a planning obligation under a Section 106 Agreement to secure the following;

- HGV routing agreement
- Establish a Liaison Forum
- Extended aftercare of 15 years of all reinstated field headlands and permanent grassland
- Nature Conservation Management Plan for a period of 20 years
- Permissive bridleway to the west of the site adjacent to Greens Wood to be offered as a formal Public Right of Way
- Carrying out of highway works (outlined in paragraph 6.9.10)

## **6.20 The Planning Balance.**

6.20.1 As set out at the start of this decision a balancing exercise must be performed to weigh the benefits of the proposed Pave Lane application against that of Woodcote Wood, and likewise the benefits of the waste management facility against its disadvantages.

### Sustainable Development

### Socio-Economic Benefits

6.20.2 The National Planning Policy Framework at Paragraph 144 states that determining authorities “*should give great weight to the benefits of mineral extraction, including to the economy.*”

- 6.20.3 The submitted proposal is accompanied by a supporting Planning Statement and Environmental Statement which together consider potential impacts and mitigation in the context of planning policy at the national and local level and outline the benefits that the proposed development will deliver to both the countryside (in the conservation and improvement to the diversity of wildlife by protecting and re-establishing habitats) and the local economy. Amongst the benefits to the local economy, the proposed development will inject in the order of £2.3 million in capital investment; contribute circa £1.45 million annually on local services, maintenance, vehicle running costs, estate management, fuel etc; employ 42 full time employees with a combined annual wage bill of circa £1.29 million; and contribute circa £8.69 million to upstream and downstream activities.
- 6.20.4 Notwithstanding the economic benefits cited above, the fact remains that Woodcote Wood has already been analysed as serving the same market area for Sand and Gravel, in a site that is more preferable in locational terms. There is a strong possibility that this scheme would come forward in a shorter period of time, and would meet the need for Sand and Gravel provision with less impact than the scheme being considered at Pave Lane.
- 6.20.5 Furthermore, the applicant has not demonstrated the need for an Inert Landfill site, which as considered above, has to the potential to undermine the operation of a currently mothballed inert landfill site in New Acres, Granville, and landfill sites in adjacent authorities which rely on the same infilling material. This has the potential to undermine the operation of existing recycling plants.
- 6.20.6 The Council also maintain, that the extended period of infilling would delay the time to restore the site to best and most versatile agricultural land, which does not weigh in favour of this application, particularly when local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The adjacent Woodcote Wood application does not result in this scenario.
- 6.20.7 This application therefore fails to take into account the possibility of meeting the sand and gravel need by an alternative proposal, and insufficient justification has been provided about the rate of inert infilling.
- 6.20.8 The applicant operate a Community Trust Fund whereby local projects delivering improvements to public amenities and supporting nature conservation can be supported where they provide tangible community benefit. Any constituted charity or voluntary or community group within 5 miles of the quarry development at Pave Lane will be able to make an application for a specific community or environmental project. This social benefit is recognised. The proposal would also result in a long-term gain in respect of Definitive Map routes, which would be a benefit for all users of the rights of way network.

6.20.9 So therefore, whilst the stated benefits of mineral extraction to the economy are recognised, similar benefits would also be delivered by the Woodcote Wood scheme, and do not override other policies of the development plan.

## **Environmental**

6.20.10 It is considered that the scheme, as proposed, does achieve no net biodiversity loss and does not risk significant negative impacts upon protected or priority habitats or species. Further, the scheme does offer some modest enhancements of widespread habitats in the form of woodland creation and appropriate management, new hedgerows, pool and wet grassland creation in connection with site drainage proposals. The landowner will also provide a Nature Conservation Management Plan for land in their ownership, but outside of the application site. However, the habitat protection and enhancement measures offered do not constitute a 'significant environmental benefit' as a result of working the site and as required by the relevant local policies for least preferred sites and it is concluded that they are rather the minimum requirement for protection and enhancement of biodiversity as set out within NPPF and other relevant local plan policies. Sand and Gravel quarry sites have been demonstrated nationally, through sensitive restoration for biodiversity and appropriate long term management, to be capable of providing excellent ranges and extents of notable habitats and of supporting significant assemblages of species particularly overwintering and breeding wetland birds. An example of best practice restoration for biodiversity can be seen within the West Midlands at RSPB Middleton Lakes and nationally a host of example sites exist.

## **7. CONCLUSION**

- 7.1 Whilst the stated benefits of mineral extraction to the economy are recognised, similar benefits would also be delivered by the Woodcote Wood scheme, and do not override other policies of the development plan.
- 7.2 The proposal would not unduly affect the character or appearance of the area. The proposed development would not have an unacceptable adverse effect on the living conditions of neighbouring residents, with the exception of some disturbance at times from HGVs. It would not significantly increase the risk to those using the local road network. The scheme would beneficially facilitate the processing and the recycling of construction, demolition and excavation (CD&E) waste. It would also contribute to the local economy
- 7.3 However, Woodcote Wood remains a preferred site in the Minerals Local Plan, and the Council consider that this is entirely deliverable, and is therefore justifiably contained in the 17 year sand and gravel land bank, which more than adequately exceeds the minimum of 7 years required by the NPPF and other relevant policy guidance. This is an important issue which weighs heavily against the proposal.
- 7.4 In the absence of evidence to indicate otherwise, it is considered that infilling with inert CD&E waste would be a disposal operation which would not drive

waste management up the hierarchy. Given the large volumes required to fill the site and no specific breakdown for the recycling operation, the evidence adduced does not demonstrate that the application would be a sustainable waste management operation. This is a consideration which also weighs heavily against the proposal.

- 7.5 The scheme, as proposed, is contrary to Minerals Local Plan Saved Policy M15: Sand and Gravel Working Outside the Allocated Sites and Preferred Area. It also fails to demonstrate that there is a need for this least preferred site (according to the Entec 2010 report), does not demonstrate that the site is preferable to the allocated sites (in MLP Policy M14) and does not deliver the 'significant environmental benefits' required by this policy when bringing forward least preferred sites identified in the Plan. It should be noted in or alongside this refusal reason that the justification of need and the need for 'significant environmental benefits' remain requirements for new sites under Policies ER4 and ER6 (as proposed to be modified) of the Submission Version of the Telford & Wrekin Local Plan.
- 7.6 Policy M15 relates to proposals for new sites outside sands and gravel sites identified within the Plan and the requirement that any proposals for those sites must demonstrate that one or more 'exceptional circumstances' apply to the site. Part (i) of the policy relates to need and it is not accepted that there is a need for this site, parts (ii) and (iii) do not apply to the proposal and part (iv) of the policy requires that the site is significantly more acceptable overall than the allocated sites and would offer significant environmental benefits.
- 7.7 Taking all these considerations into account, overall it is concluded that the benefits of the scheme would not be sufficient to outweigh the harm that would result. Therefore the planning balance weighs against the proposal.
- 7.8 The applicant has failed to satisfactorily demonstrate that Pave Lane is a better overall than the preferred site of Woodcote Wood, for the following reasons;
- Woodcote Wood and Pave Lane serve the same market
  - Woodcote Wood is deliverable
  - Longer operational period than that proposed at Woodcote Wood
  - The incorporation of both recycling and inert landfill, incorporate additional elements that have the potential to cause more disturbance than just the mineral extraction.
  - Disincentive to recycling efforts due to pressure for landfill to achieve beneficial restoration in required timescale
  - Closer proximity to neighbouring residents
  - Less well screened without forming bunding and land reforming
- 7.9 The harm caused by the release of this site, not least by the possibility of concurrent working with Woodcote Wood, lack of infilling within timescales suggested and therefore prolonged potential harm to residents in close proximity, are not outweighed by the benefits of this proposal.

- 7.10 The proposal does not accord with the advice in National Planning Policy for Waste about sustainable waste management and breaking the link between economic growth and the environmental impact of waste by moving the management of waste up the waste hierarchy of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort. This proposal would not help deliver sustainable development through driving waste management up the waste hierarchy, which is a key objective of National Planning Policy for Waste.
- 7.11 The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including moving from a net loss of biodiversity to achieving net gains for nature, and improving the conditions in which people live, work, travel and take leisure. The proposed development would not represent sustainable development to which the presumption in favour set out in the NPPF would apply. National policies, when read as a whole, do not support the proposal. The emerging Telford and Wrekin Local Plan does not foreshadow any changes to national policy that would indicate a different finding.

## 8. RECOMMENDATION

8.1 Based on the conclusions above, the recommendation to the Planning Committee is that, had an appeal against non-determination not been lodged, that:

A) **PLANNING PERMISSION** would have been **REFUSED** for the following reasons;

1. There is no need for the mineral. Contrary to Policies M15 of the Shropshire and Telford & Wrekin Minerals Local Plan and ER4 of the Telford & Wrekin Local Plan. The Shropshire and Telford & Wrekin Sand & Gravel landbank adequately exceeds the minimum of 7 years required by the NPPF and Planning Practice Guidance. As a result, the proposal would result in an uncontrolled oversupply of minerals provision.
2. The Environmental information submitted with the application does not demonstrate that the site is significantly more acceptable overall than the allocated sites or the preferred area outlined in the Shropshire and Telford & Wrekin Minerals Local Plan, particularly Woodcote Wood which has fewer environmental impacts, a shorter operational period, limited visual impact, less impact on residential amenity and fewer HGV movements. Nor would it offer significant environmental benefits. As such it would have significant harmful effects on the countryside. As such, it would conflict with saved policies M14 and M15 of the Shropshire and Telford & Wrekin Minerals Local Plan; and Policies SP3, SP4, ER4 and ER6 of the Telford & Wrekin Local Plan (Submission Version) and national planning policy.

~~3.1.~~ The need for the waste facility as an additional landfill site has not been established and any purported benefits arising from the proposal are significantly outweighed by the loss of best and most versatile agricultural

land. As such, the proposal is contrary to Policy ER7 in the Telford & Wrekin Local Plan (Submission Version) and national planning policy.

4.2. The potential cumulative impact of working both the Woodcote Wood and Pave Lane sites concurrently is not considered sustainable and is contrary to national guidance (para 144 NPPF), policy ER6 of the Telford & Wrekin Local Plan (Submission Version) and saved policy M3 of the Shropshire and Telford & Wrekin Minerals Local Plan and national planning policy.

- A) In order to give officers flexibility during this appeal, that the Development Management Service Delivery Manager or any other officer authorised by him, be authorised to add to, change or amend the refusal reasons.
- B) For the purposes of the appeal only that we have authority to enter into an obligation under section 106 of the 1990 Act to secure the necessary obligations from the applicant in the event that the appeal is allowed.

## TECHNICAL APPENDICES

### APPENDIX 1: Development Plan policies

#### Saved Wrekin Local Plan policy:

##### OL11 – Woodland and Trees

Seek to retain and enhance the contribution that trees and woodland, (especially areas of ancient woodland) make to the landscape character of the District.

#### Core Strategy

##### CS2 – Jobs

Supports delivery of jobs to meet employment needs of growing population

##### CS12 – Natural Environment

The natural environment of the Borough will be protected and enhanced.

Biodiversity, including habitats, and geodiversity will be protected from development, enhanced in line local biodiversity targets and objectives.

##### CS13 – Environmental Resources

The environmental resources of the Borough will be used with prudence within environmental limits. Resist development if satisfactory mitigation not achieved.

##### CS14 – Cultural, Historic and Built Environment

Protect and enhance the Borough's existing, unique built and cultural assets and to deliver new development to support a rich cultural fabric.

#### Shropshire and Telford & Wrekin Minerals Local Plan, 1996-2006 (Joint MLP)

Still in force within the Borough of Telford & Wrekin but has been superseded by later development plan documents in the adjoining Shropshire Council.,

##### Saved Policy M1

A more sustainable approach to mineral development, protecting communities, amenities and environment, incorporating sensitive working practices and conserving minerals.

##### Saved Policy M2 The Need for Minerals

Account will be taken of the need for the mineral.

##### Saved Policy M3 Development Control Considerations

Account will be taken of the effect of the proposals on settlements/property, sensitive sites and species, the countryside and rural economy, the transport network, water resources, best and most versatile agricultural land, any cumulative impact arising from past, present and future working, derelict/contaminated land, stability, rights of way and public access.

##### Saved Policy M4 Operational Considerations

Account will be taken of phasing / working proposals, ancillary uses, site access and traffic, reclamation / afteruse and measures to protect people and the environment from adverse effects.

##### Saved Policy M6 Protecting Archaeological Remains

Take account of impact on sites of archaeological interest

##### Saved Policy M7 Benefits of the Countryside and the Local Economy

All applications relating to mineral development, including the reclamation and after-use of mineral sites, consideration will be given to any benefits of the proposal upon the countryside and the local economy.

##### Saved Policy M8 Planning Obligations

Use of Planning Obligations (meeting relevant tests) in order to overcome any unacceptably adverse effects of the proposed development and to secure the terms of agreement, or undertaking, to mitigate these adverse effects.

#### Saved Policy M10 Ancillary Development

Seeks to Projects should include satisfactory measures to minimise any unacceptably adverse effects associated with ancillary development (for example to process and stockpile minerals).

#### Saved Policy M11 Transport of Minerals

Measures will be taken to protect people and the environment from any adverse effects of transporting minerals

Saved Policy M14 states: 'The Future Working of Sand and Gravel' states that: "The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted resources and then from the development of new workings within the following allocated sites and preferred areas:-

#### The First Phase Allocated Sites:

- i) Wood Lane deepening, near Ellesmere.
- ii) Tern Hill extension, near Market Drayton.

#### The Second Phase Allocated Site:

- iii) Barnsley Lane, near Bridgnorth.

#### The Third Phase Preferred Area;

- iv) Woodcote Wood, near Sherrifhales.

Planning permission has subsequently been granted for both first phase sites by Shropshire Council. Whilst resolutions to grant planning permission for the phase two or three sites have been determined, but neither has yet been issued.

Woodcote Wood, the Third Phase site, is a cross boundary site between Shropshire (94% of the area) and Telford & Wrekin (6% of the application area). Since the majority of the site lies within Shropshire, the former county council determined a planning application for the 'Construction of access to the B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site and related highway works to the B4379 and A41' at Woodcote Wood in 2006.

As a cross boundary site the Woodcote Wood application was also registered with Telford & Wrekin Council, and the Plans Board on 19<sup>th</sup> July 2006 recommended to Shropshire County Council that subject to the completion of a Section 106 Agreement covering many issues, to grant a conditional planning permission.

Subsequently, Shropshire County Council Planning Committee on 25<sup>th</sup> July, 2006 resolved subject to the signing of a Section 106 Agreement to grant a conditioned planning permission. This has not yet been issued.

Saved Policy M15 Sand and Gravel Working outside the allocated Sites and Preferred Area.

"The supply of sand and gravel during the Plan period should be provided from existing permitted reserves and the areas referred to in Policy M14. Proposals for sand and gravel outside these areas will therefore only be granted planning permission if one or more of the following exceptional circumstances apply:

- i. where the need for the mineral outweighs the material planning objections (Policy M2);
- ii. working would prevent the sterilization of the resource (Policy M29);
- iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions; and/or,

iv.i. the site might be significantly more acceptable overall than the allocated sites or the preferred area, and would offer significant environmental benefits.

#### M17 Secondary Aggregates

Support supply and use of secondary aggregate material insofar as they conserve primary aggregates, reduce the requirement for the disposal of waste material and reclaim despoiled land, bringing it into beneficial use.

#### M27 (Reclamation and After-use) ]

Planning applications for mineral working should incorporate satisfactory schemes for restoration and after-use including ensuring that the scheme is practical and achievable.

#### M29 Safeguarding Mineral Resources

##### 7.1 Telford & Wrekin Local Plan (Submission Version) 2016:

The Telford & Wrekin Local Plan has been submitted to the Planning Inspectorate for examination in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and is currently the subject of an Independent Examination. Weight should now be given to the Local Plan policies in accordance with paragraph 216 of the NPPF because they have been prepared on the basis of up to date evidence and the Council consider them to be sound.

##### NE1 – Biodiversity and geodiversity

Biodiversity and geodiversity assets will be protected, maintained and enhanced. Protected sites and species will be afforded the highest level of protection. The Council will seek positive improvements to the quality of the natural environment through sustainable development which will result in net gains for biodiversity across the borough.

##### NE2 – Trees, hedgerows and woodlands

Expectation that existing trees, hedgerows and woodland with biodiversity value, visual amenity value and landscape value to be retained, protected and appropriately managed. Aged and veteran trees, ancient woodland and Important Hedgerows will be valued and protected.

##### C3 – Impact of Development on Highways

All development required to mitigate site specific highway issues.

##### BE7 – Parks and gardens of historic interest

Borough's historic parks and gardens, their associated features and settings are preserved and enhanced.

##### BE8 - Archaeology and scheduled ancient monuments

The Council will protect scheduled ancient monuments, other sites of international, national, regional or particular local archaeological importance and their settings. Will require development proposals to be accompanied by an assessment of the site's archaeological features, where archaeological remains are known to exist.

##### ER4 - Sand and gravel resources

The Council will support proposals for new sand and gravel sites if one or more of the following circumstances apply:

- i. The need for the mineral outweighs the material planning objections (Policy ER6);
- ii. Working would prevent the sterilisation of the resource; and/or
- iii. Significant environmental benefits would be obtained.

Proposals for a new sand and gravel quarry should demonstrate they are environmentally acceptable to work and be consistent with Policy ER 6 and other relevant plan policies.

#### ER6 – Mineral Development

Account will be taken of the effect of the proposals, including cumulative impacts with other development upon, local amenity, quality and quantity of water within water courses, groundwater and surface water, drainage systems, the soil resource from the best and most versatile agricultural land, farming, horticulture and forestry, safety and capacity of the road network, Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities, the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness, Land stability, the natural and geological environment (including biodiversity and ecological conditions for habitats and species); and the historic environment including heritage and archaeological assets.

#### ER7 – Waste Management Facilities

The Council will assess applications for and affecting waste management facilities against the following criteria:

*i. Whether they add value to and help deliver on the principles of the circular waste economy (re-use, repair, recycle, compost) by moving waste further up the waste hierarchy;*

*iii. New facilities should be designed and operated in a way that will help increase rates of recycling, create new employment opportunities, minimise the impact of the facility on the local environment and positively contribute to the local community;*

*v. New landfill (or land raise) sites or extensions to existing landfill sites will only be considered where there is an established need and provision will only be made for waste that cannot practicably be recycled, composted or recovered.*

#### ER12 – Flood Risk Management

Sets out the council's expectations for effective on-site management of surface water to improve water quality, water conservation and groundwater management with regard to new developments to reduce instances of flooding

## **APPENDIX 2: Local Council representations**

### **7.2 Chetwynd and Woodcote Parish Council (CAWPC): Object on following summarised grounds:**

- The site does not have direct access onto the A41, it uses Pave Lane to access the site.
- Pave Lane/A41 junction dangerous to the volume and speed of traffic, A41 several fatal accidents.
- Additional 240 daily HGV vehicle movements will exacerbate this.
- Increase congestion for vehicles on Pave Lane waiting to access the A41.
- Heavily laden HGVs pull out onto the fast flowing A41 their slow speed could also result in serious collisions.
- Mick George would not be able to restrict HGV movements of other contractors/vehicles using the quarry, hence quarry traffic will also use Pave Lane as an alternative route, passing through a predominantly residential area. Already busy with traffic using it to access Newport, the National Sports centre, The Fox, The Norwood, and Wheatsheaf pubs.
- Long operational hours which would have a negative impact on local residents with the associated noise and traffic movements that will be created
- Noise, dust, debris and light will have a considerable impact on local residents, the environment, and local businesses, which are located extremely close to the proposed site.
- Lighting pollution
- Harm to elderly nursing home situated on the boundary of the proposal, will pose a negative impact to this rural business and local employer.
- Concerned about the proposal to have a facility to produce ready mix concrete on site, turn from greenfield into an industrial site. Increased dust this process will create and what will be its operating hours.
- Question the type of imported inert material, is there ample supply and where this would come from. Create increased HGV movements.
- Concern about storage of hard core and concrete being recycled to create secondary aggregate. Add further to the amount of dust and noise created by the quarry. If not enough inert material can be found locally to reinstate the site what other material will be used?
- Woodcote Wood has already been granted planning permission for sand and gravel extraction...no need for the proposed Pave Lane quarry.
- There is well in excess of 20 year's supply of sand and gravel from the existing quarries in Shropshire. The Telford & Wrekin Local Plan states there is no need for the plan to identify additional sites since Shropshire Council has indicated that supply can be met up to 2031.
- Shropshire Council has recently recommended a 7 year extension to an existing quarry based in Ellesmere which has immediately created an additional 0.6 million tonnes of sand and gravel locally.
- The Telford & Wrekin Council Local Plan also states the following points with regard to the proposed quarry site at Pave Lane - would

have a detrimental impact on the environment and the quality of life of residents and people using local business. Pave Lane site was classed as 'least preferred' and should only be considered if one or more of the unworked sites fail to come forward. The site has significant serious environmental constraints which include Woodcote Hall, the site will be visible from Staffordshire and access onto the A41.

- Proposed quarry, due to the exposed land and HGV access would increase road.soil erosion onto Pave Lane/Pitchcroft Lane.
- The proposed site also has significant historical interest. It is well documented that Henry VII marched from Wales via Muster Hill (the centre of the proposed quarry) to the Battle of Bosworth in 1485. This means that the site could contain significant historical artefacts.
- Impact on Listed Buildings.
- Historic Woodcote Church recorded in the 1086 Domesday Book. Immediately adjacent to the proposed site "The Croft" Pave Lane there is an enclosed Iron Age Farmstead which is scheduled under the Ancient Monuments and Archaeological Areas Act 1979.
- The land situated within/adjacent the proposal boundary is a diverse habitat and is home for a large amount of wildlife including great crested newts, bats, badgers, song birds and birds of prey. Quarry will destroy and remove this habitat completely which will have a detrimental effect on the environment.
- Has Great Crested Newt Survey been completed by the applicant.
- Green Wood immediately adjacent to the proposal boundary is classified as ancient woodland, would be affected.
- The application states "*there will be planting of new broadleaved woodland areas to provide a visual screen and the proposed operations are generally remote and well screened from residential dwellings*". Unfortunately the trees have yet to be planted and will not have time to mature in order to create a visual screen to the application. No benefit to the area and will remain an eye sore.
- Residents living in Child Pitt will be overlooking the proposed site despite the proposed screening due to land elevation.
- The land included in the proposal is high quality agricultural land would be removed from use for a minimum period of 20 years during the excavation and reinstatement period. This is a considerable length of time that crops could not be grown on the land. Indeed when the land is reinstated it would be many more years before the land could even be capable of growing arable crops again.
- Chetwynd Aston & Woodcote is a small rural hamlet, and quarry and landfill site would have a detrimental impact on the structure and dynamic of this village and surrounding areas.

### 7.3 Newport Town Council: Object

- Sufficient aggregate available without the need for a new quarry.
- The very nature of quarrying is detrimental the environment (flora and fauna, produces much dust and detritus causing adverse effects on the existing neighbourhood environs and surrounding hinterlands)

- Significantly increase the volume (and size) of traffic in and around the area. The A41 is a major road that currently sees excessive tail backs due to HGV and farming traffic vehicles.
- The route from the south of Newport in the direction of Shrewsbury is often accessed by large vehicles via the High Street which is barely suitable for such traffic, more of the same is likely to cause frustration to motorists, increase the risks to public safety and after a while have a knock on effect on the local economy.
- Creation of jobs proposed while real is unlikely to have any positive effect on the local employment situation, as significant number of them will be transport jobs.
- Loss of historic areas such as Muster Hill so an archaeological dig would be important.

#### 7.4 Church Aston Parish Council: Object

- Site is outside of the Church Aston Parish, but is sufficiently close for a proposal of this type to be of interest and concern.
- Understands T&WC policy position in respect of applications for extraction of sand & gravel is that current and immediate future needs are met by existing operational sites and/or planning approvals.
- Oppose the application on the grounds that it is premature in that there is no need for additional approvals of this kind until such time as there is an identified need.
- Number and type of vehicular movements, safe access/egress to and from the site with particular concern about vehicle movements between Pave Lane and the A41 (and vice versa).
- Visual intrusion that such a development would have on local amenity, protection of public rights of way, and environmental impact of such a development in terms of noise and dust.

## **APPENDIX 3: Detailed Ecology and Biodiversity comments**

**8<sup>th</sup> July 2016**

- 7.5 **The Planning Ecologist** comments that the detailed surveys for great crested newts and badgers are missing from the application but the results and recommendations are summarised in the Ecological Assessment which I have used to make this response.

### Habitats

- 7.6 The site comprises 51.6ha of intensive arable fields with some semi-improved grassland margins. There are boundary hedgerows, some mature trees and an agricultural reservoir according to the Ecological Assessment by FPCR. There are woodlands on some site boundaries including Greens Wood Ancient Replanted Woodland.

### Hedgerows

- 7.7 There are two hedgerows on the site H1 and H4 which are 'Important' under the Hedgerow Regulations (1997). H3, H8 and H10 are High Conservation Value under the HEGS assessment system but would be retained. FPCR state that H1, H3, H4 and H8 will be retained where possible and this appears to be broadly achievable within the proposed working plan. There would be no removal of mature trees as a result of the proposal.
- 7.8 The applicant states that 1.85km of new hedgerow planting and over 7ha of new woodland planting would be provided in the long term.

### Woodland

- 7.9 There is an Ancient Replanted Woodland site at Greens Wood on the north west site boundary which is registered on the Ancient and Semi-natural Woodland Inventory. The application states that there would be a 15m wide standoff between the working area and the boundary with this woodland to protect the woodland site from impacts. This will be sufficient to protect this woodland from impacts during the working phases of the proposal.
- 7.10 Other woodlands occur on the site boundaries and have biodiversity value. These should also be protected by a 15m buffer to prevent impacts upon them but the application gives no indication that any buffers would be established to protect those wooded boundaries.

### Badger

- 7.11 There is a single outlier badger sett on the site which is occasionally used. FPCR state that there would need to be a pre-commencement inspection survey of this sett, that it is likely that the sett would need to be closed under the licence and that repeated badger surveys would be required in advance of each new phase of mineral extraction. These measures should be secured by condition if permission is to be granted.

## Bats

- 7.12 No bat roost locations were identified by FPCR on the site and although some trees were identified with some (low) bat roosting potential none would be affected by the proposed working of the site. Low levels of bat activity were associated with the hedgerows, woodland edges and the reservoir with an assemblage of common bat species present for foraging and commuting.
- 7.13 Some winter evening lighting would be required to allow safe site working. This is specified as being between 25 and 75 lux in operational areas of the site. This requirement would need to be tied into a wider lighting proposal and would need to be covered by a suitable planning condition. Additionally FPCR recommend that a pre-commencement check of trees is carried out prior to site clearance of each working phase and that bat boxes should be provided as part of the biodiversity enhancement scheme. These measures should be secured by condition if permission is to be granted.

## Breeding Bird

- 7.14 A total of 53 bird species were recorded on the site including 15 confirmed breeding and 4 more probably breeding including skylark. Additionally 37 bird species were recorded during winter surveys. The site is assessed as being of moderate value for breeding birds and local value for wintering birds.
- 7.15 The Environmental Statement says that the aftercare management of the site would provide opportunities for Skylark and other farmland birds but this would only be the case during the 5 year aftercare period during which restoration to herb rich grassland is proposed. At the end of that period the site would be returned to arable cultivation when suitable habitat would be lost. This cannot be viewed as a biodiversity enhancement since it is not secured in the long term. In the long term, suitable habitats for a number of farmland bird species particularly Skylark is likely to decline as a result of the proposed development and associated restoration proposals.
- 7.16 FPCR recommend measures to avoid impacting on nesting birds and regular re-assessments as the site phases are worked which would need to be secured through an appropriate condition if permission were to be granted.

## Great Crested Newts

- 7.17 Great crested newts were shown to be present in ponds within 500m of the site during surveys by FPCR during 2015.
- 7.18 FPCR propose that the site can be worked without impact upon great crested newts even though they are known to be present in nearby ponds and even though there are some habitats on site which have potential to support foraging and hibernating individuals,. FPCR state that at over 100m newts are unlikely to be present.

- 7.19 I am satisfied that newts from ponds around 400m from the site and not well connected by suitable habitat links are reasonably unlikely to be present on the site. The pond in Greens Wood, holds a low population of great crested newts and is within 170m of the site. FPCR state in one section of their report that it is unlikely that newts from this population would be present on the site due to the separation distance and the lack of suitable habitats on the site. Later, however, they state that 'prior to the creation of habitat, amphibian fence will be installed to prevent colonisation by newts' and that 'the layout of this fencing shall ensure that it does not obstruct access by newts to regularly used habitats.' Given the proposal for amphibian fencing on the site, which is ordinarily only used under a European Protected Species Mitigation Licence from Natural England and only where newts are thought likely to be present, FPCR fail to be convincing in making a case for a non-licensable approach on the site.
- 7.20 The Pond in Greens Wood is within 200m of the site and the Natural England Rapid Risk Assessment comes out at amber. This outcome would indicate that in the majority of cases a European Protected Species Mitigation Licence would be required. There are suitable habitats around the reservoir and in the hedgerows around the site for terrestrial newts. Additionally, suitable habitats will be created in these areas of the site through the creation of soil bunds ideal for amphibian hibernation and through the planting of broadleaved woodland habitats which could potentially provide refuge opportunities in close proximity to site workings. Soil heaps created in these early phases would need to be disturbed again during site restoration which could be interrupted if newts are found to be present on the site.
- 7.21 Given the scale of the works proposed on the site, the multiple phases and the long timescale I am not convinced that a non-licensed approach is sufficient to control the remaining risk of newts being present on the site and affected by the proposed works. A detailed proposed set of Reasonable Avoidance Measures has not been provided and there is no proposal for repeated surveys in advance of later phases. The current level of detail contained within the planning application is not sufficient to convince me that the works can occur without impacting upon great crested newts which are a European Protected Species.

#### Reptiles

- 7.22 The site has low potential for reptiles to be present and no further survey for reptiles are required.

#### Otter and Water Vole

- 7.23 There was no evidence of either of these species on the site and the habitats present are sub-optimal and poorly connected.

## Brown Hare

- 7.24 Brown Hare was recorded to be present on the site in 2015 and is a Species of Principal Importance for Nature Conservation under Section 41 of the Natural Environment and Rural Communities Act (2006). There are no measures to ensure the protection of this species within the application and the needs of this species do not appear to be considered within the restoration proposals.

## Offsite Habitat (Woodland) Management Works

- 7.25 The scheme proposes appropriate management of some offsite woodland areas (8 existing woodland areas) which would be managed through a Nature Conservation Management Plan which is provided with the application. The Nature Conservation Management Plan (NCMP) covers a minimum period of 5 years and in its current form provides some initial intervention on each of the 8 sites but does not secure a long term approach to maintaining and managing these habitats beyond the working of the site. The NCPM states 'In accordance with the management and maintenance plan, this NCMP is intended to cover a minimum five year period. This will commence during the first year of the proposed mineral extraction and shall be reviewed on a rolling five year programme until active extraction ceases, i.e. estimated 15 years. On cessation of mineral extraction, the Plan will be reviewed and a work programme agreed to ensure that the variety of habitats remain and do not deteriorate'. It is not clear what mechanism would secure the proposed revisions and ongoing work programme and how this could be secured against any planning permission.
- 7.26 These proposed works appear broadly positive and could comprise a small part of the wider scheme of biodiversity gains which I would expect to accompany a scheme of this scale. I would not want to ensure that the works set out in the Nature Conservation Management Plan by FPCR (may 2016 Rev A) are broadened and lengthened in scope, that the revision periods and ongoing management were set out and that the programme could be secured in the long term. The proposed works are outside of the red line of the planning application but still within the applicant's ownership – given that a Section 106 agreement is not an appropriate legal agreement in this case. I would welcome guidance from the planning officer on the best form of legal agreement/planning obligation to secure these works.

## Restoration Proposals

- 7.27 The Environmental Statement (paragraph 5.1.10) says 'As part of the overall aftercare management plan which will ultimately see the land restored to a productive arable use, it is proposed that the newly restored areas will initially be managed as herb rich grasslands which will provide valuable foraging and nesting sites for a wider range of farmland birds. Birds such as Skylark and Corn Bunting will benefit from this provision.' Much is made in the statement of the potential of this resource to provide nesting opportunities for wild birds including declining species. This biodiversity enhancement, however, is not

offered on a permanent basis and the Environmental Statement is clear that these herb rich grassland areas would be returned to arable cultivation following the completion of working and the five year aftercare period. The cost and work required to create herb rich grasslands on the site seems wasted if it is shortly to be returned to arable cultivation following the completion of working and the five year aftercare period. The cost and work required to create herb rich grasslands on the site seems wasted if it is shortly to be returned to arable cultivation and any biodiversity gain would be lost. This cannot be seen to contribute to a net biodiversity gain for the site in the long term.

- 7.28 Section 5.2 of the Environment Statement makes it clear that what is being offered in the long term is restoration to arable cultivation with conservation headlands which are proposed to be managed through selective herbicide use. Once this land passes out of aftercare back into productive agriculture the minimal biodiversity value of the conservation headlands may not be maintained in close proximity to commercial agricultural practice. There would not be a legal process in place to ensure any retained biodiversity value in this habitat.
- 7.29 There are acknowledged populations of deer and rabbits on the site which potentially cause issues with establishing new hedgerow, tree and woodland planting. Newly created hedgerows and woodland blocks on the site may need to be protected by fencing as well as tree/whip guards. Fencing would also help to protect new hedgerow planting from the impacts of ploughing once arable practice is restarted on the site. Again, I am concerned that there is no legal process by which the modest biodiversity value offered here could be secured in the long term.
- 7.30 The Environmental Statement includes section 5.3 on the translocation of hedgerow. I would note that where translocations fail within the 15 year operational period I would expect additional new hedgerow planting to be undertaken.
- 7.31 The restoration scheme as proposed includes the creation of woodland and wet woodland blocks and a small number of water bodies intended to provide both biodiversity benefit and water management functions. I support the creation of wetland features and additional woodland planting within the restoration scheme but am disappointed by the small scale of the features proposed given the size of the site. These features comprise the biodiversity benefits which are being offered in the long term since most of the other features offered including the species rich grassland will be lost once the aftercare period finishes and the land re-enters arable cultivation.

#### Long Term Habitat Management Plan

- 7.32 The application currently contains no long term habitat management proposals and it appears that the appropriate management of any habitats managed or created as part of the scheme would expire at the end of the five year aftercare period. As such it cannot be said that the limited biodiversity

benefits on offer are secure in the long term. I would ordinarily expect a habitat management plan to be submitted alongside an application of this scale and to cover a period of at least 20 years following the completion of restoration.

- 7.33 Shropshire and Telford & Wrekin Minerals Local Plan (1996-2006) of which there are saved policies still relevant to Telford & Wrekin makes reference to the level of environmental gain expected as a result of working of sand and gravel sites. Policy M15 particularly applies to this site at Pave Lane which is a least preferred site within the Minerals Local Plan.
- 7.34 M15 states that the granting of planning permission outside of the preferred sites within Policy M14 should only occur in limited circumstances including where 'iii. Significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions; and/or, iv. The site might be significantly more acceptable overall than the allocated sites or the preferred area, and would offer significant environmental benefits'.
- 7.35 As I have set out the current proposal includes limited biodiversity benefits many of which are not secure in the long term and/or are intentionally limited to the short term 5 year aftercare period. It cannot be seen that the proposed satisfies criteria iii or iv within policy M15 of the Minerals Local Plan.

#### Habitat Regulation Assessment

- 7.36 Since the proposed development is within 10km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 it must be considered under the Habitat Regulation Assessment (HRA) process. An HRA Screening Matrix has been completed for the site and has concluded that there is no likely significant effect on a European Site as a result of the proposed development. There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

The completed HRA screening matrix should be included within the Planning Officer's site report.

#### **Further Ecology Comments (24 August 2016)**

Dear Vijay,

I have been provided with the comments from FPCR dated 26<sup>th</sup> July 2016 and John Gough at Mick George dated 26<sup>th</sup> July 2016 which relate to points I raised in my original response to the proposal on 8<sup>th</sup> July 2016.

I have some further comments to make in response to the correspondence from the applicant and their ecologist which is contained within this response. I would welcome your guidance going forward from here regarding the need for further ecological comments for your report.

#### **Great Crested Newts**

I welcome the clarification provided by Mick George and their ecologists at FPCR relating to my concerns on appropriate protection of great crested newts on the site. Based on the clarifying information provided I am satisfied that it would be possible to work the site under a non-licensable approach. This approach would be acceptable provided that suitable on-site ecological supervision and reasonable avoidance measures are followed, that the applicant accepts small remaining risk associated with discovery of great crested newts on the site and provided that the approach to great crested newt mitigation is reviewed prior to the start of excavation of each new phases of the project. In all likelihood regular updating of the survey information would be required along with ongoing ecological input throughout the working life of the quarry. Provided that the applicant is happy to accept some suitably worded conditions relating to submission of a reasonable avoidance measures method statement and review of approach prior to the excavation of each new phase I am satisfied that the risk of an offence is minimal.

I note the proposal by FPCR that any Temporary Amphibian Fencing which may need to be installed on the site during the working life of the quarry could be cut off at ground level following the restoration of the site. While I am aware that this is an approach which has been used on some sites it would be preferable for TAF fences on the site to be well installed and maintained to avoid the potential for refugia areas to be created and to ensure that the fences can be safely removed without a licence at the end of their required function.

### **Conservation Headlands**

Mick George, in paragraphs 5 and 6 of their letter, refer to my comments on conservation headlands. I do recognise the potential for well managed conservation headlands to provide significant biodiversity benefits within the farmed landscape and to have habitat value for invertebrates and farmland birds. The concern I expressed in my response is whether there is any mechanism within the planning system to control the retention, maintenance or appropriate management of conservation headlands in the long term and therefore to consider them a biodiversity gain as a result of the proposed development. The future management of these habitats outside of the aftercare period, and therefore the benefits they can bring, would appear to be within the control of the land manager and not within the planning system.

### **Brown Hare**

I accept the comments of Mick George relating to protection of brown hare on the site and have no further requirements with relation to this species.

### **Best and Most Versatile Agricultural Land**

There remains a lack of clarity on the issue of best and most versatile agricultural land from the documents submitted to support the planning application. Within their response to my comments Mick George (paragraph 10) state that 'there is a very clear commitment to reinstate' all best and most versatile agricultural land. Yet the clear statement in paragraph 3.9.11 of the Environmental Statement which raised my original concern is that the proposed soil management methodology for the site will

'enable the land to be readily restored to sub-grade 3b agricultural quality land.' Sub-grade 3b is not included in the definition of best and most versatile agricultural land. Other references in the documentation talk of restoration to 'acceptable' quality or 'similar quality' but this specific reference to sub-grade 3b remains.

I leave this issue with you to resolve as part of your balance of material considerations.

### **Nature Conservation Management Plan**

My understanding that the NCMP covered only 'a minimum period of 5 years' came directly from the FPCR NCMP in paragraph 4.8. I am pleased by the assertion by Mick George that the appropriate management of offsite woodlands is proposed on a longer term period than this and can be secured over a 20 year period. This would be desirable from an ecological point of view and I leave it to you, Vijay, to agree a suitable legal mechanism for securing these long term offsite enhancement works.

### **Restoration**

Mick George raise, in paragraph 15 of their letter, the concern that my response was 'over critical of the proposal to establish grassland within the arable fields.' I appreciate that this proposal is intended to be part of the process to achieve phased restoration of the site and to re-establish the reinstated soils on the site in the short term. Given the short term nature of this proposal it cannot be included as a long term biodiversity gain within our consideration of the application but I appreciate that it has short term benefits. I am aware that finding appropriate grazing stock for grazing management of species rich grassland locally can be challenging.

Mick George state in paragraph 18 of their response that they feel that the correct balance between biodiversity and agricultural value in restoration. I appreciate that the scheme seeks to strike a balance between restoration of best and most versatile agricultural land and biodiversity value and I have appreciated that the restoration proposal does include the change of some 18.3ha of land to non-agricultural use or biodiversity value over varying timescales and that an increase in 72% of hedgerow length is proposed I would again make reference to policy M15 in the Shropshire and Telford & Wrekin Minerals Local Plan (1996 – 2006) which remains relevant. It is my professional opinion that the proposed scheme for this site, which is identified as a least preferred site within the Minerals Local Plan, does not currently offer the 'significant environmental benefits' which would be required to make the proposal acceptable in terms of Policies M14 and M15.

### **Final Ecology Comments including conditions and informatives 13 October 2016**

#### **Reasons for Refusal**

I recommend that there should be one additional reason for refusal listed on the decision notice (or incorporated into a single reason with sub-clauses if you prefer) which relates to an ecological and environmental policy issue and which I have discussed in detail with the other members of my team (Planning Policy). This

reason for refusal should be in addition to the detailed refusal reason relating to lack of need which I understand you are drafting.

**Reason for Refusal: Not in line with adopted Minerals Local Plan Policy M15 (and subsequently not in line with Telford & Wrekin Local Plan (submission version) policies ER4 and ER6)**

*The scheme, as proposed, is contrary to Minerals Local Plan Saved Policy M15: Sand and Gravel Working Outside the Allocated Sites and Preferred Area since it fails to demonstrate that there is a need for this least preferred site, does not demonstrate that the site is preferable to the allocated sites and does not deliver the 'significant environmental benefits' required by this policy when bringing forward least preferred sites identified in the Plan.* It should be noted in or alongside this refusal reason that the justification of need and the need for 'significant environmental benefits' remain requirements for least preferred sites under Policies ER4 and ER6 of the Submission Version of the Telford & Wrekin Local Plan.

Shropshire and Telford & Wrekin Minerals Local Plan (1996 – 2006) contains saved policies relevant to Telford & Wrekin. Policy M15 relates to proposals for least preferred sands and gravels sites identified within the Plan and the requirement that any proposals for those sites must demonstrate that one or more 'exceptional circumstances' apply to the site. Pave Lane is considered to be a least preferred site in terms of this policy. Part (i) of the policy relates to need and, as I understand our discussion, the Council does not accept that there is a need for this site, parts (ii) and (iii) do not apply to the proposal and part (iv) of the policy requires that the site is significantly more acceptable overall than the allocated sites and 'would offer significant environmental benefits.' It is my assessment that the scheme, as proposed, does achieve no net biodiversity loss and does not risk significant negative impacts upon protected or priority habitats or species. Further, the scheme does offer some modest enhancements of widespread habitats in the form of woodland creation and appropriate management, new hedgerows, pool and wet grassland creation in connection with site drainage proposals. I am not satisfied, however, that the habitat protection and enhancement measures offered constitute a 'significant environmental benefit' as a result of working the site and as required by the relevant local policies for least preferred sites and I conclude that they are rather the minimum requirement for protection and enhancement of biodiversity as set out within NPPF and other relevant local plan policies. Sand and Gravel quarry sites have been demonstrated nationally, through sensitive restoration for biodiversity and appropriate long term management, to be capable of providing excellent ranges and extents of notable habitats and of supporting significant assemblages of species particularly overwintering and breeding wetland birds. An example of best practice restoration for biodiversity can be seen within the West Midlands at RSPB Middleton Lakes and nationally a host of example sites exist.

### **Habitats & Species**

The application as set out provides sufficient detail to demonstrate that it will achieve no net biodiversity loss and will not cause an unacceptable impact upon any protected or priority habitat or species. Some benefits are offered as part of the scheme including appropriate management of nearby woodlands, provision of new hedgerow and transfer of part of the site from current agricultural use to new habitat

(woodland, wet grassland and pools). No net biodiversity loss and basic enhancements are the basic tests contained within NPPF and other relevant habitat and species legislation and guidance. Given the specific policies relating to sand and gravel development in Telford & Wrekin, the policy objections relating to need and the policy requirement for the scheme, as a least preferred site, to demonstrate 'significant environmental benefits' my professional opinion remains that the scheme does not make the most of the available opportunities to provide significant environmental benefits and benefits to biodiversity in the long term. The proposal is, therefore, not acceptable in policy terms.

I will not repeat my assessment of the site and my view of the ecological assessments and mitigation proposals which have been proposed which can be found in my previous responses dated 8<sup>th</sup> July 2016 and 24<sup>th</sup> August 2016. These provisions are acceptable in terms of preventing an offence but do not address the specific policy requirements for sand and gravel development of least preferred sites in the borough.

In the event that the scheme should be granted approval through the appeal process there are a number of issues which would need to be covered by condition in order to secure, in the long term, the basic species and habitat protection and enhancement measures offered by the applicant and to require the submission of additional information relating to habitat management and aftercare which has not been provided in the application at this point:

- Key existing habitats including a number of hedgerows identified as Important would need to be retained and appropriately protected;
- The Ancient Replanted Woodland site at Greens Wood would need to be buffered by at least 15m from the working area of the quarry and this standoff demarcated on the site for the working life of the proposal;
- Submission of a lighting plan for the site would be required;
- An ecological mitigation strategy and method statement with respect to badgers, great crested newts, bats and nesting wild birds would be required;
- Works within the Nature Conservation Management Plan by FPCR (May 2016 Rev A) would need to be secured over the lifetime of the quarry working and throughout the five year aftercare period;
- Submission of a detailed restoration plan including details of the biodiversity habitats, hedgerows and water bodies to be created would be required;
- Submission of a landscaping, habitat creation, maintenance and aftercare plan would be required.

If you have any queries on the above response please contact me.

## **APPENDIX 4: Shropshire Council Comments**

7.37 Shropshire Council (Development Services): 02/08/16 - Object -

Conflict with adopted minerals policy; and insufficient evidence of need for inert landfill and conflict with waste policy.

Confirm that there is a high degree of certainty regarding the intention to develop the nearby allocated site at Woodcote Wood without relying on third party land. Woodcote Wood is allocated as a 'preferred area' in the Shropshire, Telford & Wrekin Minerals Local Plan (1996-2006). It is a better option in environmental terms as confirmed by the Planning Inspector during the public inquiry into the plan, and capable of achieving good visual containment due to its setting within a managed plantation woodland and the surrounding landform.

Release of the Pave Lane site at this stage would flood the local markets with very similar types of material leading to an unsustainable situation of oversupply. This would conflict with mineral policies which seek to define an orderly process for the release of sand and gravel. In particular, it would conflict with MLP Policy M15, it;

- i. Would not meet an unmet need or prevent the sterilisation of the resource; and,
- ii. The proposal would prejudice the development of the allocated site at Woodcote Wood; and,
- iii. Would not be significantly more acceptable overall than the allocated sites, or offer significant environmental benefits.

### Cumulative Impact

The environmental statement for Pave Lane has not adequately assessed the potential for cumulative impacts in accordance with the EIA Regulations. There is concern that working of the Pave Lane site concurrently with Woodcote Wood may lead to an adverse cumulative impact on the local environment and amenities including;

- A potential contribution of heavy vehicle movements from both sites to the local stretch of the A41 and associated noise and vibration.
- A potential combination of plant noise and/or dust impacts from the quarrying operations in certain 'worst case' circumstances and localised area, unless detailed mitigation controls continue to apply effectively at all times.
- A potential for views of parts of both sites from some intervening view points, notwithstanding the generally well screened nature of the Woodcote Wood site.

### Need for mineral

Insufficient evidence of market need for mineral. Objective of 'managed' aggregate supply system' is to balance demand and supply by ensuring sufficient reserves of sand and gravel are available, having regard to the timescales required to bring new mineral sites into production. Insufficient local reserves could have adverse economic consequences - increased transport costs and uncertainty for developers. An oversupply leads to adverse cumulative environmental impacts locally whilst some operations may also be potentially rendered uneconomic through competition or oversupply, or there may be production complications such as the build-up of less saleable materials or sterilisation of reserves. The assumed rate of extraction at individual sites may also be reduced leading to longer extraction periods and local

impacts with additional costs and complications in site development such as delays in restoration.

Insufficient evidence of need for inert landfill capacity

Insufficient evidence has been provided to support the need for an inert landfill of the scale proposed in this location and there is concern that the proposals may hinder the National Waste Strategy aim of moving waste management up the waste hierarchy.

- 7.38 There is doubt over the proposal's ability to attract inert waste from West Midlands conurbation due to excessive distance and historic fill rates in Shropshire. It is considered uneconomical to travel with bulk materials, while the general trend of escalating fuel costs over time may render the site increasingly less attractive for the receipt of inert fill material from the West Midlands conurbation, hence placing increased emphasis on the ability to attract waste from Telford. It is acknowledged that current landfill capacity at Telford is diminishing with the closure of existing sites although the capacity of inert recycling facilities has seen a corresponding increase.
- 7.39 Appendix 8 refers to the presence of a capacity gap between waste arisings and disposal capacity in the West Midlands region. However this is based on old (2009) data and new recycling facilities are now in operation such as the 90,000tpa Materials Recycling Facility at Wood Lane Quarry in North Shropshire (SC/MN2005/0776/NS). There is also an increasing expectation that inert wastes will be managed in-situ at development sites, for instance by employing mobile crushing and screening plant at demolition sites.
- 7.40 *Landfilling timescale:* The lack of market need, transport cost and/or changing fiscal policy (i.e. landfill tax), could extend the duration of infilling significantly - causing additional disturbance and impact to local amenities, such as noise/light, dust from unrestored surfaces or visual impact from an unfinished landform. Productive agricultural use of land would be delayed and the quality of soil from best and most versatile area may deteriorate through prolonged storage.
- 7.41 Technical issues with restoration of land to BMV agricultural standard can occur with infill restoration programmes. Settlement / differential settlement occurs at all landfill sites due to differences in the types of material. Settlement may in turn affect drainage whilst obstacles such as concrete blocks and wire may also be present beneath the soil profile in inert landfills and could rise over time and hinder the ability to farm. Unavoidable admixtures of vegetation in some inert fill materials could also generate limited quantities of landfill gas which may potentially affect root growth of grass and crops. Compaction of replaced soil or poor soil storage / admixture of different soil types could also lead to a loss of soil quality.
- 7.42 Insufficient fill material may also result in revised lower level restoration scheme - affect the ability to reinstate land to best and most versatile quality due to the possibility of steep slopes remaining within the site or drainage issues. The most appropriate solution is to avoid using land of best and most

versatile quality for production of minerals and waste management purposes where alternative options exist.

- 7.43 Waste Hierarchy/Pre-Treatment: The National Waste Strategy (NWS) 2013 sets out landfill (disposal) as the least desirable option. Government has implemented fiscal policies such as landfill tax which seek to increase recycling and reduce the amount of landfilling.
- 7.44 The NWS advises that the ‘the landfill tax is the key driver to divert waste from landfill to ensure that we meet EU targets under the Landfill Directive.’ . The location of the site some 20km from the edge of the West Midlands conurbation is not optimal in resource efficiency grounds and does not comply with the principles of managing waste as near as possible to its source.
- 7.45 Inert waste typically comprises an admixture of demolition rubble and excavated material such as subsoil and clay. Inert waste may also contain admixtures of other materials such as glass, metal, wood, plastic and vegetation. All of these materials are potentially recyclable. Such recycling technologies are increasingly prevalent nationally. The proposal to place a 1.5m<sup>3</sup> landfill at the site does not accord with the waste hierarchy.
- 7.46 The environmental permitting system administered by the Environment Agency requires landfill operators to specify the consideration given to recycling/re-use as a pre-condition of the permit and this is supported by the national waste strategy. Proposed landfill operator may need to install specific recycling measures which could reduce the volume of material for landfilling. This happened at the Wood Lane landfill site in North Shropshire when the new Material Recycling Facility referred to above opened in 2009, necessitating a 25 year extension in time for the landfilling operations (10/05561/EIA).
- 7.47 The proposals are contrary to the National Planning Policy for Waste (2014) as they are not identified in any up to date waste plan. The applicant has not satisfactorily identified a market need for an inert landfill facility of this scale which is consistent with the proximity principle. The proposals would potentially prejudice movement up the waste hierarchy given their scale and location. Landfill proposals have the potential to add cumulatively to adverse effects on the local community and the environment, including by adding significantly to the operational timescale for the site. The addition of a large inert landfill would significantly delay the timescale for as there is uncertainty regarding the ability to restore the site within the timescale proposed given the finite availability and limited transport radius of inert fill.

Further detailed comments from Shropshire Council received 18/01/2017

- Clarified that Woodcote Wood has resolution to approve, and is included in Shropshire’s landbank in most recent aggregate appraisals
- Updated reports on ecology and highways reports have been produced by development to re-ratify Council decision

- Alternative accesses have been discussed and agreed with Highways authority and do not require third party land. Site profile for Minerals Local Plan states access possible on A road or Sherrifhales Road.
- Presence of clay material (Smectite) is not an insurmountable technical problem.
- A prospective operator has since been selected by the landowner following a bidding process and Council has subsequently met with the operator and their consultant
- The basic environmental context of Pave Lane and Woodcote Wood has not changed significantly since the previous MLP assessment and also involves inert infilling.
- Pave Lane exceeds the lifespan of Woodcote Wood by 2-3 years, even assuming inert waste imported at proposed rate
- Concurrent working of Pave Lane and Woodcote Wood may lead to potential unsustainable over supply – cumulative impacts not assessed
- Inevitable time lag between when the first mineral is extracted and when the first inert waste can be imported. Cannot be assumed that a high proportion of mineral deliveries would be accompanied by back-loading to the site of inert waste.
- Likely to be an ongoing need to manage inert wastes in T&W – however this does not necessarily imply that there would be enough development in the Telford area of the right sort to generate the assumed quantities of clean excavated materials to backfill the proposed quarry at the intended rate
- The existence of a proposed large inert landfill void which requires infilling at a high rate may act as a significant disincentive to inert recycling by undercutting local recycling facilities and reducing the revenue and local supply available to such facilities. This would be counter to the waste hierarchy.
- The lack of an up to date waste plan in T&W does not automatically lend support to the proposals.
- Question whether sufficient detail has been provided to guarantee that the landfill would only accept residual inert wastes which are not capable of being recycled.
- The low rate at which inert waste has been imported in this nearby area is highlighted by submission (on 21/12/16) of application to extend the completion date for restoration at Barnsley Lane Landfill by a further 2 years (ref: 16/05792/VAR)
- Significant excavation will need to occur to the full depth of the deposit before backfilling can commence or there will be insufficient space within the void for extraction and tipping operations to safely occur concurrently and also a risk of contaminating the mineral deposit.
- Question calculation of inert waste to be deposited It would appear necessary to tip 2.75mt of inert material within a timescale of 11-12 years if final restoration is to be completed within the 14-15 year period stated in the application form.
- Importation rate would only reduce if the gap between extraction and backfilling could be minimised (though this is not implied in the above cross-section) and/or if tipping extended significantly beyond the restoration date stated in the application form
- No reassurance that sufficient inert fill material would be available to complete the site within anticipated timescale.
- Future changes to the fiscal climate and fuel prices could affect the economics of attracting waste from the assumed target areas

- Disagree that settlement / differential settlement is not a potential problem at inert waste sites. Can applicant cite any successful examples of best and most versatile restoration to inert landfill sites?
- No specific break-down of the types and quantities of inert waste likely to be available has been provided
- Proposed habitat creation at Pave Lane is to be welcomed, however, all sand and gravel sites can be expected to deliver some environmental / habitat benefits. Do not consider that it would meet the criteria for a 'significant environmental benefit' in the way intended by policy M15(iv).
- The existence of this future inert landfill in the centre of Telford could impact significantly on the ability of Pave Lane to attract inert fill, given in particular the greater distance which the waste would need to travel
- The amount of recycling is not specified, some skip operators in Shropshire succeed in recycling nearly 100% of the waste material they manage. Any significant recycling will have an impact on assumptions about vehicle movements and operational timescales
- Tudor Griffiths, a waste management company in North Shropshire had to apply to double the timescale for its approved landfilling operation in 2010 following the bringing into use of the company's new material recycling facility.
- Ready Mixed Concrete plant also represent a significant potential source of noise and dust
- Currently use of 'inactive waste' such as rock or soil for filling quarries is exempt from landfill tax, provided the imported materials conform to the strict definition of 'inactive waste'
- Fiscal regime controlling waste has been subject to regular change and the price of fuel is also generally increasing, assumptions about how far it may be economically viable to transport waste from in the future, and hence the amount of material available for landfilling need to be viewed with some caution.

## APPENDIX 5: Summary of Neighbour Consultation responses

### Need

- Quarry does not fit in with the surrounding area which is mainly residential.
- No need for the mineral.
- Quarry unnecessary as Woodcote Wood quarry has resolution to grant planning permission – should be quarried first.
- The Entec report on sand and gravel resources in Shropshire and Telford & Wrekin mentioned in the Telford & Wrekin Local Plan states that the landbank for sand & gravel was above the minimum target of seven years and concluded there was no need to plan to identify additional sites, since current supply could last until 2031.
- Pave Lane site should only be considered for development in the event that one or more of the unworked sites in Shropshire failed to come forward.
- There was a previous application to this site which was not permitted (*this presumably must be a reference to the Shropshire and Telford & Wrekin Minerals Local Plan where following public inquiry, the Inspector did not recommend the inclusion of the Pave Lane site as a site allocation, my italics*).
- Beautiful countryside should not be dump for building waste and materials
- Concern insufficient supply of inert wastes to infill quarry void in the prescribed timescale.
- First inert material was proposed to fill the site, but now it will be a landfill
- Inert material is all recyclable, fetching £8 to £12 per tonne at local businessman George Lawrence's Lineal Construction yard. They do not take it to Shrewsbury, Cannock or further afield as suggested, but already recycle such debris at his yard in Newport. What would be buried – suggest list of items
- Most letters of support are by groundworks businesses - citing saving themselves money or convenience in having a local pick up point for gravel and sand as justification for support – these are not impacted by environmental impacts.

### Landscape and Character

- Destroy the beauty and tranquillity of our lovely village.
- Objectivity of the applicant's reports.
- Loss of local amenity.
- Cultural heritage impact. Henry Tudor raised troops at Muster Hill on the way to the Battle of Bosworth.
- Landscape objection. The landscape and visual assessment report is laden with value judgements, which are then used as evidence to support the application.
- Temporary loss of best and most versatile agricultural land.
- Ruining green field land.

- Development is not in line with the development proposed for a market town such as Newport.
- Views around Chetwynd Aston would be ruined by excavation.

### **Highways**

- The quarry would bring additional heavy vehicles using local roads.
- Proposed wheel wash is inadequate. Requires a road sweeper.
- Damage to local roads.
- Will HGV be properly sheeted?
- Potential congestion and queuing on local roads.
- Already speeding along Pave Lane, above 40mph.
- Increase risk of road accidents involving vehicles, motorcycles, pedestrians and horse riders.
- Proposed road access onto Pave Lane is dangerous.
- Will a traffic island be constructed if permission is granted?
- How will the proposed lorry route be enforced?
- Would granting permission for Pave Lane lead to a link road from the proposed Woodcote Wood quarry?
- Legal right of way exists from property through the proposed site and any re-routing will need to allow access not only for vehicles but for emergency services.

### **Residential Amenity**

- Hours of operation, particularly HGVs arriving at 0600 hours.
- Air quality (dust and diesel emissions), noise and light pollution.
- Odours and air fumes (particulates).
- Criticism of applicant's noise survey and residents have commissioned an independent noise survey.
- Some local properties on higher ground than the proposed quarry.
- Objectivity of the visual assessment report. Dispute ground levels given in application showing the view/elevation from property.
- Adverse effect on physical and mental health.
- Proposed bund and woodland screen inadequate to shield properties.
- There is not currently a woodland separating some properties from the proposed site.
- Submitted plans for processing plant show little resemblance to current landscape and outlook regarding levels and vegetation. The line of sight from Child Pit Lane on the designs has a flat trajectory, whereas in reality Child Pit Lane is looking down on the proposed site and is as high as Muster Hill behind it. The plans are therefore misleading and gives concern regarding effectiveness of both proposed screening, erection of bund and planting which are insufficient in height and inadequate to shield the noise, dust and air pollution for properties.
- Local residents not willing to stand by and see the area ruined for years to come.

### **Drainage**

- Heavy rain runs off Muster Hill into Pitchcroft Lane and Pave Lane, creating localised flooding. If the quarry proceeds there will be only

two culverts leading water away from the quarry under the A41 which will not cater for the water that will fall from the Muster Hill side of the quarry, leading to these roads being flooded. What prevention measures will be taken?

- A number of well properties in the area that rely on well water (not mains) and that could be contaminated.
- Possible impact of the excavation on the water table on the land on the opposite side of the A41 towards Stockton where underground sandstone layers do cause drainage problems particularly with septic tanks.

### **Wildlife Impacts**

- Contamination could kill wildlife in local ponds.
- Ecological concerns. Detrimental to wildlife and their habitats.
- Accuracy of the habitat report. Fauna Amphibians 4.7. There were no records for GCN within 1km of the site. The extension to a property had restrictions imposed when ground work could be done because GCN found on site. This property is within 1km of the proposed site.
- 4.11 Bat species returned in the data search comprised only 4 common pipistrelle bats between 1987 and 1999. No record of bat roosts returned in the data search. But a resident believes there are plenty of bats in the local area based on personal observation. Inadequate data could lead to the damage of wildlife habitats.
- Significant adverse effect on biodiversity.

### **Economic Impacts**

- Negative impact on local businesses, i.e. Lilleshall Hall National Sports Centre, The Wheatsheaf, The Fox, Norwood House, Woodcote Retirement Home and The Rubens Residential home.
- Significant adverse socio-economic impact.
- With the Borough's unemployment rate at 5.1% being lower than the regional and national rate, a case for the economic benefits of this development are not well made.

### **Other issues**

- Devaluation of residential property.
- Proposals contrary to Human Rights Act, 1988. Article 8 – the right to respect for family and private, home and corresponding.

5.8 Following consultation, there has also been xxx letters of support have been which are summarised as follows:

- Adequate and resilient supply of minerals is required to growth of UK, West Midlands and Telford and Wrekin
- Continued growth of Telford requires the tools to undertake the works,
- Inert disposal point within 5 miles of NE Telford is a welcomed - effectively no inert waste site in Telford that is competitively priced, and we as contractors are taking material up to 25 miles away, more road traffic, pollution and miles on roads and trucks.

- Sand and gravel pit locally to support the proposed infrastructure must be positive.
- Abundant evidence of long-term decline in sand and gravel reserves – potential supply issue – Pave Lane can work toward replenishing
- Support the benefit to local economy and job creation.
- Potential environmental impacts have been mitigated
- NPPF supports sustainable development and mineral extraction
- Recognise the visual sensitivity. More footpaths, hedges and woodland areas created
- Currently have to pay excessive haulage costs to import clean gravels for land drainage schemes from further afield – much needed local resource for future development
- Would service other bordering Local Authorities
- Lessen carbon emissions
- Proposed housing and business development identified in Local Plan would benefit from the locality of site.
- Struggled to get sensible prices for ready mixed concrete – travel to Birmingham to source. Local supplier can help keep prices competitive.
- Support the use of the site for inert waste mover and disposal.
- Any inert material has to go to Shrewsbury, Cannock or Wombourne area.
- Sand and gravel has to be collected from Rugely over 20 miles.
- Mick George operation at Cambridge provides an all-encompassing service

## APPENDIX 6: Noise measurements summary

Whilst NPPG technical guidance on noise recommends a maximum noise limit of 55dB L Aeq 1 hr, in areas where this would exceed the existing background level by more than 10dB(A) consideration needs to be given to the impact the noise created would have on surrounding receptors. According to British Standard BS4142 this is judged by the exceedance of the predicted noise rating level over the background noise level. A difference of +5dB is likely to be an indication of an “Adverse Impact” but a difference of around +10 dB or more is more likely to be an indication of a “Significant Adverse Impact”.

Based upon the results of the baseline noise monitoring the applicant produced the table below to demonstrate the current background noise levels and compared that to their proposed normal freefield working limit.

Location	Typical Background Noise Levels	Normal Freefield Working Limit
Childpit Lane	42 (new 38)	52 (new 45)
Greenbank	46	55
Pave Lane Farm	50	55
Forge Link (this is now known as Herongate 4)	53	55
Dwellings Adjacent to A41	54	55
Woodcote Hall	41	51

The noise report highlighted the noise at the various locations during normal operation and the various stages of the quarry as follows:

- Greenbank:

Operation	Calculated Noise Level	Criteria	Criteria Exceeded
Construction / removal of access road adjacent to property	51	55	No
Normal operation – Phase A1 (Working close to	47	55	No
Normal operation –	42 - 43	55	No
Normal operation – Phase	43	55	No
Early Morning Vehicle	<30	42	No

- Pave Lane Farm:

<b>Operation</b>	<b>Calculated Noise Level</b>	<b>Criteria</b>	<b>Criteria Exceeded</b>
Construction / removal of access road adjacent to property	52	55	No
Normal operation – Phases A1 – A6	46	55	No
Normal operation – Phase	44	55	No
Early Morning Vehicle	<30	42	No

- Forge Link (this is now known as Herongate 4):

<b>Operation</b>	<b>Calculated Noise Level</b>	<b>Criteria</b>	<b>Criteria Exceeded</b>
Construction of site access / entrance (temporary)	60	70	No
Normal operation –	42 – 51	55	No
Normal operation –	50 and	55	No
Early morning vehicle	37	42	No

- Victoria Cottage (east of A41):

<b>Operation</b>	<b>Calculated Noise Level</b>	<b>Criteria</b>	<b>Criteria Exceeded</b>
Construction of site access / entrance	48	55	No
Normal operation –	41 – 48	55	No
Construction of bund	55	70	No
Normal operation –	50 – 53	55	No
Normal Operation –	52 and lower	55	No

- Walton Folly (west of A41):

<b>Operation</b>	<b>Calculated Noise Level</b>	<b>Criteria</b>	<b>Criteria Exceeded</b>
Construction / removal of access road and processing area	43	55	No

Construction of Storage	66	70	No
Normal operation –	41 – 49	55	No
Normal operation – Phase	46 – 49	55	No
Normal operation – Phase	47 and lower	55	No

- New Lodge (west of A41):

<b>Operation</b>	<b>Calculated Noise Level</b>	<b>Criteria</b>	<b>Criteria Exceeded</b>
Construction / removal of access road and	40	55	No
Construction of Storage	66	70	No
Normal operation –	40 - 44	55	No
Normal operation –	46	55	No
Normal operation –	48	55	No
Normal operation –	49	55	No

- Woodcote Hall:

<b>Operation</b>	<b>Calculated Noise Level</b>	<b>Criteria</b>	<b>Criteria Exceeded</b>
Construction of processing area	38	51	No
Operation of plant within processing	39	51	No
Construction of Topsoil	39	51	No
Normal operation –	44	51	No

Childpit Lane had some extra noise monitoring carried out as a result of an independent noise assessment, the revised noise report for this area determined the background noise levels to be typically 38dB LAeq, 1 hr (Free Field) and it has been assessed that a limit of 45dB LAeq, 1 hr (Free Field) during normal operations at the quarry.