

Mr Jim Cannon
c/o Mr Chris Ballam
MWP Planning
10 Dobroyd
Shepley
Huddersfield
HD8 8AU

Date: 17th November 2022

Our Ref: 22/05214/EIA
Your Ref: Farley Quarry 2

Dear Mr Ballam

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION ACCOMPANIED BY EIA

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Location:	Farley Quarry, Farley, Much Wenlock, Shropshire, TF13 6NX
Proposed Development:	Restoration of part of Farley Quarry by means of the recycling of construction, demolition and excavation wastes and the engineered placement of the rejects from the recycling process to raise levels in the Quarry to create a restoration landform, together with ancillary activities and improvements to the site access.
Application No.	22/05214/EIA
Date Received:	18 th November 2022
Applicant:	Mr Jim Cannon

Shropshire Council hereby **REFUSE FULL PLANNING PERMISSION** for the following reasons

REASONS FOR REFUSAL

1. The proposals comprise major development within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the National Planning Policy Framework (NPPF) requires that great weight is given to conserving and enhancing landscape and scenic beauty in AONB's and advises that the scale and extent of development within these designated areas should be limited. Paragraph 177 of the NPPF advises that permission should be refused for major development in the AONB other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Insufficient justification has been put forward for the waste recycling proposals to demonstrate that the proposals represent an exceptional circumstance and would be in the public interest sufficiently to satisfy the requirements of



Paragraph 177, including with respect to any benefits to the local economy. Nor has it been sufficiently demonstrated that any detrimental effect on the environment would be capable of being satisfactorily moderated. This includes the amenity impacts of the recycling proposals and the associated Heavy Vehicle Movements within and in the setting of the AONB including from local rights of way. The proposals also therefore fail to comply with Core Strategy Policies CS5, CS6 and CS17 and SAMDev Policy MD12.

2. The proposals would involve the establishment of a new commercial use of inert waste recycling at Farley Quarry in conflict with Policy LL2 of the Much Wenlock Neighbourhood Plan. The waste recycling operation would generate materials for infilling the quarry void and would be linked to the timescale of the infilling operation. However, the application advises that 70% of the imported material would be exported after recycling with just 30% being used to infill the quarry void, so the recycling use cannot be seen as ancillary to the infilling / restoration operation. The nature of the recycling operation has the potential to cause adverse amenity impacts for the local environment through noise, dust and HGV movements throughout the 10-year duration of the inert recycling and infilling operations. This is considered to outweigh any claimed benefits associated with restoration of the quarry void through infilling. The proposals also therefore fail to comply with Core Strategy Policies CS5, CS6 and CS17 and SAMDev Policy MD12.
3. The proposals have the potential to adversely affect the amenities and environment of the local area including the nearby historic market town and tourist destination of Much Wenlock, nearby properties fronting the A4169 and rights of way users, including users of the promoted long-distance Jack Mytton Way and Shropshire Way to the east. There is potential for adverse amenity effects from noise and dust from the recycling operations, from vibration and fumes from frequent HGV movements using the site access and for localised visual disturbance from publicly accessible areas within the AONB. It has not been demonstrated that the need for the proposed facility outweighs the potential adverse effects, either individually and cumulatively. The proposals therefore conflict with Core Strategy Policies CS6, CS17, and SAMDev Policies MD11, MD12 and MD15.

22/05214/EIA

Tabitha Lythe

Tabitha Lythe
Planning and Development Services Manager

Date of Decision: 17th November 2023

NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development, or within 8 weeks in the case of advertisement appeals. The appeal must be made on a form which can be obtained from the Planning Inspectorate at Customs Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/organisations/planning-inspectorate>

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

A decision by the local planning authority can only be challenged in the courts on a point of law; for example, the way in which the decision has been made and whether the correct procedures have been followed. A challenge in the courts has to be brought within 6 weeks. Further information about applying for judicial review is provided by the Ministry of Justice.

See: <https://www.gov.uk/guidance/administrative-court-bring-a-case-to-the-court>

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).