

G15 –Shropshire Minerals Local Plan - Deposit draft statement of proposed changes 1997

Evidence Document submitted by Telford & Wrekin Council post Submission

Telford & Wrekin Council wishes to submit this document to examination, with reference to the council's response to Matter Q7.4 of the Inspector's Matters, Issues and Questions (MIQs) and the TWLP Submission Document Policy ER4

24th October 2016

Shropshire County Council
SHROPSHIRE MINERALS LOCAL PLAN
Deposit Draft

&

Statement of Proposed Changes

Report into Objections
&
Counter Objections

Inspector:

Anthony H Vaughan BSc CEng MICE MRTPI

Dates of Inquiry:

At various times between 3 and 19

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SECTION - 1

REPORT SUMMARY

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Conclusions: -

1.1. In my conclusions I have not repeated the cases for objectors or the case for the council. I have dealt with what I consider to be the objections which materially relate to the expression of clear and unambiguous planning policy and the principle of site development. Therefore, objections which lack materiality in the context of a development plan, and can be categorised as other matters raised, have not been dealt with specifically. Similarly, I have not dealt at length with matters of detail concerning site development which in my opinion are within the ambit of development control. Concerning various

sites, objectors and counter objectors presented me with a great deal of detail. However, national policy provides clear guidance on such matters. It says that *"Development plans for minerals should provide a clear guide to mineral operators and the public where mineral extraction is likely in principle to be acceptable and where not acceptable. Acceptability of these intended projects in principle will be subject to meeting development control criteria."* These controls would come into play later at the planning application stage. Therefore objectors should bear in mind that despite the establishment of a principle for development which would arise from inclusion of a site in the Plan, and thereby the presumption in favour of its development in line with s54A of the Act, the project could still be restrained by normal development control procedures at a later date.

Recommendations:-

Minor changes :-

1.2 Throughout the Plan there are recurring matters which require attention to make the text clearer, concise and provide conformity with the relevant PPG's and MPG's. Some of these matters were highlighted by the Government Office for the West Midlands (GOWM) in their response to the Deposit Draft and the Published Proposed Changes. In the document listed as the Further Proposed Changes (FPC) most of these matters have been dealt with by the Council. The FPC were a continuing process of development throughout the inquiry. The FPC document represents the final position of the Council on changes. It is a complete document which both embraces and, in places, supersedes the PC with the text marked accordingly. Mainly, my recommendations are that the Plan should be modified in accordance with the PC and FPC as set down in the text of the FPC document. I record both the PC and FPC reference numbers in the recommendations.

Unnecessary text :-

1.3. Although this matter did not attract an objection it needs mentioning. There are places throughout the Plan and the PC where words have been inserted which add nothing to the meaning of either the policies or the RJ. "Particular" is an example and it could be deleted throughout the Plan. Another example is the use of "careful" in front of "consideration". I hope that all matters concerning planning proposals will be considered in a careful manner. For this reason "careful" is not needed. The same reasoning applies to the following as an example from Policy M1: "The MPG will **aim to** attain a **more** sustainable approach....".

The words in bold text could be deleted. I have not dealt with these matters individually in all cases, but I note that the FPC suggest their deletion in many places. I recommend these proposed changes as modifications to the Plan.

Protection and/or enhancement:-

1.4 A matter which occurs frequently in both policies and reasoned justification (RJ) concerns the words "protect and where possible enhance". In my opinion this test is unreasonable and the phrase should read "preserve or enhance". This is the emphasis which is placed upon the use of these words in terms of sustainable minerals development in p35(iv) of MPG 1. Moreover, it has been held by the Courts that "preserve" has two meanings. That is an active one to preserve, or a passive or neutral one in the sense of keeping safe from harm. The addition of the words "or enhance" provides an option for improvement. In my opinion a change throughout the document to "preserve or enhance" in place of "protect and where possible enhance" would provide clarity. I have not always dealt with this matter individually, where it occurs linked to the various policies in the MLP, as it has not attracted an objection. However, I recommend that this modification be carried out throughout the RJ and Policies where appropriate. The exception to this would be in connection with archaeological remains where "protection, enhancement and preservation" would align with PP16 - p15.

Environmental impacts:-

1.5. In the MLP and the PC environmental impacts are generally referred to as "adverse environmental impacts". Such a description is too vague. MPG1-p59 provides clarity here. In line with the guidance the correct definition is "unacceptably adverse impact". The FPC make this change. In my report this matter comprises a consistent recommendation throughout the Plan and aligns with the FPC.

Need :-

1.6. I was addressed on a number of occasions about this specific matter. One objector, through many inquiry sessions, persisted with the claim that need for the particular resource should be demonstrated on every occasion. MPG1 p40 provides clarity here. "MPA's should not include development control policies in their plans which require developers to provide evidence on the need for the mineral in support of their planning applications."

1.7. The reference to need is made in the lead sentence of Policy M2 of the PC's. However, this sentence is deleted in the FPC where a different emphasis is given to need. Consequent changes have also been made to the reasoned justification (RJ). In my opinion the FPC puts need in the correct context, as set out in the final paragraph of MPG1 p40, and would also satisfy the sustained objections to the use of the word "need" raised by the Government Office for the West Midlands (GOWM). Throughout the report, where need has been addressed in the revised form, policies refer back to Policy M2 for consistency. I recommend these proposed changes as modifications to the Plan.

Alternative Sites

The Future Working of Crushed Rock :-

1.8. For crushed rock working the Plan does not designate preferred areas. It is assumed that the landbank will be met from existing permitted reserves. I was presented with an alternative site for crushed rock at Llyncllys where a planning application had been lodged for an extension to an existing quarry. The application had been debated between the Council and the applicants over an 18 month period. Before my closing of the inquiry the Council had resolved to grant, subject to a s106 agreement, planning permission for the extension. In my view Llyncllys cannot be classed as an alternative site as it is not the intention that it should replace a designated site in the Plan; therefore I have dealt with it under Policy M16 - The Future Working of Crushed Rock. As there is a joint commitment between the parties to see this site proceed I see no reason to include it in the Plan. I am confident that, providing the present momentum of consultation is maintained, that this site will soon gain its planning permission. In turn this will add a valuable resource to the existing landbank of permitted sites which already comfortably exceeds the 10 year period.

The Future Working of Sand and Gravel :-

1.9. These matters are dealt with in Sections 4 and 7 of my report where I refer to the site specific matters and to Policy M14 which identifies the areas and sites.

1.10. Having looked at all the sites, and their environmental constraints, it is my recommendation that Policy M14 should identify five preferred areas of working comprising three site extensions and two new sites, all of which should be grouped into three phases. This should incorporate sufficient flexibility, as required by the industry, whilst promoting those sites most capable of mitigation. My recommended modifications to Policy M14 align with the following:-

The First Phase:

i	Wood Lane Deepening	0.85 mt
ii	Tern Hill Extension	0.295 mt
iii	Norton Farm Extension (Potential reserve of 1.67mt)	1.0 mt

The Second Phase:

iv	Barnsley Lane (new area)	1.0 mt
	Approximate total potential sand and gravel reserve for first two phases	3.15 mt
	Landbank Shortfall	3.15 mt
	Flexibility Margin with first two phases	0.0 %

The Third Phase:

v	Woodcote Wood (new area)	1.58 mt
	Approximate total potential sand and gravel reserve for all three phases	4.73 mt
	Landbank Shortfall	3.15 mt
	Flexibility Margin with three phases	50.0%

14/5027: Bulmer, Wyre Forest District Council.

Summary of Objection:-

- additional policy required - reword.

Conclusions on the material objections are as follows:-

2.1. The preparation of Environmental Statements is a matter which is covered by legislation in The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and referred to in MPG 1, PPG1 and Circular 15/88. The MLP has been prepared against the background of the relevant national guidance and further reference is made to this matter in Appendix 4 of the Plan. Therefore, in my opinion, to incorporate further advice on the preparation and submission of Environmental Statements is unnecessary.

Recommendations:-

2.2 I recommend no modification to the Plan in respect of this objection.

POLICY NUMBER : M0 **TOPIC** : General
Maps - entire Plan - update
& paragraphs 3.4, 3.9, 3.28 of the RJ

Objectors:-

407/6103(CW) & 6130(CW): Pollock, BACMI. 415/6218(CW): Walsh, Tarmac Quarry Products (Central) Ltd. 72/5275: Twigg, RJB Mining (UK) Ltd. 57/5214(UCW): Murray, Staffordshire County Council.

(UCW = unconditionally withdrawn. CW = conditionally withdrawn
)

Counter Objectors:-

98/7131: Noons, Gov. Office for the West Midlands. 93/7112: Cromie, Sand and Gravel Association Ltd. 414/7055: Evans, Coal Contractors Ltd.

Summary of Objections:-

- duplicate copy of page 29 ?
- Update the Plan to take account of the new MPG1 (June 1996)

- 3.28 - it may be useful to set out the full provisions of PPG12-3.17
- 3.4 - the deletion of the last sentence is unfortunate and the wording of MPG3-3 should be retained
- 3.9 - Footnote 10 should be amended to refer to MPG1, paragraph 35.

Conclusions on the material objections are as follows:-

2.3. A duplicate copy of page 29 was somehow incorporated into one of the documents. This matter has now been rectified.

2.4 The Plan has been amended throughout in both the PC and the FPC to take account of the revised MPG1 and PPG1, and the objections in respect of this updating have been conditionally withdrawn. (PC 7,8,9,12 etc) (FPC 1,2,7,etc)

2.5. Paragraph 3.28 has been changed to align with PPG12 -3.17 (PC 10).

2.6. Paragraph 3.4 has been changed to follow the guidance in MPG1 (PC 8) and provides a direct quotation from policy. In my opinion it would be inappropriate to provide further duplication of linking text as the Plan is set against the background of national policy regarding mineral development.

2.7. Paragraph 3.9 now aligns with MPG1 -35 (PC 9).

Recommendations:-

2.8. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997.

(PC:7,8,9,10,12) (FPC: 1,2,7) (other changes for updating are identified together with subsequent recommendations in this document)

POLICY NUMBER : M0 **TOPIC** : Shropshire's Structure Plan
Paragraph 3.25 to 3.28

Objectors:-

98/5490: Noons, Gov. Office for the West Midlands.

Summary of Objection:-

- in the event of a conflict with the structure plan, the minerals local plan should prevail - PPG12-3.17.

Conclusions on the material objections are as follows:-

2.9. Paragraph 3.28 has been changed to align with PPG 12 -3.17 (PC 10).

Recommendations:-

2.10. I recommend that the Plan should be modified in accordance with the Published Proposed Changes. (PC:10)

POLICY NUMBER : M0 **TOPIC** : Maintaining Shropshire's
Paragraph 3.14 Biodiversity

Objectors:-

90/5402: Wallace, Shropshire Ornithological Society. 72/5279:
Twigg, RJB Mining (UK) Ltd.

Summary of Objections:-

- add "and Enhancing" to title.
- creative restoration can bring potential benefits.

Conclusions on the material objections are as follows:-

2.11. In my opinion paragraph 3.14 is sufficiently wide ranging.

2.12. The heading of paragraph 3.14 refers to "**Maintaining Shropshire's Biodiversity**". By way of meeting an objection the heading in the PC became "**Protecting and Enhancing Shropshire's Biodiversity**". In my opinion this test is unreasonable and the heading should read "**Preserving or Enhancing Shropshire's Biodiversity**". This is the emphasis which is placed upon the use of these words in terms of sustainable mineral development in p35(iv) of MPG 1. Moreover, it has been held by the Courts that "preserve" has two meanings. That is an active one to preserve, or a passive or neutral one in the sense of keeping safe from harm. The addition of the words "**or enhance**" provides an option for improvement. In my opinion a change to "**Preserving or enhancing**" in place of "**Protecting and enhancing**" would provide clarity. There are other parts of this text which are similar in emphasis but they did not attract an objection.

2.13. I see no reason for modification to add to the Plan here stating the potential benefits of restoration. These matters are dealt with fully elsewhere in the document under Policies concerned with reclamation and review.

Recommendations:-

2.14. I recommend that the Plan should be modified in accordance with the following:-

- a. Delete from paragraph 3.14 the heading: **"Maintaining Shropshire's Biodiversity"** and replace with **"Preserving or Enhancing Shropshire's Biodiversity"**

POLICY NUMBER : M0 **TOPIC** : Conclusions
Paragraphs 3.33 to 3.35

Objectors:-

72/5280: Twigg, RJB Mining (UK) Ltd.

Summary of Objection:-

- reword - add "important" contribution to the local economy...

Conclusions on the material objections are as follows:-

2.15. There is already a reference to **"important"** in paragraph 3.34 of the Plan. It is therefore recognised that Shropshire is an important producer of minerals. In my opinion it is not necessary here to repeat the word **"important"**. The PC and FPC clarify and expand the text and provide consistency with other parts of the Plan; no further changes are needed. (PC 11) (FPC 6)

Recommendations:-

2.16. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:11) (FPC:6)

POLICY NUMBER : M0 **TOPIC** : Proposals Map

Objectors:-

98/5536: Noons, Gov. Office for the West Midlands. 26/5069:
Gilfoyle, Cheshire County Council, Environment Planning.

Summary of Objections:-

- amend notation within Inset Map areas.
- improve map base.

Conclusions on the material objections are as follows:-

2.17. I understand from the Council that the maps will be corrected. At the time of printing the quality of reproduction in the adopted documents will be improved (PC 162).

Recommendations:-

2.18. I recommend that the inset maps should be modified to correct the notation (PC 162).

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SECTION - 3

CHAPTER 5 OF THE PLAN

GENERAL POLICIES

Nos. M1 to M11

- M1(iii) conservation and efficient working and use - in part beyond operator's control - delete
- onus of proof - contrary to advice - presumption in favour unless it would cause demonstrable harm
- onus of proof on applicant - contrary to advice & M1(i) enhancement of communities requires explanation
- permanent environmental impact: delete second sentence
- permanent environmental impact - reword 2nd sentence - take account of reclamation
- permanent environmental impact - there are two parts to the concept
- SCC's environmental charter - takes no account of the needs of the present
- the interpretation of sustainable development is too restrictive
- greater emphasis should be placed on recycling

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Conclusions on the material objections are as follows:-

3.1. There are changes to this group of paragraphs in the PC and FPC documents which I support as in my opinion they meet objections and clarify the text. However, paragraphs 5.2(i) and (ii) refer to **"protect and where possible enhance"**. In my opinion this test is unreasonable and the phrase should read **"preserve or enhance"**. This is the emphasis which is placed upon the use of these words in terms of sustainable mineral development in p35(iv) of MPG 1. Moreover, it has been held by the Courts that "preserve" has two meanings. That is an active one to preserve, or a passive or neutral one in the sense of keeping safe from harm. The addition of the words **"or enhance"** provides an option for improvement. In my opinion a change to **"preserve or enhance"** in place of **"protect and where possible enhance"** would provide clarity. As to the appropriateness of these paragraphs to a mineral plan, I do not accept this objection. Preservation or enhancement of the environment is part of sustainable mineral development. (PC 13 and 15 to 18) (FPC 9 to 13)

3.2. In p5.2(iv) of the RJ of the MLP the text is misleading and appears to seek to minimise the reclamation and after care of mineral workings. The changes alter the text and provide clarification, and from this point they are now acceptable. (PC 16 and FPC 11). However, "adverse" has been deleted from the first line. As the paragraph is directed towards the reduction of

adverse environmental impacts it is essential that the words
"unacceptable adverse impact on the

environment" are included. This wording is in line with the guidance in MPG 1 - p59.

3.3. The first sentence of the first paragraph of M1 would read more clearly without the words "**aim to**" and "**more**".

3.4. The latter part of the second sentence of the first paragraph of policy M1 places the burden of proof on the applicant. This emphasis is incorrect and contrary to the guidance in PPG1. Owners of land and property expect to be able to use or develop their land as they judge best unless the consequences for the environment or the community would be unacceptable (PPG1 - p36). Therefore, in my opinion, the last sentence of this paragraph should be deleted.

3.5. MPG 1 - p35 provides a clear definition of policy considerations for the sustainable development of minerals. It would be less confusing if M1 re-stated the sub paragraphs of MPG 1 - p35. In my opinion, the second paragraph of M1 should read "**The objectives for sustainable development are:-**" followed by the sub paragraphs (i) to (vi) of MPG 1 - p35.

Recommendations:-

3.6. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:13, 15 to 18) (FPC:9 to 13) with the exception of the following:-

- a. Delete from the heading of paragraph 5.2 (i) in the RJ the words "**protect and where possible enhance**" and insert "**preserve or enhance**".
- b. Delete the heading of paragraph 5.2 (ii) in the RJ and insert "**To preserve or enhance the quality of life for all Shropshire people**".
- c. Delete in 5.2 (iv) of the RJ "**adverse environmental impacts**" and insert "**unacceptable adverse impacts on the environment**".
- d. Delete in Policy M1 the first paragraph and insert: "**In determining planning applications for mineral development, the Mineral Planning Authority will attain a sustainable approach to the development of the mineral resources of Shropshire. The objectives for sustainable development are:-**"
- e. Delete in Policy M1 sub-paragraphs (i) to (iii) and insert the sub-paragraphs of MPG1 - p35 omitting the bracketed phrase at the end of sub-paragraph (v).

POLICY NUMBER : M2
Including paragraphs
5.4 to 5.6

TOPIC : The Need for Minerals

Objectors:-

91/5411: Saunders, Telford Friends of the Earth. 98/5493 & 98/5495: Noons, Gov. Office for the West Midlands. 55/5165: Locke, Wrekin Council. 407/6106-6108: Pollock, BACMI. 26/5070: Gilfoyle, Cheshire County Council, Environment Planning. 57/5215 (UCW): Murray Staffordshire County Council. 61/5243-(CW): Hall, British Ceramic Confederation. 404/6064: Green, Ibstock Building Products Ltd. 413/6153-(CW): Wharmby, Redland Aggregates Ltd. 414/6190: Evans, Coal Contractors Ltd. 415/6220: Walsh, Tarmac Quarry Products (Central) Ltd. 72/5282: Twigg, RJB Mining (UK) Ltd. 93/5438: Cromie, Sand and Gravel Association Ltd. 411/6140: Kent, Clay Colliery Co. Ltd.

Counter Objectors:-

98/7078: Noons, Gov. Office for the West Midlands. 415/7091: Walsh, Tarmac Quarry Products (Central) Ltd. 93/7113-4: Cromie, Sand and Gravel Association Ltd. 407/7122: Pollock, BACMI. 414/7056-7: Evans, Coal Contractors Ltd.

(CW = conditionally withdrawn)

Summary of Objections:-

- add "meeting the need in an alternative, sustainable manner."
- add after 2nd sentence "The MPA will meet their apportioned share."
- add reference to strategic reserves & best end uses.
- contrary to advice - MPG1-40.
- contrary to advice - MPG1-40. Delete last line & amend para 5.4, 5.5 and App 4 para 2.5.
- contrary to advice - MPG3 & last sentence of para 5.6.
- the reference in the last sentence should be to MPG6 not MPG3.
- greater emphasis should be placed on recycling.

Conclusions on the material objections are as follows:-

3.7. The expression of this policy in the MLP is incorrect. MPA's should not include development control policies in their

plans which require developers to provide evidence on need to support an application. The exception is

where an Environmental Statement is required or where material planning objections are not outweighed by other planning benefits.

The FPC take this guidance on board and a change of emphasis has taken place to reflect national policy guidance and to update text.

The FPC rephrase the RJ and the first paragraph of the changed Policy reads as follows:-

In the context of a more sustainable approach to mineral development (Policy M1), where proposals for mineral working give rise to material planning objections which are not outweighed by other planning benefits, or when an Environmental Statement is necessary, the applicant will be required to demonstrate that there is a need for the mineral.

3.8. In my opinion the first paragraph of the changed policy, as set down in the FPC, is now in line with national policy. However, the use of the word "more" to qualify "sustainable" is not needed. Other changes which are proposed to the RJ provide the correct alignment. (PC 20 to 22) (FPC 14 to 16)

3.9. It was claimed by an objector that greater emphasis should be placed on sustainability and meeting the need from alternative resources which could include recycled material. The Plan is committed to a sustainable approach (Policy M1) and my suggested modification incorporates the reference to recycled material which is expressed in national policy. For this reason, in my opinion, no further modification is required to policy M2 to refer to recycled materials.

3.10. Turning to the last paragraph of M2 in the PC and FPC, to my mind this adds nothing to the Policy. Moreover, it seeks to re-introduce a test for need which is otiose. In my view this paragraph should not form part of the Policy.

3.11. It was the persistent view of one witness that the demonstration of need in all cases is essential. Without this burden national reserves will continue to be rapaciously exploited. It was claimed that in this respect government guidance is way behind the times and needs a change of emphasis to force better use of recycled material.

3.12. National policy is committed to the use of recycled materials. However, national policy also states developers should not have to demonstrate need; apart from some exceptions. Therefore, in my opinion introducing an unconditional need test into the MLP would not be in line with national policy.

Recommendations:-

3.13. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997

- no clear guidance - mixes designations and no test for acceptability
- add "adverse" effects.
- replace "potentially significant" with "unacceptably adverse" effects.
- v - "risk of flooding" - demonstrable harm.
- vi - delete effect on farm businesses.
- vi - delete effect on farm businesses - land compensation.
- vi - delete effect on farm businesses - temporary activity.
- vii - cumulative impact - contrary to advice.
- vii - cumulative impact - delete - each application on its merits.
- vii - cumulative impact - explain how it would be determined.
- vii - cumulative impact - further workings - imprecise.
- vii - cumulative impact - geology means a series of sites - improving performance- delete.
- vii - cumulative impact - past workings & further working.
- vii - delete "prospects of further working" - contrary to advice.
- viii - derelict land - add significant nature conservation value.
- ix - add "adjoining land" - reword.

Conclusions on the material objections are as follows:-

3.14. The PC delete from M3 the words "**potentially significant**" and replace them with "**unacceptably adverse**" which is the correct assessment based on the guidance in MPG1 - p59. (PC 27). There are other changes to the RJ and Policy which I support. (PC 23, 25,27) (FPC 19 to 24 and 26,27) .

3.15. The PC and FPC set down a minor change to M3(vi) to qualify the impact on farm businesses. In my opinion this change does not align with PPG7 - pB9. In order to achieve conformity I consider that the last phrase of M3(vi) should read "**; also the impact upon local agriculture by considering the structure of local farm businesses and the effect of severance and fragmentation;**".

3.16. I found the thrust of the objections on cumulative impact in paragraph M3(vii) to be elusive. Cumulative impact is a material consideration in mineral applications. This is

especially the case in terms of coal extraction and colliery spoil disposal. This is set down in MPG3 - p14.

3.17. It was claimed that the word **"past"** should not be included with reference to cumulative impact. There was the suggestion that the historical working and perhaps inadequate restoration could work against any prospective application or permission for development. I accept that each site should be judged on its merits.

However, an overview of historical workings and their wide ranging impact on the area is an important background to any application.

Therefore, I cannot accept the reasoning that **"past"** should be deleted. I do, however, accept the FPC and PC in M3 (vii) that reference to the **"prospects of further working"** should be deleted as this is imprecise and too wide ranging to be meaningful. (PC 27) (FPC 31)

Recommendations:-

3.18 I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC: 23 and 25 to 27) (FPC: 19 to 29 and 31) with the exception of the following:

- a. Delete the text of (vi) of Policy M3 and replace with **"best and most versatile agricultural land where this would cause the permanent loss, or loss of quality, of land classified as such by the Ministry of Agriculture Fisheries and Food; also the impact upon local agriculture by considering the structure of local farm businesses and the effect of severance and fragmentation;"**.

POLICY NUMBER : M4 **TOPIC** : Operational Considerations
Including paragraphs
5.23 to 5.25

Objectors:-

77/5313: Briggs, ARC Central, Estates Department. 98/5499: Noons, Gov. Office for the West Midlands. 414/6193: Claridge, Coal Contractors Ltd. 72/5288: Twigg, RJB Mining (UK) Ltd. 29/5081: Parry, Salop Sand & Gravel Supply Co. Ltd.

Counter Objectors:-

414/7058: Claridge, Coal Contractors Ltd.

Summary of Objections:-

- add provide evidence "where possible" (RJ 5.25).

- delete "any" adverse effects - contrary to advice - PPG1-5. Add reference to Appendix 4.
- it would be premature to consult local groups during the scoping exercise.
- mitigation measures - unacceptably adverse and where there would be demonstrable harm - contrary to advice.
- the proposed change to refer to the Guidelines (Appendix 4) in M3 and M4 does not seem appropriate for local plan purposes.
- onus of proof - contrary to advice.

Conclusions on the material objections are as follows:-

3.19. The major objection relates to the omission of the word "**unacceptably**" to qualify adverse effects. In line with MPG1 - p59 this minor change, as set down in the PC, would overcome the objection.(PC 29). I do not consider that a change is necessary to add "where possible" to the RJ at 5.25, there has to be a commitment from developers.

3.20. I find the ambit and thrust of the changed Policy and RJ to be reasonable, incorporating normal considerations for development projects.(PC 28 and 29)(FPC 32 to 34) The addition of a reference to the "Development Control Guidelines" in Appendix 4 of the Plan would reinforce these principles and the PC carry this through. For these reasons I find no substance in objections concerning either the policy or the RJ.

Recommendations:-

3.21. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:28,29) (FPC:32 to 35)

- the rewording is flawed and will create uncertainty about how national / regional and local designations will be distinguished
-
- add new paragraph after 5.28 to emphasise the advisory notes in paragraph 5.13.
- Biodiversity Challenge - now published.
- clarify Ramsar - agreement signed at Ramsar in Iran...
- delete "presumption in favour" contrary to advice PPG1-5 & delete "aesthetic", "cultural importance".
- demonstrable harm - contrary to advice.
- M5 - contrary to advice - refer only to nature conservation interests MPG1-49, MPG3-52.
- M5 - replace "environmental" with "nature conservation".
- M5 - resources available for ecological monitoring.
- M5 - unnecessary due to policies M5(A - C).
- M5(A) - "directly or indirectly" should be qualified - reword.
- M5(A) - add "adversely affecting".
- M5(A) - add "unacceptably adverse effects" & M5(B) & M5(C).
- M5(A) - add adverse effects on sites ... beneficial consequences.... great weight to protect WHS.
- M5(A) - clarify "and their setting" - PPG9-31.
- M5(A) - contrary to advice PPG9 - no mention of overriding public interest - delete.
- M5(A) - delete para. 2 - contrary to advice - PPG9.
- M5(A) - repetition - delete reference to "habitats or species..." these comprise SAC's.
- M5(A) - reword so that all sites require overriding reasons.
- M5(B) - add "adversely" affecting.

- M5(B) - add material considerations - reword.
- M5(B) - clarify "setting" of sites.
- M5(B) - clarify where development would be permitted.

- M5(B) - confusion at list of interests - archaeological interests covered by M6.
- M5(B) - confusion at list of interests - should refer only to NNR's and SSSI's.
- M5(B) - contrary to advice - applies only to NNR's and SSSI's.
- M5(B) - criteria should only apply to NNR's, SSSI's and AONB - PPG9 - remove rest to a separate policy.
- M5(B) - require same protection as M5(A) for the sake of future generations.
- M5(B) - rigorous examination - contrary to advice.
- M5(C) - add and/or other material considerations.
- M5(C) - add paragraph similar to 2nd para of M6.
- M5(C) - clarify criteria or quantify direct and indirect effects.
- M5(C) - delete "historic parks and gardens" add "of local importance" & onus of proof contrary to advice.
- M5(C) - delete "Biodiversity Challenge".
- M5(C) - delete wording before "Areas of Special" - add - "Development which has an adverse affect.."
- M5(C) - multiplicity of local countryside designations - unduly restrictive.
- M5(C) - need for rigorous examination including alternative more sustainable supplies.
- M5(C) - onus of proof contrary to advice MPG1-35.
- M5(C) - reserve comment as Biodiversity Challenge not yet seen.
- M5(C) - reword - "Planning permission will be granted unless there are significant adverse impacts..."
- M5(C) - should only apply to nature conservation sites.
- M5(C) - too broad and loose.
- Ramsar Sites, SAC's, SPA's etc. - rewording suggestion.

- revise Table 1 to update designations.
- delete part of line 5 - all Ironbridge Gorge is a WHS

- object to the removal of "presumption in favour of protecting sites"

Conclusions on the material objections are as follows:-

Policy M5:-

3.22. The reference to "**exceptional circumstances**" in the PC is unnecessary as it is adequately covered by the subsequent parts of the policy. The FPC delete this part of the text which meets the objections raised. The other FPC align the policy with national guidance and generally meet the material objections raised. In this respect the addition of "**unacceptably adverse**" is welcomed.

3.23. It was argued that this policy is unnecessary as its thrust is covered by the subsequent policies M5A to M5C. I do not accept this view as M5 sets the background to ecological matters which are then amplified in later policies.

3.24. Generally there have also been several acceptable changes to the RJ in response to a number of minor objections.

Policy M5(A):-

3.25. The FPC remove some of the earlier anomalies and now correctly define in the RJ, at amended paragraphs 5.29 and 5.30, the internationally important sites. This revision meets the objections raised regarding these paragraphs.

3.26. Revised paragraph 5.29 of the RJ refers to Table 1 listing sites of international importance. This table has been extended to include candidate SAC's. For the present this table is correct, but it is possible that in the life of the Plan other sites would need to be included. It could then be construed, by the ill informed, that sites which are not included in the table would not be of international importance, which would be the wrong approach. It would be my preference to see Table 1 deleted from the Plan and then rely on the relevant reference to the list of internationally important sites which is already included in 5.30 of the RJ. This would ensure that no site of ecologically international importance is overlooked during the planning process. In my view, this is an approach less likely to lead to confusion.

3.27. Both the PC and the FPC make revisions to the text of Policy M5A to bring it in line with Annex G of PPG 9 and p54 - MPG3. Moreover, adverse direct or indirect effects have been qualified by the addition of "**unacceptably**" which is in line with national policy. The World Heritage Site, together with its setting has been included.

3.28. Regarding the objection which is directed towards the deletion of: **"overriding public interest"**, in my opinion this phrase should stay as it is referred to in Annex G Article 6.6 of PPG9.

3.29. The other matters introduced by the FPC now align the policy with the Habitats Directive.

Policy M5(B):-

3.30. The policy as it appeared in the PC was out of line with regard to p71-72 of MPG6 concerning AONBs, NNRs and SSSIs; with regard to p8 - PPG16 regarding archaeological remains; with p2.16, 2.24 and 2.25 of PPG15 regarding the historic environment; and with p47 of PPG9 concerning protected species.

3.31. The FPC introduce a table within the policy which lists the category of the nationally important sites and species. Generally, this new list meets the objections raised with the exception of the listing of protected species. In my opinion sub paragraph (viii) of the FPC should read **"Species found in Annex (iv) to the Habitats Directive"**.

Policy M5(C):-

3.32. The PC were unclear on the listings of sites of regional or local importance. The FPC provide better guidance and now meet the objections raised and generally align with national policy. However, there appears to be an anomaly over part (iv) concerning historic parks and gardens. An historic park or garden would be on the register held by English Heritage which would designate the site of national importance. Therefore its inclusion also as a site of local importance is unnecessary. This reference should either be deleted or prefixed with the word **"unlisted"**. With this minor change the FPC would align with national policy and meet the objections raised.

Policies M5, M5(A), M5(B) and M5(C):-

3.33. There was a general objection from one source that these policies, even in their changed form, were not strong enough to protect the critical natural capital of the nation. All sites, regardless of their designation, should be accorded greater protection with a presumption against their development requiring developers to provide overriding reasons for the project. It was stated that current policies were out of date in terms of sustainable development and the preservation of the heritage of the nation. Moreover, applicants should have to demonstrate need for the resource as a first hurdle in the consultation process.

3.34. The claims made by this witness were interesting and I am grateful for having this laudable ecological perspective presented to me in such an eloquent and cogent manner.

However, it is my view that the changed policies and RJ as they now appear in the FPC document both align with current national policy and respect the Habitats Directive. Moreover, they set down the correct hierarchical approach to sites of various designations. Therefore, in my opinion, further modification is not needed.

Recommendations:-

3.35. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC: 30 to 34; 36 to 38) (FPC: 36 to 39 and 41 to 43) with the exception of the following:-

- a. Delete Table 1 from within the text of the RJ and the reference to Table 1 in the RJ at p5.29.
- b. Delete p(viii) of Policy M5(B) in the FPC and insert:
"Species found in Annex (iv) to the Habitats Directive".
- c. Delete p(iv) of Policy M5(C) in the FPC or substitute:
"Unlisted Historic Parks and Gardens".

POLICY NUMBER : M6 **TOPIC** :Protecting Archaeological
Including paragraphs Remains.
5.35 to 5.38

Objectors:-

413/6163 & 6164 (CW): Wharmby, Redland Aggregates Ltd.
93/5440 (CW) Cromie, Sand and Gravel Association Ltd. 77/5318:
Briggs, ARC Central, Estates Department. 29/5085: Parry, Salop
Sand & Gravel Supply Co. Ltd. 407/6113, 6114 (CW), & 6115: Pollock,
BACMI. 404/6068: Green, Ibstock Building Products Ltd.
415/6227-8 (CW): Walsh, Tarmac Quarry Products (Central) Ltd.
48/5143: Vincent, Henry, Butcher, Smith, Vincent. 414/6200:
Claridge, Coal Contractors Ltd. 99/5540: Fletcher, English
Heritage.

(CW = conditionally withdrawn)

Counter Objectors:-

93/7117: Cromie, Sand and Gravel Association Ltd. 414/7060:
Claridge, Coal Contractors Ltd. 99/7027-8: Fletcher, English
Heritage.

Summary of Objections:-

- clarify where development would be permitted.
- contrary to advice - add "nationally" important & include parts of M5(C).
- contrary to advice - add "nationally" important - PPG16-16.
- contrary to advice - add "nationally" important - PPG16-8.
- contrary to advice - clarify legal agreements & add "nationally" important.
- contrary to advice - PPG16 - hierarchy of importance MPG3-53 and CBI Environmental Charter.
- reword - modify proposals - add "if required".
- reword - replace "investigated" with "assessed".
- reword - applicants may have already taken account of interests.
- too negative - mineral industry can benefit archaeology.
- the assessment requirements should be set out more fully.
Also reword the second paragraph to bring it in line with PPG 16

Conclusions on the material objections are as follows:-

3.36. The RJ and Policy have been altered by both the PC and FPC so that they both meet objections and national policy. (PC 39 and 40)(FPC44 to 46)

3.37. The most significant change has been the insertion of **"nationally"** to define important archaeological remains thus providing alignment with PPG 16.(PC 40)(FPC 46) This is linked with the presumption in favour of the protection of nationally important sites which was a definition lacking in the MLP.

3.38. A minor change from **"investigated"** to **"assessed"** now provides the correct emphasis for the pre-planning application stage.(FPC 44). Assessment must precede investigation and it is therefore the logical approach that this should be the first step. In my opinion the Policy, as set out in the MLP, suggests that excavation would be an essential part of the investigation, which could be damaging to intrinsic archaeological layering. It is for this reason that in the penultimate line of Policy M6 it would be preferable to qualify **"excavation"** with **"if needed"**, with a linking addition to the RJ.

3.39. It was claimed by an objector that the Policy should have been more descriptive listing the hierarchy of sites and their status for protection purposes; possibly mirroring definitions in earlier polices. In my opinion the Policy and

RJ as it appears in the FPC is sufficiently detailed without being confusing, elaborate, or too restrictive.

Recommendations:-

3.40. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC: 39 and 40) (FPC: 44 to 46) with the exception of the following:

- a. Insert in the penultimate line of Policy M6 **"if needed"** after **"excavation"**.
- b. Insert in the RJ at p5.37 **"if needed"** after **"excavation"**.

POLICY NUMBER : M7 **TOPIC :** Benefits to the Countryside
Including paragraphs and the Local Economy.
5.39 to 5.42

Objectors:-

419/6281 (CW) : Moore, Shropshire Area Ramblers' Association.
90/5410: Wallace, Shropshire Ornithological Society. 404/6069:
Green, Ibstock Building Products Ltd. 415/6229, Walsh Tarmac
Quarry Products (Central) Ltd. 407/6116: Pollock, BACMI.
29/5086: Parry, Salop Sand & Gravel Supply Co. Ltd. 93/5441:
Cromie, Sand and Gravel Association Ltd. 21/5051 (CW): Harvey,
Rural Development Commission, Area Office. 413/6166 (CW):
Wharmby, Redland Aggregates Ltd. 98/5506: Noons, Gov. Office for
the West Midlands. 55/5168: Locke, Wrekin Council. 61/5247:
Hall, British Ceramic Confederation. 72/5291: Twigg, RJB Mining
(UK) Ltd. 79/5334: Mckelvey, Shropshire Wildlife Trust.

Counter Objectors:-

415/7095: Walsh, Tarmac Quarry Products (Central) Ltd. 56/7045:
Roberts, Ministry of Agriculture Fisheries & Food.

(CW = conditionally withdrawn)

Summary of Objections:-

- "landuses" should read "land uses".
- add "opportunities to create wetlands".
- contrary to advice - draft PPG7 2.3, 2.7 & 2.8 - reword
"significant benefits".

- contrary to advice PPG1-5 - benefits are not a valid test - add "material" adverse effects.
- contrary to advice PPG1-5 - permit unless harm to acknowledged interest.
- delete - shopping list of planning gains.
- delete all but the first paragraph.
- no reference to the re-use of sites - reword.
- onus of proof - contrary to advice & may be permitted where it does not provide benefits.
- onus of proof - contrary to advice - PPG1-5.
- para ii - add wildlife sites - reword too restrictive.
- unacceptable - 3 step approach required.
- iv - derelict - protect nature conservation interests.
- listing "reclamation and after use" will encourage non-agricultural uses; there should be a presumption in favour of restoring best and most versatile agricultural land.

Conclusions on the material objections are as follows:-

3.41. In the first paragraph of Policy M7 there is the reference to "**potentially significant benefits**". It is my opinion that this does not follow the guidance in p2.3 - PPG7 and that the words "**potentially significant**" are not needed as a qualification of benefit. For this reason I consider that "**potentially significant**" should be deleted.

3.42. In the second paragraph of M7 the FPC change the emphasis on need so this would only have to be demonstrated should there be material planning objections (FPC 49). This is welcomed and in my view the correct approach which is in line with national policy. However, I would prefer to see reference on need in the second paragraph of the policy following the wording in Policy M2 in line with my recommended modification. This is necessary for the sake of consistency of style within the document.

3.43. Towards the end of the second paragraph of M7 the potential benefits as set down in the FPC are described as being "**fairly and reasonably related in scale and kind to the proposed development**". (FPC 49) In my opinion this definition needs to be extended to include the words from pB2 of Circular 1/97 concerning

planning obligations. Therefore, in addition to the text in the FPC the following should be included

"necessary, relevant to planning, directly related to the proposed development, fairly and reasonably".

3.44. The third part of the Policy in the MLP includes a list of what the benefits might comprise. There have been representations which state that the list should be more extensive and others which say the list should be omitted. In my opinion the best approach would be to omit the list. It is an established tenet of development practice that all projects should be assessed individually against the background of their own unique surroundings. This would allow any submitted benefits to be assessed objectively at the time of the consideration of a project.

Should a list be included it could direct developers towards providing the wrong type of benefit just to satisfy the requirements of the policy. In my view the modified policy would be sufficiently clear and unambiguous without the "shopping list"; as it was described by one objector. Therefore, I see no merit in retaining the list or reference to it in the RJ.

3.45. There are minor amendments to the RJ improving both style and clarity which I support. (PC 41) (FPC 47 and 48).

Recommendations:-

3.46. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC: 41 and 42) (FPC:47 and 48) with the exception of the following:-

- a. Delete "**potentially significant**" from the first paragraph of Policy M7.
- b. Delete the second paragraph of Policy M7 and insert:"
Where proposed development would give rise to material planning objections (Policy M2) which are not outweighed by other planning benefits, or when an Environmental Statement is necessary, the applicant will be required to demonstrate what benefits if any the proposed development would bring to the countryside, or the local economy, where these are necessary, relevant to planning, directly related to the proposed development, and are fairly and reasonably related in scale and kind to the proposed development and which outweigh any unacceptable adverse effects."
- c. Delete from Policy M7 the sub paragraphs numbered (i) to (v) and the lead sentence which starts "**The benefits ...**"
- d. Delete from p5.42 in the RJ the reference to "**the type of benefits**".

POLICY NUMBER : M8 **TOPIC** : Planning Obligations.
Including paragraphs
5.43 to 5.44

Objectors:-

55/5169 (CW): Locke, Wrekin Council. 61/5248 (CW): Hall, British Ceramic Confederation. 404/6070: Green, Ibstock Building Products Ltd. 407/6117: Pollock, BACMI. 415/6230 (CW), 6231 (CW): Walsh, Tarmac Quarry Products (Central) Ltd. 29/5087: Parry, Salop Sand & Gravel Supply Co Ltd. 93/5442 (CW) : Cromie, Sand and Gravel Association Ltd. 414/6202 (CW): Evans, Coal Contractors Ltd.

Counter Objectors :-

98/7132: Noons, Gov. Office for the West Midlands.

(CW = conditionally withdrawn)

Summary of Objections:-

- add "recreation" - reword.
- contrary to advice - blanket approach.
- contrary to advice - Circular 16/91 and revised draft - reword "when necessary... "
- contrary to advice - Circular 16/91-B7 - delete after 1st sentence.
- contrary to advice - Circular 16/91-B7 - reword 2nd sentence.
- contrary to advice - delete examples from policy make circumstances explicit.
- reword - "Examples..." should be in the supporting text.
- M8(ii) and lines 7 & 8: revised wording suggested.

Conclusions on the material objections are as follows:-

3.47. In my opinion the RJ at p5.43 in the form now suggested by the FPC, is in line with the guidance set out in Circular 1/97 (PC 43) (FPC 51).

3.48. I have reservations about the wording of Policy M8. The FPC bring the first part of the policy generally into line with the Circular. However, I would prefer to see the wording of the first paragraph aligning more closely with pB2 of Circular 1/97.

In my opinion the words **"necessary, relevant to planning, directly related to the proposed development,**

fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects" should be included in the first paragraph.

3.49. Turning to the second paragraph, and the list of circumstances where it may be appropriate to secure agreements, I do not consider that such a list is necessary. The first paragraph of the policy offers a sufficiently wide ambit of when an agreement might be appropriate. Further definition is not needed. Consequently, paragraph 5.44 of the RJ would need amendment or deletion.

Recommendations:-

3.50. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC:43)(FPC:51) with the exception of the following:-

- a. Delete the text of Policy M8 and insert: **"Where planning conditions would be inappropriate, and before planning permission is granted, Planning Obligations will be sought where necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects, in order to overcome any unacceptably adverse effects of the proposed development and to secure the terms of an agreement, or undertaking, to mitigate these adverse effects.**
- b. A consequential deletion of p5.44 of the RJ to remove the reference to examples of the type of circumstance where planning obligations may be sought.

POLICY NUMBER : M9 **TOPIC :** Mineral Exploration.
Including paragraphs
5.45 to 5.47

Objectors:-

98/5507-8: Noons, Gov. Office for the West Midlands. 48/5144 (CW): Vincent of Henry, Butcher, Smith, Vincent. 407/6118: Pollock, BACMI. 93/5443: Cromie, Sand & Gravel Association Ltd. 72/5292: Twigg, RJB Mining (UK) Ltd. 415/6232: Walsh, Tarmac Quarry Products (Central) Ltd. 413/6167 (CW): Wharmby, Redland Aggregates Ltd.

Counter Objectors:-

414/7061: Evans, Coal Contractors Ltd.

(CW = conditionally withdrawn)

Summary of Objections:-

- 2nd sentence of 5.45 - refer to the GDO.
- contrary to advice - any adverse effects should be qualified by "material".
- delete second part of policy - relates to mineral working.
- mitigation measures - demonstrable harm.
- onus of proof contrary to advice - PPG1-5. Reword - "Proposals should include satisfactory....."
- too onerous to expect to enhance sites & only after exploration is information on water resources obtained.
- too restrictive - delete (i) and (ii).
- 5.45 - should refer to "General Permitted Development Order"

Conclusions on the material objections are as follows:-

3.51. The proposed changes to the RJ at 5.45, and other minor changes, are supported as they put this type of development in the right context.(PC45)(FPC53 to 55)

3.52. In my opinion this Policy is cumbersome and duplicates other controls within the draft Plan. Mineral Exploration is covered by part 22 of the Town and Country Planning (General Permitted Development) Order 1995. Any development which is not permitted by the Order would be subject to normal planning controls. Should this be the case then other policies in the Plan would then come into force and bite on the development proposals for mineral exploration. It is my view that this policy could be simplified from its present form without losing any of its importance or authority.

3.53. To my mind this policy could be condensed into a single paragraph to read:-

Mineral exploration which is not permitted by part 22 of the Town and Country Planning (General Permitted Development) Order 1995 will only be permitted where it does not have an unacceptably adverse effect on the environment, local amenities or communities. Full reinstatement of occupied land and removal of all temporary and permanent works associated with the exploration will be required.

Recommendations:-

3.54. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC:45) (FPC:53,54,55) with the exception of the following:-

a. Delete the text of Policy M9 and substitute the following:-

Mineral exploration which is not permitted by part 22 of the Town and Country Planning (General Permitted Development) Order 1995 will only be permitted where it does not have an unacceptably adverse effect on the environment, local amenities or communities. Full reinstatement of occupied land and removal of all temporary and permanent works associated with the exploration will be required.

POLICY NUMBER : M10 **TOPIC :** Ancillary Development.
Including paragraphs
5.48 to 5.50

Objectors:-

55/5170: Locke, Wrekin Council. 415/6233 (CW) 6234: Walsh, Tarmac Quarry Products (Central) Ltd. 414/6203 (CW): Evans, Coal Contractors Ltd. 98/5510: Noons, Gov. Office for the West Midlands. 404/6072: Green, Ibstock Building Products Ltd. 29/5088: Parry, Salop Sand & Gravel Supply Co. Ltd. 77/5319 (CW): Briggs, ARC Central, Estates Department. 93/5444: Cromie, Sand and Gravel Association Ltd. 61/5249: Hall, British Ceramic Confederation. 407/6119 (CW): Pollock, BACMI. 413/6168 & 6169 (CW): Wharmby, Redland Aggregates Ltd.

Counter Objectors:-

415/7096 & 7097: Walsh, Tarmac Quarry Products (Central) Ltd. 414/7062: Evans, Coal Contractors Ltd. 404/7106: Green, Ibstock Building Products Ltd. 77/7036: Briggs, ARC Central, Estates Department. 61/7037: Hall, British Ceramic Confederation. 407/7124: Pollock, BACMI.

(CW = conditionally withdrawn)

Summary of Objections:-

•add "removal of all plant" - reword.

- clarify meaning of "secondary activities".
- clarify rationale and objectives.
- contrary to advice - i & ii too restrictive - MPG6-38 & MPG1-68-70.
- contrary to advice - MPG1-B14 - too restrictive.
- delete all except first para.
- delete ii - reword iii - delete final para.
- (ii) - too restrictive.
- ii - too restrictive - limits recycling.
- ii - too restrictive - treat each case on its merits.
- iii - too restrictive - plant may need to be retained on site.
- last para - contrary to advice - reword - "In exceptional circumstances a condition..."

Conclusions on the material objections are as follows:-

3.55. The summary of the objections to both the deposit version of the Plan and the PC was that this policy is too restrictive. The FPC provides to some extent a relaxation of the restriction but still does not satisfy objectors. It is claimed that such restrictions could unjustifiably impede freedom of working and methods of operation. Objectors placed emphasis on the possible restriction on recycling and movement of materials between work stations which could arise from the implementation of this policy.

3.56. Policy M10, in the opening set out in the FPC, (FPC 59) introduces the proper test of **"unacceptably adverse effects"**. Providing the ancillary activity which is proposed by an operator satisfies this test then the activity should be classed as acceptable development. Moreover, the Policy should ensure that ancillary projects fit comfortably with their surrounding and satisfy normal environmental restrictions. In my opinion this should not be viewed as too restrictive.

3.57. In the third paragraph it has been claimed the Policy incorrectly places the burden of proof on the applicant which would be contrary to the guidance in PPG1 - p36. For this reason it would be preferable to alter the wording of this part of the Policy

to ensure the correct emphasis. It is my view that the paragraph should open with the words: **"Projects should include...."** in place of **"The applicant will be required to demonstrate that the proposals include**:-"

Such a modification would give the right emphasis to the Policy moving the burden away from the applicant. This is a change which would satisfy the objections from the Industry and it follows national policy guidance. Moreover, it should not make the Policy too restrictive and retain the correct balance for site operation.

3.58. I support the proposed changes to the RJ which set out the correct emphasis which should be placed upon ancillary development, against the background of the GPDO.
(PC 47) (FPC 58)

Recommendations:-

3.59. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC:47 and 48) (FPC:58,59,60,61) with the exception of the following:-

- a. Delete from the second paragraph of Policy M10, paragraph three in the PC, the opening words **"The applicant will be required to demonstrate that the proposals...."** and replace with **"Projects should**".

POLICY NUMBER : M11 **TOPIC :** Transport of Minerals
Including paragraphs
5.51 to 5.61

Objectors:-

415/6235-8(all CW) Walsh, Tarmac Quarry Products (Central) Ltd.
407/6120(CW) & 6131(CW): Pollock, BACMI. 418/6268: Upton, First City Ltd. 89/5397: Bond, Council for the Protection of Rural England. 72/5293: Twigg, RJB Mining (UK) Ltd. 48/5145(CW): Vincent, Henry, Butcher, Smith, Vincent. 98/5509, 5511, & 5538: Noons, Gov. Office for the West Midlands. 56/5201(CW): Roberts, Ministry of Agriculture, Fisheries and Food. 61/5250: Hall, British Ceramic Confederation. 414/6204(CW): Claridge, Coal Contractors Ltd. 58/5230: King, CAMAS Aggregates. 404/6073: Green, Ibstock Building Products Ltd.

(CW = conditionally withdrawn)

Summary of Objections:-

- 5.57 sets out criteria which are not reflected in the policy - clarify.
- access to primary route network - too restrictive & "production limits" should read "production output".
- acknowledge that all traffic cause these problems.

- add "preference for sites providing satisfactory access to main highways without ...impact on living conditions.."
- add safeguard disused railways for reinstatement.
- add unacceptably adverse effects.
- contrary to advice - "any adverse impacts" should be qualified by "material".
- i - too restrictive as minerals can only be worked where they occur.
- missing text - 5.54.
- onus of proof - contrary to advice - reword - "attention given to measures to protect..."
- Proposals Map - Bayston Hill Quarry sidings - provide an Inset Map - PPG12-7.14.
- quality and characteristics of brick clay a material consideration in determining demand and supply.
- reference to individual sites should occur in supporting text - policy generally too verbose.
- reword "production limits" should read "production output" in accordance with MPG2-83.
- reword - "subsequently" for "currently" ... transported by road.
- transport by rail not appropriate for clay due to economics & favour landbanks close to factories.

Conclusions on the material objections are as follows:-

3.60. The PC meet and overcome many of the objections raised to the MLP and in this respect the changes to the text are supported. (PC 49 to 53)

3.61. A principal objection was directed towards the part of the Policy which places the burden of proof upon the applicant. This emphasis is not in line with the guidance in PPG1 - p36. In my opinion this part of the policy should be rephrased so as to apply the correct emphasis. An acceptable form of words would read : **"Projects should include measures that will satisfactorily protect people and the environment from any unacceptably adverse**

effects of transporting minerals in terms of highway safety, disruption, noise, dust, dirt and vibration."

3.62. It was claimed that the Policy was not sufficiently restrictive in terms of dictating that development should take place adjacent to the primary route network. Such a policy would indeed be laudable, but in my view impracticable. It might preclude the economic development of mineral resources which are not adjacent to primary routes. For this reason I do not consider that such a modification should be made to the Policy.

Recommendations:-

3.63. I recommend that the Plan should be modified in accordance with the Published Proposed Changes (PC:49 to 54) with the exception of the following:-

a. Delete the second paragraph of Policy M11 and insert:-

"Projects should include measures that will satisfactorily protect people and the environment from any unacceptably adverse effects of transporting minerals in terms of highway safety, disruption, noise, dust, dirt and vibration.

Shropshire County Council
SHROPSHIRE MINERALS LOCAL PLAN

Deposit Draft
&
Statement of Proposed Changes

Report into Objections
&
Counter Objections

SECTION - 4

CHAPTER 6 OF THE PLAN

POLICIES

FOR

INDIVIDUAL MINERALS

Nos. M12 to M26

POLICY NUMBER : M12 **TOPIC :** Landbanks for Aggregates
Including paragraphs
6.1 to 6.59

Objectors:-

98/5513 to 5515: Noons, Gov. Office for the West Midlands.
93/5445-6: Cromie, Sand and Gravel Association Ltd. 29/5089 to
5092: Parry, Salop Sand & Gravel Supply Co. Ltd. 59/5235: Jepp,
Ready Mixed Concrete (UK) Limited. 413/6170 & 6171: Wharmby,
Redland Aggregates Ltd. 26/5071: Gilfoyle, Cheshire County
Council. 415/6239 (CW) & 6240: Walsh, Tarmac Quarry Products
(Central) Ltd. 407/6121 & 6122: Pollock, BACMI. 57/5216 (CW):
Murray, Staffordshire County Council. 77/5320 (CW): Briggs, ARC

Central, Estates Department. 91/5416 & 5417: Saunders, Telford Friends of the Earth. 89/5391: Bond, Council for the Protection of Rural England. 48/5147: Vincent of Henry, Butcher, Smith, Vincent.

Counter Objectors:-

98/7085: Noons, Gov. Office for the West Midlands. 93/7118: Cromie, Sand and Gravel Association Ltd. 59/7017 & 7130: Jepp, Ready Mixed Concrete (UK) Limited. 415/7098: Walsh, Tarmac Quarry Products (Central) Ltd.

(CW = conditionally withdrawn)

Summary of Objections:-

- state "at least 7 years" (MPG6-63)
- add "where adverse impacts".
- balance need and environment - contrary to advice - MPG6- 12(i)
- contrary to MPG6 - Plan should contain policy for the maintenance of a landbank.
- contrary to MPG6 - should refer to sub-regional apportionment & landbank at end of plan period.
- contrary to MPG6 - delete "minimum" and "maximum"
- contrary to MPG6 - 64 - maintain landbank throughout the plan period.
- contrary to advice - MPG6 - delete second sentence.
- Crushed Rock - 10 year landbank not justified - amend to 20 years as per Structure Plan.
- Demand Forecasts - add MPG6 based on 1992 figures.
- discourages alternatives.
- historic demand forecast figures should be provided.
- landbank period should be reduced as an incentive to use secondary aggregates.
- refer to "resources" not "reserves" (MPG6-64).
- Sand and Gravel - contrary to advice - separate landbanks should be maintained for concreting and building sand (MPG6-66).

- Sand and Gravel - Source and Purpose - (6.10 to 6.16) - different types and end uses & output limitations should be considered.
- take account of the range of materials.
- Sand and Gravel - Source and Purpose - take account of market conditions and the ability to produce - (MPG6-84).
- Plan as proposed to be changed does not allocate sufficient resources to meet future requirements

Conclusions on the material objections are as follows:-

4.1. I support the several minor changes which have been made throughout these paragraphs to generally update the figures and provide a clearer text.

4.2. An objector stated that landbanks were not needed as they encourage the exploitation of minerals. However, such a view is not in line with national policy which states that landbanks should be a feature of development plans for minerals. There is, however, the proviso that despite the general commitment to maintain a landbank it does not remove the discretion of the mineral planning authority to refuse planning permissions should there be overriding objections to a project.

4.3. The minerals industry claimed that both the policy and RJ are too restrictive regarding the landbanks for aggregates and crushed rock. The MPG states that for aggregates a landbank for at least seven years extraction should be maintained and a longer period may be appropriate for crushed rock. The longer period for crushed rock reflects the lead in time for this type of quarry which generally is both larger and requires greater capital expenditure for plant and equipment.

4.4. The RJ in 6.50 states the commitment of the Plan to the provision of landbanks but this does not seem to follow through into the policy itself. In my opinion the MLP policy should be more explicit to align with national policy, and the first sentence of policy M12 should state: "**Landbanks will be maintained throughout the Plan period sufficient for ...**". Stating the policy in this way should set aside any uncertainty as to what is to be provided.

4.5. Turning to the timescale for the aggregate landbank I take the view that the period should be "**at least 7 years**" in line with the MPG.

4.6. Upon the matter of "**production**" which is referred to in M12 I do not consider that this is the right word in the context of landbanks. The MPG refers to "**extraction**" which is different from production. One refers to the depletion of the resource itself and the other is linked to demand in the market place. It is possible for a quarry to produce from stock piles long after

its extraction capability either lies dormant or has been exhausted. For this reason I take the view that **"extraction"** should replace **"production"** in the policy to give the right emphasis and to bring it in line with the MPG.

4.7. Regarding the crushed rock landbank it was claimed that a 10 year period is too short and a 20 year period would be more appropriate to align with the Structure Plan. Paragraph 6.51 of the RJ deals with this matter and I heard no cogent arguments which lead me to the view that a 20 year land bank should be substituted.

Moreover, the replacement of the word **"production"** with **"extraction"** in the policy and the commitment to maintain a 10 year landbank throughout the Plan period would align with the MPG.

This period should provide ample time for the industry to assess its extraction and production levels and balance them against both resource and demand for crushed rock. For this reason I see no reason to extend the 10 year timescale for crushed rock extraction and neither do I find any strength in the case that the words **"at least"** should be inserted to qualify the 10 year period.

4.8. A claim was made that there could be a need for separate landbanks for concreting and building sand in line with p66 - MPG6.

I heard no convincing evidence that changes should be made to reflect such a perceived need. Moreover, should such a need arise then policy M12 is sufficiently flexible in terms of its reference to both sand and gravel to cater for this demand.

Recommendations:-

4.9. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC: 55 to 66 and 68) (FPC: 63 to 66) with the exception of the following:-

a. Delete the text of Policy M12 and replace with:-

Landbanks will be maintained throughout the Plan period sufficient for:-

(i) at least seven years extraction of sand and gravel;

(ii) ten years extraction of crushed rock;"

In considering applications for further development of primary aggregates, the extent of the landbank will be taken into account.

POLICY NUMBER : M13 **TOPIC :** Determining the Landbank for Primary Aggregates

Objectors:-

89/5390 : Bond, Council for the Protection of Rural England

Summary of Objection:-

- reject sub-regional apportionment and aim for lower figure: implies the County has no faith in secondary materials.

Conclusions on the material objections are as follows:-

4.10. There is a commitment within the Plan to the use of recycled materials, so this valuable resource has not been ignored. However, its availability and distribution is such that it is unable to replace, in this region now, the need for raw excavated quarry material. The determination of the landbanks has been based on the national planning policy for minerals as set down in the relevant MPG. For this reason I see no need to modify either M13 or the relevant RJ.

Recommendations:-

4.11. I recommend that no modification is made to Policy M13.

POLICY NUMBER M14

Introduction:-

4.12. This policy attracted the greatest number of objections. They were directed towards the site selection method, the policy itself, and the preferred sites and areas. In this section of my report I deal with the a technical matter of the site selection method and the wording of the policy and RJ. I do not deal here with the actual sites, their surroundings, the process and analysis of their selection, or with the alternative sites which were put to me at the inquiry and in written evidence. These matters together with the impact of the sites on their surroundings are dealt with in Section 7 of my report. This aligns with Chapter 9 of the MLP which is entitled "The Proposed Areas for Future Sand and Gravel Working." Resulting from the commentary in Section 7 of my report preferred areas are identified which result in recommended modifications to Policy M14 and the RJ.

POLICY NUMBER M14

TOPIC: The Future Working of
Sand and Gravel
(Preferred Areas -
Site Selection Process)

Objectors:-

56/5210: Roberts, (FRCA)MAFF.

Counter Objectors:-

56/7010, 7046: Roberts, (FRCA)MAFF.

Summary of Objection:-

- unnecessary loss of best and most versatile agricultural land.

Conclusions on the material objections are as follows:-

4.13. The assessment of agricultural land quality is an important factor in terms of site selection. First, there is the quality of the land itself; secondly, the possibility that mineral working may take the area entirely and permanently out of agricultural production; thirdly, the realistic chance of recovery in returning land to its status before the commencement of works. When the MPA carried out their site assessments, agricultural land quality, and restoration potential, were major factors in the decision making process.

4.14. MPG1 - p50 provides guidance on this matter and says that considerable weight should be given to protecting the best and most versatile agricultural land. However, it accepts that unlike most other forms of development, land from which minerals have been extracted can be restored either to its former use, or to a beneficial new use. PPG 7 p2.17 - 2.20 provides more explicit guidance on the protection of this valuable natural resource restating a cautionary approach to even "soft" uses, such as golf courses, on the best land as its return to best quality use is rarely practicable.

4.15. The thrust of the case presented by MAFF centres on the objectivity of the site assessment which results in the selection of the Morville site extension, in part, onto the best and most versatile land. It seems to me that despite the thrust of the objection towards the objectivity of the assessment it comes down to the selection of a site on which MAFF see tolerable restoration as impracticable. This turns into an objection to the inclusion of the site at Morville as a preferred area. I heard no convincing evidence about the methodology itself and in my opinion it was fairly balanced across the site selection process. In Section 7 of my report I deal with the comparison of the preferred areas and the alternative sites promoted by objectors. My conclusions there are that the Morville site extension should be deleted and not designated as a preferred area.

POLICY NUMBER M14

TOPIC: The Future Working of

Objectors:-

98/5516: Noons, Gov. Office for the West Midlands. 93/5448 (CW): Cromie, Sand and Gravel Association Ltd. 59/5236 (CW): Jepp, Ready Mixed Concrete (UK) Limited. 91/5418: Saunders, Telford Friends of the Earth. 77/5321: Briggs, ARC Central, Estates Department. 413/6172-3: Wharmby, Redland Aggregates Ltd. 415/ 6241 (CW), 6242, 6243 (CW), 6244 & 6245: Walsh, Tarmac Quarry Products (Central) Ltd. 407/6123 -4: Pollock, BACMI. 418/6269: Upton, First City Ltd.

(CW = conditionally withdrawn)

Counter Objectors:-

407/7125-6: Pollock, BACMI. 415/7099 & 7100: Walsh, Tarmac Quarry Products (Central) Ltd.

Summary of Objections:-

- "need" to be established - contrary to advice (MPG1-4) & other sites may be more acceptable (MPG1-62).
- "need" to be established...contrary to MPG1 - delete -"Subject-need...M13."
- delete - "discourages alternatives".
- extensions inextricably linked to original site - should be released early.

- necessary to take account of distribution and quality of reserves.
- need - more flexibility required - 33% safety margin suggested.
- need - Table 11 - landbank calculation - 12.3 mt during the plan period, less reserves - 6.04 mt requirement.
- no account has been taken of the need to maintain productive capacity.
- over allocation by 50% - delete Barnsley Lane 4.1 mt 20% sufficient flexibility & encourages recycling.
- phasing - insufficient information to determine timing of release.
- take account of the dominance of one outlet or producer.
- there are more suitable sites which should be allocated.
- too restrictive - 33% safety margin means that Plan needs to find 6.04 mt.
- objection to the proposed changes in respect of Morville and the deletion of Woodcote Wood without explanation.
- unnecessary loss of best and most versatile agricultural land.

Conclusions on the material objections are as follows:-

4.18. The FPC changes the emphasis on the matter of need, and in my opinion provides the correct approach. Moreover, it links this policy back to M2 which sets out the proper test in the context of the guidance in the MPG.

4.19. The industry claims that the Plan, incorporating the preferred areas, does not align with MPG6 - p60 regarding flexibility. There is no adequate safety margin, and in this respect the industry would like to see a margin of about 30%. The Plan, it says, is too tightly drawn with no allowance for sites which do not come on stream within the life of the Plan. Against this the Council take the view that there is no specific guidance on margins of flexibility and the Plan does incorporate a surplus. Moreover, the Plan does not preclude other areas from coming on stream if they are environmentally more acceptable than the preferred areas.

4.20. I respect the views of individual commercial operators who would prefer to see their sites in the running to replace

preferred areas. This is matter which I deal with under Section 7 of this report. It is as a result of my assessment that I recommend policy M14 be modified to change the preferred areas of working for sand and gravel extraction. These changes comprise the deletion of an extension at Morville, the substitution of a site extension at Wood Lane, and the reinstatement of Woodcote Wood as a Third Phase. The consequences of the modification are that the resource potential for Phase One and Two would be reduced to match the shortfall and provide no numerical surplus on assured production figures. In the context of the Third Phase for preferred areas, I have included Woodcote Wood which has many factors in its favour. It is my opinion, that if the preferred areas in the first two phases cannot deliver the resource, or market changes force an increase in demand for aggregate, that Woodcote Wood should be included as the next site in line. My principal reason for not including Woodcote Wood in either the first or second tranche was that I found it less acceptable than sites in the first two groups and its reserve of 1.58 mt of aggregate would have swelled the resource potential to 4.73mt providing a surplus of about 50%, which in my opinion is excessive. By including it as a third phase it secures flexibility and ensures that it will not come on stream unless it is demonstrated that the first two phases cannot deliver as anticipated, or there are environmental benefits (FPC 71).

4.21. My recommended modifications to Policy M14 will align with the following:-

The First Phase:

i	Wood Lane Deepening	0.85 mt
ii	Tern Hill Extension	0.295 mt
iii	Norton Farm Extension (Potential reserve of 1.67mt)	1.0 mt

The Second Phase:

iv	Barnsley Lane (new area)	1.0 mt
	Approximate total potential sand and gravel reserve for first two phases	3.15 mt
	Landbank Shortfall	3.15 mt
	Flexibility Margin with first two phases	0.0 %

The Third Phase:

v	Woodcote Wood (new area)	1.58 mt
	Approximate total potential sand and gravel reserve	4.73 mt

for all three phases

Landbank Shortfall 3.15 mt

Flexibility Margin 50.0%
with three phases

Recommendations:-

4.22. I recommend that the Plan should be modified in accordance with the following:-

(a) Delete the text of Policy M14 and substitute the following:-

The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted reserves and then from the development of new workings within the following preferred areas:-

The First Phase:

- i Wood Lane Deepening Preferred Area, near Ellesmere
- ii Tern Hill Extension Preferred Area, near Market Drayton
- iii Norton Farm Extension Preferred Area, near Conover

The Second Phase:

- iv Barnsley Lane Preferred Area, near Bridgnorth

The Third Phase:

- v Woodcote Wood Preferred Area, near Sheriffhales

Applications involving the above areas will need to address a number of environmental issues which will be considered against the policies in the Minerals Local Plan.

Applications for earlier working of first phase extension sites in conjunction with already consented areas may be considered where it can be demonstrated that a more sustainable approach to mineral development can be achieved (Policy M1).

In the event of production or other difficulties arising with Phase 1 sites the Mineral Planning Authority may be prepared to consider applications for Phase 2 or Phase 3 sites at an earlier stage in the Plan period.

(b) Minor consequential amendments to the RJ from 6.60 to 6.63 to align with the modified Policy M14.

(c) The inclusion of FPC No 71 for para. 6.63A.

POLICY NUMBER : M15
Including paragraphs
6.64 to 6.66

TOPIC : Sand and Gravel Working
Outside the Preferred Areas.

Objectors:-

56/5206: Roberts, Ministry of Agriculture, Fisheries and Food.
91/5419: Saunders, Telford Friends of the Earth. 57/5221(CW) &
5222(CW): Murray Staffordshire County Council. 415/6246(CW),
6248(CW), 6250(CW) & 6251(CW): Walsh, Tarmac Quarry Products
(Central) Ltd. 29/5094: Parry, Salop Sand & Gravel Supply Co.
Ltd. 413/6177: Wharmby, Redland Aggregates Ltd. 93/5449: Cromie,
Sand and Gravel Association Ltd. 98/5517: Noons, Gov. Office for
the West Midlands.

Counter Objectors:-

56/7009: Roberts, Ministry of Agriculture, Fisheries and Food.
93/7119: Cromie, Sand and Gravel Association Ltd.
29/7034: Parry, Salop Sand and Gravel Supply Co. Ltd.

Summary of Objections:-

- consequ
ence of objection to M14: there may be less
agriculturally damaging options.
- delete reference to preferred areas.
- exceptional circumstances criteria too inflexible - also M16,
20, 21, 22 and circumstances in M19.
- exceptional circumstances - iii - clarify that this relates to
environmental benefits.
- favour extensions - new policy needed.
- favour sites which would provide "limited small scale
extensions".
- need - contrary to advice - MPG1-40 & the exceptional
circumstances are too restrictive.
- need - contrary to advice (MPG1-40).
- allow for sites which would be as environmentally acceptable as
preferred area.
- allow for sites which would be more acceptable - offer gains,
supply same market & implementable.
- allow for sites which would provide environmental benefits
(MPG1-62)

- words "significantly more" should be deleted and "at least as" be inserted.

Conclusions on the material objections are as follows:-

4.23. There are minor changes to the RJ which I support. (PC 72) (FPC 74)

4.24. The policy as it appears in the MLP is out of line with the guidance at p62 - MPG1. The PC introduces additional matters which provide, in my opinion, a policy and RJ which aligns closely with the national guidance. (PC 73) The objectors, especially those from the industry, see the policy as unduly restrictive.

The MAFF objection is linked to a site specific objection under policy M14 where representatives had not been convinced that the preferred areas were indeed the least damaging option. This is a matter which I deal with later in Section 7 (Chapter 9 of the Plan) under a site specific heading.

4.25. The emphasis on need in the policy in the MLP has now been changed in the PC. (PC 73) It puts forward the correct approach to need and links back to Policy M2. It is not essential, in my view, to include the full text of the suggested modification to M2 here, as the inclusion of the reference to policy M2 provides the necessary link.

4.26. National policy gives clear guidance on the matter on new mineral resources. It says that new information can identify sites which might be less environmentally harmful than those identified as being preferred. Under these circumstances the development of an alternative site would be a better option, even to the extent that a Plan review should be initiated. In my view it is the correct approach that a policy such as M15 should be included in the MLP. It encourages the industry to carry out research into alternatives so that the best and least environmentally damaging sites are developed. In the PC the introduction of clause (iv) into M15 and the addition to 6.64 of the RJ (PC 72) properly reflects the thrust and spirit of the MPG.

There is one minor exception in this clause where it states: **"would be significantly more acceptable"**. MPG 1 - p62 use the words **"might be significantly more acceptable"**, and in my view this would provide the correct emphasis here. Apart from this, I see no reason to propose further modifications to either the policy or the RJ.

4.27. It was claimed that this policy would lead to exploitation of resources over and above working in the preferred areas. I do not accept this view. The policy states clearly the balance which is to be achieved in site assessment.

4.28. Objectors claimed that the MLP designates preferred sites and not preferred areas or areas of search in line with MPG 6 - p59. In my opinion the MPG allows flexibility over this matter and the designation of preferred areas or areas of search is not mandatory. To my mind, providing there is a realistic possibility of a resource being present, to meet the landbank requirement, then a further area of search would not be needed. I accept that, to some extent, the MLP does define sites in terms of the preferred extensions, but regarding the proposed new developments the

- Coates - operational.
- consider sites which would provide environmental benefits (MPG1-62).
- dormant sites may not be available during Plan period - what effect of Minerals Review.
- figure 5 - delete Limestone outcrop at Lilleshall.
- identify additional reserves.
- identify new sites: requirement 33.54 mt owing to need for 20yr landbank.
- iii - exceptional circumstances - clarify that this relates to environmental benefits
- in (i) add reference to secondary materials.
- Llyncllys extension - suitable site for inclusion - important source of agricultural lime.
- missing text - Table 7.
- reassessment of reserves: how certain?
- need to identify additional reserves.
- reword policy, it does not make sense.
- too restrictive, puts pressure on Staffordshire.

Conclusions on the material objections are as follows:-

4.30. I consider that the FPC to the MLP bring the text of the policy into line with national guidance, and supporting changes are also made to the relevant RJ. The policy in its reworded form now follows the text of M15 with the exception to the reference to preferred areas of working and the linked clause (iv). (PC 74,75,76) (FPC 76)

4.31. The emphasis on need in the policy in the MLP has now been changed in the PC. (PC 76) It puts forward the correct approach to need and links back to Policy M2. It is not essential, in my view, to include the full text of the suggested modification to M2 here, as the inclusion of the reference to policy M2 provides the necessary link.

4.32. The GOWM stated that there should be a reference to "preferred areas" in the policy. However, as it is the intention that requirements for crushed rock will be met from existing

permitted reserves then reference to other preferred areas of working is not, in my opinion, needed for this policy.

4.33. The major issue which separates the parties is the matter of the landbank. Objectors state that the calculations in the tables should take account of the Plan period plus 20 years. Simply, this would translate into a shortfall, based on current permitted reserves, of about 13mt against production of about 92mt. It is claimed that these figures give no flexibility and there is a need to identify preferred areas in line with the objection raised by the GOWM.

4.34. Based on a 10 year landbank the assessments are substantially different and they are set out in table 11 of the RJ. Here the production figure is about 70mt set against permitted reserves of at least 92mt minimum. These figures demonstrate a surplus of about 30% over production levels up until the year 2016; which is the Plan period plus 10 years.

4.35. Just before the close of the inquiry the Council resolved to grant planning permission, subject to a s106 agreement, for an extension to a crushed rock quarry at Llyncllys. This is a site which was put to me at the inquiry as an "alternative site". This permission, should the agreement be finalised, would add to the permitted reserve figures during the Plan period. It would also supply the crushed lime market for agricultural use.

4.36. I understand, from the evidence which was presented to me, that there is no perceived impediment to a s106 agreement for Llyncllys. It is likely to be finalised but its complexity means that an early agreement is not foreseen. On this basis the objector does not feel confident about withdrawing the objection. But it is clear to me that both sides can see the benefit of granting planning permission for an extension to an existing hard rock quarry, which also supplies a specialist market, where the impact can be controlled, restoration works would be acceptable, and which is a valuable local employer.

4.37. In my opinion I see no reason to include the Llyncllys site within the ambit of this policy as a preferred area. I consider that it falls into the category of an extension to a permitted reserve which is a matter already covered by Policy M16 in the MLP. Moreover, the Council are committed to the grant of planning permission and have taken this stance on the basis of the specialist market which the site would satisfy. Such a decision would be in line with normal planning constraints and the MLP. I am confident that this site will come to fruition, with time, and in turn will add to the crushed rock permitted reserves within the County which already stand at about 30% over production until the year 2016.

4.38. Regarding the overall extension of the 10 year period for the landbank, I have already dealt with this under policy M12.

I reiterate my support for the stance of the Council that this period should be adequate to allow the industry to bring a new crushed rock quarry, or an extension, into production.

Furthermore, throughout the Plan period there are sufficient reserves, together with the Llyncllys commitment, to support the retention of a ten year landbank and allow for an ample surplus.

The policy and RJ as they now appear in the FPC would allow new sites to come forward if, for some reason, there arises a shortfall in the landbank.

Recommendations:-

4.39. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC: 74,75,76) (FPC:76)

POLICY NUMBER : M17 **TOPIC** : Secondary Aggregates
Including paragraphs
6.75 to 6.80

Objectors:-

97/5475-6: Murray, Environment Agency. 79/5335: Mckelvey, Shropshire Wildlife Trust. 91/5421: Saunders, Telford Friends of the Earth. 93/5450: Cromie, Sand and Gravel Association Ltd. 401/6056: Bromley, Environmental Services Association. 89/5389: Bond, Council for the Protection of Rural England. 48/5146(CW): Vincent, of Henry, Butcher, Smith, Vincent. 57/5218(CW): Murray, Staffordshire County Council. 418/6270: Upton, First City Ltd.

(CW = conditionally withdrawn)

Summary of Objections:-

- amend target to "0.5 mt or x% of the total aggregate requirement", whichever is the greater.
- iii - derelict land - add reference to nature conservation.
- ineffective - requires reduction in supplies of primary aggregates.
- more specific policy needed favouring use of mineral and waste sites, especially close to urban areas.
- need for further guidance - when, where & type of sites.

- new policy - recycling for building demolition waste.
- power station ash is not an inert material.
- target unrealistic.
- use regional pro-rata figure 0.7 mt - would provide 2 mt in Plan period.

Conclusions on the material objections are as follows:-

4.40. The objections to this policy and the linking RJ are centred on their relatively low demand for secondary materials when compared with overall aggregate use and the need to raise the profile of the use of secondary aggregates. National policy is committed to the use of recycled materials, but it recognises that there is insufficient material of this type now to meet the demand for aggregates. Hence the need to draw on mineral resources to meet the needs of the construction industry.

4.41. Policy M1 is directed towards sustainable development which embodies a commitment, in line with national policy, for the use of recycled materials. Policy M17 reinforces this commitment introducing a target figure which the Council consider to be realistic and sustainable. I heard no convincing evidence that the figure should be changed upwards.

4.42. This target figure of 0.5mt will, in my opinion, set a foundation value for this type of aggregate use. It is a level which can be increased in line with national aspirations for recycling. It is an achievable starting point which can be moved upwards in subsequent reviews of this MLP.

4.43. It is claimed that the policy should state a presumption in favour of using former quarries as recycling centres. In my opinion it would not be appropriate to include such a change here. The correct place for such a policy is the Waste Local Plan.

4.44 In my opinion this policy and RJ as it now appears with its minor FPC aligns with national policy.

Recommendations:-

4.45. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC:77) (FPC:77 to 80)

4.49. Regarding the exact wording of the changed policy in the PC I do not like the use of the word **"overriding"** in the second line. The changed policy would be clear without this word. What is important here is the balance between planning benefits and adverse impacts. The policy is unambiguous on this count, no further qualification is needed.

Recommendations:-

4.50. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:78) (FPC:81) with the exception of the following:-

Delete **"overriding"** from the second line of the first sentence of the PC for Policy M18.

POLICY NUMBER : M19 **No Objections**

POLICY NUMBER : M20 **TOPIC : Building Stone**

Objector:-

58/5234: King, CAMAS Aggregates.

Summary of Objection:-

•Grinshill planning permission expires in 2009.

Conclusions on the material objections are as follows:-

4.51. The reference to a long term planning permission in the RJ at 6.104 is incorrect as the relevant permission runs out in 2009. The PC makes the necessary correction to the RJ and there is minor FPC which I support.

Recommendations:-

4.52. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC:80) (FPC:83)

POLICY NUMBER : M21
Including paragraphs
6.106 to 6.141

TOPIC : Coal and Fire Clay Working

Objectors:-

89/5398: Bond, Council for the Protection of Rural England.
11/6138: 6139 & 6141 to 6143: Kent, Clay Colliery Co. Ltd. 414/6205
to 6209, 6210(CW), 6211(CW), 6212 to 6214: Claridge, Coal
Contractors Ltd. 412/6148-6150: Lawes, Ironbridge Gorge Museum
Trust. 57/5219(CW), 5224 to 5227: Murray, Staffordshire County
Council. 417/6295 to 6301: Bate, Wardell Armstrong. 72/5294 to
5297: Twigg, RJB Mining (UK) Ltd. 55/5174: Locke, Wrekin Council.
404/6074 to 6076: Green, Ibstock Building Products Ltd. 61/5251
& 5252(CW): Hall, British Ceramic Confederation. 98/5520 to 5522
& 5537: Noons, Gov. Office for the West Midlands. 79/5336-7,
5338(CW): Mckelvey, Shropshire Wildlife Trust. 99/5541:
Fletcher, English Heritage. 91/5423: Saunders, Telford Friends
of the Earth. 406/6102: McDonagh, Lawley and Overdale Parish
Council.

(CW = Conditionally Withdrawn)

Counter Objectors:-

414/7063 to 7067: Claridge, Coal Contractors Ltd. 98/7086 & 7133:
Noons, Gov. Office for the West Midlands. 56/7047: Roberts,
Ministry of Agriculture, Fisheries and Food.

Summary of Objections:-

- State "applications affecting the Broseley - Shirlett area will be refused".
- acknowledge economic contribution of HQ staff(as per para. 2.12(ii)).
- alternative sites - contrary to advice MPG3-64.
- application of AONB rules to all development fails to make provision for development.
- archaeological interest in the East Shropshire coalfield.
- coal and fire clay extraction - reclaiming derelict land has been a beneficial effect.
- coalfield as defined in para. 6.120 and represented in Figure 7 creates unnecessary planning blight.
- coalfield description of deep mine activity should refer to activities in North Staffordshire.

- coalfield should refer to outliers of coal in the Clee Hills and at Muxton.
- constraints should be identified - contrary to advice - MPG3.
- constraints should be identified for the whole coalfield - as per the approach taken in the Structure Plan Key Diagram.
- contrary to advice MPG3-25 - "comprehensive working", also need allocation of further sites based on environmental and commercial issues.
- contrary to advice MPG3-25 - "comprehensive working", the Plan should identify Areas of Search.
- effect on hydrology of Lyde Brook and Loam Hole Brook - silting up the Upper Furnace Pool Dam.
- effect on public access of proposals in the southern part of the South Western Telford area.
- paragraph 6.126 - emotive - reword last sentence - "balance comprehensive working against policies in the plan..."
- Environmental Considerations - impacts must be "unacceptably adverse", not merely "adverse impacts"
- Environmental Considerations - no justification for the assumptions about the impact of opencast coal mining.
- exceptional circumstances - special policy needed; determine environmental capacity; determine where mining may take place; agree after-uses with LPA.
- exceptional circumstances - the second part of the policy requires further justification.
- Fire Clay - market should include Merseyside, Avon and the rest of the West Midlands.
- Fire Clay - production relates to opencast coal extraction - MPG1 acknowledges the association.
- Fire Clay - separate policy required - to prevent sterilisation of resources.
- Fire Clay - there is guidance for brick clay in MPG1-B14.
- Future Demand... - additional areas may be developed - reword "Currently known areas of ...interest".

- iii - too restrictive - not all operators have existing permissions to surrender.
- impact of fire clay working - emotive - delete 1st sentence & following 4 words of 2nd sentence.
- Inset Map 1 - how was the area defined - why were the Swan Farm and Stoney Hill worked out areas excluded?
- Inset Map 1 - show AONB.
- Inset Map 1 - show World Heritage Site.
- Inset Map 2 - notation - should read Lodge Lane not Candles.
- Inset Map 2 - Windmill Lane site not shown.
- add iv exceptional circumstance - significant benefits to the local community.
- M21(ii) - delete "where possible" to strengthen the policy.
- need & alternative sites - contrary to advice - M2 & MPG3-62.
- need & alternative sites - contrary to advice - MPG3-62.
- need - add reference to more sustainable actions.
- need - contrary to advice - amend as per last sentence of para 5.6.
- need - contrary to advice - MPG3-62.
- need - contrary to advice MPG1-40.
- need - contrary to advice, negative pre-judging of opencast coal mining.
- need - contrary to advice; "unacceptable" adverse effects; cumulative impact - sites in aftercare - too onerous; exceptions too restrictive.
- onus of proof & need - contrary to advice - reword - "Where material planning objections do exist then in determining.."
- onus of proof - contrary to advice PPG1-5; need - contrary to MPG3-7; delete "prospects of further working"; delete 2nd (i).
- opencast working can remove instability and prepare land for redevelopment.

- provision for proposals which facilitate working of other minerals - MPG3.
- South Western Telford - guidelines outdated.
- South Western Telford - objection to further working in the area.
- Plan fails to provide certainty - contrary to advice - MPG3-14-15.
- 6.113 - should the additional words appear after "extends"; the word "extends" should follow "fire clays' in line 4.
- 6.113 - there appears to be a word missing in the proposed change to the third sentence.

Conclusions on the material objections are as follows:-

4.53. Many of the objections concern minor matters and are centred on the RJ, the policy itself, and the inset maps. These objections have been expeditiously despatched by both the FPC and the PC and it is not my intention to rehearse them. (PC 81 to 93) (FPC 84 to 97)

4.54. Some of the objectors would prefer to see coal and fire clay working stopped in certain areas but this is impracticable. The correct emphasis for the policy must be **"unacceptably adverse effect"** and the PC now introduces this test.

4.55. Cumulative impact was a matter of concern to the industry, but its inclusion is correct and aligns with national policy. I have dealt with this matter already concerning policy M3 and I see no reason to act differently for policy M21. In accordance with the recommendations of the GOWM, which I accept, the words: **"permitted future working"** should be added to part "B" of the PC align with Policy M3 (vii).

4.56. In my view the emphasis of the policy is incorrect placing a burden of proof upon the applicant. This is the case in paragraph 2 of the MLP and part A of the FPC and PC. I would prefer to see the deletion of the words **"The applicant will be required to demonstrate that the proposals...."** and the substitution of the words **"The project should..."**

4.57. Sub paragraph (ii) refers to **"protect and where possible enhance"**. In my opinion this test is unreasonable and the phrase should read **"preserve or enhance"**. This is the emphasis which is placed upon the use of these words in terms of sustainable mineral development in p35(iv) of MPG 1. Moreover, it has been held by the Courts that "preserve" has two meanings. That is an active one to preserve, or a passive or neutral one in the sense of keeping safe from harm. The addition of the words **"or enhance"** provides an option for

improvement. In my opinion a change to **"preserve or enhance"** in place of **"protect and where possible enhance"** would provide clarity. This will not impair the force of this policy as it links back other policies in the Plan which will bite on ecological, environmental and archaeological interests in line with their national, or international, status.

4.58. The emphasis on need in the policy in the MLP has now been changed in the PC. It puts forward the correct approach to need and links back to Policy M2. It is not essential, in my view, to include the full text of the suggested modification to M2 here, as the inclusion of the reference to policy M2 provides the necessary link.

4.59. The industry claim that in the PC part "D" of the changed policy is too restrictive whereas those who live in the area would prefer to see an even more restrictive policy. This part of the policy aligns with the structure plan in seeking to protect a number of significant sites. SSSI's are included here together with conservation areas, and sites of archaeological importance and historical importance. There is a presumption in favour of the protection of such sites. In my opinion the emphasis of this part of the policy is correct in seeking to balance the protection of these areas against the need for the mineral.

4.60. Wrekin Council, together with the industry, claim that a policy should be introduced to define an area of search or preferred areas of working for coal and fire clay extraction. In reply the MPA say that the lack of geological knowledge defeats attempts to correctly define, with certainty, an area of search or a preferred area. Without this essential knowledge the definition of such areas, in line with p15 - MPG3, cannot be done. The outcome is that the Council will determine applications on their merits as and when the industry brings them forward. I feel that the policy itself, with other policies in the Plan, are adequate to deal with planning applications within the general area of the resource. The policies, in line with proposed changes, are not onerous, and incorporate normal development constraints to ensure that the environment is not adversely affected in line with national policy.

Recommendations:-

4.61. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:81 to 93) (FPC:84 to 94 and 96 and 97) with the exception of the following:-

- a. Delete from the first sentence of the second paragraph of Policy M21 in the Plan, marked as paragraph (A) in the PC **"The applicant will be required to demonstrate that the proposals....."** and insert **"The project should"**.

- b. Delete from paragraph (ii) in the Plan, marked as A(ii) in the PC **"Protect and where possible enhance"** and replace with **"Preserve or enhance"**. and add **"Policy M5(A),5(B) and 5(C)"** within the brackets
- c. Delete the sixth paragraph of the Policy M21 in the Plan, marked as paragraph (B) in the PC, and insert :-

"Consideration will be given to the possible cumulative impact of the proposals, and permitted future working, on the general area (Policy M3 (vii))."

POLICY NUMBER : M22 TOPIC : Brick Clay Working
Including paragraphs
6.142 to 6.150

Objectors:-

91/5424: Saunders, Telford Friends of the Earth. 98/5523: Noons, Gov. Office for the West Midlands. 404/6077-6082: Green, Ibstock Building Products Ltd. 61/5253-4 & 5255-6(CW): Hall, British Ceramic Confederation. 57/5220(CW), 5228 & 5229: Murray, Staffordshire County Council.

(CW = Conditionally Withdrawn)

Counter Objectors:-

98/7087: Noons, Gov. Office for the West Midlands. 404/7107-8: Green, Ibstock Building Products Ltd. 61/7038-9: Hall, British Ceramic Confederation.

Summary of Objections:-

- add reference to need being met from more sustainable sources (M2).
- allow consideration of new proposals with advantages over existing workings.
- exchange or surrender (iii)- too restrictive - not all operators have existing permissions to surrender.
- restricting new proposals to extensions - too restrictive.
- "small scale" proposals too restrictive.
- landbank policy - at variance with Govt. guidance.

- landbank - contrary to advice - MPG1-41-44 - special regime needed or 30 years (6078).
- landbank policy needed.
- Mercia Mudstone deposits - delete.
- need - contrary to advice - MPG1-40.
- resources in Fig 8 questionable.

•
Conclusions on the material objections are as follows:-

4.62. The industry is concerned that the 10 year land bank is too short to supply a manufacturing base with the material it requires to satisfy a diverse market. Clays from various sources are mixed to provide the raw material for a wide range of bricks and other products to satisfy specific technical and architectural needs. The industry requires a wide ranging clay reserve to meet these demands from both within Shropshire and throughout other parts of the UK and EU.

4.63. The MPA consider that there are sufficient reserves, of about 8m tonnes, to more than adequately cater for the demand which has been recorded over recent years which is running at about 200,000 tonnes annually.

4.64. I understand that the quarrying of brick clay is not a continuous process. It is done at particular times of the year when the weather is suitable for the excavation of material which is then stockpiled for mixing, blending, and grading at a later time, often at a different site. The quarries, during the intermediate period, sometimes appear dormant and even derelict. It is against this background that the industry say that a suitable landbank period would be 30 years.

4.65. I accept that due to the variations in demand, predictability of market requirements is a difficult task for the industry. It needs to be able to call upon a reserve to meet demands for clay based materials. However, I heard no convincing evidence that the landbank should be extended to thirty years from ten years. From the figures which were presented to me it seems that there are already adequate permitted reserves to comfortably exceed a ten year timescale. The FPC introduces a clause which would give special consideration to investment in new brick making plant in order to support production. Moreover, it is my view that there are other policies in the Plan which provide the right emphasis for the assessment and determination of new applications for mineral working of this type.

4.66. For the above reasons I do not consider that it is appropriate to extend the landbank period beyond 10 years. However, I do take the view that the policy itself is not sufficiently clear

in term of its commitment to the landbank. I would prefer to see the wording line up with my recommended modification for M12 including the substitution of the word "extraction" for "production". The policy would then be directed clearly to what is needed and to what should be provided.

4.67. Regarding the reference to the need for the mineral I finds this inclusion to be satisfactory as it links with policy M2 and provides the correct approach.

4.68. One objector persisted with his case concerning landbanks. As I pointed out at the inquiry the provision of landbanks aligns with the national policy.

4.69. In terms of consistency I consider that the word "**environmental**" should be inserted into the policy to qualify any benefits which might arise from working sites other than those with extant permissions.

Recommendations:-

4.70. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:94, 95 and 96) (FPC:98 to 100) with the exception of the following:-

- a. Insert as a first paragraph of Policy M22 in the Plan **"Landbanks will be maintained throughout the Plan period sufficient for ten years extraction of brick clay. A longer period may be appropriate where significant investment in a new brick manufacturing plant is proposed."**
- b. Delete from paragraph (iii) of Policy M22 **"significant benefits"** and insert **"significant environmental benefits"**.

POLICY NUMBER : M23 TOPIC : Peat Working
Including paragraphs
6.151 to 6.161

Objectors:-

10/5017: Pears, Wardell Armstrong. 55/5175: Locke, Wrekin Council. 97/5478: Murray Environment Agency. 424/6293: Nixon, Ludlow Town Council. 98/5524: Noons, Gov. Office for the West Midlands.

Summary of Objections:-

- Fenns and Whixall Moss - land ownership wrongly stated.

- include reference to Weald Moors and in para 3 emphasise "will be" no significant adverse impact.
- refer to "occurrence" rather than "resource".
- reword para 4 - "control" to "stop" peat cutting.
- should more closely accord to MPG13-57 - reword.

•
Conclusions on the material objections are as follows:-

4.71. In my opinion changes to the Plan meet many of the minor objections.(PC 97 to 102)(FPC 102,103 and 105).

4.72. The third paragraph of the policy does not in my view line up with the national guidance in MPG13-p57. A simple change would enable conformity. I suggest a deletion of the existing text and its replacement with **"Applicants will have to conclusively demonstrate that there will be no adverse affect upon nature conservation, archaeological interests, habitat, species, or deposits being safeguarded."** The policy refers to other policies in the Plan which will bite on other ecological, environmental and archaeological interests.

4.73. Regarding the issue of Whixall Moss and its proposed Ramsar designation I consider the policy gives the correct emphasis. The site is owned by English Nature who have a statutory interest in its protection. Therefore, I perceive no need for further modification to this part of the policy.

Recommendations:-

4.74. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:97 to 102)(FPC:102, 103 and 105) with the exception of the following:-

- a. Delete the third paragraph of Policy M23 in the Plan and insert:-

Applicants will have to conclusively demonstrate that there will be no adverse affect upon nature conservation, archaeological interests, habitat, species, or deposits being safeguarded.

- applicant to demonstrate that the need cannot be met from more sustainable sources (M2).
- delete "where possible" in ii.
- replace 'the applicant will be required to demonstrate' with 'attention will be given', also renumber the paragraphs to avoid confusion.

Conclusions on the material objections are as follows:-

4.77. Additions to the text of the policy in the PC now provide the correct emphasis by using **"unacceptably"** to qualify **"adverse effects"**.

4.78. The matter which attracts the main objection is the burden of proof being placed upon the applicant. It is my view that this could be dealt with more simply by deleting the second paragraph and replacing it with: **"Projects should include satisfactory measures to:"**. As for the second group of sub paragraphs under (B) in the PC they could neatly follow the first group by using the prefix: **"and to ensure that:"** with consecutive numbering (iv) to (vii).

4.79. Sub paragraph (A)(ii) in the PC and (ii) in the Plan refers to **"protect and where possible enhance"**. In my opinion this test is unreasonable and the phrase should read **"preserve or enhance"**. This is the emphasis which is placed upon the use of these words in terms of sustainable mineral development in p35(iv) of MPG1. Moreover, it has been held by the Courts that "preserve" has two meanings. That is an active one to preserve, or a passive or neutral one in the sense of keeping safe from harm. The addition of the words **"or enhance"** provides an option for improvement. In my opinion a change to **"preserve or enhance"** in place of **"protect and where possible enhance"** would provide clarity. This will not impair the force of this policy as it links back other policies in the Plan which will bite on ecological, environmental and archaeological interests in line with their national status.

4.80. It was suggested that both "air" and "land" should be added to support the description of the environment. In my view this is not necessary as the use of the word "environment" has a sufficiently wide meaning in this context.

Recommendations:-

4.81. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:103) (FPC:107) with the exception of the following:-

- a. Delete the second paragraph of Policy M25 which reads **"The applicant will be required to demonstrate that the proposals include satisfactory measures to:"** and insert **"Projects should include satisfactory measures to:-"**
- b. Delete from paragraph (ii) **"Protect and where possible enhance"** and replace with **"Preserve or enhance"** and add **(Policy M5A,5B and 5C)**.
- c. Delete the sixth paragraph of Policy M25, numbered as paragraph (B) in the PC and insert **"and to ensure that:-"**.
- d. Delete the numbering **"(i), (ii), (iii) and (iv)"** from the second group of sub paragraphs and renumber the paragraphs consecutively **"(iv) to (vii)"**

POLICY NUMBER : M26 **TOPIC** : Metalliferous Mineral Working
Including paragraphs
6.168 to 6.171

Objectors:-

91/5428: Saunders, Telford Friends of the Earth. 79/5342: Mckelvey Shropshire Wildlife Trust. 98/5527: Noons, Gov. Office for the West Midlands.

Summary of Objections:-

- (i) add "air, land..."
- (ii) - delete "where possible".
- reword 2nd para: "attention will be given to ..." and delete "any" adverse effects (PPG 1-5).

Conclusions on the material objections are as follows:-

4.82. Additions to the text of the policy now provide the correct emphasis by using **"unacceptably"** to qualify **"adverse effects"**.

4.83. The second paragraph of the policy places the burden of proof upon the applicant. It is my view that this could be dealt with more simply by deleting the second paragraph and replacing it with: **"Projects should include satisfactory measures to:"**.

4.84. Sub paragraph (ii) refers to **"protect and where possible enhance"**. In my opinion this test is unreasonable and the phrase should read **"preserve or enhance"**. This is the emphasis which is placed upon the use of these words in terms of sustainable mineral development in p35(iv) of MPG 1. Moreover, it has been held by the Courts that "preserve" has two meanings. That is an active one to preserve, or a passive or neutral one in the sense of keeping safe from harm. The addition of the words **"or enhance"** provides an option for improvement. In my opinion a change to **"preserve or enhance"** in place of **"protect and where possible enhance"** would provide clarity. This will not impair the force of this policy as it links back other policies in the Plan which will bite on ecological, environmental and archaeological interests in line with their national, or international, status.

4.85. It was suggested that both "air" and "land" should be added to support the description of the environment. In my view this is not necessary as the use of the word "environment" has a sufficiently wide meaning in this context.

Recommendations:-

4.86. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:104) (FPC:107 to 110) with the exception of the following:-

- a. Delete from the second paragraph of Policy M26 the words **"The applicant will be required to demonstrate that the proposals include satisfactory measures to:"** and insert **"Projects should include satisfactory measures to:-"**
- b. In sub paragraph (ii) delete **"protect and where possible enhance"** and insert **"preserve or enhance"** and add (Policy M5A, 5B and 5C).

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SECTION - 5

CHAPTER 7 OF THE PLAN

POLICIES

FOR

RECLAMATION AND REVIEW

Nos. M27 to M28

POLICY NUMBER : M27 **TOPIC** : Reclamation and After-Use
Including paragraphs
7.1 to 7.24

Objectors:-

415/6254 (CW), 6255 (UCW) & 6262 (CW): Walsh, Tarmac Quarry Products (Central) Ltd. 407/6127 (CW) & 6133 (CW): Pollock: BACMI.
405/6098-9: Reed, Royal Society for the Protection of Birds.
79/5343 & 5345-6: Mckelvey, Shropshire Wildlife Trust.
55/5176-9: Locke, Wrekin Council. 98/5528-9: Noons, Gov. Office for the West Midlands. 424/6294: Nixon, Ludlow Town Council.
411/6144 & 6146-7: Kent, Clay Colliery Co. Ltd. 413/6180-2 (all

CW) : Wharmby, Redland Aggregates Ltd. 21/5052 (CW) : Harvey, Rural Development Commission, Area Office.

(UCW = unconditionally withdrawn, CW = conditionally withdrawn.)

Summary of Objections:-

- 7.2 - last sentence should read "where" not "were".
- add creation of reedbeds and lowland wet grassland.
- add reference to "nature conservation".
- After-uses - agriculture - add nature conservation opportunities.
- Aftercare and Management - add planning obligations to secure benefits.
- Aftercare and Management - management plan - add timescales.
- Aftercare and Management - reword - wrong impression that legislation allows aftercare beyond 5 years.
- Amenity - add planning obligations to secure long term provisions.
- Amenity - nature conservation should be given a separate attention.
- Amenity - wildlife habitats - add importance of soil types.
- clarify what happens if a contractor ceases to operate.
- conflict - "need for satisfactory scheme", must be accompanied by" and "developers will be encouraged".
- management beyond 5 years aftercare is contrary to MPG7.
- contrary to advice - reword i to read "up to a 5 year period of aftercare".
- iii - contrary to advice MPG7 & impractical for long term sites - delete.
- iii - delete management plan beyond the aftercare period, it is the developer's responsibility (MPG7).
- iii management plan requirement - contrary to advice.
- management plan - why not for agriculture and forestry after-uses.
- no powers beyond 5 year aftercare period - management plan - for applicant to offer.

- after use other than agriculture, forestry and amenity are acceptable.
- Reclamation with Imported Materials - add natural regeneration opportunities.
- reword to read "protect or enhance..."
- v - reword as it may not be possible to provide "evidence" - clarify "evidence".

Conclusions on the material objections are as follows:-

5.1. The changes which the Council propose would seem to meet the objections raised regarding after care and nature conservation issues.(PC 108 to 113)(FPC 113 to 119). There are other minor changes to this group of paragraphs in the PC and FPC documents which I support.(PC:105 and 107)(FPC:111 and 112). Objectors would prefer to see the definitions in the sub clauses of paragraph 2 of the Policy being more specific concerning environmental matters. However, in my opinion, with the proposed changes they are already sufficiently wide ranging and clear in meaning.(PC 113)

5.2. Paragraph 7.5 of the RJ refers to "**protect and where possible enhance**". In my opinion this test is unreasonable and the phrase should read "**preserve or enhance**". This is the emphasis which is placed upon the use of these words in terms of sustainable mineral development in p35(iv) of MPG 1. Moreover, it has been held by the Courts that "preserve" has two meanings. That is an active one to preserve, or a passive or neutral one in the sense of keeping safe from harm. The addition of the words "**or enhance**" provides an option for improvement. In my opinion a change to "**preserve or enhance**" in place of "**protect and where possible enhance**" would provide clarity.

5.3. Should my recommended modifications to Policy M8 be accepted then the reference to Policy M8(ii) in sub paragraph Policy M27(iii) of the PC will need to be deleted.

Recommendations:-

5.4. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC: 105, 107 to 113)(FPC:111 to 119) with the exception of the following:-

- a. Delete from paragraph 7.5 in the RJ the words "**protect and enhance**" and insert "**preserve or enhance**".
- b. Delete the reference to Policy M8(ii) in sub paragraph Policy M27(iii) of the PC and the reference to Policy M8 at the end of paragraph 7.14 of the RJ.

Conclusions on the material objections are as follows:-

5.5. The main concern here is the frequency of monitoring. The organisations that represent the industry have conditionally withdrawn their objections providing the PC and FPC are included as modifications. However, individual members of the industry have taken a different stance.

5.6. The RJ and Policy in the proposed changed form appear reasonable to me. They do no more than state what should be the activities of responsible operators who care for the environment which surrounds those sites which have planning permission. (PC 114 to 116) (FPC 120 and 121)

5.7. In my opinion site operators should adopt a more positive approach to this type of environmental monitoring. Those operators whose sites are up to standard should not fear the bite of this policy. Moreover, monitoring of this type favours those sites which are managed in line with their conditions and with legislation. In this respect the policy will police those sites where working does not conform or where there are persistent breaches of practice. In this way the whole industry will benefit from tighter control.

Recommendations:-

5.8. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC: 114 to 116) (FPC: 120 and 121)

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SECTION - 6

CHAPTER 8 OF THE PLAN

POLICIES

FOR

SAFEGUARDING MINERAL RESOURCES

Nos. M29 to M30

POLICY NUMBER : M29 **TOPIC** : Safeguarding Mineral
Including paragraphs Resources
8.1 to 8.5

Objectors:-

415/6257(CW): Walsh, Tarmac Quarry Products (Central) Ltd.
98/5530: Noons, Gov. Office for the West Midlands. 2/5003: Daws,
Department of Trade and Industry. 48/5150: Vincent, of Henry,
Butcher, Smith, Vincent.

(CW = conditionally withdrawn)

Summary of Objections:-

- delete "useful".
- delete "useful" add "where appropriate".
- line 2 and 9 - delete "potential".
- Mineral Consultation Area - map should be printed on an O.S. base.

Conclusions on the material objections are as follows:-

6.1. The PC meet the objections which have been raised, (PC 117) but for completeness **"potential"** should be deleted from paragraph 3 of Policy M29.

6.2. Regarding the matter of the map, I find it sufficiently detailed for its use in respect of this policy.

Recommendations:-

6.3. I recommend that the Plan should be modified in accordance with the Published Proposed Changes (PC:117) with the exception of the following:-

- a. Delete from the third paragraph of Policy M29 the word **"potential"**.

POLICY NUMBER : M30
Including Paragraphs
8.6 and 8.7

TOPIC : Comprehensive Working of
Mineral Resources

Objector:-

415/6258(CW) : Walsh, Tarmac Quarry Products (Central) Ltd.

(CW = conditionally withdrawn)

Summary of Objection:-

- policy too lengthy - reword - "Planning permission will only be granted..."

Conclusions on the material objections are as follows:-

6.4. The PC meet the objections which have been raised regarding the length of the policy.(PC 118) Moreover, the prevention of the sterilisation of mineral resources is a fundamental principle of sustainable mineral development (Modified Policy M1). There are other minor changes to paragraph 8.6 which I support. (FPC:122)

Recommendations:-

6.5. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC:118) (FPC:122).

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SECTION - 7

CHAPTER 9 OF THE PLAN
THE PROPOSED AREAS FOR FUTURE
SAND AND GRAVEL WORKING

INSPECTOR'S OVERVIEW OF PREFERRED AREAS

The Proposed Areas in the Plan for Future Sand and Gravel Working

7.1. The MLP identified a shortfall within the Plan period of 3,374 mt (table 11). This was based on a potential supply from permitted reserves of 15,598 mt balanced against a production guideline of 18,972 mt. The PC revised this figure with the result that the shortfall for the Plan period between 1996 and 2013 (plan period + 7 years) became 3,153 mt. This latter figure was followed through into the FPC.

7.2. The MPA sought to identify areas and sites which could supply this shortfall of sand and gravel. A site assessment exercise was undertaken and a matrix drawn up which incorporated a scoring system. Each site was allocated a score based on a number of factors such as land quality, landscape quality, access, drainage, protection of important sites and other environmental and physical constraints. According to the score the sites achieved a hierarchy from which were chosen the preferred areas.

7.3. In Policy M14 of the MLP two new areas were designated: Woodcote Wood and Barnsley Lane; together with three site extensions at Morville, Tern Hill, and Norton Farm. The new areas achieved better scores than the site extensions. The Woodcote Wood new area attracted an enormous number of objections. The Morville site extension attracted a strong objection from MAFF regarding the potential degradation of the best and most versatile agricultural land.

7.4. In the PC, the sites in Policy M14 were intended to meet the shortfall in sand and gravel. To this end the Morville extension, in a revised form, was retained still with its related MAFF objection, and Woodcote Wood was deleted. At the close of the inquiry the MPA's designated preferred areas were as follows:-

The First Phase:

i	Morville Extension (revised area)	1.1 mt
ii	Tern Hill Extension	0.295 mt
iii	Norton Farm Extension (Potential resource of 1.67mt)	1.0 mt

The Second Phase:

iv	Barnsley Lane (new area)	1.0 mt (minimum)
	Approximate total Potential Sand and Gravel Resource	3.4 mt
	Landbank Shortfall	3.15 mt
	Flexibility Margin	0.25 mt (8% surplus)

7.5. It is claimed that the Barnsley Lane area has a resource of 1.3 mt which is greater than the resource on which the calculations are based. Those in opposition claim that the Barnsley Lane site, apart from being generally unacceptable, holds a poor resource and would be unable to supply the greater quantity which is anticipated. ARC claim that the Norton Farm site extension could have a resource of 1.67 mt. This would swell the potential resource to 4.365 mt and provide a surplus of 1.2 mt (38% surplus); but this would require deeper working than anticipated with possible restoration problems.

7.6. The preferred areas in the MLP attracted objections.

In the PC and FPC Woodcote Wood is deleted but it still attracted counter objections and in turn further objections to its inclusion which are interpreted as support for its deletion from the MLP.

Other sites were put forward as alternative sites and these were all analyzed by the Council as part of their scoring system. Moreover, those sites which have the benefit of planning permission, and were included by the Council in the landbank calculation, came under attack from objectors. It was stated that some of these sites had not been realistically assessed and their ability to supply, or their historic mothballed state, prevented them from qualifying as true resources. All these factors impinged on the assessment in some way and they were made more complex by the criticisms levelled at the Council's scoring system.

The Site Assessment Process carried out by the MPA:-

7.7. The criticism of this assessment was a matter which dogged almost every inquiry session. Each objector who took up this cudgel against the Council attempted to show that the manipulation of the figures would alter the balance either against or in favour of one or other of the sites. The Council fought their corner valiantly on this matter. The MPA persisted with the view that the assessment had been objective. It accepted that it might be subject to slight variation either up or down, and changes were made as a result of the reassessment. However, it claimed that the tenor of the assessment was correct; with its overt and transparent objectivity providing ample evidence for the MPA's final choice which appear in Policy M14 and Chapter 9 of the PC and FPC.

Areas of search - Areas of working:-

7.8. Objectors claim that the MLP designates preferred sites and not preferred areas or areas of search in line with MPG6 - p59. In my opinion the MPG allows flexibility over this matter and the designation of preferred areas or areas of search is not mandatory. Providing there is a realistic possibility of a resource being present, to meet the landbank requirement, then a further area of search would not be needed. I accept that to some extent the Plan does define sites in terms of the preferred extensions, but regarding the proposed new developments the boundaries define areas within which a site might be operated.

This would be in line with pA4 - Annex A - MPG1. For this reason I see no need to change the word "area" to "site" in this chapter.

The Landbank:-

7.9. The calculation was carried out by the MPA in accordance with the correct procedure. The objections hark back to the cases concerning Policy M13 and table 11. I am content that the timescale up to 2016 is the correct approach with my recommended modification to Policy M12 setting out the commitment to the

maintenance of a landbank of at least 7 years for the extraction of sand and gravel. In this context, the most up to date calculation places the landbank shortfall as requiring an extractive resource of 3.153 mt. I heard no convincing evidence that it should be otherwise.

7.10. The preferred areas in the PC would provide a resource of about 3.4 mt and the MPA calculate this to provide a margin of about 8%. The industry finds this margin unacceptable and too tight, claiming that it does not provide flexibility.

7.11. The evidence which was presented to me shows that some sites, despite the grant of planning permission which attaches to their potential extraction, are not being worked. Objectors on behalf of the industry claim this inactivity in favour of replacing these sites with their own sites. Simultaneously the very same industry argues that the landbank does not provide adequate flexibility. The foundation for this reasoning eludes me. Surely if there is a shortfall, and inadequate flexibility, these inactive sites would be brought into operation to satisfy the market; such is economic progress. Despite the evidence which I heard from objectors about the alleged unacceptability of sites with planning permission, or with agreement under negotiation, which could supply the market with sand and gravel, I do not intend to re-investigate these other sites. This has been done by the Council leading up to the grant of permission or resolution to grant subject to an agreement. Furthermore, it is not within my power to quash these decisions which have been made as a result of the normal democratic process of local government. For this reason I accept the inclusion of these sites as part of the mineral resource calculation. It is the correct way to establish the landbank. Should these sites not come on stream then the Plan is sufficiently flexible to deal with the shortfall that might occur. Moreover, the loss of one of these sites would then become a material consideration, in line with normal practice, to support the inclusion of a different site. For these reasons, it is not in my view appropriate to bolster the list of preferred sites with other sites to make up any alleged shortfall which objectors say could occur. This is matter which should be determined at the time when, if ever, the relevant operator decides not to go ahead with development which has the benefit of planning permission which could in turn translate into a landbank shortfall.

7.12. I accept that MPG6 - p60 points to flexibility but it does not mention margins for flexibility. Margins which are too great would themselves turn into landbank extensions. My understanding of "flexibility" in the context of the MPG is that the Plan itself should be sufficiently flexible to permit new sites to come on stream if areas with planning permission, or preferred areas, fall by the wayside through lack of extractive resource or some other unforeseen constraint. In this way I consider that the Plan is flexible. It will commit the MPA to the maintenance of a landbank of at least seven years (my recommended modification), whilst incorporating the flexibility for considering other sites. This is the correct approach, in my opinion.

Inspector's site selection process leading up to recommended modifications to the Plan:-

7.13. I have looked at the landbank shortfall and considered the size of the resource required for its satisfaction. I have visited all the sites, carried out extensive inspections both accompanied and unaccompanied, appraised the site constraints, and noted the strength of opposition from objectors. I have ranked the sites in order of preference, and with this information I have drawn out what I consider should be the preferred areas for both extensions and new working. The MPA's site assessment methodology has assisted me with this process, but it has not governed my choice. In line with the guidance in MPG1 - p15 I have looked objectively at the acceptability in principle of the sites, and I have not been too concerned with detail. These are matters for development control at the time of making a planning application, should this become relevant. I deal with all these matters in the following paragraphs and my conclusions impinge on Policy M14 as it appears in the PC and FPC, and I make recommendations for its modification.

7.14. As a point of clarification many objectors point to the possibility of the potential after use of quarries as waste disposal areas. I do not dispute that waste disposal can be a valuable after use of a quarry. However, the potential for a waste disposal use was not before me in dealing with the MLP. Such a use would be the subject of the Waste Local Plan, and subsequent planning applications for such uses. Therefore, I have not allowed this matter to impinge on my decisions in dealing with the MLP.

7.15. Supporters of alternative sites persistently raise the point that the resource on the site which they are promoting offered either a better quality aggregate, an aggregate directed towards a specific use within the sand and gravel market, or one which would not be found abundantly on one of the preferred sites. In my opinion this is a matter which will resolve itself and I have touched upon it when dealing with Policy M12. The Plan is sufficiently flexible to allow the consideration of additional sites if the preferred sites cannot deliver the required materials. Such a shortfall in the market place would translate into a further material consideration in determining planning permission for a mineral site which would represent a departure from the Plan. This in my view is the correct approach as otherwise the Plan would be crowded with a abundance of sites for all types and variations of aggregate.

7.16. Firstly, and immediately after my inspection, I considered the effect of a sand and gravel quarry on the character and appearance of its surroundings, access to a main route, and the degree of protection which could be given to those living within sight and sound of the quarry. I was mindful of the guidance in MPG1 especially those constraints listed at MPG1 - p5 (i) to (iv). After I had completed my inspections I listed the sites into two main categories which are listed below. Following the listings

I provide my reasons for making these choices, which in turn lead to my recommendations.

7.17. Sites which would be capable of mitigation:-

Wood Lane - deepening - alternative site - in MLP
Tern Hill - extension - preferred area - in MLP
Norton Farm - extension - preferred area - in MLP
Barnsley Lane - new area - preferred area - MLP
Woodcote Wood - new area - preferred area in MLP
deleted in PC and FPC

7.18. Sites which would be harmful, with significant constraints, and not easily capable of mitigation:-

Neach Hill (withdrawn)
Prees Heath Airfield - alternative site
Moreton Corbet - alternative site
Pave Lane - alternative site
Tong - alternative site
Muckley Farm - alternative site
Burlton (Whackley Lodge) - alternative site
Land at Morville (The Triangle) - alternative site
Lye Farm - alternative site
Morbrook - alternative site - extension to permitted area
Morville - extension - preferred area - in MLP

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 **TOPIC :** Alternative Site:
Neach Hill

Objectors:-

409/6135: Spencer.

Summary of Objections:-

This objection now unconditionally withdrawn.

Conclusions:-

7.19. A reference to the site at Neach Hill has been included for completeness, but as the objection was withdrawn it needs no further consideration.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 TOPIC : Alternative Site:
Prees Heath Airfield

Objectors:-

34/5113: Oldridge, Mineral Surveying Services.

Summary of Objections:-

oPrees Heath should be included in the Plan.

Conclusions on the material objections are as follows:-

7.20. Prees Heath Airfield is a site which has already been refused planning permission by the MPA. It is in an exposed location where concealment or mitigation of impact on the landscape would not be readily achieved. There is the further complication of commoners interests in the land which could require a long time to resolve. The delay could be such that in any event the site would be beyond inclusion as a useable resource within the timescale of the Plan.

7.21. In terms of the MPA's site assessment score Prees Heath Airfield comes out bottom of the scale with -20 and I agree with the assessment. In my comparative appraisal it came near the tail enders of that category of site which would be seriously harmful to the character and appearance of the locality.

Recommendations:-

7.22. I recommend no modification to the Plan in respect of the alternative site at Prees Heath Airfield.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 TOPIC : Alternative Site:
Moreton Corbet

Objectors:-

48/5148: Vincent of Henry, Butcher, Smith, Vincent.

Summary of Objections:-

oLand at Acton Reynald Estate, Moreton Corbet should be added to provide certainty.

Conclusions on the material objections are as follows:-

7.23. A large part of the site at Moreton Corbet comprises the best and most versatile agricultural land set in an attractive rural landscape with poor highway links to the arterial network. English Heritage would object to the development owing to the proximity of the Moreton Corbet Castle and adjacent church and

a Roman road which crosses the proposed site. The site is prominent when viewed from surrounding high ground especially in the vicinity of Stanton upon Hine Heath.

7.24. In terms of the MPA's site assessment score Moreton Corbet comes close to the bottom of the scale with -10 and I agree with the assessment. In my comparative appraisal it came near the tail enders of that category of site which would be seriously harmful to the character and appearance of the locality; with the additional harm which would arise from an unsatisfactory link for heavy vehicles with the main road network; complications over nearby scheduled historic sites; and permanent damage to the appearance and integrity of the landscape.

Recommendations:-

7.25. I recommend no modification to the Plan in respect of the alternative site at Moreton Corbet.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 **TOPIC :** Alternative Site:
Pave Lane

Objectors:-

(none)

Counter Objectors:-

400/7042: Symes, D. K. Symes Associates.

Summary of Objection:-

oPave Lane should be considered for mineral extraction either as a Preferred Area or as an Area of Search.

Conclusions on the material objections are as follows:-

7.26. The land at Pave Lane would provide a substantial resource which alone would be capable of providing approximately 8mt of sand and gravel. It is an area which did not score highly in the MPA's site assessment. In my opinion its only redeeming feature

is its proximity to the A41(T) in a location where possibly a rudimentary existing access could be improved, or a new access provided to meet modern standards of visibility. However, both would lead onto a heavily trafficked stretch of highway where vehicles move at high speed. Moreover, PPG13 states that new accesses onto primary routes should be avoided where practicable.

7.27. Turning to the character of the area I have viewed this site from many places in the surrounding countryside and it is prominently located. I find the principle of development here would have dreadful consequences for the natural topography and landscape character of this pleasant countryside of which the site forms part. The proximity of the site to Woodcote Hall, a listed building, is a further impediment to its inclusion as a preferred area.

Recommendations:-

7.28. I recommend no modification to the Plan in respect of the alternative site at Pave Lane.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 **TOPIC :** Alternative Site:
Tong

Objectors:-

413/6174: Wharmby, Redland Aggregates Ltd.

Summary of Objections:-

oTong should be added to the list of Preferred Areas included in the Plan.

Conclusions on the material objections are as follows:-

7.29. At Tong the site comprises a large tract of land, with field enclosures, currently in agricultural use. The area did not score well in the MPA's assessment. The site was the subject of a rejected planning application and subsequent dismissed appeal in 1988. The current proposal is for a smaller extraction area than was previously considered.

7.30. In my opinion the site lies within an attractive rural locality aptly designated as an Area of Special Landscape Character. The area of proposed working forms an essential part of the pleasant rural scene. In my view a sand and gravel quarry here would cause serious harm to the rural character of the area and mar the natural topography of the ASLC. Tong is yet another site which comes near the bottom of my list when compared with the range of locations which have been presented to me.

Recommendations:-

7.31. I recommend no modification to the Plan in respect of the alternative site at Tong.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 **TOPIC :** Alternative Site:
Muckley Farm

Objectors:-

35/5114: Wheeler.

Summary of Objections:-

oMuckley Farm, to the north of the A458, near Morville, should be included in the Plan.

Conclusions on the material objections are as follows:-

7.32. The Muckley Farm land lies in an elevated position to the north of the A458. The site was in the middle ranges of the MPA's site assessment. The land is in an attractive location where, in my opinion, the working of sand and gravel would have a serious impact on the rural character of the area. Concealment would be possible with bunds constructed in strategic locations, but in turn these would also be harmful and intrusive features which would

mar the natural topography of the rolling countryside to the north of the main road. On this site there would be the benefits of dry working together with the potential for an access to the "A" road through the improvement of an existing junction. However, overall I find the harm to the character of the area to be the overriding matter here which makes this site less favourable than others designated as being preferred.

Recommendations:-

7.33. I recommend no modification to the Plan in respect of the alternative site at Muckley Farm.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 **TOPIC :** Alternative Site:
Burlton (Wackley Lodge)

Objectors:-

413/6175: Wharmby, Redland Aggregates Ltd.

Summary of Objection:-

oBurlton (Wackley Lodge) should added to the list of Preferred Areas included in the Plan.

Conclusions on the material objections are as follows:-

7.34. At Burlton (Wackley Lodge) the site is extensive spanning the A528 which in parts has a narrow and tortuous alignment. The area was in the middle ranges of the MPA's scoring system. Major highway improvements, including a new junction, would be needed to serve the project and PPG13 states that new accesses onto primary routes should be avoided where practicable.

7.35. The site, together with its surrounding topography, slopes gently from west to east with no prominent hillocks or depressions. The landscape would not readily lend itself to the formation of barriers and screening such they would blend with the landscape, as they would block long distance views across the rolling countryside. In my opinion the operation of a sand and gravel quarry here would cause serious harm to the rural character of the area, and would be less favourable than other sites designated as being preferred. Part of this site comprises land which in parts is listed as the best and most versatile.

Recommendations:-

7.36. I recommend no modification to the Plan in respect of the alternative site at Burlton (Wackley Lodge).

The various sites at Morville to the south of the A458:-

7.37. At Morville, and to the south of the A458, there are four sites to be considered in this assessment:-

First, there is the objector alternative site comprising the Land at Morville which is enclosed within the triangle formed by the A458; Telegraph Lane; and the minor road which links Telegraph Lane with the A458;

secondly, the objector alternative site known as The Lye Farm which lies to the south west of Telegraph Lane and to the north west of the Morbrook land and on the opposite side of Telegraph Lane from the first and fourth sites;

thirdly, the objector alternative site comprising the Land at Morbrook which lies to the south west of Telegraph Lane, and to the south east of The Lye Farm land and would form an extension to a permitted sand and gravel extraction area on the Underton site.

fourthly, the preferred area of working in the MLP comprising The Morville Extension including the changed area in the FPC to incorporate the land within Tasley Parish near the Boar's Head Farm.

OBJECTOR ALTERNATIVE SITE

**POLICY NUMBER : M14 TOPIC : Alternative Site:
Morville**

Objectors:-

413/6176: Wharmby, Redland Aggregates Ltd. 81/5362: Shaw.

Summary of Objections:-

- o Land adjoining Morville extension to the NE should be added to the identified area. The preferred area contains only 0.8 Mt

- o Land adjoining Morville Extension to the NE, the Lye Farm and land to the north west of the existing site should be considered for inclusion in the Plan

Conclusions on the material objections are as follows:-

7.38. I refer to this site as the triangle at Morville. It is enclosed by three intersecting highways. The site is in an exposed location where extensive bunding would be needed for both environmental and landscape protection purposes. The exposed topography would not lend itself to the formation of barriers and screening such they would blend with the landscape as they would block long distance views across the rolling countryside. In my opinion the operation of a sand and gravel quarry here would cause serious harm to the rural character of the area, and would be less favourable than other sites designated as being preferred. A further impediment to the working of the whole site could be the quality of the agricultural land which in parts is listed as the best and most versatile.

7.39. An access could be provided onto a minor road which would link, through an existing junction, with the main route. This is a point in favour of the site. However, overall I find the harm to the character of the area to be of overriding concern in my assessment of this triangular site at Morville.

Recommendations:-

7.40. I recommend no modification to the Plan in respect of the alternative site at Morville (The Triangle).

OBJECTOR ALTERNATIVE SITE

arise from the impact of working on the character of the landscape. Moreover, I find it a less attractive site than others which are designated as preferred.

Recommendations:-

7.45. I recommend no modification to the Plan in respect of the alternative site at Lye Farm.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 **TOPIC :** Alternative Site
Morbrook

Objectors:-

29/5093:Parry, Salop Sand & Gravel Supply Co. Ltd

Counter Objectors:-

29/7034:Parry, Salop Sand & Gravel Supply Co. Ltd.

Summary of Objections:-

oMorbrook, Morville, near Bridgnorth should be included as a preferred area.

Conclusions on the material objections are as follows:-

7.46. Development of this site would comprise an extension to the permitted Underton site at Morbrook. It would move gravel extraction works in a north westerly direction along this attractive shallow rural valley. The site scored in the mid ranges of the MPA's assessment.

7.47. The permitted Underton site, owing to its location and surrounding topography, is capable of concealment through protective landscaping. Moreover, its location is such that final landscaping should enable the formation of acceptable topographical features. I do not believe that the same constraints would apply to an extension of working along the Morbrook valley in a northerly direction. The cumulative impact of working in this direction would be seriously harmful to the natural landform here.

7.48. My conclusions for this site are similar to my assessment for the Lye Farm land and I repeat them for completeness: It is my opinion that in this location gravel extraction, and its associated bunding, other protective works, and accompanying haul routes, would have a seriously harmful effect on the integrity, intrinsic undeveloped eastern valley side slopes, and topography

of the natural landscape. I cannot accept the supporting information put forward in the landscape appraisal. In my opinion the project would cause permanent and mainly irreversible harm to the locality.

7.49. I acknowledge that the site has some points in its favour such as an extension to an existing permitted site, method of working, and access via a minor road to the main network, but these do not outweigh the dreadful consequences that would arise from the impact of working on the character of the landscape. Moreover, I find it a less attractive site than others which are designated as preferred.

Recommendations:-

7.50. I recommend no modification to the Plan in respect of the alternative site at Morbroom.

PREFERRED AREA IN MLP

POLICY NUMBER : M14 **TOPIC :** Morville Extension
Paragraphs 9.12. to 9.21 (Preferred Area)

Objectors:-

24/5064-6: Evans, The National Trust. 79/5348: Mckelvey, Shropshire Wildlife Trust. 402/6057-8: Smith, Morville Parish Council. 56/5202: Roberts, Ministry of Agriculture, Fisheries and Food. 98/5531: Noons, Gov. Office for the West Midlands. 413/6176: Wharmby, Redland Aggregates Ltd. 399/6051-2: Goodall. 71/5274: Harrold.

Counter Objectors:-

56/7008: Roberts, Ministry of Agriculture, Fisheries and Food. 29/7134: Parry, Salop sand and Gravel. 76/7135 Jarratt, Bridgnorth DC.

Summary of Objections:-

- access - traffic.
- after use - agriculture - add nature conservation interest

- after use - concern about landfill - agricultural restoration as soon as extraction has ceased -
- agricultural land quality issue
- archaeological considerations - initial assessment not evaluation (PPG16-19)
- Inset Map 4 - notation - wildlife site
- location - include amended area - (300,000 tonnes)
- natural environment - water resources
- natural environment - wildlife
- surroundings - noise and dust impacts
- surroundings - noise and landscape impact, property values
- surroundings - noise, dust, wildlife and landscape impacts
- modified Preferred Area - insufficient justification for the proposed change to the boundary of the preferred area
- modified Preferred Area - the proposed change would be detrimental to residential amenity and increase the landscape impact from A458

Conclusions on the material objections are as follows:-

7.51. Parts of this site were included as a preferred area for an extension to an existing site. In its original form the site scored highly in the MPA's assessment with a potential resource of 1.2 mt. However, it attracted a strong objection from MAFF. The land requirement is changed in the FPC to remove a section of site alongside Telegraph Lane which includes a high percentage of Grade 2 land and substitute a parcel of ground to the north east near the A458 where there is grade 3a land. The changed area of working would, it is assessed, produce about 1.1 mt of sand and gravel.

7.52. Despite the enthusiasm for the promotion of this site by the MPA, the landowner and the site developer, I do not find it an attractive proposition. I accept that it would become an extension to an existing site and acknowledge the support for this method of working which is expressed in both MPG1 and 6. However, in my opinion a mineral extraction site in this location would be harmful to the rural character of the locality. Extensive screening would be needed for both environmental and landscape

protection and this would harm the natural topography of the area. This degree of harm has already been demonstrated on the adjacent active site and, in my view, this would just continue down the gradient through the preferred area. The proposed works, in my view, would be prominent, intrusive, and unacceptable here in this pleasant rural area.

7.53. Over half the preferred area comprises Grade 2 land which is defined as being of very good quality. MAFF, through the FRCA provided a cogent objection, untrammelled by cross examination, to the development of this site. The landowner claims that the quality of the land was due to the work and managed husbandry that has been put into the soil to achieve this high grade, and that recovery would be possible. From what I heard of the evidence I have doubts about recovery. Part of the site would need refilling to restore the contours, and at present there is uncertainty over the availability of surplus material for this purpose.

7.54. I accept that the site has some points in its favour such as an extension to an existing permitted site, and access via a minor road to the main network, but these do not outweigh the harm that would arise from the impact of working on the character of the landscape.

7.55. In conclusion on this site I find the potential harm to the character of the area to be overriding. The doubts over agricultural recovery are, in my opinion a further impediment to the retention of this site as a preferred area for sand and gravel extraction.

Recommendations:-

7.56. I recommend that the Plan should be modified in both Chapter 9 and under Policy M14 to delete the land at Morville as a preferred area for the future working of sand and gravel.

OBJECTOR ALTERNATIVE SITE

POLICY NUMBER : M14 **TOPIC :** Wood Lane
Alternative Site

Objectors:-

27/5074: Standen, John German, Chartered Surveyors.

Counter Objectors:-

27/7104: Standen, John German, Chartered Surveyors.

Summary of Objections:-

- o Wood Lane, near Ellesmere, should be included in the Plan.

Conclusions on the material objections are as follows:-

7.57. The additional sand and gravel resource which would come from this site, should it be included as a preferred area, would arise from deepening of an already permitted excavation. The permitted resource at the Wood Lane site would yield 0.65 mt which has been included in the MPA's calculations. The additional resource which would arise from the proposed deepening would yield 0.85 mt which would then be included in the land bank calculation.

7.58. The permitted excavation, as an extension to an existing working zone, would be capable of mitigation measures to reduce the impact of working on the surrounding environment. The proposed deepening, below permitted levels, would be both feasible and containable with no superficial extension beyond existing defined boundaries. The working areas are not readily visible from the land which surrounds the site and neither would be a deepening exercise. The workings could accommodate acceptable noise attenuation measures.

7.59. The site is within a locality designated in the North Shropshire Local Plan as an Area of Special Environmental Interests. Development in such a zone, in addition to normal restraints, will need to have particular regard to the existing character of the area. In this respect the existing character has been established by the present site. An extension, through deepening, would provide benefits to the area as a conditional consent could preserve or enhance the surroundings, so a breach of character of the Area of Special Environmental Interests is unlikely.

7.60. From the site there is already an access point onto the main route, so the principle of a junction has been established. Minor modifications may be necessary to improve sight lines. On either side of the site entrance, in some locations, the alignment of the main route falls below accepted standards but, in my opinion, it is capable of accommodating the level of use that the site would generate.

7.61. There is concern from local residents that an extension would cause harm to their living standards. In my opinion these fears are unfounded as the winning of material from a deepened excavation would be unlikely to be more intrusive than the working of the permitted resource. I acknowledge that deepening may extend the period of working. However, planning permission for such deepening would carry with it conditions which could be tailored to protect those who live in the Colmere locality and in sight and sound of the quarry.

7.62. The water areas of Colmere, White Mere and Blake Mere are near to the site where there are both Ramsar and SSSI

designations. The current Wood Lane quarry lies within the consultation zones for these nature conservation interests. The proposal to deepen the excavation is known to those bodies who are statutorily charged with environmental protection. In turn they have expressed concern about potential changes to groundwater levels that could arise from deepening operations. These are matters which would need investigation, and solutions provided through unilateral undertakings, agreements or planning conditions, if deepening is to be approved. These would supplement any existing controls and would be of further benefit to local nature protection zones. For this reason I do not consider that these environmental constraints should hinder the inclusion of this site in the Plan as a preferred area of working.

7.63. The land quality varies between the best and most versatile and Grade 3b. MAFF has not raised an objection providing there is agreement over the method of working.

7.64. In summary I consider that the site should rank highly as a preferred area compared with other sites which have been presented to me. Therefore, I find the principle of the inclusion of the deepening of Wood Lane Quarry, as a preferred area to be acceptable. There are constraints which would need resolution on environmental matters, and groundwater protection, but these are within the control of properly framed planning conditions, undertakings, or agreements between the site operator and relevant organisations.

7.65. As it is my intention to recommend a modification to include the land at Wood Lane as a preferred area this will require a modification to both Policy M14 and to Chapter 9. The former will require an addition in The First Phase to include Wood Lane and the second will require an additional section in Chapter 9 to provide a site description. In terms of the new text for Chapter 9 to describe Wood Lane this should be determined by the MPA, to adopt their own style, should it accept my recommendation.

Recommendations :-

7.66. I recommend the Plan should be modified in Chapter 9 to include the alternative site at Wood Lane as a preferred area for the future working of sand and gravel in the First Phase with the new supporting text to be determined by the MPA, and that a linking modification be made to Policy M14.

PREFERRED AREA IN MLP

POLICY NUMBER : M14	TOPIC : Tern Hill Extension
Paragraphs 9.22. to 9.31	Preferred Area

Objectors:-

33/5111-12: Waters. 7/5008: Wheeler, Highways Agency, Midland NMD. 12/5020-22: Hawker. 403/6059-60: Firth, Severn Trent Water.

Summary of Objections:-

- access - reword paragraph 9.25 to take into account Highways Agency comments
- access and traffic concerns
- after use - presumption against landfill to protect the aquifer
- after use - concern about potential recreation use
- concern about the effects of water abstraction
- concern about the effects on the aquifer
- surroundings - noise and dust impacts.

Conclusions on the material objections are as follows:-

7.67. An extension to the quarry at Tern Hill would produce about 295,000 tonnes of aggregate which would be transported from the site through the existing access onto the A41T.

7.68. In my opinion the location of the site is such that an extension of working would not be intrusive and neither would it harm the character of the local area. Mitigation measures for screening, and to protect the neighbourhood from the generation of noise and dust, could be incorporated into the working pattern for the preferred extension. The site is discreetly located where landscaping and after use comprising a water feature of some type could preserve or enhance the local environment. These are matters which could be controlled by either condition, agreement, or unilateral undertaking under the relevant section of the Act. (PC 125)

7.69. The Highways Agency expressed concern over any increased use through the access point onto trunk road, but the use could be controlled through a planning condition. This is not perceived to be an impediment to the grant of planning permission. (PC 123)

7.70. Concern has been voiced over the after use of the site as a landfill area. This is a matter which was not before me and in any event would be the subject of the Waste Local Plan, which I understand does not include this site for this purpose.

7.71. A small amount of Grade 3a land would be occupied by the preferred area. MAFF has recorded its concern over this but made no formal objection to the extended area.

7.72. In summary I consider that the site ranks highly as a preferred area compared to other sites which have been presented to me. Therefore, I find the principle of the inclusion of the superficial extension of Tern Hill Quarry, as a preferred area, to be acceptable. There are constraints which would need resolution on environmental matters, highway use, and groundwater protection, but these are within the control of properly framed planning conditions, undertakings, or agreements between the site operator and appropriate organisations. There are minor changes to this group of paragraphs, and inset map, in the PC and FPC documents which I support. (PC 124,126) (FPC 134 to 138)

Recommendations:-

7.73. I recommend that the site at Tern Hill remains in the Plan as a preferred area for the future working of sand and gravel in the First Phase and that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC: 123 to 126) (FPC: 134 to 138).

PREFERRED AREA IN MLP

POLICY NUMBER : M14
Paragraphs 9.32 to 9.41

TOPIC : Norton Farm Extension
Preferred Area

Objectors:-

398/6048-50: Davenport. 47/5138-9: Robinson, Shrewsbury and
Atcham Borough Council. 90/5409: Wallace, Shropshire
Ornithological Society.

Summary of Objections:-

- after use - extensions will delay reclamation of existing site
- Inset Map 6 - modify map to show buffer zone to Bowmere Pool.
- natural environment - impact on SSSI and Ramsar Site
- surroundings - noise, visual impact, quality of life & property values.

Conclusions on the material objections are as follows:-

7.74. An extension to the site at Norton Farm would produce about 1 mt of aggregate. This would be transported from the site through the existing access onto minor roads, thereafter linking direct with the A49T. More detailed investigations by the site operators suggest that a potential resource of 1.67 mt is available

through deepening, although this might have an adverse impact on the local groundwater regime.

7.75. The location of the site is such that mitigation measures could be incorporated into a working programme to protect both those who live in the locality from noise and dust and the character of the rural area which surrounds the proposed working zone. The Bowmere Pool Ramsar Site is close to the northern fringes of the proposed working area and there is concern about the width of an intervening buffer zone and the impact of working on the depth of water in the mere. The buffer zone is a matter of agreement that could be (PC 127) incorporated at the detailed stage. Although the evidence alleges that the water level in the pool is sustained by a perched water table, which would offer greater protection from the proposed workings. The effect that the working could have on groundwater levels, and surface water levels in the mere, would be determined at the detailed stages and protection measures incorporated. (PC 128)

7.76. Concern has been expressed about the delays in restoration that an extension would cause, also the potential for devaluation of property as a result of extended working. Devaluation of property is not a planning matter and this is clearly dealt with in national policy guidance. The extension of working would extend the reclamation period. However, this could be of benefit to the area as any planning permission to extend would carry with it protective measures and agreements to ensure that progressive reclamation is not delayed. These controls could be tailored to the operation of the quarry extension to preserve or enhance the area and this would benefit the local community and environment.

7.77. Agricultural land quality varies from 4 to 3a. MAFF has stated that it would not raise an objection to an extension into the preferred area providing a similar area of Grade 3a land is maintained. It seems to me that this would be feasible here.

7.78. In summary I consider that the site ranks highly as a preferred area compared to other sites which have been presented to me. Therefore, I find the principle of the inclusion of the Norton Farm extension, as a preferred area, to be acceptable. There are constraints which would need resolution on environmental matters such as noise and dust, highway use, and groundwater protection, but these are within the control of properly framed planning conditions, undertakings, or agreements between the site operator and appropriate organisations. There are minor changes to this group of paragraphs, and inset map, in the PC and FPC documents which I support. (PC 129) (FPC 139 to 143)

Recommendations:-

7.79. I recommend that the site at Norton Farm remains in the Plan as a preferred area for the future working of sand and gravel in the First Phase and that the Plan should be modified in accordance with the Published Proposed Changes and Statement of

- delete area from plan.
- Inset Map 7 - contours should be shown.
- landbank requirement - site not needed.
- location - sustainable location needed - choose sites nearer to Telford and Shrewsbury.
- mineral resource - need & quality.
- natural environment - water resources implications.
- phasing - no justification.
- rights of way - add "maintain the amenity value".
- Selection - detailed evidence needed.
- Selection criteria needed.
- surroundings - effect on Rowdale House.
- surroundings - effect of ancillary uses (M10).
- surroundings - landscape & cumulative impacts - green belt.
- surroundings - landscape, residential amenity.
- surroundings - noise, dust, traffic, general. environmental impact and cumulative impact & call-in application.

Conclusions on the material objections are as follows:-

7.80. The minimum potential resource on this site at Barnsley Lane is claimed to be about 1mt, although this figure has been contested by objectors from the industry. The view I take, having heard the evidence upon the extent of current investigations, is that there is a degree of certainty on the location and quality of a viable mineral deposit in this preferred area.

7.81. The preferred area is "landlocked" so access to it, from the public highway, would need to be gained through the adjacent landfill site; a matter which would need negotiation and agreement. The highway which fronts the landfill site entrance is generally straight and would carry vehicles in a southerly direction to link with the A458 on the outer side of a mild curve. At this point

another minor road also meets the "A" road on the apex of the curve and on the same side as Barnsley Lane.

7.82. From what I have seen of the local highway network I consider that it would be acceptable for the use proposed. Barnsley Lane, with minor improvements, would be capable of dealing with the traffic flow from the proposed quarry area. At the junction point with the "A" road the highway geometry is acceptable, and capable of improvement, if needed. I acknowledge that there have been traffic accidents in this area but this does not translate into defining the local highway alignment as dangerous as accidents occur on highways with the best alignments.

7.83. Objectors are concerned that traffic from the quarry would generate unacceptable noise levels at properties along Barnsley Lane. I have taken account of the location of the dwellings in this area, the frequency of heavy lorries passing along the lane, and the possibility of introducing conditions to control output in line with normal practice. I accept that the increased traffic from the quarry might at times be noticeable for those who live locally. However, in my opinion, with proper controls it is unlikely to be so intrusive that it would cause a loss of residential amenity.

7.84. In my opinion the proposed quarry at Barnsley lane, in a dry valley, is capable of screening. The natural topography combined with screen mounds on or about the site would effectively conceal the proposed extraction and working zones. Special consideration would need to be given to views from Windy Arbour at High Grosvenor, from Rowdale House, and from the footpath along the northern fringe of the site. However, all these area would be capable of satisfactory mitigation measures. I consider the site to be ideally located for a short term quarry use. The site is within the Green Belt, but this is not a landscape designation which presumes against temporary quarry working unless there are other material considerations to be taken into account.

7.85. Regarding the noise from the proposed workings I consider that the objectors fears are illfounded. Measures can be undertaken, controlled by condition, to reduce noise to acceptable levels in line with national guidance. In this respect the location of the workings, in a depression, would assist with noise suppression.

7.86. It has been suggested by objectors that the promotion of this site as a sand and gravel quarry is the first stage in the extension of the adjoining waste site. This would be unacceptable, they claim. It is acknowledged that large holes in the ground provide considerable potential for landfill use. However, the promotion of such a use was not before me at the inquiry. Should it be decided to proceed along these lines then the landfill site would first need to be included in the Waste Local Plan and thereafter a planning permission and licence would be needed before the use commenced. The MPA say it is conceivable that some material may need to be imported to the site for

restoration purpose. The quantity needed is at present not known. This is a matter for detailed consultation at the planning application stage, should this arise.(PC 133)

7.87. Agricultural land quality on the site varies from 5 to 3a. MAFF has stated that it would not raise an objection to the use of the site for gravel extraction providing a similar area of Grade 3a land is restored to original quality. It seems to me that this would be feasible here.

7.88. In summary I consider that the site ranks highly as a preferred area compared to other sites which have been presented to me. Therefore. I find the principle of the inclusion of the Barnsley Lane, as a preferred area, to be acceptable. There are constraints which would need resolution on environmental matters such as noise and dust, highway use, and screen bunding, landscaping and after use, but these are within the control of properly framed planning conditions, undertakings, or agreements between the site operator and appropriate organisations. There are minor changes to this group of paragraphs, and inset map, in the PC and FPC documents which I support. (PC: 130,131,134) (FPC: 144 to 150)

Recommendations:-

7.89. I recommend that the land at Barnsley Lane remain in the Plan as a preferred area for the future working of sand and gravel in the Second Phase and that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997. (PC: 130 to 134) (FPC: 144 to 150).

PREFERRED AREA IN MLP - DELETED IN PC AND FPC

POLICY NUMBER:- M14 **TOPIC :-** Woodcote Wood New Area
Paragraphs 9.53 to 9.62 Preferred Area in MLP
 Deleted in PC

Objectors:-

4/5005: Parsons. 6/5007: Allen, Shifnal & District Road Safety Group. 7/5010: Wheeler, Highways Agency, Midland NMD. 15/5028-9: James. 17/5037-9: Bradley, Member of Parliament for the Wrekin. 18/5040-43: Horrocks. 19/5044-7: Horrocks. 22/5053-5: Nation, Lilleshall Hall Golf Club. 23/5056-62: Short. 28/5075(CW) & 5076: Evans. 30/5100: Brearley. 31/5101-4: Hawkins, Sheriffhales Parish Council. 32/5105-10: Thexton. 36/5115: Dawson. 37/5116: Trower. 38/5117-9: Marsh. 39/5120: Moore. 41/5124-9: Foster. 42/5130-1: James. 44/5132-4: Marsh, Chetwynd Aston & Woodcote Parish Council. 46/5136-7: Dodd. 49/5151-3: Garratt. 51/5158: Llewellyn. 52/5159: Llewellyn. 53/5160-2: Llewellyn.

54/5163: Garratt. 55/5171-3 (CW) & 5180-83 (CW): Locke, Wrekin Council. 60/5240-2: Francis, Lilleshall Equestrian Centre. 63/5260: Boden. 64/5261-2: Boden. 65/5263: Challinor. 66/5264-66: Jamie. 67/5267: Mason. 68/5268-9: Davenport. 69/5270-1: Harper. 70/5272-3: Fletcher. 74/5300: Pulker. 75/5301: Shields. 76/5307-11 (CW): Jarratt, Bridgnorth District Council. 78/5323-5: Bruinvels, Wrekin Conservative Association. 82/5363-9: Malt. 86/5382-5: Bond. 87/5386: Hollyhead. 88/5387: Hollyhead. 89/5393-5: Bond Council for the Protection of Rural England. 92/5431-6: Hall. 94/5452-7: Butler. 95/5458-67: Cliffe. 99/5542: Fletcher, English Heritage. 100/5543: Bruckshaw. 101/5544: Edwards. 102/5545&6: Harding. 103/5547: Meredith. 104/5548-51: Dutton. 105/5552: Franks. 106/5553: Fisher. 107/5554-5: Guest. 108/5556: Saxon. 110/5557: Franks. 111/5558: Saxon. 112/5559-62: Reid. 113/5563-66: Taylor. 114/5567-8: Elshaw. 115/5569: Ridgway. 116/5570: Bowen. 117/5571: Kirkland. 118/5572: Cavey. 119/5573: Saxon. 120/5574-76: Saxon. 122/5577-9: Metcalf. 123/5580-2: Robinson. 124/5583-5: Swanborough. 125/5586: Donegani. 126/5587: Maltby. 127/5588: Storey. 128/5589: Summers. 129/5590-1: Broadhurst. 130/5592: Toon, 'Peter Pan' Shop. 131/5593: Collins. 132/5594: Gatward. 133/5595: Pitchford. 134/5596: Reynolds. 135/5597: Passey. 136/5598: Shore. 137/5599: Williams. 138/5600: Harvey. 139/5601: Shaw. 140/5602-9: Griffiths. 141/5610: Baldwin. 142/5611: Ridby. 143/5612: Baldwin. 144/5613: Hampton. 145/5614: Hall. 146/5615-6: Byrnes. 147/5617: Banks. 148/5618: Owen. 149/5619: Northall. 150/5620: Wilson. 151/5621: Jones. 152/5622: Tregidga. 153/5623: Armstrong. 154/5624: Waltho. 155/5625: Abbott. 156/5626-7: Everall. 157/5628: Abbott. 158/5629: Owen. 159/5630-1: Thomas. 160/5632: Dyke. 161/5633: Monk. 162/5634: Cooper. 163/5635: Cooper. 164/5636-8: Robinson. 165/5639-44: Reid. 166/5645: Reed. 167/5646: Dargan. 168/5647-9: Reed. 169/5650: Robinson MBE. 170/5651: Birch. 171/5652: Talbot. 172/5653-5: Wright. 173/5656-9: Harris. 174/5660: Evans. 175/5661: Potts. 176/5662: Broom. 177/5663-4: Foreman. 178/5665-7: Williams. 179/5668: Supple. 180/5669-70: Symcox. 181/5671-2: O'Brien. 182/5673: Greening. 183/5674: Carter. 184/5675-7: Johnson. 185/5678: Gallagher. 186/5679-81: Smylie. 187/5682: Yates. 188/5683&7: Taylor. 189/5688: Whitehouse. 190/5689: Franks. 191/5690: Breeze. 192/5691-5: Phillips. 193/5696-5700: Duton. 194/5701: Beardshaw. 195/5702: Edwards. 197/5704: Korolczuk. 198/5703 & 5705: Korolczuk. 199/5706: Briggs. 200/5707: Kaleta. 201/5708-9: Wright. 202/5710: Reddish. 203/5711: Simpson. 204/5712: Robinson. 205/5713: Hesbrook. 206/5714: Hesbrook. 207/5715: Braiden. 208/5716: Grice. 209/5717: Davies. 210/5718 & 5737: Baker. 211/5719: Abercromby. 212/5720-1: Godden. 213/5722-3: Jones. 214/5724-26: Jones. 215/5727-8: Jones. 216/5729-30: Kynaston. 217/5731-2: Franks. 218/5733-5: Brotherton. 219/5736: Jones. 220/5738: Thomas. 221/5739-41: Plant. 222/5742-3: Anderson. 223/5744: Smart. 224/5745: Snooks. 225/5746: Harriman. 226/5747: Jones. 227/5748: Jones. 228/5749-50: Woods. 229/5751: Hill. 230/5752-4: Brilliant. 231/5755: Harper. 232/5756-8: Tomkinson. 233/5759-60: Dakin. 234/5761: Brown. 235/5762-64: Reid. 236/5765-6: Lowe.

237/5767-5771: Hampton. 238/5772: Johnson.
 239/5773-4: Shaw. 240/5775-80: Brown. 241/5781: Kent.
 242/5782: Broadhead. 243/5783: Rigby-Murray. 244/5784: Crewe.
 245/5785: Windsor. 246/5786: Bruckshaw. 247/5787: Broadbent.
 248/5788: Greive. 249/5789: Charlesworth. 250/5790: Evans.
 251/5791-2: Walls. 252/5793: Suffield. 253/5794: Castle.
 254/5795-5801: Hampton. STEP. 255/5802: Page. 256/5803: Page.
 257/5804: Dakin. 258/5805: Dakin. 259/5806: Dakin. 260/5807:
 Howdle. 261/5808: Howdle. 262/5809-11: Price. 263/5812-3:
 Price. 264/5814: Rowley. 265/5815-8: Walker. 266/5819-20:
 Walker. 267/5821-2: Beverley. 268/5823: Beverley.
 269/5824-5: Harper. 270/5826-8: Burgess. 271/5829: Edgerton.
 272/5830: Dyke. 273/5831-3: Price. 274/5834-5: Stokes.
 275/5836-7: Rigby. 276/5838: Saunders. 277/5839-41:
 MacWhanwell. 278/5842-3: Stirling. 279/5844-6: Himsworth.
 280/5847: Atkinson. 281/5848-9: Creed. 282/5850&1: Parker.
 283/5852: Madeley. 284/5853-5: Hill. 285/5856-8: Doody.
 286/5859-61: Doody. 287/5862: Greive. 288/5863: Greive.
 289/5864-5: Norris. 290/5866: Foxcroft. 291/5867-8: Ashcroft.
 292/5869: Harben. 293/5870: Smith. 294/5871-3: Beaumont.
 295/5874-6: Beaumont. 296/5877: Morris. 297/5878: Eckersley.
 298/5879-80: Eckersley. 299/5881-3: Rose. 300/5884: Darrall.
 301/5885: Lane. 302/5886-7: Griffiths. 303/5888: Gibson.
 304/5889: Price. 305/5890: Wynn. 306/5891-2: Rutter.
 307/5893-4: Lowe. 308/5895-8: Lord. 309/5899: Lord.
 310/5900-1: Swatman. 311/5902-3: Bott. 312/5904: Brotherton.
 313/5905-7: Vogel. 314/5908-10: Vogel. 315/5911-14: Millar.
 316/5915: Evans. 317/5916-7: Brearley. 318/5918-9: Rutter.
 319/5920: Stevens. 320/5921: Federico. 321/5922: Wilkes.
 322/5923: Moseley. 323/5924: Wright. 324/5925-6: Cunningham.
 325/5927-30: Ansell. 326/5931-2: Parton. 327/5933-4: Parton.
 328/5935: Rose. 329/5936-7: Vero. 330/5938: Rigby. 331/5939:
 Quiney. 332/5940: Baker. 333/5941: Hooper. 334/5942: Snooks.
 335/5943: Baker. 336/5944-5: Butler. 337/5946--8: Byrnes.
 338/5949-51: Greatorex. 339/5952-3: Reid. 340/5954-6: Ross.
 341/5957: Morris. 343/5958-9: Kenna. 344/5960: Robinson.
 345/5961: Braiden. 346/5962: Martin. 347/5963-4: Gibson.
 348/5965: Hall. 349/5966-7: Toone. 350/5968: Heath. 351/5969:
 Worrall. 352/5970-1: Hancox. 353/5972-6: Gander. 354/5977:
 Beesley. 355/5978-80: Davies. 356/5981-4: Hawkins. 357/5985-6:
 Stokes. 358/5987: Adams. 359/5988: Adams. 360/5989:
 Hartland. 361/5990-2: Gander. 362/5993-6: Foreman.
 363/5997-6000: Foreman. 364/6001: Thacker. 365/6002-3:
 Thacker. 366/6004: Jeffries. 367/6005: Davies. 368/6006:
 Lewis. 369/6007: Woodwood. 370/6008: Ray. 371/6009: Blakeley.
 372/6010: Barnett. 373/6011-12: Penson. 374/6013:
 Whitfield. 375/6014-16: Bassett. 376/6017: Woolley.
 377/6018: Woolley. 378/6019: Page. 379/6020: Eales. 380/6021:
 Clarke. 381/6022: de Souza. 382/6023: Davies. 383/6024-5:
 Simpson. 384/6026: Godsall. 385/6027: Millington. 386/6028:
 Smith. 387/6029-30: Goliah. 388/6031: Whittle. 388/6032-4:
 Whittle. 389/6035: Banks. 390/6036: Mansfield. 391/6037:
 Grave. 392/6038: Manton. 393/6039: Reynolds. 394/6040-2:
 Everall. 395/6043-4: Collins. 397/6047: North. 400/6054-5:
 Symes, D.K. Symes Associates. 403/6061-2: Firth, Severn Trent
 Water. 408/6134: Phillips. 410/6136: Wilgrove, The Sports

Council. 416/6264-6: Hurlstone, Liaison Committee for the Parish/Town Councils of Albrighton, Boningdale, Donnington, Sheriffhales, Shifnal & Tong. 423/6292: Gardner.

Counter Objectors:-

56/7049: Roberts, Ministry of Agriculture, Fisheries and Food.
59/7021 & 7054: Jepp, Ready Mixed Concrete (UK) Limited.

(CW) = CONDITIONALLY WITHDRAWN

Summary of Objections:-

- access and traffic concerns.
- access - suggestion for alternative access arrangements.
- access and effect on Lilleshall Golf Club.
- access - reword to include Highways Agency comments.
- access - traffic - effect on Newport.
- access - traffic - noise, dust, vibration.
- access - traffic - effect on Pave Lane.
- access - traffic - road safety issues.
- access - traffic - effect on Sherriffhales.
- after use concerns.
- after use - add "consultations with other parties will be required before after use is determined."
- after use - concern about potential landfill use.
- after use - effect on aquifer & presumption against landfill.
- after use - unachievable.
- archaeological considerations.
- archaeological considerations - burnt mound, park and garden, ice house.
- archaeological considerations - caves and tunnels to Lilleshall Abbey.
- archaeological considerations - effect on Muster Hill.

- archaeological considerations - effect on the ice caves and the church.
- archaeological considerations - historic landscape.
- archaeological considerations - Iron Age settlement 1 mile away.
- archaeological considerations - loss of heritage.
- archaeological considerations - status of Woodcote Wood Historic Park and Garden - Inset Map 8 - discuss with English Heritage.
- archaeological considerations - woodland - historic feature.
- delete site from Plan.
- Local Government Review and Planning Functions - Wrekin District oppose.
- location - suggested alternative location for associated plant yard and silt lagoons.
- mineral resource - add information on the quantity and quality of the resource and hydrology.
- mineral resource - concern about adjacent reserves - extensions.
- mineral resource - need.
- mineral resource - need - adjacent reserves - extensions & cumulative impact.
- mineral resource - need - M12 & MPG6 - 64.
- effect on natural environment (M5)?
- natural environment - loss of woodland.
- natural environment - effect on water resources.
- natural environment - water resources - effect on aquifer and Sheriffhales.
- natural environment - water resources - effect on Lilleshall Golf Club.
- natural environment - water resources - Sheriffhales is a Nitrate Sensitive Area.
- natural environment - effect on wildlife and loss of trees.
- natural environment - effect on wildlife and woodland.

- rights of way - concern about bridle path.
- impact of lorry washing on local roads.
- should be referred to as Woodcote Hill.
- site selection process - detailed evidence needed.
- surroundings - see M3 and M4.
- surroundings - add specific noise, vibration and dust measures.
- surroundings - adverse impact.
- surroundings - air pollution.
- surroundings - business interests.
- surroundings - disruption.
- surroundings - dust & environmental impacts, property.
- surroundings - dust & fumes.
- surroundings - dust & landscape impacts, health.
- surroundings - dust impact, health - asthma & lack of benefits.
- surroundings - dust & noise impacts, residents of Woodcote Hall, Church.
- surroundings - property values, access, wildlife.
- surroundings - dust, landscape, environmental impacts - effect on Lilleshall Golf Club, Lilleshall National Sports Centre.
- surroundings - effect on tourism.
- surroundings - proximity of property.
- surroundings - cumulative impact.
- surroundings - loss of amenity.
- surroundings - jobs (M7).
- surroundings - residential amenity.
- surroundings - loss of trees.

- surroundings - quality of life, nuisance.
- surroundings - local communities.
- surroundings - local environment.
- surroundings - noise and road safety for children.
- counter objection to the deletion of Woodcote Wood from the Plan
- objection to the deletion of Woodcote Wood in order to ascertain justification for the deletion
- the deletion of Woodcote Wood will lead to an underprovision of resources and a general lack of flexibility

Conclusions on the material objections are as follows:-

7.90. The minimum potential resource on this site at Woodcote Wood is claimed to be about 1.58mt. The view I take, having heard the evidence upon the extent of current investigations, is that there is a degree of certainty on the location and quality of a viable mineral deposit in this potential area of working within the wooded area of Woodcote Hill.

7.91. The site area, as its name implies, is a heavily wooded hillside bounded on the south by the B4379; on the east by the A41(T); on the west, and fronting the B4379, by a private house; and on the remaining sides by agricultural land. Woodcote Hall, which is a listed building and residential home, is to the north of the site separated by intervening open agricultural land. There is a burnt mound to the west of the site and a former ice house at the foot of sandstone outcrop within the western part of the site.

7.92. The area which surrounds the site is an attractive rural landscape with areas of open land in agricultural use interspersed with farmsteads and copses. The site, as it is a hillside location, can be seen clearly from many points in the surrounding countryside with the Woodcote Wood forming an integral part of the managed rural scene.

7.93. The proposed gravel extraction site would be within the wood itself where progressive excavation would be mainly concealed by the existing dense afforestation. From this aspect the site is ideally located as much of the necessary screening is already provided. In some locations bunding might be needed to protect local residential uses from excessive noise levels, but the natural topography and location of progressive working would lend itself to these protective measures. As for the burnt mound and ice house these would not be disturbed by the proposed workings. As a progressive and final part of the project landscaping would be

carried out to reestablish the character of the woodland. It is my perception of this project that finally it would preserve or where possible enhance the character and appearance of the area.

A planning permission, linked with conditions, would establish a managed woodland landscape in this area which would develop for future generations. This is not the case with the present woodland which will be harvested for timber, possibly leaving the hillside bare and exposed with serious consequences for the character and appearance of the locality.

7.94. As for the impact of working upon Woodcote Hall this could be controlled and managed within acceptable limits. The dense tree lined perimeter of the area offers a significant advantage for ameliorative measures.

7.95. Turning to the matter of the access to the site there are two options. The first comprises the improvement of the private access onto the A41(T); secondly, a new access onto the B4379 coupled with improvements at the junction between the B4379 and A41(T). The A41(T) is a primary route where traffic is known to travel at high speed. Modifications to the A41(T) at the junction point would improve highway safety for all road users who travel along these routes. It would establish a highway geometry at the junction which complies with modern standards, in a location where there have been road accidents. I am not confident that the same standards could be achieved by improvements to the existing access direct onto the A41(T) where the visibility along the main road is poor. Moreover, a junction onto the "B" road would be more discreet in terms of harmful impact upon the sylvan appearance of the site perimeter.

7.96. Objectors were concerned that traffic from the quarry would generate unacceptable noise levels at properties in the locality. I have taken account of the location of the dwellings in this area, the potential frequency of passing heavy lorries, and the possibility of introducing conditions to control output in line with normal practice. I accept that the increased traffic from the quarry might at times be noticeable for those who live locally. However, in my opinion, with proper controls it is unlikely to be so intrusive that it would cause a loss of residential amenity.

7.97. In my opinion the proposed quarry at Woodcote Wood is capable of high quality screening. The natural topography and existing woodland, combined with screen mounds on or about the sites, would effectively conceal the proposed extraction and working zones. Special consideration would need to be given to residential properties close to the site, along the "B" road, to the ice house, and to the Woodcote Hall Historic Park and Garden. However, all these areas would be capable of satisfactory mitigation measures. I consider the site to be ideally located for a short term quarry use.

7.98. Regarding the noise from the proposed workings I consider that the objectors' fears are illconceived. Measures

can be undertaken, controlled by condition, to reduce noise to acceptable levels in line with national guidance.

7.99. Concern was expressed over the potential for devaluation of property as a result of the proposed quarry working. Devaluation of property is not a planning matter and this is clearly dealt with in national policy guidance.

7.100. In summary I consider that the site ranks highly as a preferred area compared to other sites which have been presented to me. Therefore, I find the principle of the inclusion of Woodcote Wood, as a preferred area, to be acceptable. There are constraints which would need resolution on environmental matters such as noise and dust, highway use, and screen bunding, landscaping and after use, but these are within the control of properly framed planning conditions, undertakings, or agreements between the site operator and appropriate organisations.

7.101. In comparison with Barnsley Lane I find Woodcote Wood to be less favourable. My reason for this choice is that I consider the highway implications of the Barnsley Lane site are more favourable. As for the other sites which are ranked as preferred areas to extend they all have existing and established access points which also make them more favourable, in my opinion, than Woodcote Wood. It is principally for this reason that I place Woodcote Wood at the bottom of my list of preferred areas of working for sand and gravel extraction.

Recommendations:-

7.102. I recommend that no modification should be made to the Plan in respect of the land at Woodcote Wood which should be identified as a preferred area for the future working of sand and gravel, but that a modification be made to Policy M14 in the Plan to include the land at Woodcote Wood as a preferred area for the future working of sand and gravel in the **Third Phase**.

Shropshire County Council
SHROPSHIRE MINERALS LOCAL PLAN

Deposit Draft
&
Statement of Proposed Changes

Report into Objections
&
Counter Objections

SECTION - 8

APPENDIX 4

OF THE PLAN

DEVELOPMENT CONTROL GUIDELINES

POLICY NUMBER : -- TOPIC : APPENDIX 4

Objectors:-

29/5095-9: Parry, Salop Sand & Gravel Supply Co. Ltd.
413/6183 (CW) & 6184 (CW): Wharmby, Redland Aggregates Ltd.
98/5532-5: Noons, Gov. Office for the West Midlands. 55/5184-95:
Locke, Wrekin Council. 414/6215 (UCW), 6216-7: Claridge, Coal
Contractors Ltd. 407/6109 & 6129 (CW): Pollock, BACMI. 415/6259
to 6261 (all CW) & 6263 (CW): Walsh, Tarmac Quarry Products (Central)
Ltd. 59/5238-9: Jepp, Ready Mixed Concrete (UK) Limited.
411/6145: Kent, Clay Colliery Co. Ltd. 79/5330: McKelvey,
Shropshire Wildlife Trust. 56/5212 (CW): Roberts, Ministry of
Agriculture Fisheries & Food. 421/6288-9: Heselgrave, Forestry
Authority - England, Wye and Avon Conservancy.

(UCW = unconditionally withdrawn, (CW) = conditionally withdrawn).

Counter Objectors:-

98/7088-9: Noons, Gov. Office for the West Midlands.
414/7069-7075: Claridge, Coal Contractors Ltd. 29/7035: Parry, Salop Sand & Gravel Supply Co. Ltd. 93/7120: Dr. I. Cromie, Sand & Gravel Association Ltd. 59/7019-20: Jepp, Ready Mixed Concrete (UK) Limited. 56/7050 & 7053: Roberts, Ministry of Agriculture Fisheries & Food. 415/7103: Walsh, Tarmac Quarry Products (Central) Ltd.

Summary of Objections:-

- 1 - Development Control Guidelines - issue as supplementary planning guidance - separately.
- 1 - General - lengthy & repetitive - should not form part of the Plan - advisory guidelines only.
 - 1.1 - clarify status PPG12-3.18-3.19, reword 2nd and 3rd sentence - guidelines supplement policies in the plan.
 - 1.1 - General - add "applicants should take account of guidelines" - reword.
 - 1.2 - aim of the Plan - repetition - delete.
 - 1.2 - General - repeats part of the plan - delete.
 - 2.2 - contrary to advice - reword in accordance with Circ. 15/88.
- 2.3 - environmental assessment - repetition - delete.
- 2.4 - Forms and Plans - i - routes should not be shown on a Location Map - delete.
- 2.4 - location plan - (i) - it is not appropriate to show haul routes on a location plan.
- 2.5 - Need - circumstances when "need" may be considered.
- 2.5 - Need - contrary to advice - MPG1-40.
- 2.6 - Assessment... - add supporting technical information, volume, coverage and detail - reword.
- 2.6 - Assessment.... - ecological, landscape and archaeological assessments should be made mandatory.
- 2.7 - Geology and Hydrology - reword.

- 2.7 (i) the level of detailed information will not be a material consideration in all cases.
- 2.8 - Soil Handling - add design and construction of soil storage mounds by competent person - reword.
- 2.8 (viii) - the deletion is opposed; the new wording is acceptable, depth of subsoil and topsoil should be retained.
- 2.12 - delete "may" add "will" to comply with M6.
- 2.13 - The addition of "further study and guidance" go beyond advice in Guidance.
- 2.14 - Archaeological Evaluation - "seek" legal agreements.
- 2.14 - Archaeological Evaluation - by condition rather than legal agreement - contrary to advice (M6 & PPG16).
- 2.14 - Archaeological Evaluation - legal agreements - contrary to advice.
- 2.15 - Assessment of Noise... - add method of noise predictions - reword.
- 2.16 - Assessment of Noise... - add any temporary exceptions - reword.
- 2.16 - Noise - alters the emphasis of the guidance in MPG11-42.
- 2.16 - It is often not possible to avoid a temporary increase in noise.
- 2.17 - Assessment of Noise, Dust.... - add method of dust surveys - reword.
- 2.19 - Assessment of Noise, Dust and Blasting - add details of surveys submitted - reword.
- 2.20 - Site Operations - add phasing plans - reword.
- 2.24 - Reclamation - clarify need for separate planning applications for formal sports use - reword.
- 2.26 (and para 4.3) - Reclamation - add need for full details at the time of planning consent - reword.
- 2.27 - imported fill details at the application stage - reword - information "must be available" for "shall where available".

- 2.30 - Management Plan - clarify the need for an approved management plan at the time of planning consent - reword.
- 2.30 - Management Plan - contrary to advice - amend last sentence.
- 2.30 - Management Plan - only outline details should be required at the application stage.
- 2.30 - The MPA should clarify the level of detail required to be included in the plan.
- 3.9 - Monitoring - delete last sentence - environmental performance is not a matter for planning condition.
- 3.9 - Monitoring - reword - a Company's environmental management system cannot be required as part of an application.
- 3.12 - Soil Handling - reword.
- 3.12 - MAFF support the proposed changes in the Schedule of Comments but they do not appear in the "Statement of Proposed Changes".
- 3.12 - Any evidence to support this statement.
- 3.20 - Public Rights of Way - missing text - last sentence.
- 4.8 - Forestry - "Commercial forestry" is outdated - reword - "Proposals for new woodland planting ..."
- 4.8 - Forestry - add "loose tipping is preferable to loosening compacted ground by deep ripping".
- Changes to M3 and M4 suggest that the Appendix 4 should be regarded as a formal part of the Plan "by deep ripping".

Conclusions on the material objections are as follows:-

8.1. The PC and FPC satisfy some of the objections raised, but others remain outstanding. Some of these are of a minor nature and if the Plan were to be modified to satisfy these objections it would not be changed materially. Therefore, as in previous chapters, I have only dealt with those matters which, in my opinion, bring about a contradiction of earlier parts of the Plan or are simply wrong or ambiguous.

8.2. Objectors claim that the Development Control Guidelines should be viewed as supplementary planning guidance, and the

opening parts of the Appendix do not make this status clear. The Council say that paragraph 1.4 sets out the flexibility of the guidance which would not be misinterpreted. In my view, in line with the guidance in MPG12 - 3.18 and 3.19 the status of this Appendix should be clearly set out in opening. In this respect I consider that the modification suggested by the GOWM should be incorporated as follows:-

These guidelines supplement the policies in the Plan and are provided to assist applicants. While they will be taken into account in deciding planning applications, they do not have the same status as policies and they will be applied flexibly according to the circumstances of each case. The guidelines highlight the importance of early consultation to identify relevant issues that applicants will need to give attention to, sometimes as part of an environmental assessment.

8.3. Turning to paragraph 2.14, policy M6 has been changed to correctly define the presumption in favour of the protection of archaeological remains and their setting. It would be appropriate for projects to include planning conditions for the protection of such remains where they lie within the site. However, for those important remains that lie outside a site boundary, on land which is within the control of the applicant, protection by way of an agreement would be the correct approach. Therefore, I find no objection to the inclusion of the reference to legal agreements in this changed section of the Appendix. (PC 145)

8.4. With regard to noise and dust I consider the Plan as changed by the PC and FPC provides reasonable guidance. In any event operations would be assessed against relevant legislation and MPG11. Further changes would just duplicate guidance which is to be found elsewhere. (PC 146 to 149) (FPC 166 to 169)

8.5. An accurate assessment of imported material could be a difficult exercise at the application stage. However, there is a difference of view between objectors regarding the inclusion of a paragraph that deals with this matter. The industry would prefer more flexibility and Wrekin Council's objection points to a tightening of the information that would be needed. In my opinion the paragraph should stand as it appears in the MLP. If it is proposed by an applicant that material should be imported, and a definite source is known, then it can be included at the application stage. On the other hand, if there is no definite knowledge or intention to import then it would be simple to exclude this information with a negative response.

8.6. The concept of a management plan for after use, which would be submitted at the time of the application, does not find favour with the industry. In my opinion the aspirations of the developer, the community, and local councils are important factors of site development. There needs to be commitment from all concerned towards after use and such a plan would go a long way

towards achieving this goal. In this respect I find the relevant MLP text satisfactory.

8.7. Both the requirements of the Appendix concerning imported fill and a restoration plan must be assessed against the status of this Appendix. Should my recommendation to modify be accepted then the Appendix would be seen as supplementary guidance in support of policies; this would be the correct approach. It is for this reason that the materiality of many of the objections to this part of the Plan would fall away should my recommended modification to paragraph 1.1. of the MLP be accepted.

8.8. There are minor changes to this group of paragraphs in the PC and FPC documents which I support. (PC:138 to 144 and 150 to 160) (FPC:160 to 165 and 170 to 180)

Recommendations:-

8.9. I recommend that the Plan should be modified in accordance with the Published Proposed Changes and Statement of Further Proposed Changes dated 22 September 1997 (PC:138 to 160) (FPC:160 to 180) with the exception of the following:-

- a. Delete the second and third sentence of paragraph 1.1 of Appendix 4 and insert :-

"These guidelines supplement the policies in the Plan and are provided to assist applicants. While they will be taken into account in deciding planning application, they do not have the same status as policies and they will be applied flexibly according to the circumstances of each case. The guidelines highlight the importance of early consultation to identify relevant issues that applicants will need to give attention to, sometimes as part of an environmental assessment."
