

**1 CW2002/3058/M - EXTRACTION OF SAND AND GRAVEL; ERECTION OF AGGREGATE PROCESSING PLANT AND ANCILLARY FACILITIES / INFRASTRUCTURE; CONSTRUCTION OF NEW ACCESS; DIVERSION OF UTILITY SERVICES AND CONTINUED USE OF RAIL SIDINGS FOR LOADING / DISPATCH OF AGGREGATES AT LAND AT MORETON DEPOT, OFF A49, MORETON ON LUGG, HEREFORDSHIRE**

**For: Tarmac Limited per SLR Consulting Limited,  
Strelley Hall, Main Street, Strelley Village, Nottingham,  
NG8 6PE**

**Date Received: 16th October 2002    Ward: Wormsley Ridge    Grid Ref: 50345, 47374**

**Expiry Date: 5th February 2003**

Local Member: Councillor J.C. Mayson

**1. Site Description and Proposal**

- 1.1 The application site is approximately 5 kilometres north of Hereford and 11 kilometres south of Leominster and immediately to the north of Moreton-on-Lugg. Wellington and Marden are about 1.5 kilometres to the north-west and north-east respectively from the centre of the site. The application area itself is 34 hectares in extent, irregular in shape and generally flat. About one third, the southern part, is agricultural land, the remainder is part of a former MoD Depot. There is a mixture of hardstanding, steel framed buildings, Romney huts, tracks and disused railway lines with patches of open land and scrubby woodland within the site. It is bounded by the A49 and the Wellington Marsh SWS to the west, Wellington Gravel Pit to the east and agricultural land to the immediate north and south. The former MoD Depot, now in a mixture of business uses lies to the south-east. The River Lugg SSSI cSAC is about 400 metres away to the east at its nearest point.
- 1.2 The nearest houses are five Almshouses to the immediate north, Yew Tree House, in the middle of the western boundary and the settlement of Wellington Marsh to the immediate south-west.
- 1.3 The application is to extract just over 2,000,000 tonnes of gravel (from about 27 hectares of the site) in phases over a 10 year period. The site would be concurrently restored to create a mixture of wetland and woodland habitats based around two large lakes. Workable deposits of sand and gravel vary between 3 and 7 metres in depth across the site. The proposal is to clear and process existing hardstandings etc., strip and store soils and extract material by dragline and conveyors, without dewatering the site. The application also includes a proposed concrete batching plant, office, mess, stores, weighbridge, fuel store and electrical transformers and sub-stations.

- 1.4 Access to the site is possible through the existing access to the former MoD camp but the application includes a proposal to improve an existing agricultural access and create a new roundabout onto the A49 between the Almshouses and Yew Tree House. Planning permission already exists for the creation of an aggregate rail loading depot within the application area. That permission allows for the importation of crushed limestone from the Company's quarries at Dolyhir and Gore, near Kington. By direction of the Highways Agency this permission is limited to the transportation of 120,000 tonnes per annum and to expire in 2009. The application includes a proposed variation to operate this permission for the life of the sand and gravel extraction. It is anticipated that the sand and gravel extracted from the site would supply local demand and would therefore be transported by road. However, transportation by rail would be considered by the operator if he considered it appropriate.
- 1.5 The application is accompanied by a statutory Environmental Statement. The applicant has also submitted a unilateral Section 106 Agreement in support of the application, the details of which are attached as Appendix 1 to this Item. The proposal now brought forward to the Sub-Committee for determination is the result of long negotiations between Officers, the applicant and consultees.

## 2. Policies

### 2.1 Minerals Planning Guidance:

- MPG1 - General Considerations and the Development Plan System
- MPG7 - (Revised) The Reclamation of Mineral Working

### 2.2 Hereford and Worcester Minerals Local Plan:

- Policy 1 - Preferred Areas
- Policy 2 - Other Sand and Gravel Deposits
- Policy 8 - Highway Improvements and Access
- Policy 10 - Progressive Restoration
- Policy 11 - Reclamation
- Policy 13 - Restoration to Water Uses
- Policy 14 - Restoration for Nature Conservation etc.
- Policy 15 - Maintenance of Environment Standards

### 2.3 Hereford and Worcester County Structure Plan:

- Policy M1 - Need for Minerals
- Policy M3 - Reclamation
- Policy M4 - Development Control Considerations
- Policy CTC7A - Affects on SSSI's etc.
- Policy CTC3 - Nature Conservation (National/International)
- Policy CTC4 - Nature Conservation (Local)
- Policy CTC10 - Protected Species
- Policy CTC12 - Improving Wildlife Value

### 2.4 Herefordshire Unitary Development Plan (Deposit Draft):

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S9 - Minerals
- Policy DR3 - Movement

Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T4	-	Rail Freight
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape Character
Policy LA6	-	Landscaping
Policy NC1	-	Nature Conservation
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European Protected Species
Policy NC8	-	Habitat Creation
Policy NC9	-	Management of Landscape
Policy ARCH1	-	Archaeological Assessments
Policy ARCH6	-	Archaeological Recording

### **3. Planning History**

- 3.1 CW2001/3080/M granted 18th July 2002. Establishment of rail loading depot for the transportation of aggregates.

CW2002/3190/M granted 10th December 2002. Replacement and realignment of rail lines etc.

SH95/107SZ granted 19th July. 1996 CLEUD issued for B8 use at appeal.

Former MoD Rail Distribution and Training Depot

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Highways Agency has no objection subject to a Direction that if planning permission is granted it has to be in accordance with conditions prescribing the formation of a new roundabout and specified access details.
- 4.2 English Nature has no objection but expresses concern about the need for pollution control. The proposed reed beds are welcomed. The importance of resolving the extent of the presence of Great Crested Newts, following the appropriate licensing procedures is stressed. The need to assess any likely significant affect on the River Lugg SSSI cSAC is stressed.
- 4.3 River Lugg Internal Drainage Board do not consider that the application would affect the River Lugg SSSI cSAC subject to confirmation of details and protection of routes and rates of surface water discharges.
- 4.4 Transco notes the presence of a high pressure pipeline nearby but explain that it was re-routed in order to avoid areas likely to be affected by future extraction and should not be affected.

- 4.5 Railtrack note the nearest railway is 330 metres away from the site and have no wish to comment.
- 4.6 HSE have no wish to comment.
- 4.7 Hyder for Dwr Cymru/Welsh Water have no wish to comment.
- 4.8 Countryside Agency do not wish to comment.
- 4.9 DEFRA note that the site was previously developed as a military depot, welcome the proposals to save the top metre of soil and consider that these soils would be useful for restoration to a nature conservation use.
- 4.10 Forestry Commission do not consider that the proposal would affect the ancient semi-natural woodland nearby and have no comment other than to emphasize that it is Government policy that trees lost through development should be replaced.
- 4.11 Hereford & Worcester Earth Heritage Trust have no objections and welcome the proposal from a geological and geomorphological proposal and recommend that stockpiles of excavated material are retained on site as an educational resource.
- 4.12 Herefordshire Nature Trust have no objection but comment on the need to direct the reclamation to achieve the maximum wildlife and BAP gains.
- 4.13 Environment Agency have no objection subject to the imposition of conditions.

#### Internal Council Advice

- 4.14 Head of Engineering and Transportation (Transportation) does not wish to restrict the grant of permission so far as highway issues are concerned.
- 4.15 PROW comment that the application does not appear to affect any public footpaths but emphasize the need to protect their condition and use from associated works.
- 4.16 Chief Conservation Officer has suggested a number of changes to the proposal which have either been agreed or can be incorporated into conditions – does however express particular concern that substantial archaeological mitigation is both necessary and achievable. The general area of the proposal is one of considerable archaeological sensitivity and has particularly high potential for the presence and recovery of important buried archaeological deposits and features of pre-medieval date. The palaeo-environmental remains, such as peat and waterlogged materials from antiquity, contain a wealth of significant information about the historic environment and the people within it. Major archaeological discoveries have been made nearby, for instance human remains of Iron Age date and Roman and Mid-Saxon mill sites at Wellington Quarry.

As a result of full and productive discussions between the applicants and the local planning authority, prior to and during the course of the proposal; it has been possible to achieve firm in principle agreement on an acceptable archaeological mitigation scheme, to achieve appropriate 'preservation by record' in accordance with PPG16 Section 24. In summary, the archaeological mitigation should consist of the following. Intermittent archaeological observations and recording of the development the north-western sector, more intensive recording and investigation of the development of the more important eastern and particularly south-eastern sector, and formal

archaeological excavation, prior to any development in that location, of the especially important mid southern sector. A condition is imposed accordingly.

- 4.17 Head of Environmental Health & Trading Standards has no objections; notes the potential for adverse impacts on local people through noise and dust emissions and private water abstractions and recommends that conditions are imposed to protect these.

## **5. Representations**

- 5.1 Wellington Parish Council: object to the proposal on the grounds of highways issues; notably the effects of increased traffic especially HGV's on traffic flows, from additional noise and in adding to the risk of accidents, particularly along the narrow stretch of non-dual carriageway through Wellington Marsh but strongly support the proposals to move extracted material by rail. They consider that the hypothetical accident figures are understated and the (originally) proposed ghost island inadequate. They are also concerned about the risk to pedestrians, inadequate footway and cycleway proposals and the effect on the environment. Particular concerns are noise, hours of working, dust production, risk to water supplies, need for further screening and the lack of benefits to local people. With regard to the railhead they consider that the possible local benefit in the use of the proposed railhead in the future is to be welcomed. The Parish Council also question the adequacy of the application plan boundary definition towards the rest of the site.
- 5.2 Moreton-on-Lugg Parish Council: has no objection but believes that it is essential for improvements to be made to the A49 to accommodate the increase in traffic.
- 5.3 Marden Parish Council: express concern about the need to clarify the length of time the concrete batching plant is to be retained, effects of noise and dust on residents to the west of the parish, the need to limit traffic through Marden village and the hours of working.
- 5.4 CPRE: reluctantly accept that the proposal is in line with the current Minerals Local Plan and probably represents the least damaging environmental option. They do not oppose it but request the imposition of conditions to protect residential amenity and the wider environment. The proposals for restoration and aftercare are welcomed but should be conditioned and adequately maintained.
- 5.5 Letters of objection have been received from 19 local people. Summarised the principal points made relate to:
- the traffic and highway safety implications of the increase of traffic particularly because of the speed and volume of existing traffic levels
  - the risk the additional access proposals could cause to pedestrians, children, cyclists and other drivers
  - the danger from the deposition of mud on the road
  - the increase in background traffic noise and disturbance
  - the potential increase in accident numbers and concern that the accident rate in the application is understated

- reductions in the quality of life from the increase in activity on site
  - the need for the A49 to be realigned behind the properties along it, notably the Almshouses
  - the general inadequacy of the highway proposals and inconsistency with other decisions on the A49
  - the potential for structural damage to adjoining houses from the increased traffic
  - effect on orchids on Wellington Marsh
  - disturbance from noise, particularly from the long hours of working
  - dust
  - effects on amenity, vegetation, gardens, health, enjoyment of properties and the peaceful and rural character of Wellington Marsh
  - effects on groundwater supplies and requests for compensation
  - visual intrusion, especially on the landscape
  - the need for the retention of the existing leylandii along the A49
  - the lack of benefit for local people
  - effects on Human Rights and a request that the application is called-in by the Secretary of State.
- 5.6 A petition signed by 34 people, some of whom have written individually has also been submitted stating "We, the undersigned, object to the planning application at Moreton Depot for the extraction of sand and gravel. We consider that it would be a retrograde step to safety on the A49 and an unacceptable increase in noise and dust pollution level, preventing the original proposed by-pass of Wellington being completed."
- 5.7 A representation has also been made by Mr. Pike of 9 Derside Close, Wellington Marsh that the application and certificates have been incorrectly completed and that the former Councillor, Mr. Makin's role had not been clarified. The County Secretary and Solicitor has investigated these issues and found that no criticism whatsoever could be made of Mr. Makin or that any impropriety had occurred with regard to the application certificates.
- 5.8 A letter has also been received from Mr. S.D. Powell of 28 Barton Road, Hereford, expressing concern about land ownership issues; the revised roundabout proposals appear to mean that these are no longer relevant.

The full text of these letters can be inspected at Planning Services: Minerals & Waste, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

6.1 The application needs to be considered under a number of headings effect on the River Lugg SSSI cSAC, Minerals Local Plan – especially the extent of the Preferred Area for Extraction in the Plan, the Regional Plan and Draft UDP context, the effect of the proposal on matters of acknowledged importance and the adequacy and appropriateness of the proposed restoration.

### 6.2 Effect on the River Lugg SSSI/cSAC

The protection of the River Lugg and the European protected species associated with it is of the highest importance. Gravel workings have the potential to affect the river in a range of ways notably by reducing groundwater flows through dewatering and evaporation from newly formed water bodies, introducing pollution and from disturbance to habitats. English Nature, the Environment Agency and the River Lugg Internal Drainage Board have all expressed concern about these matters and have been involved in discussions about the issues. In this case the river is about 400 metres from the nearest part of the site and all of the above have agreed that subject to the imposition of conditions, there should be no adverse effect from the proposal on the River Lugg or the European protected species associated with it.

### 6.3 Minerals Local Plan

#### Preferred Area for Extraction:

The Minerals Local Plan identifies a number of Preferred Areas for Extraction and was based on the assumption that these would need to be given permission before 2004, in order to ensure that the County can maintain sufficient contributions to the Region's need for sand and gravel. The only Preferred Area proposed in the Minerals Local Plan in Herefordshire, not yet given permission, is that at Moreton-on-Lugg. The application area covers about two thirds of the Preferred Area in the Plan. Policy 1 of the Local Plan states that "(in) Preferred Areas for sand and gravel extraction, planning permission will be granted ..... subject to an evaluation against other relevant Development Plan policies." The principle for granting permission subject to that proviso is therefore clear.

#### Areas Outside the Minerals Local Plan Preferred Area:

The application includes two areas on the western boundary of the site which were not included as Preferred Areas in the Minerals Local Plan. Where application areas are large and the proposals are complex and in phases, it is possible to consider aspects of them separately. In this case the areas outside of the Preferred Areas for extraction are not so large that if they were refused they would necessitate the refusal of the whole application. These areas can therefore be considered separately and must principally be considered in a context of the Minerals Local Plan Policy 2. The policy states in essence that where sites are subject to "defined" constraints permission will not normally be granted. In this case the shape of the excluded areas is defined by one primary constraint - that a buffer strip should be created 200 metres from the boundary of groups of six or more dwellings. The excluded areas are not affected by any other constraints. The Minerals Local Plan requires that applicants should provide a full justification for areas of application outside of a Preferred Area. In this case the applicant's case (in essence) is

- (1) that the 200 metre zone constraint is not based on objective assessment of the environmental impacts of a particular development, does not accord with current best practice and is not included as a primary constraint in the Deposit Draft Unitary Development Plan.
- (2) that both the Minerals Local Plan and Draft Unitary Development Plan recognise the need to avoid unnecessary sterilisation of mineral resources and
- (3) that the Environmental Statement demonstrates that the impacts of the proposal can be kept to an acceptable minimum in accordance with Government advice and that the rigid application of a 200 metre zone would be inappropriate and would result in the unnecessary sterilisation of a proven mineral resource.

The Working Plan proposed in this application for these areas is to leave a buffer strips of about 100 metres from the two groups of houses, to plant these with trees and create earth bunds to shield them. Both groups would be exposed to working within the 200 metre zones for about 8 months. In practice the principal disturbance would be from soil stripping and replacement, a short term activity, the effects of which should be significantly reduced by the proposed bunding.

Policy 2 in the Minerals Local Plan prescribes that permission for extraction should not normally be given in these areas but that exceptions are possible. In this case the issues come down to whether the gain from working (roughly) 1/10th of the site justifies the extra disturbance to the adjacent householders or whether the effective loss of this resource is justified by the reduction in disturbance. The Environmental Health Officer's advice is that conditions could be imposed which would enable the development to go ahead without causing adverse impact on local people.

It is in the interests of sustainability to avoid the loss of scarce resources and it is likely that unless they are worked as part of this application these minerals probably never will be. Members should be aware that the idea of a 200 metre buffer strip has never been part of Government policy and is not proposed as either a primary or a secondary constraint in the Deposit Draft Unitary Development Plan. On balance therefore Officers' recommendation is that in the context of a major application which is a Preferred Area for extraction, the inclusion of these minor areas would be an acceptable exception in accordance with Policy 2 of the Minerals Local Plan. Subject to conditions and provided that the greater part of the site is considered acceptable, permission could therefore be granted for the two parts of the site outside of the Preferred Areas. Precedent exists for this kind of approach when Members granted permission for the extraction of a small area of land at Perton Quarry which was outside of a Preferred Area for extraction.

#### 6.4 Deposit Draft UDP:

The existing Minerals Local Plan Preferred Area at Moreton-on-Lugg was included in the UDP Deposit Draft. There were no objections to the Plan to its inclusion per se but several objectors to the relevant policies have argued that more provision should be made – in part, to give a greater flexibility to the County's abilities to supply sand and gravel. Officers' advice is that because there have been objections to the sections of the UDP which specifically refer to the site, these policies can be given little weight but that weight does if anything support the granting of permission for this application. However, Members should also be aware that the UDP mineral policies as a whole aim to ensure that the County should be able to provide an adequate and regular supply of minerals over the Plan period. In practice that means ensuring that it should



be able to meet the County sub-regional apportionment of national and regional demand. If permission were to be granted, the additional 2,000,000 tonnes permitted here would undoubtedly help that supply and would introduce an element of flexibility which some objectors have specifically requested. It would also be in general accordance with the developing Regional Plan. It could not however be argued that either the site itself, or that flexibility, are essential for the Council to meet the supply assumptions in the existing Minerals Local Plan or those in the Deposit Draft UDP. The proposal would not conflict with other policies in the Plan and is particularly in the spirit of the Deposit Draft nature conservation policies.

#### 6.5 Effects of the Proposal on Matters of Acknowledged Importance:

The Minerals Local Plan requires that applications should be assessed against other development criteria, notably those in Policy M4 of the Hereford and Worcester County Structure Plan. These include:

- i) Effects on the best and most versatile land  
No such land is affected by this proposal.
- ii) Residential amenities of surrounding properties  
Mineral workings are potentially difficult neighbours capable of being noisy, dusty and affecting ground and surface waters – sometimes for long periods.  
To consider these separately:

Noise: The principal sources of noise generated on site from this proposal would be from the stripping and subsequent re-spreading of soils, using excavators and dump trucks and from associated reversing beepers. Extraction would be by tracked excavator digging below the water table, loading into a hopper and conveyor belt, a relatively quiet operation, to the processing plant, which is relatively noisy. Processed materials would then be trans shipped off site by lorry, again a relatively noisy operation. The applicant's Environmental Statement includes assessments of the noise levels of adjoining properties. In every case it is estimated that these would be less than 10 decibels above background noise levels, i.e. at a level which is not likely to be considered loud enough to generate complaints. The same levels were considered acceptable when permission was given for the creation of a rail-loading depot (approved by the Central Area Planning Sub-Committee on the 18th July, 2002. The Environmental Health Officers advice is that subject to the imposition of noise conditions the effects should be acceptable.

If permission were to be granted Officers advice is also that a condition should be imposed requiring that bunds should be created close to the houses nearest the "excluded areas" discussed in para. 6.3 to reduce the impact of noise from the proposal on the local people.

The proposed processing and ready-mixed concrete plants could generate intermittent, fairly long periods of low level noise, at most, but it is unlikely to be all, working days. The proposed location of these in the centre of the site and as far away from housing as possible and the creation of piles of processed material around them would further diminish the disturbance. Officers do not consider that the net effect would be unacceptable.

Dust: The application proposes to work the site “wet” i.e. not to dewater it. Excavated materials would therefore be wet and would remain so as they pass through the processing plant. Although they would dry out in time when placed in stockpiles around the plant area, it is extremely unlikely these would generate any volumes of dust which could reach the houses at the boundary of the site. A number of dust suppression measures are proposed and these could all be imposed by condition. Dust could also be generated from soil handling on site. It is not likely to be significantly different from normal agricultural operations or to require unusual dust control measures.

iii) Surrounding Road Network and Road Safety

The applicant estimates that the proposal would generate about 40 vehicle loads per day. The effects of this on their lives, local amenities and highway safety are the major source of local objections to the proposal – significantly outnumbering other concerns. The principal delay in bringing this application for determination has been the time the Highways Agency has taken to consider this proposal. Extensive discussions with the applicant and local people required a Safety Audit of the scheme finally proposed. The Highways Agency has now issued a Direction that if permission is granted it must be subject to four conditions (that specify a particular design of roundabout on the A49, advanced signing and the submission of a Green Travel Plan). Because these proposals represent a variation on the scheme originally submitted, the Parish Council and neighbours have been re-consulted on it.

To date responses have been received from Wellington Parish Council, Wellington Action Group and two of the immediate neighbours. In summary, the Parish Council would prefer an alternative route but reluctantly accept the proposed roundabout with seven reservations, notably that the offset position of the roundabout restricts visibility, that the deceleration space to the south is too short, the proposal is too close to the existing turn to Wellington, footpath access is poor, the site needs illumination, that if a roundabout were to be constructed at the Business Park entrance a speed limit could be imposed and that they support the concerns of the nearest resident who is unhappy at the proximity of the roundabout to his house.

The Wellington Action Group make similar points, particularly stressing the problems of visibility, slowing down distances and the need for either an alternative, or two roundabouts. They also express concern about the loss of the existing conifers beside the A49. The occupier of the house nearest the proposed roundabout expresses his concern about visibility, braking distance, overtaking and problems for pedestrians and cyclists and the possibility that the proposal would create a serious hazard to anyone entering or leaving his gateway or stopping along the route.

One local resident regards the proposal as an improvement on the original ‘ghost’ lane scheme but requests the installation of a roadside guard rail.

These in turn have been referred to the Highways Agency with a request that they consider them. Their response is detailed but does not alter their direction. If Members were to grant permission it must be in accordance with the Highway Agency’s direction and include the conditions they impose. Members should be aware that in the circumstances of the direction any refusal to grant planning permission on highway grounds could not be defended.

The applicant has submitted a unilateral Section 106 Agreement undertaking to complete the highway works specified by the Highways Agency, create the cycleway, bus stop (all matters requested by local people) and the resurfacing of Wellington School and Community Centre. Officers consider that these are all proper for the applicant to make and Officers recommend that the agreement should be accepted.

The applicant has included a reference to the possible use of the rail-loading depot to transport excavated material with a proviso that it is anticipated that the extracted material would supply local demand and will be transported by road, however, transport by rail would be considered where appropriate.

iv) Areas of High Quality Landscape

The application is not in an area of designated landscape. The former military depot dominates the area and the application area occupies the least landscaped parts of the site containing very few trees of any size and no significant internal hedges. To the layman's eye it has the appearance of semi-scrub, semi-derelict land. Officer's advice is that the site could not be considered a high quality landscape worthy of retention. Local people have asked for the retention of the conifers alongside the A49. The Head of Conservation's advice is that these are not worthy of protection in themselves but could be retained (subject to the Highway's agency's direction) as a temporary screen.

v) Water Supply and Land Drainage

Matters relating to the need to protect the River Lugg SSSI and cSAC are dealt with above.

The proposal could affect adjoining properties' and in theory Brooks Drinks' water supplies through both the risk of contaminated materials entering ground and surface water or the direct loss of water supply and objectors have naturally expressed concern at this. The proposal could also affect land drainage through accidental or controlled discharges. In practice however the only significant effect on local resources should be the temporary diversion of small volumes of water through the plant to wash excavated material and the subsequent clearing of that water through conventional settlement ponds. This would be controlled through a discharge licence issued by the Environment Agency. Any surface discharges would be into existing site drains or through oil interceptors. There should therefore be no affect on local boreholes.

The Environment Agency and River Lugg Internal Drainage Board have pursued these issues in some detail and have no objection to the proposal but propose that schemes should be imposed to control risk of contamination and to monitor groundwater before, during and after extraction. If permission were to be granted Officers recommend that these are imposed as conditions.

vi) Effect on Areas of Nature Conservation Importance

The site does not include specific nature conservation designations, it does however adjoin the River Lugg SSSI/cSAC. Officers are not aware of any specific risk to the river or species associated with it and any such could be protected by the imposition of conventional conditions. Neither English Nature nor the Environment Agency has any objection to the proposal. There are no grounds therefore for refusing permission on these grounds. The site

does however contain a “medium” sized colony of Great Crested and other Newts – based in an old MoD concrete fire pond. The application is to create a complex of lakes, shallows, pools and scrapes which will be of infinitely greater value as newt habitat than the existing land. A licence to move the newts and disturb the site will be necessary from DEFRA but subject to the necessary detail, it is understood that there should be no difficulty in this regard. The application includes an assessment of the nature conservation value of the site but the only protected species found were Barn Owls and a condition is proposed to protect them. Specific surveys were undertaken for reptiles and bats but none were reported on site.

The Wellington Marsh SWS adjoins the site. The applicants assert that the protected habitat is associated with shallow groundwater perched on the alluvial deposits and is hydraulically isolated (in effect) from the fluvial-glacial sand and gravel aquifer. There is no evidence that the marsh would therefore be affected by the proposal. Members will be interested to note that boreholes in and around the marsh were monitored by the operators of the Wellington Gravel Pit whilst the site was in the Ministry of Defence hands. Monitoring proved both difficult to undertake and to interpret but there appears to be no suggestion that the existing gravel workings have had any effect on the marsh. There are no reasons to question the applicants’ assumptions and there is no evidence that the special wildlife site would be adversely affected.

The Council has a general duty to enhance SSSI’s, Officers consider that the proposal would be a valuable supplement to the nature conservation interests of the area generally and of direct value to some of the species associated with the River Lugg cSAC designation, notably otters.

vii) Effects on Sites of Archaeological or Historical Interest

The proposal has been the subject of detailed archaeological evaluation (desk based study, site survey/recording, and trial trenching) as part of this archaeological potential. In essence, the north-western sector of the site appears to have only moderate potential. The eastern and particularly south-eastern sector have higher potential, with significant although dispersed prehistoric and Roman remains having been found here during evaluation. A specific zone in the mid – southern sector of the site, broadly approximating to phases 8/13A, contains principally Bronze Age remains of particular significance and sensitivity, probably relating to an important ritual site. If permission were to be granted the County Archaeologist would have no objection to the proposal provided that a condition is imposed to ensure that these features are properly assessed and protected.

viii) Effects on Local Employment

At present a small number of people occupy parts of the site under a variety of temporary leases. The proposal would probably directly employ a few more people on site and indirectly many more hauliers. If permission were to be granted however redevelopment of the site would permanently remove the existing CLEUD rights and a significant amount of potential employment would therefore be lost. The Moreton Camp Development Brief recognises this however and there is no conflict between the application and the wider development of the rest of the camp. The South Herefordshire District Local Plan specifies that the northern sector of the camp is a Preferred Area for mineral extraction and notes that it would only permit B1 uses on the Romilly

buildings on land covered by the CLOPUD permission provided that such proposals would not prejudice the long term development of the land in this part of the site. It could not be argued therefore that the effects of the proposal on local employment would be significant.

ix) Effects on the Potential Afteruse of the Site

No specific afteruse is applied for but if restored as proposed the site would be of immediate beneficial afteruse for nature conservation and potentially beneficial use for amenity or recreation (provided that any such proposals complied with the Development Plan of the time). The proposal is to restore the site to two large lakes and a wide range of nature conservation habitats, notably shallow and seasonal pools and scrapes and a mixture of tree and shrub planting at different densities. Officers believe that the net effect would be to create an extremely valuable and interesting nature conservation site. As such they consider that it would be a considerable improvement both visually and ecologically on the existing site if permission were to be granted however they would recommend that conditions should be imposed to secure the maximum possible gain to the interests of biodiversity.

There is a Listed Milepost along the A49 close to the proposed new access. Neither it or its setting are adversely affected by the proposal. If permission were to be granted Officers would recommend that conditions should be imposed to protect and repaint it.

Conclusion:

Sand and gravel extraction is a long term and potentially disruptive activity. It is however necessary to the operations of the economy as a supplier of fundamental building materials and it is Government policy that an adequate and regular supply of minerals should be available in order to meet the County's share of regional need. In this case the greater part of the application area is designated a Preferred Area for Extraction in the Minerals Local Plan. Local people's concerns about the effects of the proposal, especially its effect on local highways, are material and understandable. None of the statutory consultees however have any objection to the proposal and Officers consider that subject to the imposition of conditions the proposals would comply with the provisions of the Plan and protect the amenities of local people. Parts of the site are outside the Preferred Area but Officers consider that the applicant's case for including these in the application is reasonable and that the effects of doing so can be satisfactorily mitigated by the imposition of conditions and would not conflict with Development Plan or Deposit Draft UDP policy. Subject to conditions, the proposal could however create an ecologically diverse range of features which would enhance the nature conservation interests of the area and the condition of the existing land without adverse effect on the River Lugg SSSI cSAC, the landscape or the amenities of local people.

Members should also be aware that although the site is expected to be worked and restored within about 10 years, that under the terms of the Environment Act 1995 planning permission for mineral working can in effect be reassessed and new conditions imposed every 15 years.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions and any others considered necessary by Officers:**

1. **A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and in order to define the commencement of the development.**

2. **The whole of the plant and external walls and roofs of the buildings, including cladding, shall be constructed and finished in accordance with a schedule of materials, colours and finishes which shall first have been submitted to and approved by the local planning authority before the development is commenced.**

**Reason: To secure properly planned development.**

3. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site the highway features illustrated on drawing AS/1, Tarmac, Moreton Quarry, Roundabout Access, Advance Signage, Revision 1 dated October 2003, shall have been certified as complete by the local planning authority in consultation with the Highway Authority.**

**Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.**

4. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site a village gateway feature equivalent to the feature illustrated on drawing AS/1, Tarmac, Moreton Quarry, Roundabout Access, Advance Signage, Revision 1 dated October 2003 to the north of the proposed access shall be provided to the south of Wellington Marsh in a form and position to be agreed with the local planning authority in consultation with the Highway Authority.**

**Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.**

5. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site the quarry operator shall be obliged to enter into an agreement with Herefordshire Council to promote and co-ordinate Green Transport Plans. The main aims will be to reduce the need to use private transport to access this site and to increase the opportunities for walking, cycling, bus use, car sharing and any other initiative that is able to make a positive contribution to reducing the need to use private transport inefficiently.**

**Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.**

6. Prior to the commencement of extraction and the exportation of any sands or gravels from this site the highway works illustrated in form shown on drawing 2, Tarmac, Moreton Quarry, Roundabout Access, General Arrangement, Revision 2 (Amended to Incorporate Comments from Stage 1 Safety Audit) dated October 2003, shall have been certified as complete by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.

7. No development shall take place until details or samples of materials to be used on internal roadways and hardstanding have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings and to minimise the risk of pollution to groundwater or the River Lugg SSSI cSAC.

8. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. MLM6/1, MLM6/2, MLM6/3, MLM6/4, MLM6/5, MLM7/1 Revision A.), except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

9. Not later than two years from the date of this permission schemes shall be submitted in writing to the local planning authority for their approval for the creation of:

- i) Shallow, permanently or seasonally, wet scrapes
- ii) Reed beds, which remain permanently below the water table
- iii) Lakeside shallows
- iv) Bank gradients
- v) An area of wet woodland
- vi) Ditches, designed to maximise their use as wildlife corridors and as habitat for water voles
- vii) Hides, open to the public at no expense, within 2 years of the approval of the proposals for this part of this condition and maintained so during the course of the development hereby permitted including any period of aftercare
- viii) Exposed sections which can be permanently retained after the reclamation of the site as a record of its geological features

**ix) An artificial sand martin nest bank**

as supplements to drawing MLM7/1, Revision A, in order to foster the nature conservation and geological value of the reclaimed site.

The submitted scheme shall specify the nature conservation objectives to be achieved and the Biodiversity Action Plan or other groups of species which are to be fostered in the reclamation of the site, the landforms, ground and water levels to be achieved, and

**x) Proposals to monitor and amend these in the light of experience as the site reclamation progresses.**

**Reason:** In the interests of biodiversity, nature conservation, geological record and the protection and enhancement of wildlife habitats on the site.

**10. At least every four calendar years from the date of this permission until the completion of all aftercare schemes, a biodiversity audit shall be submitted for the approval of the local planning authority. The submitted scheme shall identify**

**i) The species present and**

**ii) Where National and Herefordshire biodiversity species are identified, estimate the numbers present and**

**iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.**

**Reason:** In order to ensure that the site is properly reclaimed in a way that maximises its nature conservation interest.

**11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, and type of landscaping, planting and earth mounding, to be undertaken around the new highway access to the site and in the north-west and south-west corners of the site. The proposed scheme shall be completed before any winning or working of minerals takes place except that the proposed tree planting may be undertaken during the first planting season following the commencement of winning and working of minerals. Development shall be carried out in accordance with the approved details.**

**Reason:** In the interests of visual and residential amenity and to preserve and enhance the quality of the environment.

**12. Not later than two years after the date of this permission a scheme of landscaping shall be submitted to the local planning authority for their approval in writing. The submitted scheme shall include details of the species, sizes, densities and planting numbers of the trees, shrubs and other plant species and grass seed mixes to be used on site with the intention of creating as wide a range of habitats as possible on site. The landscaping of the site shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**



**Reason:** In order to protect the visual amenities of the area, to preserve and enhance the quality of the environment and in the interests of the landscape and increasing its nature conservation value.

- 13.** During the course of the development hereby permitted up to and including the extraction of materials from Phase 9, the operator shall carry out the barn owl and species rich grassland mitigation scheme set out in Tarmac's letter of 7th July 2003, reference ML/JA/M103(P) (Barn owl and species rich grassland mitigation scheme) and plan reference "Management Proposals" drawing number 2, July 2003.

**Reason:** In order to retain suitable habitats for barn owls and grassland of nature conservation interest.

- 14.** No development shall take place until a scheme and programme of the means for the suppression of dust has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include inter alia: measures for the suppression of dust caused by the movement and storage of aggregate materials within the site and shall not be less than that proposed in para. 14.7 and table 14/5 of the Environmental Statement submitted by the applicant. The approved scheme shall be complied with throughout the use of the site in accordance with the development hereby permitted.

**Reason:** In the interests of the occupiers of nearby buildings and the prevention of pollution.

- 15.** No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Items of prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the local planning authority before the commencement of any development.

**Reason:** To ensure that the exceptional archaeological interest of the site is recorded, and also to ensure that specific items of archaeological excavation can take place within an acceptable timescale that will not be compromised by other site works or factors.

- 16.** Throughout the course of the development hereby permitted, including the reclamation and aftercare for the site, hydro-geological monitoring shall be undertaken in accordance with the monitoring scheme/programme reference "groundwater monitoring scheme" received on 12th January 2004 and plan reference Groundwater Monitoring Borehole Locations Jan. 04 Drawing No. 2.

**Reason:** In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the River Lugg cSAC and SSSI.

17. Throughout the course of the development hereby permitted including the reclamation and aftercare of the site, control procedures for managing contaminated soils and groundwater shall be undertaken in accordance with document reference "Control Procedures for Managing Contamination Soils and Groundwater during Mineral Extraction Operations" received on 8th December 2003.

Reason: In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the River Lugg cSAC and SSSI.

18. No dewatering shall be undertaken in connection with the development hereby approved other than for the processing of extracted minerals, manufacturing of ready mixed concrete, dust suppression or wheel washing and any dewatering shall be entirely in accordance with the prior authorisation in writing of either the Environment Agency or where they are not the licensing authority, the local planning authority.

Reason: In the interests of protecting ground and surface waters in and around the site and to protect the nature conservation interests of the River Lugg cSAC and SSSI.

19. No foul or contaminated drainage shall be discharged from the site other than in accordance with the prior authorisation in writing of either the Environment Agency or where they are not the licensing authority, the local planning authority.

Reason: In the interests of the protection of ground and surface waters and to protect the nature conservation interests of the River Lugg cSAC and SSSI.

20. The level of noise from the development hereby permitted shall not exceed the following levels at the locations specified below:

Adjacent to the property boundary of Holmesdale House, 55dB LAeq 1 hour (free field)

Adjacent to the property boundary of Yew Tree House, 55dB LAeq 1 hour (free field)

Adjacent to property boundary of The Almshouses 55dBLAeq, 1 hour (free field)

Adjacent to the property boundary of St. Mary's Church Vicarage, LAeq 55dB (1 hour (free field)

and if requested in writing the operator shall submit a noise survey at these locations to demonstrate compliance.

The location of these properties is shown on plan MLR7/1 attached to this permission.

Reason: In order to protect the residential amenities of nearby dwellings.

21. No light source shall be visible from outside the extremities of the application site or produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

22. F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment.

23. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1900 Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays, except that within the area permitted for use as a rail loading facility, permitted under consent reference CW2001/3080/M granted 18th July 2002, the unloading of aggregates from vehicles and loading of aggregates into railway wagons for trans-shipment by rail may take place at any time.

Reason: In order to protect the amenity of occupiers of nearby properties.

24. No extraction shall be undertaken in connection with the permission hereby granted at any point within the application area deeper than the naturally occurring sand and gravel deposits at that point.

Reason: To define the permission for the avoidance of doubt and because further excavation would require further assessment in the interests of local amenity, pollution control, the protection of ground and surface waters and the nature conservation interests of the River Lugg cSAC and SSSI.

25. No materials or substances shall be burnt within the application site.

Reason: To safeguard residential amenity and prevent pollution.

26. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting that Order with or without modification, no materials, including aggregates shall be stockpiled or deposited in the open to a height exceeding 5 metres.

Reason: To protect the appearance of the locality.

27. No topsoil, subsoil or over burden shall be removed from the site.

Reason: In order to ensure the proper reclamation of the site, in the interests of landscape and nature conservation.

28. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation.

Reason: In order to ensure the proper reclamation of the site and in the interests of local amenity, pollution control and the conservation interests of the River Lugg sSAC and SSSI.

29. No later later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site for the approval in writing of the local planning authority. The submitted scheme shall include provision for:
- i. Managing the site in the interests of nature conservation and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
  - ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.
  - iii. For a site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
  - iv. For such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

Reason: To ensure that the site is reclaimed to the highest possible nature conservation and landscape interest.

30. Not later than two years after the cessation of the winning of minerals, as determined by the local planning authority,
- i) all stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure. Chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
  - ii) the site shall be fully reclaimed in accordance with drawing MLM7 Revision A as supplemented by schemes approved in accordance with the conditions hereby approved.

Reason: In order to ensure that the site is properly reclaimed within a specified timescale in the interests of local amenity, pollution control, nature conservation and the River Lugg cSAC and SSSI.

31. This permission shall expire thirteen years after the date of commencement and no winning, working, sale or transportation of minerals or readymix concrete either by road or rail shall take place in connection with the development hereby permitted or that permitted under reference CW2001/3080/M granted 18th July 2002 after that date.

Reason: Required to be imposed by Part 1 of Schedule 5 of the 1990 Town and Country Planning Act.

32. Notwithstanding the provisions of Schedule 2, Parts 6, 7 and 21 of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning shall not be

used for any activity other than for the purposes of nature conservation unless a specific permission for such is obtained from the local planning authority.

Reason: Because the local planning authority wish to control the use of the site in the interests of pollution control, nature conservation and the River Lugg cSAC and SSSI, the landscape and local amenity.

- 33. A copy of this planning permission and the approved plans and all other documents approved in accordance with this permission shall be held in the office at this site and made available to any Officer of the Council or their nominee at all working hours during the course of the operations hereby permitted.

Reason: To ensure that the requirements of the planning permission are readily available at the site.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

Appendix 1 attached.