

INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2021/0190
Site address	Maddocks Hill and Quarry, Little Wenlock, Telford, Shropshire
Proposal	Change of use from former quarry to educational fieldwork centre including the erection of 3no. Iron-Age roundhouses, 1no. multi-purpose activity structure, warden's accommodation & 5no. camping pods ***AMENDED BUSINESS STATEMENT RECEIVED, AMENDED DESCRIPTION***
Recommendation	Full Grant

1. FURTHER PUBLIC REPRESENTATIONS

- 1.1 Following on from publication of the Planning Committee Report, a further four representations objecting to the proposal have been submitted, this is together with a document intended for Members attention setting out planning policies prepared by an objecting party. In summary these relate to:
- rewilding of the site and the impact of development on wildlife, biodiversity habitat loss and impact on designations, including extract of paras. 6.1.9 and 6.1.11 of TWLP Policy NE1 Biodiversity and Geodiversity and maps showing location of designations and extract of para. 6.1.14 Policy NE1 identification of visitor and residential pressure;
 - queries around TWC Ecology representations – objection of 18/06/21 includes extract of paras. 6.1.9 and 6.1.11 of TWLP Policy NE1 related to Local Wildlife Site (LWS) and Local Geological Site (LGS), objection of 07/07/22 which outlined that it was unclear if a feasible drainage system can be achieved for the site and will leave further detailed comments until that issue has been addressed, then support subject to conditions omitting references to coverage harmful impacts on the LWS and LGS;
 - use of timber from woodland to build structures and educational activities;
 - access to the site by the fire service and on site flow rate;
 - highways access and users of the access track which is a right of way / prospective bridleway; impact of activities on the on the Wrekin Forest Strategic Landscape and the adoption of alternative approaches to deliver the educational fieldwork (run only daytime courses for students linked specifically to curricular outcomes, utilise minibus drops to the roadside so users can access the site on foot and use established car parking, use modest daytime shelter materials, use local accommodation networks for multi-day courses, limiting the numbers and times of year for study courses etc.).

- 1.2 Officers can confirm that all of these further representations are available in full, from the online planning file (01/03/2023 onwards): <https://secure.telford.gov.uk/planning/pa-applicationresponses-public.aspx?Applicationnumber=TWC/2021/0190>. The Member document is available via <https://secure.telford.gov.uk/planning/pa-documents-documents-public.aspx?ApplicationNumber=TWC/2021/0190> (14/03/2023).

2. OFFICER COMMENTS

- 2.1 The biodiversity context of the site has been further evidenced through the course of the application with objection of TWC Ecology having consequently been removed. Whilst off site enhancements are to be made biodiversity net gain wise, the site itself is to be directly managed for conservation and biodiversity enhancement, with further control through condition around the geological context, seeking to ensure the retention of the designations.
- 2.2 Following resolution of foul drainage arrangements and submission of the Addendum to Ecological Appraisal (addressing Dingy Skipper Butterflies, and Peregrine Falcons), the Council's Ecologist is of the professional opinion that any harm to the Local Wildlife Sites could be overcome through mitigating conditions. Officers note to Members that these necessitate provision of Biodiversity Enhancement and Management Plan with associated Biodiversity Net Gain Monitoring Plan, implementation in accordance with ecological survey, and controls around lighting.
- 2.3 Relating to use of woodland materials; it is worth appreciating that there is an active felling licence for the site such that removal could take place in any case. Nonetheless, in combination with the required biodiversity controls, Officers consider that this will ensure appropriate management.
- 2.4 Officers acknowledge that access by standard fire appliances is an issue for this development; bearing in mind the non-standard distance from an adopted highway and nature of the access track to the site, it represents an operational area that needs to be further understood. The representation of the Shropshire Fire Service identifies that this would be subject to further assessment through the Building Regulations stage, and is subject to separate legislation.
- 2.5 Bearing in mind that some of the structures may potentially not be subject to building regulations, it is felt reasonably necessary for the evidence of further dialogue with Shropshire Fire Service, and any mitigation required (e.g. a charged static tank of at least 45,000 litres capacity with associated access for a pumping appliance), to be controlled through condition prior to first use of the site. Without satisfactory resolution of this requirement, and the Building Regulations legislation, the planning permission could not be implemented.

- 2.6 Representation around vehicular rights along the access track has been made and Officers confirm that there is no public vehicular right, but as confirmed by the applicant, there is a private vehicular right. Private vehicular rights may not always be shown on a Land Registry search.
- 2.7 Public and private vehicular rights can coincide. If a person has private vehicular rights over a non-vehicular public right of way, the Council cannot, except under exceptional circumstances, restrict those rights. A person having private vehicular rights is, in most circumstances, able to authorise third parties to exercise those same rights.
- 2.8 The route is an old quarry road – used by trucks. It would appear to have had a tarmac surface at the time that it was used as such. There is certainly evidence of the old tarmac track on site, admittedly much deteriorated. The work to improve the surface would be a repair, rather than an upgrade to a more urban surface material. This will minimise the visual impact of the access track.
- 2.9 The Council recognises the concern regarding the potential conflict of use between motor vehicles accessing the site and rights of way users, nonetheless there is mitigation available to minimise this risk through the installation of regular passing places.
- 2.10 The track is already used for vehicular access and has been for decades. The Council is, therefore, suggesting passing places to mitigate against an increased use rather than a wholly unprecedented vehicular access.
- 2.11 It is noted that where the authority have published an Order to modify the Definitive Map by recording the route as a Restricted Byway that does not necessarily mean that it is supported, it means that there is an obligation to make an Order if there is sufficient evidence to support the legal test.
- 2.12 If the route is upgraded to a Restricted Byway, which would allow horse and carriages to use it, the conflict between a horse-drawn carriage and other horse riders, cyclists, or pedestrians would be no different from a motor vehicle. It is anticipated as far harder to get a horse and carriage to reverse than a car or minibus.
- 2.13 In relation to the representation setting out alternative possibilities of conducting an educational fieldwork centre, Officers acknowledge the merit in the scope provided. As referenced within the Committee Report, the applicant has nonetheless wished to pursue on site accommodation and access therein with a year round operation. Technical consultees and the LPA have therefore been required to consider the application on this basis, with recommendations made accordingly.
- 2.14 Through the specific topography of the site entailed, the modest nature of structures, with mitigation around highways access (noting it would not be

appropriate to restrict attendees to within a one hour commute to the site), restrictions on amplified noise, the form of works to the access track, in combination with strict control around the form of activities deemed acceptable through the legally binding S106 (to not include socially led and sport based activities – this is not the location for laser clay pigeon shooting, bouncy castles, archery, roleplay, etc.) as referenced, the scheme as it stands is on balance considered acceptable.

3. DETAILED RECOMMENDATION

3.1 Based on the update above, the updated recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

- A) The applicant entering into a Section 106 agreement with the Local Planning Authority, with terms to be agreed by the Development Management Service Delivery Manager, relating to:
 - i) The land use for the site (excluding access track) shall be for the purpose of educational use.

- B) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):-

A04 Time Limit Full

B029 Details of gate and treatment of exposed edge to earth bund

B029 Details of refuse arrangements and bin store design

B029 Details of boundary treatment (were any proposed beyond gated entrance in the future)

B049 Highway Improvement Works

B129 Landscaping detail earth bund south of entrance gate

B141a Erection of artificial nesting/roosting boxes

B142 Biodiversity Enhancement and Management Plan

B145 Lighting Plan

B149 Biodiversity Net Gain Monitoring Plan

BCustom Geological report

BCustom Confirmation Fire Service access and arrangements

C013 Parking, Loading, Unloading and Turning

C029 Operation of site in accordance with recommendations of Slope Stability Appraisal Report

C030 Drainage prior to first use and occupation

C074 Tree protection and no further tree removal in surveyed area

C091 Ecological Survey – working in accordance with protected species survey

C119 Construction Method Statement

C038 Development in accordance with plans

D13 Noise Levels

DCustom Restricted occupancy warden accommodation – timing and not primary residence.