

Minutes of the Planning and Regulatory Committee

County Hall, Worcester

Tuesday, 24 May 2022, 10.00 am

Present:

Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Kit Taylor and Cllr Richard Udall

Also attended:

Cllr Marcus Hart attended for Agenda item 5 as a local councillor from a neighbouring Division.

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and
- C. The Minutes of the meeting held on 26 October 2021 (previously circulated).

1092 Apologies/Named Substitutes (Agenda item 1)

An apology was received from Cllr Jack Satterthwaite.

1093 Declarations of Interest (Agenda item 2)

None.

1094 Public Participation (Agenda item 3)

Those presentations made are recorded at the minute to which they relate.

1095 Confirmation of Minutes (Agenda item 4)

Planning and Regulatory Committee Tuesday, 24 May 2022
Date of Issue: 20 June 2022

RESOLVED that the Minutes of the meeting held on 26 October 2021 be confirmed as a correct record and signed by the Chairman.

1096 Proposed sand and gravel quarry with progressive restoration using site derived and imported material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire (Agenda item 5)

The Committee considered a County Matter planning application for proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Planning and Transport Planning's comments in relation to the Worcestershire's landbank of sand and gravel reserves, Sieve test / methodology and Best and Most Versatile (BMV) agricultural land, Alternatives, Green Belt, Traffic, highway safety and impact upon public rights of way, Residential amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts), Landscape character and appearance of the local area, Historic Environment, Ecology, Biodiversity and Geodiversity, Water Environment, Restoration and Aftercare of the Site, Economic Impact, Climate Change, Cumulative Effects, Prematurity, and Other Matters - Schools, Businesses, Tourism, Leisure and Recreation, Crime and safety, Overhead power lines, Adequacy of the Environmental Statement and EIA team and expertise, Monitoring and enforcement, Consultation, Human Rights Act 1998, Obligations under the Equality Act 2010, and Other points.

The Head of Planning and Transport Planning concluded that:

Worcestershire's landbank of sand and gravel reserves

Paragraph 213 of the NPPF stated "*minerals planning authorities should plan for a steady and adequate supply of aggregates by...maintaining landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised*". As required by the NPPF the County Council had produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

The LAA (published June 2020) covered the period up to 31 December 2017, and in accordance with the NPPF (paragraph 213) calculated annual provision requirements on a rolling average of 10 years' sale data in Worcestershire and other relevant local information. In 2017, sales of sand and gravel in

Worcestershire were 0.455 million tonnes. The 10-year average of sales from 2008 to 2017 including combined data with Herefordshire Council for 2012 and 2013 was 0.572 million tonnes. On 31 December 2017, the total permitted sand and gravel reserves for Worcestershire was about 3.465 million tonnes, which was equivalent to a landbank of approximately 6.06 years. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued, then the landbank of permitted reserves at 31 December 2020 would have been approximately 1.749 million tonnes of sand and gravel, equating to about 3.06 years. Consequently, on 31 December 2020 the County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance.

Since 31 December 2020, the MPA granted planning permission on 25 March 2021 (MPA Ref: 18/000036/CM, Minute No. 1069 refers) for a proposed sand quarry, infilling void using inert materials only with restoration to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire. Based on the proposed extraction of approximately 1.35 million tonnes, this had increased the landbank by approximately 2.36 years, equating to a landbank of approximately 5.42 years in total, which was still below the minimum landbank for at least 7 years for sand and gravel.

Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued in 2021, then the landbank of permitted reserves at 31 December 2021 would be approximately 2.527 million tonnes of sand and gravel, equating to about 4.42 years. Consequently, on 31 December 2021 the County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance.

Should this planning application be granted permission, it would increase the landbank by approximately 5.24 years, equating to a landbank of approximately 9.66 years, albeit it should be noted that sales of sand and gravel would have continued in 2022, so the landbank would be likely to be less than 9.66 years.

Sieve test / methodology

The adopted Minerals Local Plan allocated Preferred Areas for the working of sand and gravel in the County. Policy 1 stated that planning permission would be granted for Preferred Areas of sand and gravel extraction, subject to an evaluation against other relevant Development Plan policies. This was in order to limit the environmental and blighting effects of proposals for sand and gravel working in the County to a minimum. The proposed development was not within an identified preferred area for sand and gravel extraction; therefore, Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan falls to be considered.

Policy 2 and paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan sets out the methodology against which new proposals for sand and gravel extraction not in an identified preferred area are to be assessed. If the area

was subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission would not normally be granted unless there were exceptional circumstances. It was considered that the site would be affected by one primary constraint and two secondary constraints. Notwithstanding this, the impacts upon the constraints had been considered in detail, as set out in the 'Sieve test / methodology and Best and Most Versatile (BMV) agricultural land' section of the report and were not considered to constitute a reason for refusal in this instance. Furthermore, it was considered that Policy 2 of the adopted Minerals Local Plan should be given limited weight, in that it was out of date and not in accordance with the NPPF which did not operate a sieve test or impose a blanket ban on all development within primary constraints. The emerging Minerals Local Plan also did not include a similar sieve test. Furthermore, even if Policy 2 did apply, the circumstances of this application in accordance with the analysis in the report, including the date and status of the policy, was capable of amounting to "exceptional circumstances" which would justify departure from the strict outcome of the sieve test.

Best and Most Versatile (BMV) agricultural land

With regard to the soil resource and BMV agricultural land, the site was dominated by Grade 3a, although it identified 3 areas in the eastern area of the site which were Grade 2 and an area of Grade 3a. The distribution of Agricultural Land Classification grades across the existing site were summarised as approximately 21.3% (10 hectares) Grade 2, approximately 66.5% (31.2 hectares) Grade 3a, approximately 1.7% (0.8 hectares) Grade 3b. Approximately 10.5% (4.9 hectares) of the site was non-agricultural. The Environmental Statement stated that the final restoration scheme would provide for approximately 32.26 hectares of BMV agricultural land, which would, therefore, be a loss of BMV agricultural land of approximately 8.94 hectares, where it would be restored with an alternative land use (acidic grassland, woodland planting and pocket parks). Notwithstanding this, Natural England considered that the proposed reclamation to a biodiversity and amenity after use was acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high-quality resource for the future. The applicant had clarified that the restored land, including acid grassland and woodland areas would retain their longer-term capability to be farmed to its identified land classification potential. Therefore, there would be no permanent loss of BMV agricultural land. Furthermore, Natural England had been consulted and have raised no objections on agricultural land / soil handling grounds.

Based on this advice, the Head of Planning and Transport Planning considered that subject to the imposition of appropriate conditions relating to soil handling and placement including requiring the development being carried out in accordance with the 'Agricultural Land Classification and Soils Resource Report' and Defra's '*Good Practice Guide for Soil Handling*', and requiring a detailed aftercare scheme then the objectives of the NPPF in respect of soils and their use in the restoration of BMV agricultural land would be met.

Alternatives

With regard to the consideration of alternatives, the PPG stated that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 did not require an applicant to consider alternatives. However, where alternatives had been considered, Paragraph 2 of Schedule 4 required the applicant to include in their Environmental Statement, a description of the reasonable alternatives studied and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. The applicant considered a number of alternatives including do nothing; alternative sand and gravel sources within Worcestershire; alternatives to primary aggregates; alternative methods of working; alternative restoration options; and alternative means of transport. In view of the above, the Head of Planning and Transport Planning considered that the applicant's approach to the consideration of alternatives was acceptable in this instance.

Letters of representation and the CPRE objected to the proposal recommending alternative land for mineral extraction. The Head of Planning and Transport Planning considered this was not one of the exceptional cases where an alternative scheme was relevant. Vague alternative schemes should be given very little if any weight and did not constitute a valid reason for refusing this application in this instance. This application should be determined on its own merits, in accordance with the development plan, unless material considerations indicate otherwise.

Green Belt

The proposal was located within the West Midlands Green Belt. Minerals could only be worked where they were found, and mineral working was a temporary use of land. Paragraph 150 of the NPPF identified certain forms of development as not inappropriate development within the Green Belt, this included mineral extraction and engineering operations, provided they preserved its openness and did not conflict with the purposes of including land within it.

The Head of Planning and Transport Planning considered that the proposed development, including restoration to a lower level, access, haul road, bunds, mineral processing plant, ancillary facilities and activity associated with the proposed mineral extraction when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It was also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would be visible, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bunds, existing historic boundary walls and proposed planting, with any views being contained to relatively few receptors. It was considered that the visual impact on openness did not make this development "inappropriate".

Neither would the development result in urban sprawl. In *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] Carnwath LJ considered that "*as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land*". In this respect, whilst the proposal would be located between Kidderminster, Cookley, Wolverley and the development of the former Lea

Castle Hospital site (Lea Castle Village), and it would include infrastructure, this would be largely contained to a discrete area of the overall site and would be relatively small in the context of the much wider agricultural landscapes that surround it. The mineral extraction would be phased, with progressive restoration limiting its visual impact and spatial extent at any one time. There would also be vehicle movements, but not very many in the context of the existing highway network, and certainly not an unexpected level for an operation of this type and scale, so it would not be able to operate where these minerals are found if it did not have this level of infrastructure and vehicle movements, even when considered cumulatively with other developments, so this in itself could not make it inappropriate. The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be progressively returned to an open state following completion of extraction and would be no more built up on completion of the development as it was now, as a result of the proposal.

It was considered that the proposal was in line with any typical mineral development in the Green Belt, and it was assessed that this site should benefit from the exceptions that were clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a temporary duration, and relatively short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisaged that mineral extraction should benefit from the exemption in paragraph 150, and this proposal should benefit from those exemptions as it came within the intended scope.

In view of above, the Head of Planning and Transport Planning considered that the exceptions for mineral extraction and engineering operations at paragraph 150 of the NPPF would apply, and the proposed development was, therefore, not inappropriate development in the Green Belt.

Traffic and highway safety

A new access serving the proposed development would be constructed off Wolverley Road (B4189). The proposed access would take the form of a simple priority junction with a kerbed central island within the bellmouth to prevent HGVs from turning right onto the Wolverley Road (B4189) when leaving the site. The bellmouth would also be configured to prevent HGVs from turning left into the access in order to enforce the routeing strategy, which directs all HGV traffic to / from the Wolverhampton Road (A449) to the east; thereby avoiding HGVs travelling through the village of Wolverley and along Sion Hill (C2136). The applicant was also proposing to further reinforce the routeing restriction via the installation of CCTV at the access. This routing restriction would apply to HGVs only, with vans and private cars still being able to negotiate the access (e.g., left in or right out) without any difficulty, even with the small radius proposed.

The applicant anticipated that the proposal would generate approximately 154 HGV movements per day (77 entering the site and 77 exiting the site per day). This equated to approximately 13 HGV movements per hour. This was the worst-case scenario as the applicant intended to take advantage of back-hauling where possible. In addition, there would also be staff movements

associated with the proposal. Based on the worst-case scenario whereby all 11 employees would travel independently in a private vehicle, a further 22 movements would be anticipated on the network, with 11 arrivals in the morning and 11 departures in the evening.

The highest increase in traffic over any baseline flow was found to be 1.8% on Wolverley Road (B4189) to the east of the proposed access, which falls well below the 5% threshold considered to represent a material increase in traffic.

The County Highways Officer had been consulted and raised no objections subject to appropriate conditions regarding implementation of submitted details relating to access, parking and turning facilities; provision and maintenance of visibility splays; surfacing of first 5 metres of access from the public highway; provision of electric vehicle charging space, sheltered and secure cycle parking, and accessible car parking spaces; and HGV Management Plan. The County Highways Officer stated that they had undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, they concluded that there would not be a severe impact and, therefore, there were no justifiable grounds on which an objection could be maintained, subject to imposition of appropriate conditions.

Based on the advice of the County Highways Officer, it was considered that the proposal would not have an unacceptable impact upon traffic or highway safety in accordance with paragraph 111 of the NPPF, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Impacts upon public rights of way

With regard to public rights of way, the proposal would have a direct impact upon footpath WC-624, which was located within the western area of the site, running east to west. The applicant was seeking to upgrade this footpath to bridleway standard on the completion of the restoration of Phase 3. As part of the proposal, this public right of way would be diverted to enable the working and restoration of land within Phases 1 and 2. On completion of the working and restoration of Phase 2, this public right of way would be relocated to its original position. The proposed development would also have a direct impact upon bridleway WC-626, which was located along an internal track which separated the western and eastern areas of the site, running north to south. It was proposed to install a below ground mineral conveyor linking the western extraction area with the proposed mineral processing plant site. The installation and the subsequent removal of the conveyor tunnel would take approximately 1 to 2 weeks, respectively. During these periods, a short section of bridleway WC-626 would be closed to allow the installation / removal and make good the surface of the track. During these periods the bridleway / track would be diverted to the west to ensure full access is maintained at all times. Once the conveyor was installed / removed, the bridleway / track would be reinstated on its original route.

During the Initial Works Phase of the proposal, a new bridleway would be provided measuring approximately 2.3 kilometres in length. In addition, permissive routes (bridleway standard) measuring approximately 0.4 kilometres in length (combined) were proposed as part of the final restoration of the site, equating to 2.7 kilometres of proposed public bridleways and permissive bridleways.

The County Footpath Officer had been consulted and raised no objections to the proposal, subject to the applicant adhering to their obligations to the public rights of way. Based on this advice, the Head of Planning and Transport Planning considered that the proposal would not have an unacceptable impact upon public rights of way in accordance with Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policy SP.16 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Residential amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts)

With regard to impacts upon residential amenity, the applicant had carried out a Noise Assessment, which demonstrated that the predicted site noise levels would be in compliance with the recommended site noise limits set out in the Government's Planning Practice Guidance (PPG) for both normal daytime operations and temporary operations.

A Dust Impact Assessment accompanied the application which assessed the impact of the proposal on the nearest sensitive receptors and concluded that it was unlikely that any significant decrease in local air quality would occur due to the proposed development. Any dust occurrence event would be limited and of short duration and would be minimised by implementation of the recommended dust mitigation measures.

The Dust Impact Assessment considered that the greatest potential for an air quality impact was from changes in traffic flows affecting new or existing residents. The pollutants of concern are nitrogen dioxide and fine particles (PM10 and PM2.5), therefore, an Air Quality Assessment, which included dispersion modelling also formed part of the Dust Impact Assessment. The Assessment concluded that in relation to PM10 and PM2.5, the impact of the development was considered to be negligible for all of the assessed sensitive receptors, and concluded that overall, the effect on air quality of this development with the implementation of suitable dust mitigation measures was considered to be not significant.

In response to letters of representation raising concerns regarding adverse dust and health impacts, Worcestershire Regulatory Services reviewed the comments and reiterated that they were satisfied with the development's onsite dust and noise impact strategy, and as long as Worcestershire Regulatory Services' recommendations were appropriately conditioned, they considered that the strategy should be strong and flexible enough to deal with any subsequent issues.

The Head of Planning and Transport Planning noted that the Health and Safety Executive guidance stated that *"one of the health risks from working in the*

quarry industry is that of exposure to fine dust containing crystalline silica (otherwise known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as "silicosis". It usually takes a number of years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease".

The Health and Safety Executive had set the occupational exposure limit for dust at 10 mg per cubic metre as an 8-hour time weighted average. The Air Quality Assessment demonstrated that such a figure might have significance within a site if workers were immediately adjacent to a particular operation prone to high dust emissions. However, due to dilution and dispersion it was extremely unlikely that any residential property around a site would ever experience concentrations of dust as high as this, with environmental dust levels some 100 times less being the norm.

Based on the advice of Worcestershire Regulatory Services, Environment Agency, and the County Public Health Practitioner, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions that there would be no adverse air pollution, noise, dust, vibration, odour or lighting impacts on residential amenity or that of human health, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.16 and SP.33 of the adopted Wyre Forest District Local Plan.

Landscape character and appearance of the local area

The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) which concluded that the landscape and visual effects resulting from the proposed development would be temporary, progressive and localised and not significant. Progressive restoration to the post restoration scheme provided opportunities for both enhanced landscape, visual and amenity wellbeing which would result in beneficial effects. In considering the potential for cumulative visual effects, the Environmental Statement and LVIA confirmed that the outline permitted residential development and the allocated site in the adopted Wyre Forest District Local Plan at the former Lea Castle Hospital site had been considered. The cumulative effect upon visual amenity for both operational and restoration periods was assessed to be neutral and not significant.

The Head of Planning and Transport Planning noted the concerns of local residents, Wyre Forest District Council and the CPRE regarding the visual impact of the proposal, particularly the eastern section of the site. However, the Head of Planning and Transport Planning concurred with the conclusions of the LVIA, noting the proposed mineral extraction would be effectively screened by topography, boundary visual screening bund and the advance planting from views outside of the site, particularly from the former Lea Castle Hospital site

and Wolverhampton Road (A449). It was also noted that the field immediately adjacent to Wolverhampton Road (A449) although contained within the redline boundary, no mineral extraction or development was proposed within this area.

The County Landscape Officer and Hereford and Worcester Gardens Trust had been consulted and both raise no objections to the proposal, subject to the imposition of appropriate conditions. In view of this, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including views from public rights of way, in accordance with Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Historic environment

There were a number of heritage assets within the vicinity of the application site, as outlined within 'The Site' section of this report. The Head of Planning and Transport Planning considered that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage asset of North Lodges and Gateway to Lea Castle. Notwithstanding this harm was less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of the designated heritage asset. Consequently, the fact of harm to a designated heritage asset was still to be given more weight than if simply a factor to be taken into account along with all other material considerations.

The Head of Planning and Transport Planning considered that subject to the imposition of appropriate conditions, on balance, in view of the public benefits of the proposal, namely, the creation of a small number of direct employment opportunities (approximately 11 employees), as well as contributing to the wider growth aspirations for the County through the supply of local aggregates to the construction market, this outweighed the temporary and less than substantial harm to the designated heritage asset.

Based on the advice of the County Archaeologist, the Head of Planning and Transport Planning considered that on balance, subject to the imposition of an appropriate condition, the impact upon the non-designated archaeological assets was not of such significance as to constitute a refusal reason in this instance.

There was a wide range of non-designated features within and in the vicinity of the proposal, in particular the proposal would be located within the former Lea Castle Park. The Hereford and Worcester Garden Trust had no objections to the proposal, and the Head of Planning and Transport Planning considered that on balance, the impact upon the non-designated heritage assets was not of such significance as to constitute a refusal reason in this instance.

In view of this, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable adverse impact upon heritage assets, in accordance with Section 16 of the NPPF, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20,

SP.21, DM.23 and DM.28 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Ecology, biodiversity and geodiversity

Four common oak trees were proposed to be removed as part of the proposal, comprising trees T8, T9, T10 and T26. Trees T8, T9 and T10 were located within the western area of the site, in the southern part of Phase 3, with tree T26 located within hedgerow north of Broom Covert, in the eastern part of the site. Trees T9 and T10 were protected by TPOs. Tree T22, located within the middle of Phase 1 which was a veteran tree and was originally proposed to be removed, but due to comments from consultees it was now proposed to be retained with the implementation of a buffer zone around the tree. All other trees were also proposed to be retained and protected for the duration of the works.

The applicant was accompanied by a Biodiversity Net Gain Report and accompanying Defra Biodiversity Metric, which demonstrated the proposal would result in plus 87.21% net gain for biodiversity. However, the County Ecologist commented that a number of proposed habitats had been identified with 'high' or 'very high' difficulty for creation, with a time to target condition of 30 plus years, therefore, the County Ecologist requested a long-term aftercare scheme covering a period of 30 years. A condition was recommended to this effect.

Based on the advice of Natural England, Worcestershire Wildlife Trust, the District Council's Countryside and Parks Manager, the County Ecologist, Woodland Trust, Forestry Commission and the Earth Heritage Trust, it was considered that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable impacts on the ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity and geodiversity, in accordance with Policies WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.22, SP.23, SP.24, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Water environment

The proposal was located upon a Groundwater Source Protection Zone (Zone 3 – total catchment) of several groundwater abstraction boreholes used for large-scale public water supply. The closest public water supply groundwater source to the site was located approximately 1.3 kilometres to the north of the site. The site did not form part of any Drinking Water Safeguard Zone.

The submitted Hydrological and Hydrogeological Impact Assessment stated that the lowest proposed sections of mineral extraction (and thus subsequent infilling) at the site resided well above (between approximately 16 metres and approximately 24 metres) the level of the water table. In view of this, no dewatering of the base of the excavation was required and, therefore, there would be no lowering of the water table and no drawdown-related impact upon groundwater levels and flow.

With regard to flood risk, the proposal was situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. The PPG, as updated by Annex 3 of the NPPF indicated that 'water compatible' development, such as the proposed sand extraction operations and 'more vulnerable' development, such as the subsequent infilling are considered acceptable in Flood Zone 1. The application was accompanied by a Flood Risk Assessment which concluded that neither the operational or post-restoration phases of the development would increase flood risk elsewhere, and there would be no loss of floodplain storage. Restoration of the site to agricultural parkland would be at a lower ground level than current ground levels, with drainage achieved by soakaway ponds.

Based on the advice of the Environment Agency, Natural England, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Planning and Transport Planning considered that the proposal would have no adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.29, SP.30, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.

Restoration and aftercare of the site

The proposal would enable the phased landscape-scale restoration of the site. The aims of the proposed restoration included enhancement of the value of the site for biodiversity conservation; to create new wildlife habitats throughout the site that could be sustainably managed and maintained to promote and increase the potential for biodiversity; and to establish a landform, together with land use features and elements, capable of integration and enhancement of the local landscape character and its wider setting whilst enabling public access and community enjoyment of the site.

The Head of Planning and Transport Planning considered that given the nature of the proposed working, which would extract minerals to a maximum depth of 18 metres, in principle the restoration of the site by the importation of inert materials was acceptable in this instance, and the risk of a lack of availability of suitable infill materials could be satisfactorily addressed by the imposition of appropriate conditions relating to progressive working and restoration schemes, annual topographical survey, and long-term aftercare scheme. This would ensure that there was limited disturbed land at any one time, and the site was restored at the earliest opportunity and to high environmental standards. A condition was also recommended requiring the site to be restored within 11 years of commencement of the development. Worcestershire Wildlife Trust, the County Landscape Officer, Hereford and Worcester Gardens Trust and the County Ecologist had requested a longer-term aftercare and maintenance. In view of this, and based on the comments of the County Ecologist, the imposition of a conditions requiring a 30-year aftercare scheme was recommended should planning permission be granted.

Economic impact

The Head of Planning and Transport Planning acknowledged that the NPPF afforded significant weight to the need to support economic growth; it was

essential that there was a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs; and that great weight should be given to the benefits of the mineral extraction, including to the economy. It was considered that the proposal would provide a small number (up to 11 full-time equivalent jobs) of direct employment opportunities, together with indirect employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it was considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighs in its favour.

Climate change

The effects of climate change and the vulnerability of the development proposal to these changes has been considered as part of the preparation of the EIA, particularly in terms of hydrology / flood risk and ecology (i.e., the impacts of climate change on habitats / species). The County Sustainability Officer had been consulted and made no comments on the proposal.

Given that the proposal was well located close to the potential markets it would serve; located close to the primary road network; the applicant would seek to utilise backloading of vehicles to reduce vehicle movements where possible; the proposal would upgrade existing and create new public rights of way; the restoration scheme would make provision for Sustainable Drainage Systems (SuDS) and extensive tree, woodland and habitat creation, the Head of Planning and Transport Planning considered that overall, the proposal would contribute to mitigating and adapting to climate change, in accordance with Policy WCS 11 of the adopted Worcestershire Waste Core Strategy and Policy SP.37 of the adopted Wyre Forest District Local Plan.

Cumulative effects

Cumulative effects resulted from combined impacts of multiple developments that individually may be insignificant, but when considered together, could amount to a significant cumulative impact; as well as the inter-relationships between impacts – combined effects of different types of impacts, for example noise, air quality and visual impacts on a particular receptor.

With regard to inter-relationships between impacts, it was considered that based upon the studies and content of the individual chapters within the submitted Environmental Statement, the underlying conclusion was that there was no single topic or combination of issues which should objectively prevent the development from proceeding.

With regard combined impacts of multiple developments, including the development at the former Lea Castle Hospital site (District Council Ref: 17/0205/OUTL), which was located approximately 450 metres from the eastern most extent of proposed mineral extraction and Land off Stourbridge Road (District Council Ref: 18/0163/FULL), which was approximately 660 metres from the south-eastern most extent of proposed mineral extraction. The adopted Wyre Forest District Local Plan also allocated the land centred on the former Lea Castle Hospital site as part of a new sustainable village known as Lea Castle Village for around 1,400 dwellings (600 of these already have

planning permission) with a mix of employment and retail provision. The Environmental Statement anticipated that there would be no local effects that might, through accumulation with other activities / developments from either within or outside the site, result in a significant worsening of the environment, as a result of the proposal.

On balance, the Head of Planning and Transport Planning did not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

Prematurity

With regard to prematurity, in particular in relation to the proposal coming forward before the adoption of the emerging Minerals Local Plan and emerging Mineral Site Allocations Development Plan Document (DPD), the NPPF stated that “arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area” (paragraph 49).*

The Council had now received the Independent Inspectors’ Report, which concluded that the emerging Worcestershire Minerals Local Plan provided an appropriate basis for the planning of minerals for the County, provided that a number of main modifications were made to it, as set out in the schedule of main modifications appended to their report. As the Inspectors had recommended main modifications, the Council may only adopt the emerging Minerals Local Plan if these were included in their entirety. However, the Council did have discretion in relation to the additional modifications. Additional modifications were also published alongside consultation on the main modifications, and no comments had been received on them. Some further additional modifications were required to update specific references to the revised NPPF. If Cabinet and Council adopted the emerging Minerals Local Plan, they would therefore have to adopt it with the main modifications, though it was intended that they were recommended to adopt it with both the main modifications and additional modifications. There could, therefore, only be one variation in the emerging Minerals Local Plan from the date of the Inspectors’ Report to the date of adoption by Council, namely the additional modifications which could not materially affect the policies to be included in the Minerals Local Plan anyway.

In view of the above, it was the Head of Planning and Transport Planning’s view that from the date of the Inspectors’ Report until adoption by resolution of full Council, the emerging Minerals Local Plan should be given substantial weight in development management terms in the determination of planning applications, including this application.

The Head of Planning and Transport Planning considered that on the whole, the proposal was broadly in accordance with the emerging Worcestershire Minerals Local Plan.

It was considered that as the emerging Mineral Site Allocations DPD was at an early stage of preparation, and had not been subject to consultation, tested at examination or adopted by the County Council, it should be given very limited weight in the determination of this application.

In view of the above, the Head of Planning and Transport Planning considered that refusal of planning permission on the grounds of prematurity could not be justified in this instance.

Referral to Secretary of State

The Secretary of State had received a request to call-in this application for his own determination. The Planning Response Unit, on behalf of the Secretary of State had contacted the MPA to seek agreement not to issue a decision until the Secretary of State had considered the application for call-in under Section 77 of the Town and Country Planning Act 1990 (as amended).

The Secretary of State had the power to take the decision-making power on a planning application out of the hands of the local planning authority by calling it in for his own determination. This could be done at any time during the planning application process, up to the point at which the local planning authority made the decision. In view of this, the Committee were able to refuse the application without first referring it to the Secretary of State, but should they wish to approve the application, they could only be "minded" to approve the application, as the Council must first consult the Secretary of State for Levelling Up, Housing and Communities. The Council may not grant planning permission until the Secretary of State had notified the Council that he did not intend to call-in the application for his own determination.

Conclusion

In accordance with paragraph 11 d) of the NPPF, where the policies which were most important for determining the application were out-of-date, granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provided a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance, taking into account the provisions of the Development Plan and in particular Policy 2 of the adopted County of Hereford and Worcester Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy, and Policies SP.1, SP.6, SP.7, SP.16, SP.20, SP.21, SP.22, SP.23, SP.24, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.34, SP.35, SP.37, DM.10, DM.22, DM.23, DM.24, DM.26, DM.28 and DM.32 of the adopted Wyre Forest District Local Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety. However, this Council may not grant planning permission until the

Secretary of State had notified the Council that he did not intend to call in the application for his own determination.

The representative of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site having walked along the internal bridleways and been driven along Wolverley Road, Wolverhampton Road, Park Gate Road, Stourbridge Road, and Axborough Lane. Members observed the location of the neighbouring properties, the trees that would be retained/removed, and the proposed access to the site. Since the publication of the report, five further letters of representation had been received objecting to the proposal but no new issues had been raised to those set out in the report. County Public Health had also forwarded a summary of the responses received to the consultation on the Health and Wellbeing Strategy that related to Lea Castle Farm Quarry. Comments suggested that the proposal conflicted with the aims to improve health and wellbeing in the county. Respondents raised significant concerns that the development would negatively affect their health and wellbeing. The impact on air quality was of particular concern given the proposal was within walking distance of local primary schools. Comments also highlighted the loss of green space, a loss they believed would have a “negative impact on health and wellbeing for present and future generations”.

Mr Bill Houle, speaking on behalf of Mr and Mrs McDonald of Lea Castle Equestrian Centre, objectors to the application, addressed the Committee. He requested that the Committee refuse this highly damaging application. This was a busy area with 5,000 nearby residents, 5 schools and the new Lea Castle Village providing 1,400 new homes, a new village centre, school and business area. He argued that quarries located by dense housing were totally wrong. The equestrian centre operated as a livery yard but had previously been a riding school with 12-14 employees.

He added further that Mrs McDonald suffered with Crohn’s disease and her immune system was compromised. Her condition was seriously affected by stress, noise and dust. The only access to her home would be restricted and he was concerned that she might die unless the application was refused. The McDonald’s business was accessed by the public right of way and bridle path. The application proposed a conveyor belt for sandstone and gravel under that access. Continuous noise would prevent horses crossing and make novice leisure riding impossible. The Lea Castle Equestrian Centre would lose income which represented an Adverse Economic Impact.

Mr Houle explained that the McDonald family were concerned about the already busy roads and the danger to adults and children walking to school from 154 HGVs (over 1,400 tonnes transported) every school day for 11 years . The site access was over the brow of a hill but the dangers of collision due to the blind spot had been excluded from the report. The accident statistics only referred to the impact of HGV movements. The recommendation set out in the report went against planning law as a primary constraint of the Adopted Minerals Local Plan was that no consent should be granted within 200m of housing and the emerging minerals site allocation plan would refuse this location on numerous grounds. The cumulative impact of the Village with 1,400 houses and 200,000 sq ft of business space had not been assessed in the

report. It should be refused for health and safety reasons due to the impact on air quality. UK authorities had ignored WHO facts on silicosis. Traffic congestion and the danger to pedestrians and other road users was also a reason for refusal.

He concluded that permission should be refused because it was not wanted by local residents, the District and Parish councils, the local MP, nearby parish and town councils and the McDonald family did not deserve to have their lives destroyed.

Mr Houle was then asked questions about the presentation:

- In response to a query about the number of staff employed by the Equestrian Centre, Mr Houle explained that up until 2010, the centre had been used as a Riding School and Mr and Mrs McDonald had employed 12 – 14 staff. The facilities remained in place to be able to undertake such activities again or rent the facility out but that would not be possible with this application looming over them. At the moment as a livery yard, Mr and Mrs McDonald had assistance but did not employ any staff
- In response to a query about his comments about the impact of the application on housing located within 200 metres of the application site, Mr Houle commented that the Emerging Minerals Local Plan was still not approved and therefore the current legislation in the form of the existing Minerals Local Plan was applicable. Even when the Emerging Plan was adopted, it was a new type of plan which was dependent on preferred sites on an allocated map which could take years to be completed. The current Minerals Local Plan stated that there should be no quarries within 200 metres of housing. In particular, no account had been taken of the Lea Castle Village development which was within 200 metres of the site and included a considerable amount of housing and business space and consequently vehicle movements.

Mr Mike Lord, an objector to the application speaking on behalf of 'Stop the Quarry' Action Group addressed the Committee and with the use of a map pointed out the location of the proposed Lea Castle Village, local leisure facilities including football play areas for children, conservation areas and local canals, and 5 local schools within 800 metres of the site with the nearest being 25m from the site boundary.

He commented that staff working at the quarry site would have PPE including breathing apparatus and face masks available to them and yet children would be playing outside within 25m of the site without any protection. The private school across the road from the quarry site employed 40 people. These jobs would be put at risk by this application. Even if the school was down-scaled in size, more jobs would be lost than created by the application. A further 50 people were employed in recreation and leisure within the vicinity of the site and if 10 or 20% of these jobs were lost, the overall economic impact of the application would be negative. The landowner lived in Jersey and none of the money generated would support the local economy. In addition, the applicant,

NRS were not based in the county. The application should therefore be refused on the basis of no positive economic impact.

He stated further that children walked and cycled to school in the locality. even if HGVs turned left out of the site, they would be travelling along local roads in proximity to local children. The Committee should reject this application in accordance with Section 70(2) of the Town and Country Planning Act 1990 which required the Council to consider local plans including the Local Minerals Plan with particular reference to the 200 metre gap between mineral extraction and housing. In addition, consideration should be given to the Wyre Forest District Plan which had recently been approved.

Mr Lord was then asked questions about the presentation:

- It was pointed out that the red line on the map held up by Mr Lord represented the boundary of the ownership of the land and not the application site. Mr Lord accepted that the eastern portion of the site would not be quarried however the new Lea Castle Village was still less than 200 metres from the application site and therefore impacted on future local housing. He feared that the applicant would seek to quarry closer to the A449 on the back of this application
- The representative of the Head of Planning and Transport Planning commented that members were being asked to consider the application before them on its own merits and not any possible future applications. The report indicated that the applicant had considered the possibility of quarrying the eastern border of the site but that was removed from the original application because of the impact on the draft Lea Castle Village proposals. An access off the Wolverhampton Road was also considered but because the site had been the subject of an EIA Scoping Opinion, the applicant did not want to amend the red line boundary because it may require a further EIA Scoping Opinion to be undertaken. There were also overhead power lines in that area that would need diverting round that boundary and very likely around the lower boundary. In response, Mike Lord argued that the sheer number of documents made it impossible for members to understand and support this application.

Mr Robert Williams, the agent acting on behalf of the applicant addressed the Committee and commented that this application had taken a long time to reach the point that it required a decision. The application had been scrutinised by the Council and a large body of outside statutory consultants and their views and recommendations were included in the report. He noted the local opposition to this project. He was involved with a number of substantial quarries around the UK and many had had initial local opposition. As a consequence, he had requested the setting up of a liaison committee for this application and that this was the subject of a condition if this application was approved. Liaison committees were effective albeit they took effort by all parties, as in time trust was built up, problems were discussed and resolved.

He added that there is a secondary matter that needed to be considered with regard to the opposition to this quarry. It would need an Environmental Permit

to operate. The Environment Agency would set standards relating to dust and noise. It would continuously monitor the site to ensure that the permit was adhered to. Similarly, enforcement officers would take a keen interest should matters arise that cause concern. A point raised by the group that opposed the quarry was the lack of benefits against the ratio of inconvenience. This quarry would be subject to the normal legislation. He estimated that the council tax generated would be at least £650,000 per year. The Government would be paid £2 for every tonne of mineral removed from the site. Some of this money went into an environmental pot and be distributed. He estimated that this quarry, if approved, would generate for the public purse approximately £1 million per year. This money would be used for the benefit of all.

Mr Williams was then asked questions about the presentation:

- In response to a query about the extent of air quality monitoring undertaken during the pre-application process, Mr Williams commented that the air quality would be monitored by the relevant body. In the long term, there would be independent dust monitoring on the site and if there were complaints then the EA would undertake their own monitoring. Most of the sand and gravel extracted from the site would be damp (6%) and water suppression would be used so the possibility of dust blowing around was not high
- In relation to the recording of the impact of carbon monoxide monitoring, Mr Williams commented that no highways air quality monitoring had been undertaken
- In relation to a query about maintenance facilities at the site, Mr Williams explained that generally maintenance was not undertaken on quarry sites because the equipment necessary was specialised. For this application, there was not a lot of mechanical equipment that would need servicing. The lorries would be under service contracts and taken away to be repaired. The other vehicles accessing the site would be owner-vehicles and therefore would not be maintained on site. There would be a digger on site and material would then be moved to a conveyor belt. There would not be a need for a maintenance facility on site. Any maintenance on the plant would be undertaken in the open air
- Had any noise assessments been carried out in the local area, particularly at the location of the two nearest schools? Mr Williams responded that the application included a noise assessment report for the whole of the area
- It was suggested that the noise assessment had been a calculated assessment using the known noise output of mineral extraction activities using the latest technology rather than an assessment on site. Mr Williams commented that he relied on experts to advise on such matters. The noise assessments had been submitted with the application and there was no indication that they had been carried out incorrectly
- Would any rest facilities be provided for HGV drivers on site? Mr Williams indicated that there would be toilet facilities on site. There would also be an allocated area on site available for drivers to make phone calls etc. It was not possible to control the actions of drivers on the public highway. These types of issues were generally resolved

through the liaison group. If vehicles were parked where they should not be then they would be banned from accessing the quarry

- What mechanisms would be in place to prevent pre-opening queueing on the highway, for example a waiting area? Mr Williams stated that vehicles would not be allowed onto the site until the quarry opened. If there was an issue, vehicles could be allowed to access onto the internal access road on a short-term basis and would be dealt with by the site manager. The representative of the Head of Planning and Transport Planning added that all the lorries accessing the site were in the control of the applicant and would be pre-booked ahead of time. The representative of the County Highways Officer added further that the entrance gates would be set back to allow two HGVs to enter the site and be free of the highway should they arrive before the gates were open
- In response to a query about the length of the access road and the number of vehicles that it could accommodate, the representative of the County Highways Officer explained that the length of the haul road was approximately 280 metres and therefore a significant number of vehicles could queue before any impact on the highway
- What controls were in place to prevent over-tipping of the quarry site? Mr Williams explained that the amount of infilling would be limited to the existing land-form which was not particularly deep, apart from in one section of the site. Level surveys would be undertaken on a regular basis to ensure that the levels were correct. The representative of the Head of Planning and Transport Planning added that condition 30 of the recommendation required topographical surveys to be undertaken every 12 months and additional surveys could be requested by the Council to prevent over-tipping
- In response to a query, Mr Williams explained that the haul road would be constructed from concrete which would provide stability to cope with the HGV movements.

Councillor Marcus Hart, a county councillor from a neighbouring Division to the application site commented that he understood the need for housing development in the locality but had grave concerns about the cumulative impact of this application on the Green Belt. It would have a profound and demonstrative effect in a negative way on the hundreds, if not thousands of residents who would be living within 200 metres of the site. There were new properties at Sion Hill, properties at Brown Westhead Park and Cookley and Mr and Mrs McDonald's bungalow on the site as well as the proposed 1,400 houses at Lea Castle Village. The B4189 that linked to the A449 was a steep and narrow road and irrespective of proposed conditions, he was concerned about the number of vehicles using it at peak times. He was concerned about the loss of amenity to local residents. The noise annoyance and disturbance would be immense for the school children and local residents. This application would have a detrimental effect for years to come. This application should be refused on policy grounds because it was inappropriate development and conflicted with the openness of the Green Belt.

In the ensuing debate, the following points were raised:

- The representative of the Head of Planning and Transport Planning explained that the sieve test included in the Minerals Local Plan, adopted in 1997, formed part of the development plan. The NPPF stated that existing policies adopted prior to the revised policy framework should not be considered out of date. Due weight should be given to them according to their degree of consistency with the framework. So the closer the policy was to the framework, the greater weight it should be given. Policy 2 in particular paragraphs 5.3 and 5.4 of the adopted MLP set out a methodology against which all new proposals for sand and gravel extraction, not in identified preferred areas, would be assessed. Due to the age of the MLP, nearly all the sites contained in it had been worked out. The only remaining sites had a poor quality of resource, had not been able to gain planning permission or there was a current application for the site. If the area was subject to a primary constraint, or more than one secondary constraint, planning permission would not normally be granted unless there were exceptional circumstances. There was one primary constraint (200 metres from the site boundary) and two secondary constraints (best and most versatile agricultural land where restoration to a high standard was possible and a ground source protection was there) associated with this application. It was considered that those constraints would not justify refusal of permission because no harm would be caused. Policy 2 of the adopted MLP should be given limited weight as it was out of date and not in accordance with the NPPF which did not operate a Sieve test or impose a blanket ban on development within a primary constraint eg an AONB or SSSI or a buffer strip of 200 metres from a group of 6 or more dwellings, or more than one secondary constraint. The MLP did not operate a sieve test and even if it did apply, the circumstances in this application in accordance with the analysis set out in the report including the date and status of the policy if capable of amounting to those exceptional circumstances would justify exception from the outcome of the sieve test
- What weight had been given to the impact on local businesses and local schools in particular because it would appear that the site would have a negative impact on them? The representative of the Head of Planning and Transport Planning explained that the impact on schools, businesses, tourism, leisure and recreation had been taken into account in the report including reference to comments by WRS and the EA in terms of noise and dust and had been considered acceptable subject to appropriate conditions. Those conditions included condition 46 requiring a dust monitoring plan, condition 47 requiring other measures to limit the impact of dust as well as a noise and vibration management plan set out in condition 38
- There did not seem to be any benefit to the local economy of this application. The representative of the Head of Planning and Transport Planning argued that the application was considered to have an acceptable adverse impact on the local businesses including the school and local residents subject to the conditions set out in the report. In addition, there were the added economic benefits as set out by the applicant in his presentation

- The proximity of neighbouring properties was a major concern, in particular the Heathfield Knoll School and First Steps Day Nursery, which were only 15 metres from the site and St Oswald's Primary School less than 400 metres away. In particular, the impact of wind-borne particulate matter on those schools and on the health and well-being of children, staff and local residents was a concern. The applicant had not completed an on-site noise assessment but rather undertaken a calculated noise assessment. Noise assessments should have been completed at Heathfield Knoll School and First Steps Day Nursery. Mr Joseph Geesin, a Noise and Dust expert from Worcestershire Regulatory Services responded that the applicant had submitted a noise assessment and a dust assessment which had been accepted after recommendations made by WRS including ongoing testing and mitigation measures. Measures to reduce noise and dust went 'hand-in-hand' and he was confident that the noise and dust suppression plans were robust and organic which would enable the applicant to address issues as they arose. The representative of the Head of Planning and Transport Planning added that the predicted noise impacts had been calculated using known noise outputs of mineral activities and specific plant and equipment to be used on site which he considered to be robust. The assessments predicted the noise levels at the most sensitive receptors which were representative of sensitive receptors in that area (the sites of the sensitive receptors were set out in the report). All the calculated noise assessments were acceptable within the Government's noise guidance set out in the Planning Practice Guidance. He confirmed that noise assessments had been taken at the site
- Had the projected increase in traffic movements as a result of the growth of Lea Castle Village been taken into account in the analysis of the vehicular movements along the Wolverhampton Road? The representative of the County Highways Officer responded that a sensitivity analysis had been undertaken of not only the Lea Castle Village development but also sites included in the now adopted local plan
- There appeared to be a contradiction between the MLP and the emerging MLP about the acceptance of sand and gravel extraction within 200 metres of residential properties. The representative of the Head of Planning and Transport Planning stated that he recommended that very limited weight should be given to the MLP with regard to the guidance from the NPPF on out-of-date policies. Therefore, mineral extraction within 200 metres of the location of a cluster of 6 dwellings was not considered a justifiable reason for refusal. The key issue was 'what would the harm be?'. The noise assessment demonstrated that there was no harm or noise or dust impact on residential amenity. Substantial weight should be given to the emerging MLP
- All members of the Council were corporate parents and had a duty to acknowledge the impact this development would have on local residents and in particular vulnerable children at Heathfield Knoll School and First Steps Day Nursery as well as other schools in the area.
- It was a matter of concern that no highways pre-application traffic pollution surveys had been undertaken considering the proposed extra

traffic movements resulting from this application with no indication of the impact prior, during or after the works. The representative of the Head of Planning and Transport Planning explained that the applicant had carried out air quality dispersion modelling of pollutants at the site and WRS had stated, in respect of air quality, that they had reviewed the traffic impacts on local air quality and had noted that the pollutant air quality had been modelled by the applicant at 6 sensitive receptors for all the main pollutants resulting in negligible to slight impact for Nitrogen Dioxide and negligible for particulate matters. They had considered that appropriate modelling had been undertaken and the results indicated that there would be no adverse impact on air quality

- Concern was expressed about the impact of HGV movements on local residents and the lack of mitigation/intervention to alleviate that impact. There was a lack of facilities on site for resting drivers and the consequential impact elsewhere on the highway network and highways maintenance. The representative of the County Highways Officer responded that there would be welfare facilities on site for employees and she was confident that those facilities would be made available for lorry drivers. The access to the site had been designed to prevent HGVs from entering the site from the left which limited the impact of HGVs on the local community. HGVs would be travelling along the A449 and A451 which formed part of Worcestershire Lorry Network Route and therefore suitable for this type of vehicle. There would be 154 vehicle movements spread across a 12 hour day. Although these movements seemed significant, the impact each hour was not significant and would not cause significant impact on the road network or safety concerns
- Concern was expressed about the height of the proposed bund which would be unsightly and problematic and have a negative impact on local wildlife, in particular natural travel routes for wildlife. In addition, it would have a negative impact on biodiversity of the area, particularly hedgehogs. There was also an issue of potential subsidence of the bund after heavy rain. What measures were in place to prevent subsidence? The representative of the Head of Planning and Transport Planning commented that the 6 metre high bund would be on the western area of the site nearest to the bungalow and would not be adjacent to the PROW albeit in proximity to it. The applicant would be required to provide details of the bunds, including the amount of soils within them and their height to enable an assessment of the impact. The County Ecologist added that the application included a Preliminary Ecological Appraisal and species specific surveys which gave a level of detail for the protected flora and fauna recorded on the site. The Council should be minded of the hierarchy of protections, in particular the internationally and nationally protected species such as newts, bats, and dormice. Consideration should also be given to species given more limited legal protection and included in local policy and the Biodiversity Action Plan. Beneath that there are other more common and widespread wildlife that were given general and limited protection, such as hedgehogs. The application proposed net gain of over 87% which was a habitat based measure that ascertained there would be an increase in habitats supporting the wildlife greater than the existing

wildlife habitats and those habitats would be secured financially into the long term. These plans would benefit species such as hedgehogs. Ecological corridors had been identified, none of which crossed the site and the application would not directly impact on those corridors so he was satisfied that there was no severance effect on wildlife corridors and there should be a biodiversity net gain sustainable into the long-term. The representative of the Head of Planning and Transport Planning added further, in relation to the risk of bund subsidence, that the applicant would have to comply with the Quarry Regulations 1999 and associated code of practice and guidance to protect those working at the quarry and others who might be affected such as those working, passing or living nearby including visitors. The operator would be under a legal duty to comply that could not be passed onto a third party and would be monitored by the Health and Safety Executive

- Concern was expressed about the impact of HGV movements over a long period of time on the highways surface. The representative of the County Highways Officer responded that the highways maintenance team had been consulted and were content with the proposals
- How would dust be suppressed during the 12 hour period when no operations were taking place on the site and how would dust be prevented from blowing onto neighbouring areas? The representative of the Head of Planning and Transport Planning commented that to limit the impact of dust, the extraction on the site would be phased so it would be limited in its extent at any one time. In addition, the haul road would be constructed from concrete. The site would also be sunk down during the quarrying process. Mr Geesin added that as part of the dust management plan, at all times but especially during a period of dry weather, water suppression would be used to minimise and dampen any dust from the works and prevent its spread
- The proposals for water suppression for 24 hours a day would seem inappropriate given the climate emergency and any possible water shortage in the future and therefore would be ecological unsustainable. Mr Geesin responded that water suppression would only take place during working hours. Material would remain damp after working hours. The representative of the Head of Planning and Transport Planning added that the Dust Impact Assessment stated that a dust event would only occur if the necessary conditions were present. It was necessary to have fine material available, picked up and deposited. Such material would be readily available if they were disturbed. Not all the site operations were dusty because of the lack of physical disturbance. There would need to be wind of sufficient strength to transport fine particles and particular properties at risk if the particles became wind-borne. For a dust event to occur there must be a failure of the dust suppression measures, particularly greater than 30 micrometres making up the greater proportion of the dust emitted from the site which would be deposited within 100 metres of the source. The report set out the percentage of time for each sensitive receptor that they would be potentially impacted
- In response to a query about the planning advice received by the parish and district councils in their objections to the proposal, the representative of the Head of Planning and Transport Planning

commented that planning officers from this Council were the experts in dealing with minerals and waste planning applications and infrastructure and their professional recommendation was to grant planning permission

- How was it possible to give weight to the emerging MLP when it had yet to be approved? The representative of the Head of Planning and Transport Planning commented that the Council was in receipt of the final draft of the emerging MLP and an explanation of the reasoning behind the weight given to it was set out in paragraph 877 of the report. The Council was now in receipt of the independent inspectors' report which concluded that the emerging MLP provided an appropriate basis for planning of minerals for the county and provided for a number of modifications, for which the Council was now in receipt. As set out in the schedule of main modifications, as the inspector recommended these modifications, the Council may only adopt the emerging MLP if it adopted these in their entirety. The Council could not choose to adopt it without these modifications. If not, the only option would be for the Council to withdraw the MLP, modify it and undertake further consultation on it and resubmit it to the Secretary of State for examination. The Council did have discretion with regard to additional modifications but these were published alongside the other modifications and no comments were received on them. Therefore, Council would have to adopt the emerging MLP with the main modifications with or without the additional minor modifications. If the emerging MLP was not adopted, it would leave a vacuum in policy and therefore the NPPF policies would be applied
- A request was made that if planning permission was granted, the two unprotected oak trees be retained during phase 3 of the works because they would be a valuable addition to the park land and restoration of the site. The representative of the Head of Planning and Transport Planning indicated that it was possible for a condition to be added to the permission to protect these trees. It should be noted that these trees would require buffer zones around them which would significantly impact on the extraction of sand and gravel in phase 3 and the restoration proposals. In addition, as the County Landscape Officer and County Ecologist had no objections, and therefore such a condition could be appealed against by the applicant and subsequently fail. Mr Williams, the agent commented that there would not be a major impact on the excavation if these trees were retained because during Phase 3 the excavation was not that deep. They could be fenced and watered and the extent of the quarrying was unlikely to impact on their root growth
- With the different ground levels over the site, was there a danger that a tree would not be supported by the surrounding ground levels? The representative of the Head of Planning and Transport Planning responded that if the Committee agreed to retain the two oak tree then officers would need to agree the wording of any condition in consultation with the Chairman and Vice-Chairman of the Committee and would require a new amended restoration scheme
- The local councillor commented that it was incumbent upon himself to look after the well-being of his local constituents. In relation to air

pollution and vibration effects, WRS were satisfied the dust and noise impact strategy and the Health and Safety Executive had indicated that no cases of Silicosis had been documented amongst the public in Great Britain. Site noise levels would comply with the Government's Guidance. The minerals excavation would be screened from neighbouring Lea Castle Village properties by the site's topography and the field overlooking the A449 and the Lea Castle Village development would not be quarried. The increase in traffic generated by the application would be below the 5% threshold for a material increase in traffic. The County Highways Officer had no objections. Officers had considered that the application would preserve the openness of the Green Belt and would not be visible due to the topography of the site and would be a temporary development. In a previous case, a quarry had been considered no less effective than a stretch of agricultural land in preventing urban sprawl and the site would be progressively returned to an open state following the completion of extraction. The County Archaeologist had no objections to the application subject to the imposition of appropriate conditions. The restoration scheme would ultimately result in the reinstatement of the historic boundary wall. Wyre Forest District Council had recently approved its local plan up to 2036 and this application site might have been included in the plan with several hundred homes being built between Wolverley and Cookley which would have led to urban sprawl. The key aspect was that the application was for a temporary development therefore the application should be approved

- The representative of the Assistant Director for Legal and Governance drew the Committee's attention to the Code of Conduct on Planning Matters and the guidance on decisions contrary to the officer recommendation. In these circumstances, the Committee should make clear the reasons for refusal at the time however it would be preferable for the Committee to defer a formal decision to enable appropriate advice to be sought from officers in the terms of those reasons
- Locally sourced raw materials were necessary for the development of the housing and infrastructure demands for the county. If the Council found it necessary to acquire its minerals from outside the county, the lengthy vehicle movements would have a negative impact on climate change. This application would increase the Council's landbank to 9 years. Sand and gravel extraction was considered temporary in nature and the site would be restored after 11 years with much betterment including agriculture parkland, access for the public, bridleways and pocket parks, native woodland, hedgerows and hedgerow planting, acidic rich meadow grassland, and avenue and parkland tree planting. The restoration scheme would be maintained for 30 years. Although there were a number of concerns regarding the application, it was important to listen to the advice of professional officers on these matters
- The application had more questions than answers and more concerns than assurances and should be refused. If permission was granted, it would have a negative impact on local residents, wildlife, and the environment
- Significant weight should be given to the fact that this application would be within 200 metres of 1,400 dwellings. There did not appear to be any

exceptional circumstances to grant permission in the Green Belt. There was no benefit and indeed a negative impact on the local economy from this application. During the works, the bridleways would be routed along the A449 which was a busy road and lorry route and represented a danger to novice horse riders. As part of the plans, a dead tree would be left on site and a healthy oak tree removed

- The application would have a detrimental impact on the local population including children and the environment
- This application would negatively impact on the economic viability of the riding business on the site as well as the local schools, particularly Heathfield Knoll School being so close to the quarry
- On being put to the vote, a motion to approve the application was lost.

RESOLVED that the application be refused for the following reasons:

1. **Contrary to Policy 2 (Other Sand and Gravel Deposits) of the County of Hereford and Worcester Minerals Local Plan (Adopted April 1997) (Saved Policies);**
2. **Unacceptable impact on openness of the green belt;**
3. **Unacceptable impact on residential amenity and local schools;**
4. **Unacceptable impact on the local economy;**
5. **Loss of 2 TPO trees;**
6. **Unsuitable bridleway next to the A449;**
7. **Unacceptable impact on highways;**
8. **Unacceptable general impact on environment and wildlife; and**
9. **Unacceptable impact on health of local population.**

1097 Proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 Corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire (Agenda item 6)

The Committee considered an application under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for a proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Development Management Team Manager's comments in relation to Traffic, Highway Safety and Public Rights of Way, Residential Amenity and Visual Impacts, Ecology and Biodiversity, Water Environment and Flood Risk, Historic Environment, Other Matters – Crime and Safety, Human Rights Act 1998, and Obligations under the Equality Act 2010.

The Development Management Team Manager concluded that proposed Scheme 5 formed part of the Bromsgrove town wide improvement scheme known as the Bromsgrove Route Enhancement Programme (BREP), which aimed to improve connectivity between the west and east sides of the A38 for both pedestrians and cyclists. The primary driver being to improve connectivity for Non- Motorised Users (NMUs) travelling across the A38. The proposed bridge link was a key element of the Bromsgrove Route Enhancement Programme (BREP).

The proposal included the replacement of a non-compliant footbridge connecting Fordhouse Road to Carnforth Road, and was to include higher parapets, approach ramps, stairs and associated highway improvements all in accordance with the requirements of CD 353 of DRMB and LTN 1/20.

The scale and massing of the replacement cycle / footbridge was similar to that of the existing bridge in terms of height and location and would not be an unacceptable or overbearing feature that would detract from residential amenity. The scheme would encourage sustainable and active travel, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing.

Based on the advice of National Highways, Sustrans, the County Highways Officer, the County Footpath Officer and the Ramblers Association, the Development Management Team Manager was satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of appropriate conditions regarding conformity with submitted plans, a CEMP, lighting scheme, SuDS scheme, Road Safety Audits Stage 2 and Stage 3, and temporary diversion of footway, in accordance with Sections 8 and 9 of the NPPF and Policy BDP 16 of the Bromsgrove District Plan.

The Development Management Team Manager considered that, subject to the imposition of appropriate conditions and based on the advice of the County Landscape Officer, Bromsgrove District Council and Worcestershire Regulatory Services, the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area and would improve connectivity for NMUs travelling across the A38 in accordance with Section 12 of the NPPF, Policies BDP 19 and Policy BDP 25 of the Bromsgrove District Plan.

Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Development Management Team Manager considered that, subject to the imposition of appropriate conditions, the proposed development would not have an adverse impact on ecology and biodiversity at the site or within the surrounding area and would enhance the application site's value for biodiversity in accordance with Section 15 of the NPPF and Policies BDP 19 and Policy BDP 21 of the Bromsgrove District Plan.

Based on the advice of Severn Trent Water and North Worcestershire Water Management, the Development Management Team Manager considered that there would be no adverse effects on the water environment, subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface water and SuDS management plan, in accordance with Section 14 of the NPPF and Policy BDP 23 of the Bromsgrove District Plan.

Based on the advice of the County Archaeologist and Bromsgrove District Conservation Officer, the Development Management Team Manager considered that the proposed development would not have an adverse impact upon heritage assets in accordance with Section 16 of the NPPF and Policy BDP 20 of the Bromsgrove District Plan.

Taking into account the provisions of the Development Plan and in particular Policies BDP 1, BDP 6, BDP 12, BDP 16, BDP 17, BDP 19, BDP 20, BDP 21, BDP 22, BDP 23, BDP 24 and BDP 25 of the adopted Bromsgrove District Plan, it was considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Development Management Team Manager introduced the report and highlighted an error in the report as total height of the bridge would measure approximately 8.8m not 14.4m.

In the ensuing debate, the following points were raised:

- The proposal provided vital improvements to walking and cycling infrastructure in Bromsgrove. There were issues associated with lighting and safety in the locality which had been addressed in the application. The main issue was how cyclists and other modes of transport were separated from pedestrians on the bridge, particularly with regard to lighting at night and the dangers of pedestrians being surprised by cyclists etc coming up behind them. The representative of the County Highways Officer responded that it was proposed to have improved lighting on the bridge. It was not proposed to segregate cyclists and pedestrians as it would be a shared-use bridge which fully complied with LTN 1/20, the appropriate Government guidance for an Active Travel bridge based on the anticipated usage. The proposed use of “share with care” signposting had worked with other similar cycle/footbridges
- In response to a query about the prevention of access to the bridge for motorbikes, the representative of the County Highways Officer commented that bollards would be in situ to prevent motorcycle access but positioned so they would not prevent access by cyclists
- The proposed bridge would be wider than the existing bridge and wider than Government 3.5m guidance which would benefit dual use
- The proposed gradient of the bridge was welcomed in terms of access for elderly residents
- A concern was expressed from experience in other countries about the dangers associated with the speed of cyclists on non-segregated bridges. It was queried whether some sort of separation marking could be introduced. The Development Management Team Manager

responded that the County Highways Officer had indicated that marked segregation was not well-observed and pedestrians encountered greater conflict than on unsegregated facilities due to increased cycle speeds therefore the use of white line segregation had not been recommended. When non-segregation was in place pedestrians/cyclist tended to police themselves. Two road safety audits had been commissioned which should pick up any issues

- The proposals for lighting the bridge were welcomed and would not have a negative impact on bats
- Experience had shown that mixed use facilities tended to work because people tended to be more aware of their surroundings
- Mr Mark Gory, a representative of the applicant explained that line-marking had been considered but it was found that pedestrians or cyclist tended to consider that that was their route so if for example a child wandered into the cyclist lane then it created a conflict. In addition, pedestrians did not always like to be told which side of the bridge they should be on. The “share with care” approach meant that people were more likely to be aware that someone might approach from behind. The 4 metre width of the proposed bridge gave plenty of space for people travelling in both directions. Mr Nick Secker, a representative of the applicant added that the guidance and best practice standards issued by the Government suggested that shared use was appropriate and this design met the required standard
- In response to a query, the Development Management Team Manager confirmed that the proposed downlight lighting located in the handrails would be bat-friendly. It was not intended to use red lighting. The County Ecologist added that bats were mostly intolerant of lighting. The scheme proposed the most sensitively designed lighting strategy which minimised light spill and directed light only where it was needed to reduce the impact on wildlife
- A local councillor commented that he had not had any negative feedback from local residents about the proposed bridge. The current bridge was old, ugly, outdated, steep, dark and unfriendly for female users at night. The sympathetic design of the lighting on the bridge was welcomed.

RESOLVED that planning permission be granted for proposed replacement bridge to provide upgraded shared access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire subject to the following conditions:

Commencement

- 1) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- 2) **The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development;**

Approved Plans and Details

- 3) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings numbered: 3014-BUR-GEN-S5-DR-C-0106, Rev S4-P2.0 (Red and Blue Line Plan); 3014-BUR-GEN-S5-DR-C-0105, Rev S4-P5.0 (Red line Boundary Plan); 3014-BUR-GEN-S5-DR-C-0109, Rev S4-P3.0 (Amended Proposed Site Location Plan); 3014-BUR-SBR-S5-DR-S-1721, Rev S4-P5.0 (Bridge Sections Plan); 3014-BUR-SBR-S5-DR-S-1720, Rev S4-P4.0 (Bridge Long Section Plan); 3014-BUR-HML-S5-DR-C-0710, S4-Rev P3.0 (Geometric Layout Long Section); 3014-BUR-HKF-ZZ-DR-C-1150, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 1); 3014-BUR-HKF-ZZ-DR-C-1151, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 2); 3014-BUR-HKF-ZZ-DR-C-1152, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 3); 3014-BUR-HKF-S5-DR-C-1101, Rev S4-P3.0 (Kerbs Footways & Paved Areas General Arrangement); 3014-BUR-HFE-ZZ-DR-C-0350, Rev P3 (Fencing Standard Details - Sheet 1); 3014-BUR-HFE-S5-DR-C-0301, Rev P4 (Fencing General Arrangement Plan); 3014-BUR-HGT-S5-DR-C-0601, Reve P2 (Earthworks General Arrangement Plan); 3014-BUR-HGT-ZZ-DR-C-0650, Rev P2 (Earthworks Standard Details Sheet 1); 3014-BUR-HML-S5-DR-C-0701, Rev S4-P3.0 (Road Geometry General Arrangement Plan); 3014-BUR-HMK-S5-DR-C-1201, Rev S4-P3.0 (General Arrangement - Road Markings); 3014-BUR-GEN-S5-DR-C-0100, Rev S4-P5.0 (General Arrangement Overview Plan); 3014-BUR-GEN-S5-DR-C-0101, Rev S4-P4.0 (General Arrangement Plan - Sheet 1); 3014-BUR-HRR-S5-DR-C-0401, Rev S4-P3.0 (General Arrangement Plan - Sheet 2); 3014-BUR-SBR-S5-DR-S-1701, Rev S4-P4.0 (Proposed General Arrangement Plan); 3014-BUR-HSC-S5-DR-C-0201, Rev S4-P3.0 (Site Clearance General Arrangement Plan); 3014-BUR-GEN-S5-DR-C-0104, Rev S4-P4.0 (Temporary Works Plan); 3014-BUR-HRR-S5-DR-C-0405, Rev S4-P2.0 (Scheme Bollards Locations General Arrangement Plan); 1979-DFL-HLG-XX-DR-EO-13002, Rev S3-P04 (Lighting Layout Plan); 3014-BUR-HDG-S5-DR-D-0502, Rev S4-P6.0 (Amended Proposed Surface Water General Arrangement Plan Sheet 1); 3014-BUR-HDG-S5-DR-D-0503, Rev S4-P6.0 (Amended Drainage Proposed Water General Arrangement Plan Sheet 2); 61014-DWG-LS-Sch5-002, Rev P2-S3 (Landscape Proposals – Seeding); 61014-DWG-LP-Sch5-001 Rev P7-S3 (Landscape Proposals – Planting); except where otherwise stipulated by conditions attached to this permission;

Construction Environmental Management Plan (CEMP)

- 4) Notwithstanding the submitted details no development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to the County Planning Authority and approved in writing. The approved CEMP shall be

implemented for the duration of the construction works. The CEMP shall include the following:

Biodiversity

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of “biodiversity protection zones”;
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall be submitted in the form of a set of ‘Precautionary Method Statements’, which shall include:
 - Methods for habitat manipulation, to remove suitability for reptiles and to provide contingency processes in the event of discovery of great crested newt or other protected species;
 - Precautionary working methods with regard to badgers and hedgehogs, to include both pre-commencement inspections in and around working areas and to confirm measures to be employed so as to protect badgers from becoming trapped in open excavations and/or pipes or culverts.
 - Soft felling measures for any trees identified with Potential Bat Roosting Features (low value Potential Roosting Feature only);
 - Vegetation clearance with regards nesting birds; confirming that no vegetation clearance shall take place between March 1st and August 31st inclusively, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds shall be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation to be submitted to the County Planning Authority; and
 - A biosecurity protocol to detail measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of a project;
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii. Use of protective fences, exclusion barriers and warning signs;

Dust

- ix. A Dust and Air Quality Management Plan (DMP) in accordance with Institute of Air Quality Management (IAQM) guidance;

Noise and Vibration

- x. A scheme to minimise and mitigate the impacts of noise and vibration;

Highways

- xi. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- xii. Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- xiii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xiv. Details of any temporary construction accesses and their reinstatement;

Water Environment

- xv. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and surface waterbodies;

Lighting

- xvi. Construction phase lighting strategy, which shall include measures to mitigate impact of the lighting or disturbance through glare and upon light-sensitive flora and fauna (particularly linear vegetated features and tree BT1);and

Hours of Working

- xvii. A scheme providing the days and hours of construction operations;

Landscape and Biodiversity

- 5) Notwithstanding the submitted details, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing within 3 months of commencement of development. Thereafter, the development shall be carried out in accordance with the approved details. The LEMP shall include the following:
 - i. Description and evaluation of features to be managed for their biodiversity value. To include both created and retained vegetation. New habitats shall include native species rich grassland, woodland and woodland edge, hedgerow tree and shrub planting. The LEMP shall illustrate the location, extent and planting specifications of these habitats. Hedgerow and woodland features

- should be underplanted with an appropriate ground flora mix;
- ii. Aims and objectives of management;
 - iii. Appropriate management options for achieving aims and objectives;
 - iv. Prescriptions for management actions;
 - v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - vi. Details of the body or organization responsible for implementation of the plan;
 - vii. Ongoing monitoring and remedial measures, including clearly defined and appropriate criteria and quantified measures of 'success' against which the performance and effectiveness of the LEMP can be judged;

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance, unless otherwise agreed in writing with the County Planning Authority. No peat or insecticides or fungicides to be used. No fertilisers to be used in areas of wildflowers, any topsoil used in these locations should be of low fertility. Tree guards should be biodegradable or, the LEMP shall identify a date at the termination of aftercare period when all plastic tree guards are to be removed. Monitoring of ecological features including grassland, woodland, wetland, hedgerow and any installed boxes or habitat refuges are to be undertaken and reported by a Suitable Qualified Ecologist;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the body(ies) responsible for LEMP delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or any remedial action shall be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details;

A brief Statement of Conformity is to be submitted to the County Planning Authority which reviews measures implemented and their effectiveness against stated success criteria at the end of the LEMP aftercare period;

Lighting

- 6) Notwithstanding the submitted details a Lighting Strategy shall be submitted to the County Planning Authority for approval in writing prior to being installed. The lighting strategy shall specify operational phase lighting with specific reference to

how the design selected shall avoid lighting impact upon any features likely to be of value for commuting/foraging bats, specifically (but not exhaustively) to include site boundaries, waterbodies, linear vegetated features and identified trees containing Potential Roosting Feature. The detailed lighting strategy shall show how and where external lighting shall be installed, through provision of appropriate contour plans and technical specifications which confirm location, height, spread, lux power (in horizontal and vertical elevations on any features identified to be of particular value to wildlife), lighting spectra and glare rating. Thereafter, the development shall be carried out in accordance with the approved scheme;

Design

- 7) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, detailed design drawings of the bridge, ramps, landings, steps, including materials, colour, finishes, size, and cross section of the bridge parapets shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- 8) Notwithstanding the submitted details, within 1 month of commencement of the development hereby approved, a schedule and / or samples of all surfacing materials shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Water Environment

- 9) No works or development shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the County Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). If possible, infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If a connection to a sewer system is proposed, then evidence shall be submitted of the in-principle approval of Severn Trent Water for this connection. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the use of the development hereby approved and thereafter maintained in accordance with the approved scheme;
- 10) No works in connection with site drainage shall commence until a Sustainable Drainage System (SuDS) management plan

which shall include details on future management responsibilities, together with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the approved terms and conditions and the SuDS scheme shall be managed and maintained in accordance with the approved maintenance plan thereafter;

Highways

- 11) The development hereby approved shall not commence construction until a Stage 2 Road Safety Audit report, together with the Designer’s Response, for the detailed design has been submitted to the County Planning Authority;**
- 12) Upon completion of the development hereby approved, a Stage 3 Road Safety Audit report, together with the Designer’s Response, for the construction of the scheme shall be submitted to the County Planning Authority within 35 days of the official opening date; and**
- 13) The development hereby approved shall not commence until details of how existing footways and permissive routes affected by construction work will be kept open, has been submitted to and approved in writing by the County Planning Authority. Details shall be provided to show temporary diversions, free from any obstruction, in a safe condition for use by members of the public and clearly signed. Thereafter, the development shall be carried out in accordance with the approved details.**

The meeting was adjourned from 12.35pm to 12.45pm and ended at 1.15pm.

Chairman