

PLANNING PERMISSION

Name and Address of applicant

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CV21 2DT

Name and Address of Agent (if any)

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CEMEX UK Operations Ltd.
CEMEX House
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Binley
Coventry
Warwickshire, CV3 2TT

Part I - Particulars of application

Date of Application:

16 March 2020

Application No:

20/000009/CM (20/00833/CM)

Particulars and location of development:

Proposed extraction of aggregates with restoration to agriculture and lake suitable for water sports on land at Ryall's Court, Ryall Court Lane, Ryall, Upton-upon-Severn, Worcestershire.

Part II - Particulars of decision

Worcestershire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that having taken the environmental information into account **permission has been granted** for the carrying out of the development referred to in **Part I** hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement and Notification

1. The development must be begun not later than the expiration of 3 years beginning with the date of this permission.
2. The operator shall provide written notification to the Mineral Planning Authority at least 7 days but no more than 14 days prior to:
 - i) The commencement of the development hereby approved;
 - ii) The date of commencement of soil stripping operations;
 - iii) The date of commencement of mineral extraction operations; and
 - iv) The date of completion of mineral extraction operations.

Time Limits

3. All mineral extraction operations shall cease and the site shall be restored in accordance with the approved restoration scheme as required by Condition 57) of this permission, within 3 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.

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:
 - 1803-S101-RYN-D-305, titled: 'Phase 5', dated 17 August 2018;
 - 1905_C028_RYLN_001, titled: 'Location Plan', dated May 2019;
 - 1905_C028_RYLN_002, titled: 'Site Plan', dated May 2019;
 - 1905_C028_RYLN_003 A, Revision A, titled: 'Potentially Environmentally Sensitive Properties', dated October 2021;
 - 1905_C028_RYLN_005-Rev A, titled: 'Public Rights of Way', dated November 2021;
 - 1905_C028_RYLN_007, titled: 'Visual Character', dated May 2019;
 - 1905_C028_RYLN_008, titled: 'Agricultural Land Classification', dated May 2019;
 - RNE - RD / T1, titled: 'Restoration Details Proposed Water Depths', dated April 2022;
 - RNE - RD / T2, Revision B, titled: 'Restoration Details Habitat Areas & Existing & Proposed Enhancements', dated April 2022;
 - RNE - RD / T3, Revision A, titled: 'Restoration Details Proposed Fencing, Gates and Public Rights of Way', dated April 2022;
 - RNE - RD / T4A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Habitat Areas', dated April 2022;

Date 27 October 2022



County Hall
Worcester WR5 2NP

Proper Officer Thomas Pollock

Note: This permission refers only to that required under the above Acts and Regulations and does not include any consent or approval under any other enactment, byelaw, order or regulation.

- RNE - RD / T4B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Habitat Areas', dated April 2022;
- RNE - RD / T4C, Revision B, titled: 'Restoration Details Permitted Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4D, Revision B, titled: 'Restoration Details Proposed Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4E, Revision A, titled: 'Restoration Details Proposed Scheme Hedgerows & Ditches', dated April 2022;
- RNE - RD / T5A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5C, titled: 'Restoration Details Proposed Restoration Scheme Aftercare', dated April 2022;
- RN - RX / 1B, Revision M, titled: 'Proposed Outline Restoration Scheme Proposed Application Area', dated April 2022;
- RN - RX / 1C, Revision A, titled: 'Proposed Draft Restoration Scheme Cross Section', dated June 2021; and
- Figure No 13.5, Revision 00, titled: 'Recorded designated assets', dated 14 July 2014.

Extraction Boundary

5. No mineral extraction shall take place outside the limit of the extraction boundary shown on approved drawing numbered: 1803-S101 - RYN-D-305, titled: 'Phase 5', dated 17 August 2018. For the avoidance of doubt this permission does not grant Phases 1 to 4, which are outside the application site boundary.

Processing or Treatment

6. No processing or treatment of sand and gravel shall take place on the site.

Waste Acceptance

7. This permission does not allow the importation of waste material onto the site.

Soil Handling and Storage

8. Soil handling and placement shall be carried out in accordance with The Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021).
9. The development hereby approved shall be carried out in accordance with the approved documents titled: 'Appendix A: Soil Handling – Modified Loose Tipping Procedure for Soil Replacement (The Peninsula or Lateral Heap Methods)', dated November 2008 of 'Part 2 – Supporting Statement', dated March 2020; and 'Soil Depth and Handling Methodology Note in Response to Natural England – Ryall North', dated August 2021.
10. Soil stripping shall not take place until any standing crop or vegetation has been cut and removed.
11. The topsoil shall be stripped to the full depth down to 250mm at its maximum depth, all subsoil shall be stripped to a depth of 950mm at its maximum, and wherever possible both topsoil and subsoil shall be directly placed as part of restoration following stripping.
12. Topsoil and subsoil stripping shall only be carried out when the entire volume of soil to be stripped is in a dry and friable condition.
13. All stripped topsoils and subsoils shall be permanently retained on site for subsequent use in restoration, as detailed in the application.
14. For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials.
15. Plant or vehicles shall not cross areas of unstripped topsoil or subsoil except for the express purpose of stripping operations.
16. Only low ground pressure machines should work on relaid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either relaid topsoil or subsoil.
17. Topsoil shall be re-spread to achieve at least the minimum settled depth of 250mm. The respread topsoil shall be loosened and ripped:
 - i) to provide loosening equivalent to a single pass at a tine spacing of 0.3 metres or closer;
 - ii) to full depth of the topsoil plus 100mm; and
 - iii) any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.
18. Subsoil and any soil making materials shall be levelled to provide an even depth across the re-laid area so that the total thickness of settled subsoil conforms with the approved landform referred to in Condition 57) of this permission.

Access, Highway Safety and Transportation

19. Notwithstanding the submitted details, prior to the commencement of mineral extraction, a Construction Environmental Management Plan (CEMP) for highways shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the CEMP for highways shall be implemented in accordance with the approved details. The CEMP for highways 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 any site operative parking areas, material storage areas and the location of site operatives facilities including offices and toilets;
 - iii) The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring; and
 - iv) A highway condition survey, timescale for re-inspections, and details of any reinstatement.
20. Vehicular access to and from the site shall only be gained via Ryall Court Lane only.
21. The use of Ryall Court Lane for the transportation of plant and machinery shall only be used between the hours of 09:00 to 15:30 hours Mondays to Fridays, inclusive.
22. Notwithstanding the submitted details, within 3 months of the date of this permission, the applicant shall submit details about the arrangements for the use of Ryall Court Lane for the transportation of plant and machinery, including how local residents would be notified about low loader movements to and from the site. Thereafter, the development shall be carried out in accordance with the approved details.

23. All sand and gravel extracted from the site shall be transported by barge only.
24. Prior to the construction of haul routes, a plan showing the position of the haul routes 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.
25. No mud, dust or debris shall be deposited on the public highway.
26. The site shall not be open to the general public for commercial purposes.

Working Hours

27. Except in emergencies, all operations and uses on the site including the running of any plant or machinery and loading of barges, shall only take place between 07:30 to 18:30 hours Mondays to Fridays, inclusive, and 07:30 to 12:00 hours on Saturdays. There shall be 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.

Lighting

28. No external lighting shall be installed on the application site, as detailed at paragraph 8.6 of the approved 'Part 3 – Environmental Statement Volume 1, dated March 2020 and paragraph 6.3.3 of the approved 'Ecological Impact Assessment of Land Proposed as an Extension to Ryall North Quarry, Ryall's Court Farm, Ryall Court Lane, Upton-upon-Severn, Worcestershire, WR8 0PF', dated March 2020.

Noise

29. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use fully operational silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.
30. 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.
31. The development hereby approved shall be carried out in accordance with approved 'Appendix F: Noise Management Plan – Ryall North Quarry' of 'Part 2 – Supporting Statement', dated March 2020.
32. Notwithstanding the provisions of Condition 31) of this permission, the following measures shall be undertaken to minimise noise emissions within the site arising from all operations including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
 - i) Internal haul routes shall be routed such that separation distances to noise sensitive properties is maximised;
 - ii) All haul roads are kept clean and maintained in a good state of repair to avoid unwanted rattle and body slap from vehicles;
 - iii) All mobile plant and heavy goods vehicles within the site shall move in a manner to minimise, as far as is practical and safe, noise from reverse warning systems;
 - iv) The minimisation of drop heights during loading and unloading of sand and gravel;
 - v) Plant that is used intermittently, shall be shut down when not in use; and
 - vi) Any pumps, generators and compressors shall either be electrically powered and fitted with an acoustic cover where necessary; or diesel powered pumps, generators and compressors shall be installed within acoustic enclosures.
33. 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, dated November 2018 when measured in terms of an LAeq 1-hour level (free field):
 - Pool House Retreat: LAeq, 1-hour 51dB
 - Moorings at Pool House Retreat: LAeq, 1-hour 51dB
 - Rag House: LAeq, 1-hour 55dB
 - East Waterside: LAeq, 1-hour 55dB
34. During the removal of soils and superficial deposits and the creation of any screen bunds or restoration works, the noise limit at the nearest sensitive properties used as dwellings shall not exceed 70dB LAeq 1 hour (free field) as measured at a point closest to the noise source with the microphone at a height of 1.2 metres above ground level. Such temporary operations shall not exceed a total of eight weeks duration at any noise sensitive properties in any continuous twelve month period. 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.
35. 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 nearest sensitive properties. 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.
36. Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 35) of this permission, 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 33) and / or 34), 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.

Dust

37. The development hereby approved shall be carried out in accordance with approved 'Appendix E: Dust Action Plan' of 'Part 2 – Supporting Statement', dated March 2020.

38. Notwithstanding the provisions of Condition 37) of this permission, the following measures shall be undertaken to suppress dust emissions within the site arising from all operations, including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
- i) The provision of a water bowser and/or static/mobile spraying units, which shall be used at all times when there is a risk of dust arising from the moving and storage of soil and overburden, mineral extraction, processing and manoeuvring operations;
 - ii) The sweeping of access and haul roads, where necessary;
 - iii) The minimisation of drop heights during loading and unloading of sand and gravel;
 - iv) All plant and vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground;
 - v) There shall be a maximum speed limit of 10 mph within the site; and
 - vi) The cessation of operations in conditions when dust cannot be controlled.

Stockpiles

39. The height of any stockpiles of sand and gravel shall not exceed 7.5 metres.

Water Environment

40. Prior to the commencement of mineral extraction, a Flood Management Plan shall be submitted to the Mineral Planning Authority for approval. Thereafter, the development shall be carried out in accordance with the approved details.
41. The development hereby approved shall be carried out in accordance with Section 5.6 'Mitigation Measures' of the approved 'Water Environment – Hydrogeological Assessment', dated March 2019.
42. Prior to the commencement of mineral extraction, a groundwater monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include pre, during and post extraction monitoring of the existing onsite monitoring boreholes identified on approved Figure ES 9-5, titled: 'Environmental Statement - Water Environment – Hydrogeological Setting' of the 'Water Environment – Hydrogeological Assessment', dated March 2019, including boreholes WM series (green circle onsite monitoring boreholes) and CP series (pink pentagon onsite monitoring boreholes). The scheme shall include, but may not be limited to:
- i) Groundwater monitoring locations including WM series and CP series boreholes;
 - ii) Methods, frequency and nature of all (parameters to be monitored) sampling;
 - iii) A programme detailing frequency and duration of monitoring along with reporting and details of how and when the monitoring data and the scheme itself shall be reviewed to assess if impacts (if any) are occurring;
 - iv) Methods and analysis for investigating the causes of these changes and for remediating them;
 - v) Trigger levels when action is required to protect a water feature;
 - vi) Details of any contingency and mitigation proposals should a trigger level be breached and an impact apparent at a water feature;
 - vii) Should boreholes be lost to operations they should be replaced; and
 - viii) If any new monitoring locations are required i.e. around Phase 5 they shall be installed prior to excavation to collect baseline data.

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

43. If the monitoring results from the water monitoring scheme approved under Condition 42) of this permission, show any adverse risk of deterioration to groundwater and surface water flows and quality, then extraction of mineral on site shall cease until a programme to investigate the cause of deterioration; and implementation of effective alternative options are put in place to avoid and remedy impacts, with criteria for the review of success and failure of any remediation works, shall be submitted to the Mineral Planning Authority for approval in writing, in consultation with the Environment Agency. This scheme shall include for methods and analysis for investigating the causes of these changes and for remediating them; and monitoring the success and failures of any remediation works carried out.
44. Within 6 months of the date of this permission, a scheme that sets out how the water level within the restored lake would be managed 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.
45. The following measures shall be undertaken in order to mitigate the risk of water pollution arising during the mineral extraction operations and subsequent restoration works:
- i) There shall be a maximum speed limit of 10 mph within the site to reduce the likelihood and significance of any collisions;
 - ii) All plant should be regularly maintained and inspected daily for leaks of fuel, lubricating oil or other contaminating liquids;
 - iii) Maintenance of plant and machinery should be undertaken within the site compound or off-site, as appropriate, to minimise the risk of uncontrolled release of polluting liquids; and
 - iv) Discharge water from the dewatering of the excavation shall be pumped into a settlement lagoon to remove any suspended solids before being discharged from the site.
46. 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 plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must 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/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund.
47. 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.
48. The development hereby approved shall be carried out in accordance with approved 'Appendix G: Risk Assessment & Method Statement – Ryall North to Ryall Quarry' for water transport by barge, dated 27 August 2015, of 'Part 2 – Supporting Statement', dated March 2020.
49. The development hereby approved shall be carried out in accordance with approved 'Appendix J: Pollution Prevention Plan' of 'Part 2 – Supporting Statement', dated March 2020.

Ecology and Biodiversity

50. The development hereby approved shall be carried out in accordance with the approved 'Combined Construction Environmental Management Plan (CEMP) and Landscape & Ecological Management Plan (LEMP) for the extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022.
51. Progress against the target habitat conditions shall be monitored during the phased working and aftercare periods as described in the approved 'Combined CEMP and LEMP for the extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022, and any required remediation work shall be undertaken in the next appropriate season. Monitoring reports or compliance statements produced in years 2, 4, 6, 8 and 10 for each area by a competent ecologist (holding relevant professional body membership) shall be submitted to the Mineral Planning Authority before the end of the calendar year in which they are produced.
52. The development hereby approved shall be carried out in accordance with the approved 'Ryall North Quarry HRA', dated September 2022.
53. Within 3 months of the date of this permission, the existing submersible pump to over pump the water in the pits / settlement ponds into the drainage system on site shall either be fitted with fish screening or replaced with a fish friendly pump as set out at Section 3.4 of the approved 'Ryall North Quarry HRA', dated September 2022.

Interpretation Strategy

54. 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, design, size, quantity and location of any interpretation panels and the timescales for their installation. Thereafter, the development shall be carried out in accordance with the approved details.

Archaeology

55. Prior to the commencement of the development hereby approved, a programme of archaeological work, including a Written Scheme of Investigation, shall be submitted to the Mineral Planning Authority for approval. 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 and timetable to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) Provision and timetable to be made 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 scheme.

Topographical Survey

56. A topographical survey of the site shall be carried out annually and supplied to the Mineral Planning Authority. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within 4 weeks of a written request.

Restoration

57. Notwithstanding the submitted details, prior to the commencement of mineral extraction, a detailed restoration scheme for the site shall be submitted to the Mineral Planning Authority for approval in writing. The scheme shall include:
- i) Updated labelling to reflect the approved 'Combined CEMP and LEMP for the extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022 under Condition 50) of this permission; and
 - ii) Additional tree planting to that included in the document / details above to replace in number all trees lost under the permission.

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

Aftercare

58. Notwithstanding the submitted details, all nature conservation areas, including MG9 grassland and MG4 wet grassland shall undergo aftercare management for a 10-year period, and the areas of agricultural grassland within the application site shall undergo aftercare management for a 5-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.
59. Notwithstanding any submitted details, prior to the commencement of mineral extraction, details of the proposed aftercare shall be submitted to the Mineral Planning Authority for approval in writing. 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 57) of this permission. The proposed aftercare scheme shall include the following:
- i) Control of invasive species;
 - ii) The submission of Habitat Management Plan setting out the actions that are to be undertaken to guide the initial habitat / vegetation establishment works, habitat creation and ongoing restoration including management practices such as cutting and removal of vegetation, grazing, pollarding and protection and replacement of tree and shrub plantings;
 - iii) Management of soil, fertility and weeds;
 - iv) Drainage;
 - v) A timetable for undertaking the aftercare scheme; and
 - vi) The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance.

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 annual review of performance.

Local Liaison

60. Notwithstanding the submitted details, within 3 months of the date of this permission, a scheme that sets out measures for liaison arrangements with the local community shall be submitted to the Mineral Planning Authority for approval in writing. The approved scheme shall be implemented for the duration of the development.

Cessation

61. 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 57) 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.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. To notify the Mineral Planning Authority when the development commences for development monitoring purposes.
- 3., 4., 5., 6., 7. & 56. For the avoidance of doubt and to assist with the monitoring of the planning permission.
- 8., 9., 10., 11., 12., 15., 16., 17. & 18. 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.
13. & 14. To minimise damage to the existing soils and to ensure that the maximum depth of soils with high organic matter content, and a reservoir of nutrients is retained and kept available on site to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.
19. 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, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
20. 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, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
21. To define the permission and to protect the amenity of adjacent residential properties, in accordance with Policies MLP 28 and MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
22. In the interests of highway safety and to protect the amenity of adjacent residential properties, in accordance with Policies MLP 28 and MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
23. & 26. In the interests of highway safety and to define the permission, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
24. For the avoidance of doubt and to secure a satisfactory form of development, in the interests of highway safety and to protect the historic environment, in accordance with Policies MLP 32 and MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 4, SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.
25. In the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
27. To protect the amenity of adjacent residential properties, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
28. To maintain the visual and environmental quality of the site, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 21 and SWDP 31 of the adopted South Worcestershire Development Plan.
- 29., 30., 31., 32., 33., 34., 35. & 36. To control noise emissions in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
37. & 38. To control dust emissions in accordance with Policies MLP 28, and MLP 29 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
39. To protect the visual amenity of the site and the surrounding area in accordance with Policies MLP 28 and MLP 33 of the

40. adopted Worcestershire Minerals Local Plan, and Policy SWDP 21 of the adopted South Worcestershire Development Plan. To ensure that the development and operatives are safe from flooding, in accordance with Policy MLP 38 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 28 of the adopted South Worcestershire Development Plan.
- 41., 45., 46., 47. & 49. To protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
42. & 43. To protect the water environment and prevent any deterioration of 'controlled waters' (as defined under the Water Resources Act 1991), including groundwater, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
44. In order to ensure satisfactory drainage that will not create or exacerbate flood risk on site or within the surrounding local area, in accordance with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 28 and SWDP 29 of the adopted South Worcestershire Development Plan.
48. To ensure that the freight operations are safe and not detrimental to the navigation or other users of the River Severn, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan.
50. & 51. 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 9, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
52. & 53. To protect and conserve statutorily protected species, in accordance with Policy MLP 31 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.
54. 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, and Policies SWDP 6, SWDP 22, SWDP 24, and SWDP 25 of the adopted South Worcestershire Development Plan.
55. 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, and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.
57. & 61. To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 9, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
58. & 59. To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 9, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
60. To protect the amenity of neighbouring residents and to ensure satisfactory restoration of the site.

Reason(s) for Approval

The development falls within Schedule 2, Part 2 (a) 'Extractive industry: Quarries, open cast mining and peat extraction' of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The submitted Environmental Statement, Non-Technical Summary, and other information submitted to the Mineral Planning Authority together with the further environmental information in respect of the Environmental Statement are considered sufficient to properly understand the proposals and assess their likely environmental effects.

As set out in the officer report to the Planning and Regulatory Committee relating to the determination of this application, in accordance with paragraph 11 c) of the National Planning Policy Framework (NPPF), development proposals that accord with an up-to-date Development Plan should be approved without delay. The Mineral Planning Authority has considered the development against the relevant policies in the Development Plan, in particular Policies MLP 1, MLP 3, MLP 7, MLP 9, MLP 14, MLP 15, MLP 26, MLP 28, MLP 29, MLP 30, MLP 31, MLP 32, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37, MLP 38, MLP 39, MLP 40 and MLP 41 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32, SWDP 39, and SWDP 40 of the adopted South Worcestershire Development Plan, and is considered to be broadly in accordance with the National Planning Policy Framework and the Development Plan.

It is considered that the applicant's approach to the consideration of alternatives is acceptable in this instance.

At the time of the decision, Worcestershire County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its production guideline for sand and gravel set out in the Local Aggregates Assessment. The development will increase the landbank by approximately 0.56 years, equating to a landbank of approximately 3.62 years in total, which is substantially below the minimum landbank for at least 7 years for sand and gravel. It is considered the development will contribute towards Worcestershire's landbank for sand and gravel.

It is considered that the location of the development accords with the strategic locational policies of the adopted Worcestershire Minerals Local Plan, in accordance with Policies MLP 1 and MLP 3 of the adopted Worcestershire Minerals Local Plan.

It is considered that subject to the imposition of conditions (Conditions 8 to 18, 58 and 59), that the development will not have an unacceptable adverse impact on soils and Best and Most Versatile agricultural land.

The Mineral Planning Authority is satisfied that the development will not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of conditions (Conditions 6, and 19 to 26).

It is considered that the development will not have an unacceptable impact upon the character and appearance of the local area, including the Malvern Hills Area of Outstanding Natural Beauty National Landscape, and historic environment including archaeology, subject to the imposition of appropriate conditions (Conditions 3 to 6, 8, 9, 28, 39, 50, 51, and 54 to 59).

It is considered that subject to the imposition of conditions that there will be no unacceptable adverse effect on residential amenity or human health, including noise (Conditions 29 to 36), dust and air quality (Conditions 37 to 39), lighting (Condition 28) and contaminated land impacts.

The Mineral Planning Authority is satisfied that this application will not have an unacceptable adverse effect on the water environment, and the restoration scheme will result in flood risk betterment, subject to the imposition of conditions (Conditions 40 to 49).

It is considered that the development will not have an unacceptable adverse effect on ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and will enhance the application site's value for biodiversity, subject to the imposition of conditions (Conditions 28, 50 to 54 and 57 to 59).

The Mineral Planning Authority considered that the proposed restoration and aftercare schemes are acceptable, subject to the imposition of conditions (Conditions 57 to 59).

The Mineral Planning Authority considered that the applicant adequately demonstrated that there is sufficient land available in the vicinity of the development (subject to the agreement of the landowners, who indicated they were actively engaged in encouraging the use of the land for festivals in the future), to not prejudice the future use of land for festivals in this location.

The Mineral Planning Authority considered that the development will provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF.

The Mineral Planning Authority are satisfied that the development will not have an unacceptable impact upon the adjacent overhead power lines.

The Mineral Planning Authority are satisfied that the development is acceptable in terms of its impact upon crime and safety.

The development will use barges as opposed to HGVs to transport the sand and gravel to the processing plant at Ryall House Farm Quarry; will make use of and extend the life of an existing processing plant and associated facilities, negating the need for the setting up of a new processing plant and associated facilities; the restoration scheme will make provision for Sustainable Drainage Systems; flood risk betterment; and habitat creation and biodiversity enhancement. In view of this, the Mineral Planning Authority considered that overall, the development will contribute to achieving sustainable development and mitigating and adapting to climate change.

The submitted Environmental Statement considered cumulative effects, based upon the studies and content of the individual chapters within the Environmental Statement, the underlying conclusion is that there is no single topic or combination of issues which should objectively prevent the development from proceeding. The Mineral Planning Authority having regard to other existing and approved development, is satisfied that the development will not result in unacceptable adverse cumulative effects.

The Mineral Planning Authority is satisfied that the submitted Environmental Statement adequately described any expected significant effects of the development on the environment in terms of its vulnerability to risks of major accidents and / or disasters, for which no vulnerabilities to a major accident of disaster were identified.

The Mineral Planning Authority is satisfied that the applicant engaged competent experts to prepare the submitted Environmental Statement.

The various benefits of the development are not significantly and demonstrably outweighed by the adverse impacts and overall, the proposals are considered to represent sustainable development.

The Mineral Planning Authority in reaching a decision to grant planning permission has taken into account all of the environmental information submitted with it and in support of the application and all of the consultation responses and third-party public representations received. Overall, it is considered that there will not be any major adverse effects that cannot be adequately mitigated. Where necessary, adequate mitigation to avoid and reduce any adverse effects including but not limited to population and human health, noise, traffic and transport, land use, flora and fauna, soils, geology and hydrogeology, water (hydrology), air and climate, material assets / cultural heritage, and landscape and visual, have been secured through the use of the planning conditions, as referenced in the officer report and above, as appropriate attached to this permission.

The public had opportunities to participate in the decision-making process through statutory and non-statutory consultations, through neighbour notifications, Public Notices erected on site and in the surrounding area and published in a local newspaper circulating in the locality in which the land to which the application is situated, and on a website maintained by the Mineral Planning Authority. There were 3 rounds of public consultation in total taking place in June 2020 to July 2020; December 2021 to January 2022; and June 2022 to July 2022. Public consultation was undertaken as appropriate in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and subsequent Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

In response to the planning consultations, 22 letters of representation were received by the Mineral Planning Authority (1 of which was received following the publication of the officer report), of which 17 are letters of support, 4 are objections and 1 makes comments. These letters of representation commented on a number of matters including but not limited to the need for the mineral, environmental benefit of transport mineral by barge, educational benefits, benefits of a potential rowing lake in this location, adverse impacts upon festival land, biodiversity, and lack of need for a lack in this location. As set out above, where necessary, adequate mitigation to avoid and reduce any adverse effects have been secured through the imposition of conditions.

Positive and Proactive Statement

Worcestershire County Council works positively and proactively in order to determine planning applications in an efficient and effective manner and in accordance with the presumption in favour of sustainable development, as described in the National Planning Policy Framework.

In dealing with the application the County Council has worked with the applicant in the following way:-

Planning Officers communicated all consultee responses and letters of representation in a timely manner in order to address any material planning concerns raised. Planning Officers acted positively and proactively in discussing the planning process with the applicant. In addition, the draft conditions were shared with the applicant to ensure a satisfactory outcome for the applicant and the Mineral Planning Authority.

Right to Challenge the Decision at the High Court

The general public does not have a right of appeal as such in respect of planning decisions, although persons aggrieved may have the right to challenge such decisions in the High Court. This process is known as Judicial Review and is a means for challenging the administrative decisions of local planning authorities. It is not really concerned about the merits of the decision reached as long as the appropriate procedure has been followed in reaching that decision.

The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice and in any event within 6 weeks. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000). Further information on judicial review can be found on the web site of the Judiciary for England and Wales (<https://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review/>).

Informative Notes

Festival Land

The applicant's attention is drawn to the adjacent land that is used on a temporary basis as a venue and / or campsite for 3 annual music festivals (Sunshine Music Festival, Mello Festival and Upton Blues Festival). The applicant should seek to structure the work schedule in a way that would minimise disruption to these music festivals. The applicant should also note that festival infrastructure, which includes electric cables and water pipes are installed under the ground on adjacent land and in the areas to be subject to mineral extraction. The applicant is encouraged to liaise with the festival organisers and the landowner in relation to this matter.

Public Rights of Way

The applicant must be aware of their obligations towards the Public Rights of Way as follows:

- a. No disturbance of, or change to, the surface of the path or part thereof should be carried out without the Highway Authority's written consent.
- b. No diminution in the width of the right of way available for use by the public.
- c. Buildings materials must not be stored on the right of way.
- d. Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- e. No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- f. The safety of the public using the right of way is to be ensured at all times.

Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a public right of way during works the appropriate application should be made to the Public Rights of Way Mapping Team at Worcestershire County Council at least 8 weeks prior to the earliest requested closure date.

If it is necessary to divert / extinguish/create public rights of way in order for the development to take place, this should be completed to confirmation stage before any development affecting the public right/s of way is started.

Alteration of highway to provide new or amended vehicle crossover

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email: worcestershirevehicle.crossing@ringway.co.uk.

Section 278 Agreement

The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

Section 38 Agreement Details

If it is the applicant's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved by the County Council as Highway Authority and an Agreement under Section 38 of the Highways Act, 1980, entered into.

Temporary Direction Signs

This consent does not authorise the erection of temporary direction signs on the public highway. Should the applicant wish to direct traffic to the

development site they should seek the consent of the Highway Authority. All temporary directional sign proposals should be submitted to the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No signs should be erected without the consent of the Highway Authority.

Construction Environmental Management Plan (CEMP) for highways

The applicant should give utmost consideration to their impact on neighbours and the public:

- Informing, respecting and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression and promoting the Code.

The CEMP for highways should clearly identify how the applicant will engage with the local community; this should be tailored to local circumstances. The applicant should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

The applicant should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing legislation.

Archaeology

A fee will be charged to the applicant for the provision of a Brief (an outline scope of works) for the archaeological work required and for the checking of any responding Written Scheme of Investigation (contractors detailed method statement) and archaeological reports required to facilitate discharge of the recommended conditions.

The applicant or their successor in title must contact the County Archaeologist (Emma Hancox, email: EHancox@worcestershire.gov.uk) to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief. The Planning Advisory Section of the Worcestershire Archive and Archaeology Service will offer advice on all stages of the proceedings.

Salmon and Freshwater Fisheries Act

Authorisation is required under Section 27 of the Salmon and Freshwater Fisheries Act to use instruments (nets / electric fishing). It is noted that a specialist contractor will be employed. They should be made aware of the requirement for authorisation.

Biodiversity

Should protected species be discovered on site all works in that area should halt immediately and a suitably qualified and experienced ecologist contacted and their advice implemented.

Geodiversity

If during extraction any rock or interesting sand and gravel exposures are uncovered, the applicant should inform Herefordshire and Worcestershire Earth Heritage Trust to arrange for the geology and features of interest to be recorded.

Land Drainage Act

Any proposals to alter existing, or construct new, culverts or carry out works in or on an ordinary watercourse will need Land Drainage Consent under Section 23 of the Land Drainage Act 1991 from South Worcestershire Land Drainage Partnership. Such consent will need to be granted prior to any works commencing on site as consent cannot be granted retrospectively. Failure to comply may result in enforcement action being taken under Section 24 of the Land Drainage Act 1991. South Worcestershire Land Drainage Partnership may also exercise powers to require works for maintaining flow of a watercourse where appropriate under Section 25 of the Land Drainage Act 1991 where the proper flow of water is impeded.

Appeal

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

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

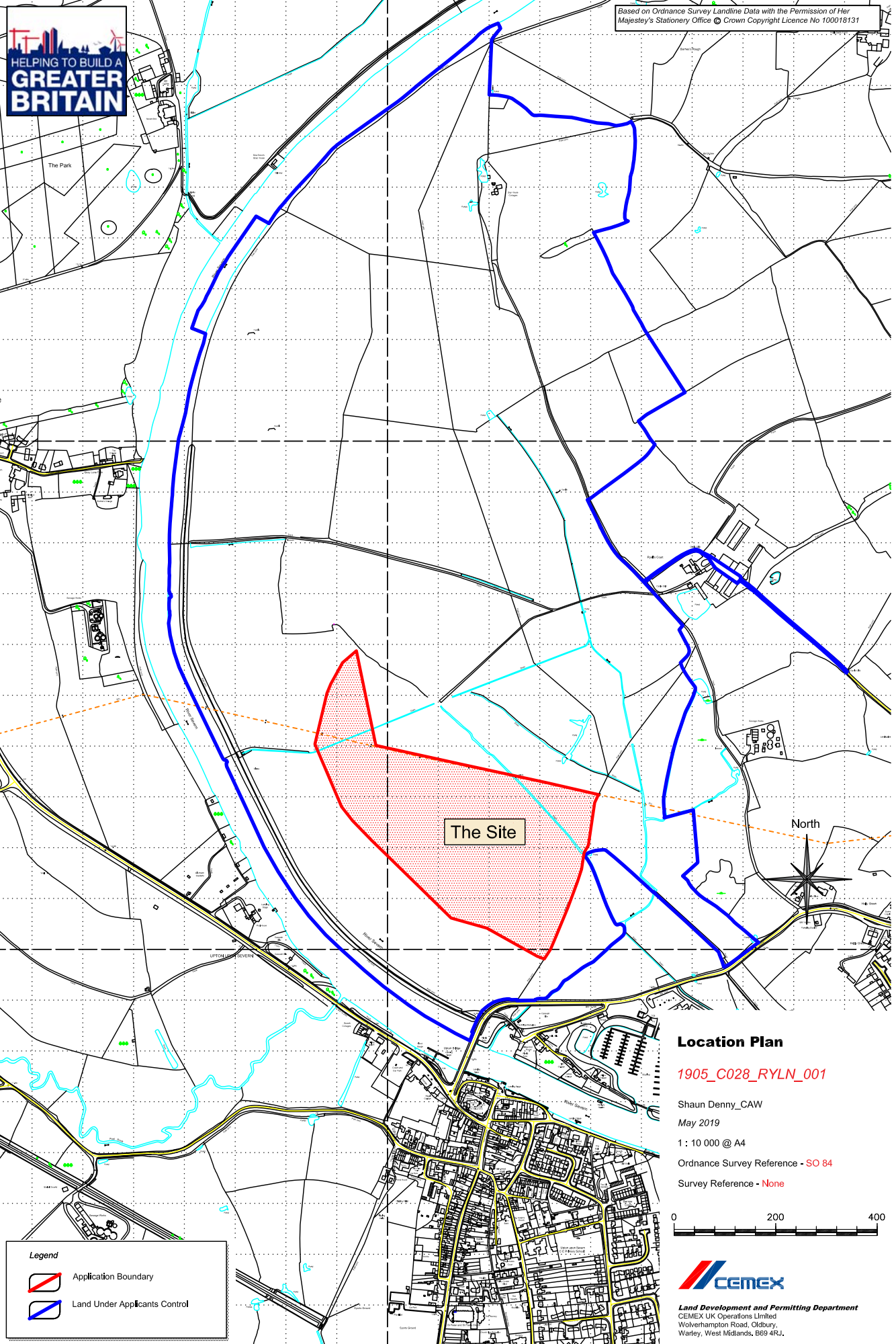
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

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



In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.



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Legend

-  Application Boundary
-  Land Under Applicants Control

Location Plan

1905_C028_RYLN_001

Shaun Denny_CAW
 May 2019
 1: 10 000 @ A4
 Ordnance Survey Reference - SO 84
 Survey Reference - None



Land Development and Permitting Department
 CEMEX UK Operations Limited
 Wolverhampton Road, Oldbury,
 Warley, West Midlands, B69 4RU.

Ryall North Quarry Southern Extension Proposed Extraction of Sand & Gravel with Restoration to Agriculture and a Lake Suitable for Watersports Use

PLANNING PERMISSION

Name and Address of applicant

Name and Address of Agent (if any)

Mr James Carling
CEMEX UK Materials Ltd.
CEMEX House
Evreux Way
Rugby
CV21 2DT

Mr Mark Kelly
CEMEX UK Operations Ltd.
CEMEX House
Harry Weston Road
Binley
Coventry
Warwickshire, CV3 2TT

Part I - Particulars of application

Date of Application:

Application No:

6 May 2020

20/000015/CM (M/22/00846/CM)

Particulars and location of development:

The carrying-out of development pursuant to planning permission: 15/000013/CM "Proposed minerals extraction of about 1.4 million tonnes of sand and gravel and erection of a temporary wharf with progressive restoration to a landscaped lake" without complying with conditions 3, 5, 10, 11, 12, 13, 49 and 53 of that permission, to facilitate an alternative working scheme and progressive restoration scheme to agriculture and a lake suitable for water sports at Ryall North Quarry, land off Ryall Court Lane, Holly Green, Upton-upon-Severn, Worcestershire.

Part II - Particulars of decision

Worcestershire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that having taken the environmental information into account **permission has been granted** for the carrying out of the development referred to in **Part I** hereof in accordance with the application and plans submitted subject to the following conditions:-

Notification

1. The operator shall provide written notification to the Mineral Planning Authority at least 7 days but no more than 14 days prior to:
 - i. The date of commencement of mineral extraction in any phase;
 - ii. The date of commencement of soil stripping in any phase;
 - iii. The date of completion of mineral extraction in any phase; and
 - iv. The date of completion of mineral extraction operations.

Approved Documents and Drawings

2. The land to which this permission relates is that shown edged in red on approved drawing numbered: 20-04/P/R/YN/1, titled: 'Location Plan', dated April 2020. For the avoidance of doubt this permission does not grant Phase 5, which is outside the application site boundary.
3. The development hereby permitted shall be carried out in accordance with the following documents and drawings, except where otherwise stipulated by conditions attached to this permission:

Documents:

- Planning Application Statement – Ryall North Quarry, dated 10 March 2015;
- Supplementary Supporting Statement – Ryall North Quarry – Proposed Extraction of Sand & Gravel, dated October 2015;
- Part 2 – Supporting Statement – Ryall North Quarry, Ryall's Court, Ryall, Upton-upon-Severn, Worcestershire, dated April 2020;
- Flood Risk Assessment for Quarry development at Ryall Quarry North, Upton-upon-Severn, dated February 2016;
- Flood Risk Assessment Addendum for Quarry Development at Ryall North Quarry, Upon-upon-Severn, Version 1, dated March 2019; and
- Memorandum, titled: Ryall North – Private Water Supply Abstraction at Day House Cottage, dated 3 March 2016.

Date

27 October 2022

County Hall
Worcester WR5 2NP

Proper Officer Thomas Pollock

Note: This permission refers only to that required under the above Acts and Regulations and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Drawings:

- 20-04/P/RYLN/1, titled: 'Location Plan', dated April 2020;
- 20-04/P/RYLN/2A, Revision A, titled: 'Site Plan and General Arrangement', dated October 2021;
- 14_C060_RYLN_003, titled: 'Topographic Survey', dated October 2014;
- 14_C060_RYLN_004_A, titled: 'Location of Proposed Wharf', dated December 2014;
- 14_C060_RYLN_005, titled: 'Cross Sections', dated October 2014;
- 14_C060_RYLN_006_B, titled: 'Indicative Wharf Design', dated December 2014;
- 14_C060_RYLN-009, titled: 'Crossing Detail PROW 508(B)', dated May 2015;
- 14_C060_RYLN_010, titled: 'Crossing Detail PROW 505(B)', dated May 2015;
- 180/-S253-RYN-D-101, titled: 'Phase 1', dated February 2019;
- 180/-S253-RYN-D-102, titled: 'Phase 2', dated February 2019;
- 180/-S253-RYN-D-103, titled: 'Phase 3', dated February 2019;
- 180/-S253-RYN-D-104, titled: 'Phase 4', dated February 2019;
- SO8542 D 3050 110805, titled: 'Overburden Isopachytes', received by the Mineral Planning Authority 20 March 2015;
- SO8542 D 3051 110805, titled: 'Minerals Isopachytes' received by the Mineral Planning Authority 20 March 2015;
- SO8542 D 3052 110805, titled: 'Bedrock Surface Contours' received by the Mineral Planning Authority 20 March 2015;
- 15-S128-RYN-D-002, titled: 'Soil bunds', received by the Mineral Planning Authority 14 October 2015;
- 15-S128-RYN-D-003, titled: 'Cross Sections 1-3', received by the Mineral Planning Authority 14 October 2015;
- 1905_C028_RYLN_005-Rev A, titled: 'Public Rights of Way', dated November 2021;
- RNE - RD / T1, titled: 'Restoration Details Proposed Water Depths', dated April 2022;
- RNE - RD / T2, Revision B, titled: 'Restoration Details Habitat Areas & Existing & Proposed Enhancements', dated April 2022;
- RNE - RD / T3, Revision A, titled: 'Restoration Details Proposed Fencing, Gates and Public Rights of Way', dated April 2022;
- RNE - RD / T4A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Habitat Areas', dated April 2022;
- RNE - RD / T4B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Habitat Areas', dated April 2022;
- RNE - RD / T4C, Revision B, titled: 'Restoration Details Permitted Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4D, Revision B, titled: 'Restoration Details Proposed Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4E, Revision A, titled: 'Restoration Details Proposed Scheme Hedgerows & Ditches', dated April 2022;
- RNE - RD / T5A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5C, titled: 'Restoration Details Proposed Restoration Scheme Aftercare', dated April 2022;
- RN - RX / 1B, Revision M, titled: 'Proposed Outline Restoration Scheme Proposed Application Area', dated April 2022; and
- RN - RX / 1C, Revision A, titled: 'Proposed Draft Restoration Scheme Cross Section', dated June 2021.

Time Limits

4. All mineral extraction shall cease and the site shall be restored in accordance with the approved restoration scheme as required by Condition 11) of this permission, before 31st December 2026. Should extraction cease before this date the Mineral Planning Authority shall be notified in writing within 1 month of extraction ceasing.

Extraction Boundary

5. No extraction of sand and gravel shall take place outside the limit of the extraction boundary of Phases 1 to 4, as shown on approved drawing numbered: 180/-S253-RYN-D-104, titled: 'Phase 4'.

Processing or Treatment

6. No processing or treatment of sand and gravel shall take place on the site.

Waste Acceptance

7. This permission does not allow the importation of waste material onto the site.

Site Compound

8. The development hereby approved shall be carried out in accordance with approved site compound details, as shown on drawing numbered: 14_C060_RYLN_106, titled: 'Site Compound'.

Working Hours

9. Except in emergencies, all operations and uses on the site including the running of any plant or machinery and loading of barges, shall only take place between 07:30 to 18:30 hours Mondays to Fridays, inclusive, and 07:30 to 12:00 hours on Saturdays, with no operations on the site at any time on Sundays, Public or Bank 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.

Phasing

10. The development hereby approved (Phases 1 to 4) shall be carried out in accordance with the working programme, progressive restoration and phasing shown on approved drawings numbered: 180/-S253-RYN-D-101, titled: 'Phase 1'; 180/-S253-RYN-D-102, titled: 'Phase 2'; 180/-S253-RYN-D-103, titled: 'Phase 3'; and 180/-S253-RYN-D-104, titled: 'Phase 4'.

Restoration

11. Notwithstanding the submitted details, within 3 months of the date of this permission, a detailed restoration scheme for the site, including the wharf and surge pile area shall be submitted to the Mineral Planning Authority for approval in writing. The scheme shall include:
 - i. Updated labelling to reflect the approved 'Combined Construction Environmental Management Plan (CEMP) and Landscape & Ecological Management Plan (LEMP) for the Extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022, under Condition 15) of this permission; and
 - ii. Additional tree planting to that included in the document / details above to replace in number all trees lost under the permission.

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

12. The restoration of the fields subject to 'short-term soil & overburden storage' as shown on approved drawing numbered: 180/-S253-RYN-D-101, titled: 'Phase 1', shall be carried out in accordance with the approved 'Ryall North: Restoration to Agriculture and Nature Conservation Aftercare and Management Details Pursuant to Planning Condition 12', dated 21 August 2019.

Aftercare

13. Notwithstanding the submitted details, all nature conservation areas, including MG9 grassland and MG4 wet grassland shall undergo aftercare management for a 10-year period, and the areas of agricultural grassland within the application site shall undergo aftercare management for a 5-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.
14. An aftercare scheme for each phase shall be submitted to the Mineral Planning Authority for approval in writing within 6 months of the completion of mineral extraction in the preceding phase. 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 11) of this permission. These steps shall include the following:
 - i. Control of invasive species;
 - ii. The submission of Habitat Management Plan setting out the actions that are to be undertaken to guide the initial habitat / vegetation establishment works, habitat creation and ongoing restoration including management practices such as cutting and removal of vegetation, grazing, pollarding and protection and replacement of tree and shrub plantings;
 - iii. Management of soil, fertility and weeds;
 - iv. Drainage;
 - v. A timetable for undertaking the aftercare scheme; and
 - vi. The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance.

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 annual review of performance.

Landscape, Ecology and Biodiversity

15. The development hereby approved shall be carried out in accordance with the approved 'Combined CEMP and LEMP for the Extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022.
16. Progress against the target habitat conditions shall be monitored during the phased working and aftercare periods as described in the approved 'Combined CEMP and LEMP for the Extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022, and any required remediation work shall be undertaken in the next appropriate season. Monitoring reports or compliance statements produced in years 2, 4, 6, 8 and 10 for each area by a competent ecologist (holding relevant professional body membership) shall be submitted to the Mineral Planning Authority before the end of the calendar year in which they are produced.
17. The development hereby approved shall be carried out in accordance with the approved 'Ryall North Quarry HRA', dated September 2022.
18. Within 3 months of the date of this permission, the existing submersible pump to over pump the water in the pits / settlement ponds into the drainage system on site shall either be fitted with fish screening or replaced with a fish friendly pump as set out at Section 3.4 of the approved 'Ryall North Quarry HRA', dated September 2022.

Soil Handling and Storage

19. Soil handling and placement shall be carried out in accordance with The Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021).
20. The development hereby approved shall be carried out in accordance with the approved 'Appendix A: Soil Handling – Modified Loose Tipping Procedure for Soil Replacement (The Peninsula or Lateral Heap Methods)', dated November 2008 of 'Part 2 – Supporting Statement', dated April 2020; and 'Soil Depth and Handling Methodology Note in Response to Natural England – Ryall North', dated August 2021.
21. Soil stripping shall not take place until any standing crop or vegetation has been cut and removed.
22. The topsoil shall be stripped to the full depth down to 250mm at its maximum depth, all subsoil shall be stripped to a depth of 950mm at its maximum, and wherever possible both topsoil and subsoil shall be directly placed as part of restoration following stripping.
23. Topsoil and subsoil stripping shall only be carried out when the entire volume of soil to be stripped is in a dry and friable condition.
24. All stripped topsoils and subsoils shall be permanently retained on site for subsequent use in restoration, as detailed in the application.
25. For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials.
26. Prior to the use of any area for the storage of subsoil or overburden that area shall first be stripped of topsoil.
27. Plant or vehicles shall not cross areas of unstripped topsoil or subsoil except for the express purpose of stripping operations.
28. The temporary topsoil storage bunds as shown as on approved drawing numbered: 180/-S253-RYN-D-101, titled: 'Phase 1', shall be constructed to a maximum height of 3 metres prior to the extraction of sand and gravel from Phase 1, and shall only be removed upon completion of sand and gravel extraction in Phase 2, as shown on approved drawing numbered: 180/-S253-RYN-D-102, titled: 'Phase 2'.
29. The storage of subsoils and overburden shall be in accordance with approved drawings numbered: 15-S128-RYN-D-002, titled: 'Soil bunds' and 15-S128-RYN-D-003, titled: 'Cross Sections 1-3' and shall not exceed a height of 5 metres.

30. All soil storage mounds that remain in situ for more than 3 months or over winter shall be seeded, managed and maintained in accordance with the approved 'Ryall North Quarry – Soil Storage Mounds – Details Pursuant to Condition 27', received by the Mineral Planning Authority 26 July 2016.
31. Only low ground pressure machines should work on relaid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either relaid topsoil or subsoil.
32. Topsoil shall be re-spread to achieve at least the minimum settled depth of 250mm. The respread topsoil shall be loosened and ripped:
 - i. To provide loosening equivalent to a single pass at a tine spacing of 0.3 metres or closer;
 - ii. To full depth of the topsoil plus 100mm; and
 - iii. Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.
33. Subsoil and any soil making materials shall be levelled to provide an even depth across the re-laid area so that the total thickness of settled subsoil conforms with the approved landform referred to in Condition 11) of this permission.

Access and Highway Safety

34. Vehicular access to and from the site shall only be gained via Ryall Court Lane only, as shown on approved drawing numbered: 20-04/P/RyLN/1, titled: 'Location Plan'.
35. The use of Ryall Court Lane for the transportation of plant and machinery shall only be used between the hours of 09:00 to 15:30 hours Mondays to Fridays, inclusive.
36. All sand and gravel extracted from the site shall be transported by barge only.
37. Prior to the construction of haul routes, a plan showing the position of the haul routes 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.
38. No mud, dust or debris shall be deposited on the public highway.

Public Rights of Way

39. The development hereby approved shall be carried out and maintained in accordance with approved public rights of way crossing points, which cross Bridleways UU-508 and EA-547 / RP-505, as shown on drawings numbered: 14_C060_RyLN-009, titled: 'Crossing Detail PROW 508(B)'; 14_C060_RyLN_004_A, titled: 'Location of Proposed Wharf'; and 14_C060_RyLN-010, titled: 'Crossing Details PROW 505 (B)'.

Lighting

40. The development hereby approved shall be carried out and maintained in accordance with approved site lighting scheme, as shown on drawings numbered: TD 17009 Sheet 1 of 2, titled: 'Boat Loading Facility Lighting Scheme'; and TD 17009 Sheet 2 of 2, titled: 'Boat Loading Facility Lighting Scheme Section A-A'.
41. Notwithstanding the provisions of Condition 40) of this permission, details of any additional lighting to be installed at the site, shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. These details shall include:
 - i. Height of the lighting posts
 - 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. Any measures to minimise the impact of lighting upon protected species and habitats, in particular bats; and
 - vi. Times when the lighting would be illuminated.

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

Noise

42. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use fully operational silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.
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.
44. The development hereby approved shall be carried out in accordance with approved 'Appendix H: Noise Management Plan – Ryall North Quarry' of 'Part 2 – Supporting Statement', dated April 2020.
45. Notwithstanding the provisions of Condition 44) of this permission, the following measures shall be undertaken to minimise noise emissions within the site arising from all operations including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
 - i. Internal haul routes shall be routed such that separation distances to noise sensitive properties is maximised;
 - ii. All haul roads are kept clean and maintained in a good state of repair to avoid unwanted rattle and body slap from vehicles;
 - iii. All mobile plant and heavy goods vehicles within the site shall move in a manner to minimise, as far as is practical and safe, noise from reverse warning systems;
 - iv. The minimisation of drop heights during loading and unloading of sand and gravel;
 - v. Plant that is used intermittently, shall be shut down when not in use;
 - vi. Any pumps, generators and compressors shall either be electrically powered and fitted with an acoustic cover where necessary; or diesel powered pumps, generators and compressors shall be installed within acoustic enclosures.

Dust

46. The development hereby approved shall be carried out in accordance with approved 'Appendix G: Dust Management Plan' of 'Part 2 – Supporting Statement', dated April 2020.

47. Notwithstanding the provisions of Condition 46) of this permission, the following measures shall be undertaken to suppress dust emissions within the site arising from all operations, including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
- i. The provision of a water bowser and/or static/mobile spraying units, which shall be used at all times when there is a risk of dust arising from the moving and storage of soil and overburden, mineral extraction, processing and manoeuvring operations;
 - ii. The sweeping of access and haul roads, where necessary;
 - iii. The minimisation of drop heights during loading and unloading of sand and gravel;
 - iv. All plant and vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground;
 - v. There shall be a maximum speed limit of 10 mph within the site;
 - vi. The cessation of operations in conditions when dust cannot be controlled.

Stockpiles

48. The height of any stockpiles of sand and gravel shall not exceed 7.5 metres.

Water Environment

49. The development hereby approved shall be carried out in accordance with the approved 'Condition 43 - Flood Management Plan', received by the Mineral Planning Authority 10 August 2016; and drawing numbered: 14_C060_RYLN_104, titled: 'Evacuation Plan'.
50. The wharf and surge pile infrastructure hereby approved shall be carried out and maintained in accordance with the approved cover letter pursuant to Condition 44 of planning permission 15/000013/CM, dated 20 June 2016, and received by the Mineral Planning Authority 21 June 2016; and drawings numbered: 16_C060_RYLN_102, titled: Trees to be Removed; and TD 16018, Rev O, titled: 'Boat Loading Facility Section A-A'.
51. The development hereby approved shall be carried out in accordance with the approved 'Risk Assessment & Method Statement – Ryall North to Ryall Quarry' for water transport by barge, dated 27 August 2015.
52. Within 6 months of the date of this permission, a scheme that sets out how the water level within the restored lake would be managed 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.
53. The following measures shall be undertaken in order to mitigate the risk of water pollution arising during the mineral extraction operations and subsequent restoration works:
- i. There shall be a maximum speed limit of 10 mph within the site to reduce the likelihood and significance of any collisions;
 - ii. All plant should be regularly maintained and inspected daily for leaks of fuel, lubricating oil or other contaminating liquids;
 - iii. Maintenance of plant and machinery should be undertaken within the site compound approved under Condition 8) of this permission, or off-site, as appropriate, to minimise the risk of uncontrolled release of polluting liquids; and
 - iv. Discharge water from the dewatering of the excavation shall be pumped into a settlement lagoon to remove any suspended solids before being discharged from the site.
54. 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 plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must 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/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund.
55. 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.
56. The development hereby approved shall be carried out in accordance with the approved 'Appendix E: Pollution Prevention Plan' of 'Part 2 – Supporting Statement', dated April 2020.

Interpretation Strategy

57. Within 6 months of the date of this permission, 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, design, size, quantity and location of any interpretation panels and the timescales for their installation. Thereafter, the development shall be carried out in accordance with the approved details.

Archaeology

58. The development hereby approved shall be carried out in accordance with the approved 'Ryall North Quarry Malvern Worcestershire – Written Scheme of Investigation for an Archaeological Strip, Map & Sample Excavation', dated September 2016; and 'Ryall North Quarry Malvern Worcestershire – Written Scheme of Investigation for an Archaeological Evaluation', dated September 2016, as updated by 'Phase 4 & 5 Ryall North Quarry Malvern Worcestershire – Written Scheme of Investigation for an Archaeological Strip, Map and Sample Excavation', dated July 2021.
59. The medieval ridge and furrow protective fencing installed within the fields subject to 'short-term soil & overburden storage' as shown on approved drawing numbered: 180/-S253-RYN-D-101, titled: 'Phase 1', shall be carried out and maintained in accordance with the approved cover letter pursuant to Condition 55 of planning permission 15/000013/CM, dated 26 July 2016 and received by the Mineral Planning Authority 10 August 2016; and drawing numbered: 14_C060_RYLN_105, titled: 'Extent of Archaeological Protection Area'.

Topographical Survey

60. A topographical survey of the site shall be carried out annually and supplied to the Mineral Planning Authority. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within four weeks of a written request.

Local Liaison

61. The liaison arrangements with the local community shall be carried out in accordance with the approved 'CEMEX UK Operations Ltd – Ryall North, Community Liaison Group', received by the Mineral Planning Authority 15 September 2016.

Cessation

62. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved restoration and aftercare schemes which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted to and approved in writing by the Mineral Planning Authority, within 6 months of written notice from the Mineral Planning Authority of the requirement of such a scheme. The revised scheme shall be implemented within 12 months of its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.

The reasons for the conditions are:-

1. To notify the Mineral Planning Authority when the development commences for development monitoring purposes.
2. & 3. For the avoidance of doubt and to secure a satisfactory form of development.
- 4., 5., 6., 7. & 60. For the avoidance of doubt and to assist with the monitoring of the planning permission.
8. & 48. 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, and Policy SWDP 21 of the adopted South Worcestershire Development Plan.
9. To protect the amenity of adjacent residential properties, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
10. To minimise the area of land taken out of beneficial use at any one time and to ensure that reclamation is achieved as quickly as possible.
- 11., 12. & 62. To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 9, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
13. & 14. To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 9, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
15. & 16. 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 9, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
17. & 18. To protect and conserve statutorily protected species, in accordance with Policy MLP 31 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.
- 19., 20., 21., 22., 23., 26., 27., 31., 32. & 33. 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.
- 24., 25. & 29. To minimise damage to the existing soils and to ensure that the maximum depth of soils with high organic matter content, and a reservoir of nutrients is retained and kept available on site to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.
28. To minimise damage to the existing soils and to ensure that the maximum depth of soils with high organic matter content, and a reservoir of nutrients is retained and kept available on site to ensure the satisfactory restoration of the site, and to protect the amenity of adjoining residential properties in accordance with Policies MLP 28, MLP 34, and MLP 35 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
30. 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 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.
34. 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, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
35. To define the permission and to protect the amenity of adjacent residential properties, in accordance with Policies MLP 28 and MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.

36. In the interests of highway safety and to define the permission, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
37. For the avoidance of doubt and to secure a satisfactory form of development, in the interests of highway safety and to protect the historic environment, in accordance with Policies MLP 32 and MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 4, SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.
38. In the interests of highway safety, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
39. In the interests of the Public Rights of Way and its users and to protect the amenity of nearby residential properties, in accordance with Policy MLP 30 of the adopted Worcestershire Minerals Local Plan.
40. & 41. To maintain the visual and environmental quality of the site, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 21 and SWDP 31 of the adopted South Worcestershire Development Plan.
- 42., 43., 44. & 45. To control noise emissions in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
46. & 47. To control dust emissions in accordance with Policies MLP 28, and MLP 29 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
49. To ensure that the development and operatives are safe from flooding, in accordance with Policy MLP 38 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 28 of the adopted South Worcestershire Development Plan.
50. To maintain the visual and environmental quality of the site and to protect the water environment and prevent pollution, in accordance with Policies MLP 28, MLP 33, and MLP 37 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 21 and SWDP 31 of the adopted South Worcestershire Development Plan.
51. To ensure that the freight operations are safe and not detrimental to the navigation or other users of the River Severn, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan.
52. In order to ensure satisfactory drainage that will not create or exacerbate flood risk on site or within the surrounding local area, in accordance with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 28 and SWDP 29 of the adopted South Worcestershire Development Plan.
- 53., 54., 55. & 56. To protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
57. 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, and Policies SWDP 6, SWDP 22, SWDP 24, and SWDP 25 of the adopted South Worcestershire Development Plan.
58. 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, and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.
59. To protect the historic environment, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.
61. To protect the amenity of neighbouring residents and to ensure satisfactory restoration of the site.

Reason(s) for Approval

The submitted Environmental Statement, Non-Technical Summary, and other information submitted to the Mineral Planning Authority together with the further environmental information in respect of the Environmental Statement are considered sufficient to properly understand the proposals and assess their likely environmental effects.

As set out in the officer report to the Planning and Regulatory Committee relating to the determination of this application, in accordance with paragraph 11 c) of the National Planning Policy Framework (NPPF), development proposals that accord with an up-to-date Development Plan should be approved without delay. The Mineral Planning Authority has considered the development against the relevant policies in the Development Plan, in particular Policies MLP 1, MLP 3, MLP 5, MLP 7, MLP 9, MLP 14, MLP 15, MLP 26, MLP 28, MLP 29, MLP 30, MLP 31, MLP 32, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37, MLP 38, MLP 39, MLP 40 and MLP 41 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32, SWDP 39, and SWDP 40 of the adopted South Worcestershire Development Plan, and is considered to be broadly in accordance with the National Planning Policy Framework and the Development Plan.

It is considered that the applicant's approach to the consideration of alternatives is acceptable in this instance.

It is considered that the location of the development has already been established in the granting of planning permission: 15/000013/CM, and it is noted that Policy MLP 5: 'Extant Mineral Sites and Safeguarded Resources' of the adopted Worcestershire Minerals Local Plan provides policy support to existing / established mineral sites and alterations them.

It is considered that subject to the imposition of conditions (Conditions 13, 14 and 19 to 33), that the development will not have an unacceptable adverse impact on soils and Best and Most Versatile agricultural land.

The Mineral Planning Authority is satisfied that the development will not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of conditions (Conditions 6, 8, and 34 to 39).

It is considered that the development will not have an unacceptable impact upon the character and appearance of the local area, including the Malvern Hills Area of Outstanding Natural Beauty National Landscape, and historic environment including archaeology, subject to the imposition of appropriate conditions (Conditions 4 to 6, 10 to 16, 19, 20, 41, 42, 48, 57 to 60).

It is considered that subject to the imposition of conditions that there will be no unacceptable adverse effect on residential amenity or human health, including noise (Conditions 42 to 45), dust and air quality (Conditions 46 to 48), lighting (Conditions 41 and 41) and contaminated land impacts.

The Mineral Planning Authority is satisfied that this application will not have an unacceptable adverse effect on the water environment, and the restoration scheme will result in flood risk betterment, subject to the imposition of conditions (Conditions 3, 49 to 56).

It is considered that the development will not have an unacceptable adverse effect on ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and will enhance the application site's value for biodiversity, subject to the imposition of conditions (Conditions 11 to 18, 40, 41, and 57).

The Mineral Planning Authority considered that the proposed restoration and aftercare schemes are acceptable, subject to the imposition of conditions (Conditions 11 to 14).

The development will not amend the extent of the working area, and thus will not encroach further onto the land used for festivals, and the applicant demonstrated that there is sufficient land available in the vicinity of the development (subject to the agreement of the landowners, who indicated they were actively engaged in encouraging the use of the land for festivals in the future), it is considered that the development will not prejudice the future use of land for festivals in this location.

The Mineral Planning Authority considered that the development will provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF.

The development will be a continuation of the current operations, continuing to use barges as opposed to HGVs to transport the sand and gravel to the processing plant at Ryall House Farm; making use of an existing processing plant and associated facilities, negating the need for the setting up of a new processing plant and associated facilities; and the restoration scheme will make provision for Sustainable Drainage Systems; flood risk betterment; and habitat creation and biodiversity enhancement. In view of this, the Mineral Planning Authority considered that overall, the development will contribute to achieving sustainable development and mitigating and adapting to climate change.

The submitted Environmental Statement considered cumulative effects, based upon the studies and content of the individual chapters within the Environmental Statement, the underlying conclusion is that there is no single topic or combination of issues which should objectively prevent the development from proceeding. The Mineral Planning Authority having regard to other existing and approved development, is satisfied that the development will not result in unacceptable adverse cumulative effects.

The Mineral Planning Authority is satisfied that the submitted Environmental Statement adequately described any expected significant effects of the development on the environment in terms of its vulnerability to risks of major accidents and / or disasters, for which no vulnerabilities to a major accident of disaster were identified.

The Mineral Planning Authority is satisfied that the applicant engaged competent experts to prepare the submitted Environmental Statement.

The various benefits of the development are not significantly and demonstrably outweighed by the adverse impacts and overall, the proposals are considered to represent sustainable development.

The Mineral Planning Authority in reaching a decision to grant planning permission has taken into account all of the environmental information submitted with it and in support of the application and all of the consultation responses and third-party public representations received. Overall, it is considered that there will not be any major adverse effects that cannot be adequately mitigated. Where necessary, adequate mitigation to avoid and reduce any adverse effects including but not limited to population and human health, noise, traffic and transport, land use, flora and fauna, soils, geology and hydrogeology, water (hydrology), air, material assets / cultural heritage, and landscape and visual, have been secured through the use of the planning conditions, as referenced in the officer report and above, as appropriate attached to this permission.

The public had opportunities to participate in the decision-making process through statutory and non-statutory consultations, through neighbour notifications, Public Notices erected on site and in the surrounding area and published in a local newspaper circulating in the locality in which the land to which the application is situated, and on a website maintained by the Mineral Planning Authority. There were 3 rounds of public consultation in total taking place in June 2020 to July 2020; December 2021 to January 2022; and June 2022 to July 2022. Public consultation was undertaken as appropriate in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and subsequent Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

In response to the planning consultations, 27 letters of representation were received by the Mineral Planning Authority (1 of which was received following the publication of the officer report), of which 20 are letters of support, 5 are objections and 2 make comments. These letters of representation commented on a number of matters including but not limited to the need for the mineral, environmental benefit of transport mineral by barge, economic and educational benefits, the limited noise and dust impacts of the development, benefits of a potential rowing lake in this location, adverse impacts upon festival land, biodiversity, landscape character and visual impact, and lack of need for a lack in this location. As set out above, where necessary, adequate mitigation to avoid and reduce any adverse effects have been secured through the imposition of conditions.

Positive and Proactive Statement

Worcestershire County Council works positively and proactively in order to determine planning applications in an efficient and effective manner and in accordance with the presumption in favour of sustainable development, as described in the National Planning Policy Framework.

In dealing with the application the County Council has worked with the applicant in the following way:-

Planning Officers communicated all consultee responses and letters of representation in a timely manner in order to address any material planning concerns raised. Planning Officers acted positively and proactively in discussing the planning process with the applicant. In addition, the draft conditions were shared with the applicant to ensure a satisfactory outcome for the applicant and the Mineral Planning Authority.

Right to Challenge the Decision at the High Court

The general public does not have a right of appeal as such in respect of planning decisions, although persons aggrieved may have the right to challenge such decisions in the High Court. This process is known as Judicial Review and is a means for challenging the administrative decisions of local planning authorities. It is not really concerned about the merits of the decision reached as long as the appropriate procedure has been followed in reaching that decision.

The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice and in any event within 6 weeks. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000). Further information on judicial review can be found on the web site of the Judiciary for England and Wales (<https://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review/>).

Informative Notes

Festival Land

The applicant's attention is drawn to the adjacent land that is used on a temporary basis as a venue and / or campsite for 3 annual music festivals (Sunshine Music Festival, Mello Festival and Upton Blues Festival). The applicant should seek to structure the work schedule in a way that would minimise disruption to these music festivals. The applicant should also note that festival infrastructure, which includes electric cables and water pipes are installed under the ground on adjacent land and in the areas to be subject to mineral extraction. The applicant is encouraged to liaise with the festival organisers and the landowner in relation to this matter.

Public Rights of Way

The applicant must be aware of their obligations towards the Public Rights of Way as follows:

- a. No disturbance of, or change to, the surface of the path or part thereof should be carried out without the Highway Authority's written consent.
- b. No diminution in the width of the right of way available for use by the public.
- c. Buildings materials must not be stored on the right of way.
- d. Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- e. No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- f. The safety of the public using the right of way is to be ensured at all times.

Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a public right of way during works the appropriate application should be made to the Public Rights of Way Mapping Team at Worcestershire County Council at least 8 weeks prior to the earliest requested closure date.

If it is necessary to divert / extinguish/create public rights of way in order for the development to take place, this should be completed to confirmation stage before any development affecting the public right/s of way is started.

Temporary Direction Signs

This consent does not authorise the erection of temporary direction signs on the public highway. Should the applicant wish to direct traffic to the development site they should seek the consent of the Highway Authority. All temporary directional sign proposals should be submitted to the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No signs should be erected without the consent of the Highway Authority.

Archaeology

A fee will be charged to the applicant for the provision of a Brief (an outline scope of works) for the archaeological work required and for the checking of any responding Written Scheme of Investigation (contractors detailed method statement) and archaeological reports required to facilitate discharge of the recommended conditions.

The applicant or their successor in title must contact the County Archaeologist (Emma Hancox, email: EHancox@worcestershire.gov.uk) to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief. The Planning Advisory Section of the Worcestershire Archive and Archaeology Service will offer advice on all stages of the proceedings.

Salmon and Freshwater Fisheries Act

Authorisation is required under Section 27 of the Salmon and Freshwater Fisheries Act to use instruments (nets / electric fishing). It is noted that a specialist contractor will be employed. They should be made aware of the requirement for authorisation.

Biodiversity

Should protected species be discovered on site all works in that area should halt immediately and a suitably qualified and experienced ecologist contacted and their advice implemented.

Geodiversity

If during extraction any rock or interesting sand and gravel exposures are uncovered, the applicant should inform Herefordshire and Worcestershire Earth Heritage Trust to arrange for the geology and features of interest to be recorded.

Land Drainage Act

Any proposals to alter existing, or construct new, culverts or carry out works in or on an ordinary watercourse will need Land Drainage Consent under Section 23 of the Land Drainage Act 1991 from South Worcestershire Land Drainage Partnership. Such consent will need to be granted prior to any works commencing on site as consent cannot be granted retrospectively. Failure to comply may result in enforcement action being taken under Section 24 of the Land Drainage Act 1991. South Worcestershire Land Drainage Partnership may also exercise powers to require works for maintaining flow of a watercourse where appropriate under Section 25 of the Land Drainage Act 1991 where the proper flow of water is impeded.

Appeal

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

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

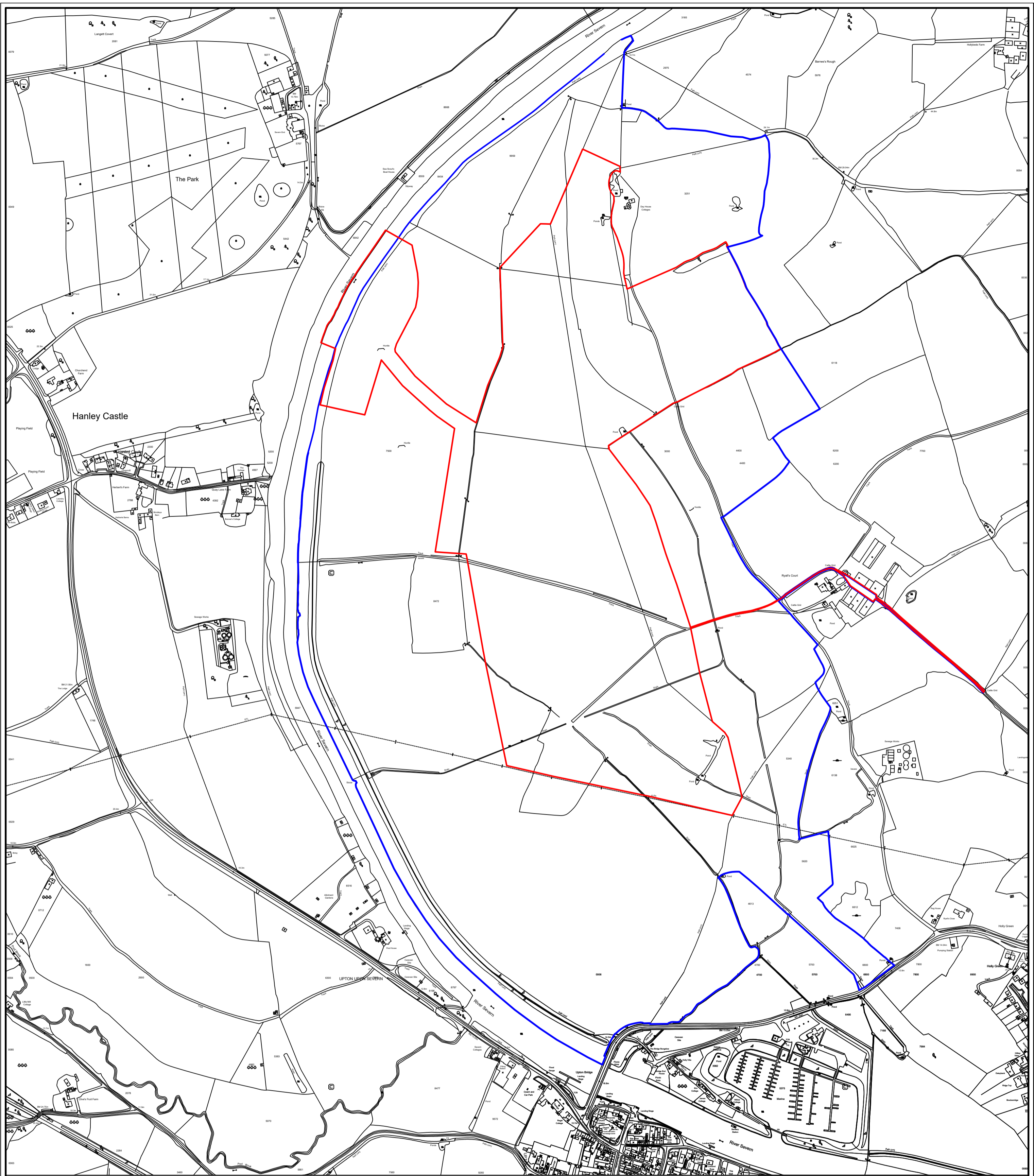
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

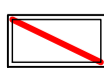

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

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

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.



-  Application Boundary
-  Other Company's Controlled Land

Revisions	
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Drawn By:	Company:
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Date:	Site:
Apr 2020	Ryall North Quarry
Scale:	Project:
1:5000 @ A2	Revised Proposed Restoration and Working Schemes
Chkd:	Title:
	Location Plan
OS Ref:	Dwg No:
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