WORCESTERSHIRE COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL

Appeal by **NRS Aggregates Ltd** against the refusal of planning permission by **Worcestershire County Council** of

"*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**.

Planning Inspectorate Reference: APP/E1855/W/22/3310099

County Council Reference: 19/000053/CM

SCHEDULE OF CONDITIONS

January 2023

Commencement

1) The development hereby approved must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The operator shall provide written notification to the Mineral Planning Authority at least five working days prior to:-

i. The commencement of the development hereby approved;
ii. The commencement of soil stripping operations in any phase;
iii. The commencement of mineral extraction in any phase;
iv. The completion of mineral extraction in any phase;
v. The commencement of infilling operations in any phase;
vi. The completion of infilling operations in any phase;
vii. The commencement of soil replacement operations in any phase; and
viii. The completion of soil replacement operations in any phase.

Reason: To notify the Mineral Planning Authority when the development, soil stripping operations, mineral extraction, infilling operations and soil replacement operations commences, and the completion of mineral extraction, infilling operations and soil replacement operations in each phase, for development monitoring purposes.

Reason for the pre-commencement condition: For proactive development monitoring purposes, to allow the Mineral Planning Authority to undertake site visits to prior to commencement of the development, and / or at the time of the commencement of the development.

Time Limits

3) All mineral extraction operations shall cease, and the site shall be restored in accordance with the approved restoration scheme as shown on drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021, except where otherwise stipulated by conditions attached to this permission, within 11 years of commencement of the

development hereby approved. Should mineral extraction operations cease before this date, the Mineral Planning Authority shall be notified in writing within 1 month of mineral extraction operations ceasing.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Approved Plans

4) The development hereby approved shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:

- Drawing numbered: 1, reference number: KD.LCF.001, titled: 'Location Plan', dated October 2019;
- Drawing numbered: 2, reference number: KD.LCF.014, titled: 'Application Boundary / Other Land Under the Control of the Applicant', dated October 2019;
- Drawing numbered: 3, reference number: KD.LCF.002, titled: 'Current Situation', dated October 2019;
- Drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021;
- Drawing numbered: 5, reference number: KD.LCF.011, titled: 'Disturbed Land', titled: October 2019;
- Drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019;
- Drawing numbered: 7, reference number: KD.LCF.022, titled: 'Plant Site Sections – Conveyor Routing beneath PORW 62 6(B)', dated October 2019;
- Drawing numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021;
- Drawing numbered: 9A, reference number: KD.LCF.004A, titled: 'Phase 1 – Working & Restoration', dated July 2021;
- Drawing numbered: 10A, reference number: KD.LCF.005A, titled: 'Phase 2 – Working & Restoration', dated July 2021;
- Drawing numbered: 11A, reference number: KD.LCF.006A, titled: 'Phase 3 – Working & Restoration', dated July 2021;

- Drawing numbered: 12A, reference number: KD.LCF.007A, titled: 'Phase 4 – Working & Restoration', dated July 2021;
- Drawing numbered: 13A, reference number: KD.LCF.008A, titled: 'Phase 5 – Working & Restoration', dated July 2021;
- Drawing numbered: 14A, reference number: KD.LCF.009A, titled: 'Final Works', dated July 2021;
- Drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021;
- Drawing numbered: 16A, reference number: KD.LCF.028A, titled: 'Restoration Sections', dated October 2020;
- L&R Figure 5A, reference number: KD.LCF.026A, titled: 'Current & Proposed Public Rights of Way', dated July 2021;
- Reference number: KD.LCF.032, titled: 'Surface Water Management', dated September 2020;
- Reference number: KD.LCF.033C, titled: 'Public Rights of Way Proposed', dated July 2021;
- Reference number: KD.LCF.034C, titled: 'The Post Restoration PROW Routes within and adjacent to the Site', dated July 2021;
- Reference number: KD.LCF.035, titled: 'Bund 2: Tree Root Protection Areas', dated September 2020;
- Reference number: KD.LCF.036, titled: 'Restoration Sections – The Avenue', dated September 2020;
- Reference number: KD.LCF.041, titled: 'Typical Sections through land around Tree 22', dated April 2021;
- Reference number: KD.LCF.042, titled: 'Root Protection: Existing Avenue Trees', dated July 2021;
- Drawing numbered: 476/220/02, titled: 'Bridle path conveyor diversion', dated June 2020;
- Pre-development Tree Condition Survey drawing number: TS71-001, titled: 'Tree Survey – Context Plan, dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-002, titled: 'Tree Retention & Removal Plan', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-003, titled: 'Tree Retention & Removal Plan 1', dated May 2019;

- Pre-development Tree Condition Survey drawing number: TS71-004, titled: 'Tree Retention & Removal Plan 2', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-005, titled: 'Tree Retention & Removal Plan 3', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-006, titled: 'Tree Retention & Removal Plan 4', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-007, titled: 'Tree Retention & Removal Plan 5', dated May 2019;
- Transport Statement drawing number: WY TA 18-1, titled: 'Proposed Site Entrance', dated July 2018; and
- Transport Statement drawing number: Figure 1, titled: 'Proposed Site Access Preliminary Design Layout', dated August 2019.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Extraction Boundary

5) No mineral extraction shall take place outside the limit of the extraction boundary shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Waste Acceptance

6) No waste materials other than those defined in the application, namely construction, demolition and excavation wastes shall be imported to the site for infilling and restoration purposes.

Reason: To define the permission.

Phasing

7) The site shall be progressively worked and restored in accordance with the phased working programme and contiguous restoration scheme as shown on the approved drawings

numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021; 9A, reference number: KD.LCF.004A, titled: 'Phase 1 – Working & Restoration', dated July 2021; 10A, reference number: KD.LCF.005A, titled: 'Phase 2 – Working & Restoration', dated July 2021; 11A, reference number: KD.LCF.006A, titled: 'Phase 3 – Working & Restoration', dated July 2021; 12A, reference number: KD.LCF.007A, titled: 'Phase 4 – Working & Restoration', dated July 2021; 13A, reference number: KD.LCF.008A, titled: 'Phase 5 – Working & Restoration', dated July 2021; 14A, reference number: KD.LCF.009A, titled: 'Final Works', dated July 2021, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial after use at an early date and in the interests of amenity, in accordance with Policies MLP 11, MLP 26, MLP 28, MLP 33, and MLP 35 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, WCS 11, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, and DM.26 of the adopted Wyre Forest District Local Plan.

Depth of Working

8) No excavation or extraction shall take place below 63.5 metres Above Ordnance Datum (AOD) in the eastern part of the site (Initial Phase, Phase 4 and Phase 5) and 60.4 metres AOD in the western part of the site (Phase 1, Phase 2 and Phase 3).

Reason: To define the permission and to protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

Working Hours

9) Except in emergencies to maintain safe quarry working, the working and processing of minerals and their transportation from the site, soils stripping, replacement and handling, and importation of inert materials, infilling operations and site restoration shall only take place between 08:00 to 18:00 hours Mondays to Fridays, inclusive, and 08:00 to 13:00 hours on Saturdays, with no operations on the site at any time on Sundays, Bank or Public Holidays. The Mineral Planning Authority shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours.

Reason: To protect the amenity of adjacent residential properties, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Design

10) Notwithstanding the submitted details, detailed design drawings of all plant, structures, buildings, including the conveyors to be placed on the site shall be submitted to and approved in writing by the Mineral Planning Authority prior to their erection / construction on site. Details shall include dimensions, materials, colour and finishes. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To maintain the visual and environmental quality of the site, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20 and DM.24 of the adopted Wyre Forest District Local Plan.

Highways and Public Rights of Way

11) Access to and from the site shall only be gained via the haul road and access onto Wolverley Road (B4189) as shown on drawing numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021.

Reason: To define the permission and to ensure satisfactory access to and from the site and to accommodate resulting HGV traffic safely on the local highway network, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

12) No soil stripping operations shall take place within Phase 1 as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the parking and turning facilities have been provided as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019 and the Transport Statement drawing number: Figure 1, titled: 'Proposed Site Access Preliminary Design Layout', dated August 2019.

Reason: In the interests of highway safety, and to ensure conformity with summited details, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

13) No operations shall take place within the permitted working areas, as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the haul road and access have been constructed in accordance with a specification to be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

14) No operations shall take place within the permitted working areas, as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

15) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 1.05 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 103 metres to the west and 122 metres to the east measured along the nearside edge of the adjoining carriageway and offset a vertical distance of 0.6 metres from the carriageway. Nothing shall be planted, erected and / or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: To ensure suitable and safe access visibility for construction and operational vehicles from the outset of the works.

16) Within 3 months of the commencement of the development hereby approved, the specification, location and timetable for the provision of at least 1 electric vehicle charging space to be provided on site, shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the space(s) and power point(s) shall be kept available and maintained for the use of electric vehicles only.

Reason: To encourage sustainable travel and healthy communities, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, 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.

17) Within 3 months of the commencement of the development hereby approved, details, location and a timetable for the provision of at least 2 accessible car parking spaces, shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the spaces shall be kept available and maintained for use by disabled users only.

Reason: To provide safe and suitable access for all, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, 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.

18) Within 3 months of the commencement of the development hereby approved, details, location and a timetable for the provision of sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide shall be submitted to the Mineral

Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the cycle parking shall be kept available and maintained for use by bicycles only.

Reason: To comply with the Council's parking standards, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, 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.

19) The development hereby approved shall not commence until an HGV Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall include but not be limited to the following:

i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
ii. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
iii. The hours that HGVs will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
iv. Details of HGV routing and the suitability of routes;
v. A requirement to provide regular monitoring of HGVs accessing the site through the use of CCTV to ensure HGVs travel only left out and right in; and
vi. A highway condition survey, timescale for re-inspections, and details of any reinstatement.

Thereafter, the measures set out in the approved Management Plan shall be implemented and maintained for the duration of the development hereby approved.

Reason: To ensure the provision of adequate on-site facilities, and in the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site, which will involve HGVs arriving and departing from the site, so it is important that a HGV Management Plan to prevent the deposit of mud and detritus on the public highway, and to avoid adverse impacts on amenity along transport routes has been submitted and approved prior to the commencement of the development, for the reasons stated above.

20) Notwithstanding the requirements of Condition 19) above, prior to the commencement of the development hereby approved, full details of the wheel wash, together with water supply, water storage, recycling and disposal shall be submitted to the Mineral Planning Authority for approval in writing. The wheel wash shall be implemented and operated in accordance with the approved details.

Reason: To ensure the provision of adequate on-site wheel washing facilities, in the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The details of wheel wash, water supply / storage facilities are required before operations on site commence to prevent the deposit of mud and detritus on the public highway.

21) No HGVs shall enter the public highway from the site, unless their wheels and chassis have been cleaned in the wheel wash to prevent material being deposited on the highway.

Reason: In the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

22) All loaded vehicles entering and leaving the site shall be sheeted to prevent dust emission and spillage of materials on to the public highway.

Reason: In the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

23) No HGVs shall turn right when exiting the site. Prior to the commencement of the development hereby approved, details of signage requiring all HGVs to turn left onto Wolverley Road (B4189) along with the siting of the signage close to the site exit, and a programme for its installation, shall be submitted to and approved in writing by the Mineral Planning Authority. The signage shall be erected in accordance with the approved details and thereafter shall be retained until the last Phase has been restored.

Reason: In the interests of highway safety, and to avoid adverse impacts on amenity along transport routes, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site, which will involve HGVs arriving and departing from the site, so it is important that details of signage is approved and installed prior to the commencement of the development, for the reasons stated above.

24) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme and programme for the proposed and upgraded public rights of way and permissive bridleways, as shown on drawing: L & R Figure 5A, Ref: KD.LCF.026A titled: 'Current & Proposed Public Rights of Way', dated July 2021, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme shall provide for the proposed and upgraded public rights of way and permissive bridleways to be constructed to bridleway adoptable standards and shall include details of:

i. the alignment and width of the proposed and upgraded public rights of way and permissive bridleways;
ii. surfacing materials;
iii. drainage provision;
iv. details of any gates, fences or barriers;

v. maintenance arrangements;

vi. timetable for their implementation.

Thereafter, the routes shall be provided and maintained in accordance with the approved details. All proposed new public rights of way or permissive bridleways shall be provided as permissive routes and shall remain in situ and available for public use until such a time that a Certificate of Completion under Section 25 Agreement has been issued and the Definitive Map routes have been dedicated.

Reason: To enhance public access across the site, and to ensure conformity with summited details, in accordance with Policies MLP 7 and MLP 30 of the adopted Worcestershire Minerals Local Plan.

Reason for the pre-commencement condition: The provision of new routes and upgrading of existing public rights of way and permissive bridleways are one of the first operations to take place on site, so it is important that such details have been submitted and approved prior to the commencement of the development, for the reasons stated above.

25) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed scheme for the safe crossing by the public over the haul road of any rights of way or permissive bridleways, shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include the signage to be installed to alert users of the haul road of the crossing, any gates, fences or barriers and surfacing. The crossing shall be implemented in accordance with the approved details and made available prior to the first use of the haul road by any HGVs and thereafter shall be retained until the last Phase has been restored.

Reason: To protect users of the Public Rights of Way, in accordance with Policy MLP 30 of the adopted Worcestershire Minerals Local Plan.

Reason for the pre-commencement condition: The provision of new public rights of way and permissive bridleways are one of the first operations to take place on site, together with the construction of the site's access, so it is important that a detailed scheme for the safe crossing by the public over the haul road of any rights of way or permissive bridleways has been

submitted and approved prior to the commencement of the development, for the reasons stated above.

Boundary Treatment

26) Details of any new fences, walls and other means of enclosure shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the site, and the environmental quality of the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy DM.26 of the adopted Wyre Forest District Local Plan.

CCTV

27) Prior to the commencement of mineral extraction, details and locations of Closed-Circuit Television (CCTV) to be installed at the site shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety, and to avoid adverse impacts on amenity along transport routes, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

Lighting

28) Prior to commencement of the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The strategy shall include:

i. Height of lights;
ii. Intensity of the lights;
iii. Spread of light in metres (Lux plan);

iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;

v. Times when the lighting would be illuminated; and

vi. Measures to minimise the impact of lighting upon protected species and habitats, including:

- identifying those areas / features on site that are particularly sensitive for bats and invertebrates and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, such as for foraging; and
- show how and where external lighting will be installed, through provision of appropriate technical specifications including optic photometric data and contour plans (in both horizontal and vertical planes), and glare rating, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Thereafter, the development shall be carried out and maintained in accordance with the approved details. Under no circumstances shall any other external lighting be installed without prior consent from the Mineral Planning Authority.

Reason: To maintain the visual and environmental quality of the site, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.23 and SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: Any lighting used on site can impact wildlife and the visual amenity of residents, therefore, a lighting design strategy needs to be submitted and approved before any operations on site commence.

Topographical Survey

29) A topographical survey of the site shall be carried out during the 12th month of extraction operations and shall be provided to the Mineral Planning Authority within two months of the survey date. Thereafter, the survey shall be carried out annually and supplied to the Mineral

Planning Authority within two months of the survey date. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within two months of a written request. The survey shall be at a scale of 1:1250, with all levels related to Ordnance Datum. The surveys shall include the extent of land open for quarrying or undergoing restoration and quarry floor levels.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Water Environment

30) No mineral extraction shall take place until a groundwater, surface water level and quality, monitoring scheme has been submitted to and approved in writing by the Mineral Planning Authority, in consultation with the Environment Agency. Thereafter the scheme shall be implemented in accordance with the approved details. The Scheme shall include, but may not be limited to:

i. pre-commencement, operational (extraction phase) and post extraction monitoring, of the existing onsite monitoring boreholes identified in Environmental Statement Volume 2 – Technical Appendices – Appendix I: Water Resources. Additional monitoring points will be required to monitor the soakaway ponds post restoration;
ii. method and nature of sampling / measurement;
iii. a programme detailing frequency and duration of monitoring along with details of how and when the monitoring data and the Scheme itself shall be reviewed to assess if impacts (if any) are occurring;
iv. trigger levels when action is required to protect a water feature;
v. details of any contingency and mitigation proposals should a trigger level be breached and an impact be apparent at a water feature;
vi. a clause (in the event that an adverse impact / risk of deterioration attributable to the mineral extraction is noted in the groundwater / surface water monitoring data) for the temporary cessation of mineral extraction whilst investigation into the apparent deterioration is undertaken; and
vii. proposals to investigate the cause and measures to avoid, mitigate or remedy any such risks; and to monitor and amend any failures, shall be submitted to the Mineral

Planning Authority for approval in writing in consultation with the Environment Agency;

Reason: To protect the water environment and prevent any deterioration of 'controlled waters' (as defined under the Water Resources Act 1991), including surface and ground waters, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

31) Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have been submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site can be adequately drained as well as to reduce the risk of creating or exacerbating flooding and to minimise the risk of pollution, in accordance with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30, SP.31, SP.32, and SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The detailed design of the surface water drainage is required at the outset of the development as it may inform earlier stages of the development.

32) No works in connection with site drainage shall commence until a Sustainable Drainage Systems (SuDS) Management Plan which shall include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework for their management and maintenance in perpetuity, has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall also detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the approved SuDS Management Plan shall be implemented in full and shall be managed and maintained in accordance with the approved maintenance plan.

Reason: To ensure that the site can be adequately drained as well as to reduce the risk of creating or exacerbating flooding and to minimise the risk of pollution, in accordance with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30, SP.31, SP.32, and SP.33 of the adopted Wyre Forest District Local Plan.

33) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water whether direct or via soakaways.

Reason: To protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

34) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank or vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

35) Prior to the commencement of the development hereby approved, details of pollution control measures, including pollution incident response procedures shall be submitted to, and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: Pollution control measures, including pollution incident response procedures are required before operations on site commence to prevent pollution to the water environment.

36) Repair, maintenance and fuelling of vehicles, plant and machinery shall only take place on an impervious surface drained to a sealed interceptor and the contents of the interceptor shall be removed from the site.

Reason: To protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

Noise and Vibration

37) Notwithstanding the submitted details, no soil stripping operations shall take place until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme.

Reason: To control noise emissions and the impact of vibrations, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

38) The noise attributable to mineral operations from the site shall not exceed the levels set out below at the receptor locations identified in the Noise Assessment Report, dated 12 September 2019 when measured in terms of an LAeq 1-hour level (free field):

- Broom Cottage: LAeq, 1-hour 53dB;

- South Lodges: LAeq, 1-hour 55dB;
- Heathfield Knoll: LAeq, 1-hour 55dB;
- Brown Westhead Park: LAeq, 1-hour 46dB;
- The Bungalow: LAeq, 1-hour 45dB;
- Keeper's Cottage: LAeq, 1-hour 49dB; and
- Castle Barns: LAeq, 1-hour 51dB.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

39) During the removal of soils and superficial deposits and the creation of any screen bunds or restoration works, the noise limit at the receptor locations identified in the Noise Assessment Report, dated 12 September 2019 shall not exceed 70dB LAeq 1-hour (free field) for a period of up to 8 weeks in any calendar year. Prior written notice of at least 5 working days, being Mondays to Fridays inclusive, shall be given to the Mineral Planning Authority of the commencement and the duration of such operations.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

40) Within 21 days from receipt of a written request from the Mineral Planning Authority, the operator shall, at its expense, employ an independent qualified acoustic consultant to assess the noise impact from the development hereby approved upon the receptor locations identified in the Noise Assessment Report, dated 12 September 2019. The scope, methodology and timescales for delivery of the noise assessment shall be agreed in writing with the Mineral Planning Authority before assessment begins. Thereafter the noise assessment shall be completed in accordance with the agreed scope and shall be presented to the Mineral Planning Authority within the timescales for delivery.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

41) Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 40) including all noise measures and any audio recordings, where the Mineral Planning Authority is satisfied of an established breach of noise limits set out in the Conditions 38) and / or 39), and upon notification by the Mineral Planning Authority in writing to the quarry operator, the quarry operator shall within 21 days propose a scheme of mitigation for the written approval of the Mineral Planning Authority. The scheme of mitigation shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

42) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times, and this shall include the fitting and use of silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

43) All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

44) Internal roads shall be maintained such that their surface remains in a good condition free of potholes or other defects.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Dust

45) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Dust Management Plan to include dust monitoring shall be submitted to and approved in writing by the Mineral Planning Authority. The Dust Management Plan shall be based upon Section 3.0 and Appendix 3 of the Dust Impact Assessment, dated 18 September 2019, Ref: R19.10059/3/AG, and shall follow the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (2016), set out and require compliance with the good practice mitigation measures set out in Tables 4 and 5 of the IAQM Guidance for both site design and planning and operational control. The approved Dust Management Plan shall be reviewed six months after the commencement of the operations on site and revised if required. Thereafter the Dust Management Plan shall be subject to regular review and updated accordingly in light of good practice and developing evidence as agreed with the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plan.

Reason: To control dust emissions, in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: To ensure appropriate dust management mitigation measures, best practice measures and a dust monitoring scheme are in place from the outset of the development, as the works have the potential to generate dust emissions.

46) Notwithstanding the provisions of Condition 45) of this permission, the following measures shall be undertaken to suppress dust emissions on the site arising from all operations, including vehicular movements, mineral extraction, infilling operations and restoration:

i. The provision of a water bowser and spraying units which shall be used at all times when there is a risk of dust arising from operations at the site;
ii. Road sweeper to be utilised during dry conditions or upon request of the Mineral Planning Authority;
iii. Drop heights for material transfer (between plant, ground and transport) should be minimised;
iv. All plant vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground; and
v. There shall be a maximum speed limit of 10mph within the site.

Reason: To control dust emissions, in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Historic Environment

47) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions and:

i. The programme and methodology of site investigation and recording;
ii. The programme for post investigation assessment;
iii. Provision to be made for analysis of the site investigation and recording;
iv. Provision to be made and timetable for publication and dissemination of the analysis and records of the site investigation;
v. Provision to be made and timetable for archive deposition of the analysis and records of the site investigation; and
vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To allow the historical and archaeological interest of the site to be recorded, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policy WCS

9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.21 and DM.23 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The site's construction works are the first operations that will take place on site, and these have the potential to disturb archaeological remains, therefore, it is important that a programme of archaeological work, including a Written Scheme of Investigation is submitted and approved prior to works commencing, for the reasons above.

48) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme for the part removal to create the vehicular access, protection and reinstatement of the historic boundary wall, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To protect the historic environment, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.21 and DM.23 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The part removal of the historic boundary wall to create the site's vehicular access is one of the first operations that will take place, therefore, it is important that a scheme for its removal and reinstatement, to ensure it can be appropriately recorded is submitted and approved prior to works commencing, for the reasons above.

Stockpiles

49) The height of any stockpiles of sand and gravel and inert waste restoration material shall not exceed 5 metres.

Reason: To protect the amenity of the site and the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.16 and SP.33 of the adopted Wyre Forest District Local Plan.

Soil Handling and Storage

50) The development hereby approved shall be carried out in accordance with the 'Agricultural Land Classification and Soils Resource Report', dated May 2018.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

51) Soil handling and placement shall take place in accordance with The Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021), and only when the soils are dry and friable and in dry ground conditions.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

52) All topsoil and subsoil shall be permanently retained on site and used in restoration. All available soil forming materials shall be recovered during excavation to achieve restoration of the site.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

53) All topsoil, subsoil and soil forming materials shall be stored in separate bunds which:

i. Shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;
ii. Shall not be traversed by heavy vehicles or machinery except where essential for the purposes of bund construction or maintenance;
iii. Shall not be subsequently moved or added to until required for restoration;
iv. Shall have a minimum 3 metre stand-off buffer of undisturbed ground around each storage bund;
v. Shall only store topsoil on like textured topsoil and subsoil on like textured subsoil;

vi. Topsoil bunds shall not exceed 3 metres in height and subsoil bunds shall not exceed 5 metres in height; and

vii. Shall, if continuous bunds are used, have dissimilar soils separated by a third material previously approved in writing by the Mineral Planning Authority.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

54) No plant or vehicles shall cross any area of unstripped soil or subsoil, except where such trafficking is essential for the purposes of undertaking permitted operations. Essential traffic routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated, traversed or used as a road for the stationing of plant or buildings or for the storage of subsoil, overburden, waste or mineral deposits, until all available topsoil has been stripped from that part. The exceptions are that topsoil may be stored on like topsoil and subsoil may be stored on like subsoil.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

55) Prior to the commencement of soil stripping operations, a scheme for seeding and management of all soil and overburden storage bunds that will remain in situ for more than 3 months or over winter shall be submitted to and approved in writing by the Mineral Planning Authority. Seeding and management of the storage bunds shall be carried out in accordance with the approved scheme.

Reason: To control plant growth and prevent the build-up of a seed bank of agricultural weeds, or their dispersal onto adjoining land and to ensure that the site is reclaimed to a condition capable of beneficial afteruse at an early date, in accordance with Policies MLP 7, MLP 11, MLP 31, MLP 33, MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, WCS 11 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, and DM.26 of the adopted Wyre Forest District Local Plan.

56) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in any phase, a scheme for the design, location, height, gradient, volume and details of all soil material contained within each soil bund within that phase shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, and to maintain the visual and environmental quality of the site, in accordance with Policies MLP 28, MLP 33, MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.33, and DM.24 of the adopted Wyre Forest District Local Plan.

Ecology

57) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to the Mineral Planning Authority for approval in writing. The CEMP for biodiversity shall include the following:

i. Risk assessment of potentially damaging quarrying activities;
ii. Identification of "biodiversity protection zones", including tree root protection zones to be protected by suitable fencing in accordance with BS5837:2012;
iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during quarrying (may be provided as a set of method statements);
iv. The location and timing of sensitive works to avoid harm to biodiversity features;
v. The times during the works 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.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To protect and conserve statutorily protected species and the site's value for biodiversity, in accordance with Policies MLP 7, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site, and these have the potential to disturb protected species and habitats. Therefore, it is important that that the CEMP for biodiversity to control the construction impacts of the development have been submitted and approved prior to the commencement of the development, for the reasons stated above.

58) Prior to the commencement of the development hereby approved, a Biodiversity Enhancement, Monitoring and Management Plan (BEMMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The purpose of the strategy shall be to ensure the effectiveness of all delivered biodiversity measures for a period of no less than 30 years. The BEMMP shall deliver a minimum of 232.28 Habitat Biodiversity Units and 5.48 Hedgerow Biodiversity Units, as set out in the Biodiversity Net Gain Assessment Report, dated September 2020, and include all measures as shown on drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021 and in Section 8 and 11 of the Environmental Statement Volume 2 'Technical Appendix B – Nature Conservation and Ecology' (Ecological Impact Assessment document reference M16.176(a).R.006, dated April 2019, and the following:

i. Aims and objectives of management and monitoring to match the stated purpose;
ii. Identification of adequate baseline conditions prior to the start of development, description and evaluation of features to be managed and enhanced, identifying an adequate baseline of conditions prior to start of development, including provision of Habitat Condition Assessment sheets to describe baseline condition of all habitats retained and enhanced;
iii. Extent and location / area of proposed enhancement works on appropriate scale maps and plans to include any mitigation and enhancement measures such as bat and / or bird boxes;

iv. Ecological trends and constraints on site that might influence management;
v. Methods for data gathering and analysis;
vi. Location, timing and duration of monitoring;
vii. Responsible persons and lines of communication;
viii. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged, to include reference (where appropriate) to the target condition of habitats and hedgerows;
ix. Appropriate management actions for achieving stated aims and objectives;
x. An annual work programme (to cover an initial 5 year period);
xi. Details of the specialist ecological management body or organisation responsible for implementation of the plan;
xii. For each of the first 5 years of the plan, a BEMMP progress report to be sent to the Mineral Planning Authority reporting on progress of the annual work programme, to include an updated Biodiversity Net Gain metric supported by Habitat Condition Assessment sheets, and confirmation of any required actions for the next 12 month period; and
xiii. The BEMMP will be reviewed and updated every 5 years and implemented for 30 years.

The BEMMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMMP will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The BEMMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMMP are not being met) how contingencies and / or remedial action will be identified, agreed with the Mineral Planning Authority, and then implemented so that the development still delivers the Objectives of the originally approved BEMMP. The approved BEMMP shall be implemented in accordance with the approved details.

Reason: To protect and conserve statutorily protected species and to protect, conserve and enhance the site's value for biodiversity, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9, WCS 11, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: A BEMMP is required prior to the commencement of the development, as it requires the identification of an adequate habitat baseline conditions prior to the start of development, for the reasons stated above.

Landscape

59) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The LEMP shall comprise of a drawing and document that covers:

i. Aims and objectives of the scheme;
ii. A plan with annotations showing the landscape and habitat or features to be retained, created and managed, including detailed advanced planting scheme covering each phase and any other areas of the site; the restoration, enhancement and management of existing boundary trees and hedgerows; and detailed design of pocket parks;
iii. Measures (including establishment, enhancement and aftercare) for achieving the aims and objectives of management, with time-specific criteria denoting success or a need to implement contingency measures;
iv. A work and maintenance schedule for 30 years and arrangements for beyond this time;
v. The LEMP shall require the collection and removal of any plastic tree guards on completion of aftercare, or specify use of bio-degradable tree guards, and that the application of insecticide or fungicides shall be avoided as shall the use of peat anywhere within the restoration scheme. No fertilisers shall be required or are desirable within the acid grassland habitat.
vi. Monitoring and remedial or contingency measures covering habitats, vegetation, breeding birds, bats, great crested newts, reptiles, notable invertebrates and mammals plus any invasive species or injurious weeds. This shall include measures setting out that in the event of any trees, shrub or hedgerow being damaged or removed by the development, they shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

vii. Measures to control and prevent the spread of non-native invasive species; and

viii. Those responsible for implementation of the scheme.

The LEMP shall also include details of the funding mechanism(s) by which the long-term implementation of the scheme will be secured. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To protect, conserve and enhance the site's value for biodiversity and to maintain the visual and environmental quality of the site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9, WCS 11, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: A LEMP is required at the outset of the development as it may inform earlier stages of the development.

60) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in Phases 1 to 3 as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, measures, including details of locations and dimensions of hay bales to assist with visually screening the development hereby approved shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme.

Reason: To protect the visual amenity of the site, and the environmental quality of the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.33, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

61) Notwithstanding the submitted details, trees T9 and T10 as shown on drawing numbered: TS71-004, titled: 'Tree Protection & Removal Plan 2', dated May 2019 in the Environmental Statement Volume 2 'Technical Appendix C – Arboriculture', shall be retained, and, no site clearance, preparatory work or development shall take place until a scheme for the

protection of trees T9 and T10, and the appropriate working methods have been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include for a buffer zone with a radius of at least 15 times larger than the diameter of the tree (the buffer zone should be 5 metres from the edge of the tree's canopy if that area has a radius larger than 15 times the tree's diameter) to the works. Thereafter, the approved scheme shall be implemented for the duration of soil stripping operations, mineral extraction, infilling operations and soil replacement operations in Phase 3, as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021.

Reason: To ensure the retention of identified trees in accordance with Policies MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.23 and DM.24 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: To ensure suitable protection of the important Tree Preservation Order trees of T9 and T10, and as their retention may inform how earlier phases of the development are worked and the site restored.

Restoration

62) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed restoration scheme for the site, based on drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021, but updated to take account of the retention of trees T9 and T10 as shown on drawing numbered: TS71-004, titled: 'Tree Protection & Removal Plan 2', dated May 2019 in the Environmental Statement Volume 2 'Technical Appendix C – Arboriculture', shall be submitted to the Mineral Planning Authority for approval in writing. The detailed restoration scheme shall include final contour levels, with all levels related to Ordnance Datum. Thereafter, the development shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: A detailed restoration scheme is required at the outset of the development as it may inform earlier stages of the development, taking into account matters such as ecology or surface water management.

63) In the event that the winning and working of minerals ceases prior to the achievement of the completion of the approved restoration scheme referred to in Condition 62) of this permission which, in the opinion of the Mineral Planning Authority constitutes a permanent cessation, a revised scheme, to include details of restoration and aftercare, shall be submitted to the Mineral Planning Authority for approval in writing within 6 months of the cessation of the winning and working of minerals. The revised scheme shall be fully implemented within 12 months its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.

Reason: To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

64) In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Mineral Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Mineral Planning Authority.

Reason: To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

Aftercare

65) The land within the application site shall undergo aftercare management for a 30-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority.

Reason: To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

66) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an updated outline aftercare scheme shall be submitted to the Mineral Planning Authority for approval in writing to cover a period of 30 years. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the restoration scheme, as required by Condition 62) of this permission.

Reason: To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: An outline aftercare scheme is required at the outset of the development as it may inform earlier stages of the development, taking into account matters such as ecology or surface water management.

67) A Detailed Aftercare Scheme shall be submitted to the Mineral Planning Authority for approval in writing at least 9 months prior to the anticipated completion date for each Phase identified in Condition 7) of this permission. The approved scheme shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings.

Reason: To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5,

WCS 9, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

Interpretation Strategy

68) Within 6 months of the commencement of the development hereby approved, an interpretation strategy for cultural heritage, landscape, biodiversity and geodiversity shall be submitted to the Mineral Planning Authority for approval in writing. The Strategy shall include the content topic headings, concept design and location of any interpretation panels. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate provision of interpretation facilities, in the interests of cultural heritage, landscape, biodiversity and geodiversity, in accordance with Policies MLP 7, MLP 31, MLP 32, MLP 33, and MLP 36 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.21, SP.22, SP.23, SP.24, SP.28, and DM.23 of the adopted Wyre Forest District Local Plan.

Renewable / Low Carbon Energy

69) Prior to the commencement of mineral extraction, details of renewable or low carbon energy generating facilities to be incorporated as part of the site office and welfare facilities shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the site office and welfare facilities as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019, will be met through the use of renewable / low carbon energy generating facilities. The approved energy generating facilities shall be provided prior to the use of the site office and welfare facilities hereby approved.

Reason: To support climate change mitigation, in accordance with Policy MLP 26 of the adopted Worcestershire Minerals Local Plan, and Policy SP.37 of the adopted Wyre Forest District Local Plan.

Permitted Development Rights

70) Notwithstanding the provisions of Class L of Part 7 and Class A and Class B of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fixed or mobile

plant, machinery, buildings, structures, erections or private ways shall be erected, extended, installed, rearranged, replaced or altered within the site without the approval of the Mineral Planning Authority.

Reason: To protect the visual amenity of the site and the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20 and DM.24 of the adopted Wyre Forest District Local Plan.

Other Matters

71) There shall be no crushing, screening, sorting or processing of any waste materials on the site.

Reason: To define the permission and to protect the amenity of adjacent residential properties, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

72) The site shall not be open to the general public for commercial purposes.

Reason: In the interests of highway safety and to define the permission, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

73) No materials shall be burned on the site.

Reason: To protect the amenity of adjacent residential properties, in accordance with Policy MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Local Liaison

74) No development shall commence until a scheme that sets out measures for liaison arrangements with the local community has been submitted to and approved in writing by the

Mineral Planning Authority. Thereafter, the approved scheme shall be implemented for the duration of the development hereby approved.

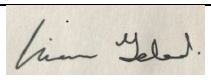
Reason: To protect the amenity of neighbouring residents and to ensure satisfactory restoration of the site.

Reason for the pre-commencement condition: To enable the local community to be informed of each stage of the development.

Planning Permission

75) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the duration of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

Reason: To define the permission and to enable the monitoring of the consent in the interests of the amenity of the surrounding area, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Signed on behalf of Minerals Planning Authority		**Signed on behalf of Appellant**	
Organisation	Worcestershire County Council	Organisation	Heatons
Signature		Signature	
Name	Emily Barker	Name	Liam Toland
Qualification	BSc (Hons), MA, MSc, MRTPI	Qualification	BA (Hons), MSc, MRTPI
Date	30/01/2023	Date	30/01/2023