

PLANNING AND REGULATORY COMMITTEE

24 SEPTEMBER 2024

PROPOSED EXTRACTION OF SAND AND GRAVEL AND SUBSEQUENT INFILLING WITH INERT WASTE TO ACHIEVE FULL RESTORATION AT PINCHES (4) QUARRY, WILDMOOR LANE, WILDMOOR, BROMSGROVE, WORCESTERSHIRE

Application Reference Number

19/000056/CM

Applicant

Mr Timmins

Local Member

Councillor Shirley Webb

Purpose of Report

1. To consider a County Matter planning application for the proposed extraction of sand and gravel and subsequent infilling with inert waste to achieve full restoration at Pinches (4) Quarry, Wildmoor Lane, Wildmoor, Bromsgrove, Worcestershire.

Background

2. The proposed Pinches (4) Quarry is part of a larger quarry complex, known as Chadwich Mill Farm Sandpit, which has been operating since at least 1948. Over the years, planning permission has been granted on a number of occasions for extensions to the quarry complex that have allowed sand extraction, infilling the void with mainly inert waste material and restoration of the land to agricultural use.
3. Planning permission was granted under Mineral Planning Authority (MPA) Ref: 08/000055/CM, Minute 640 refers, on 30 November 2009 to continue the extraction of sand in Pinches (3) Quarry, to the south to 144 metres Above Ordnance Datum (AOD) and to infill the void with inert waste material to the level of the surrounding ground and the restoration of the land to agricultural use. The permission was subject to Section 106 Agreement relating to highways. Pinches (3) Quarry has now been restored and entered the period of aftercare.
4. On 10 July 2018, under Regulation 15 (1) of the Environmental Impact Assessment (EIA) Regulations 2017, Bright & Associates requested that the MPA prepare a Scoping Opinion for the proposed development, which was for extraction of approximately 1 million tonnes of sand over a six-to-ten-year period, equating to about 100,000 tonnes per annum. They also proposed that approximately 650,000 cubic metres of inert materials (soils) equating to about 1,040,000 tonnes, would be imported to restore the site back to the original ground levels, which would then be used for agricultural purposes.
5. The MPA issued their Scoping Opinion (MPA Ref: 18/000040/SCO) dated 6 September 2018. The MPA considered that the following should be covered in individual sections within the Environmental Statement:

- Alternative Sites and Options;
- Water Environment;
- Transport;
- Landscape and Visual;
- Biodiversity;
- Cultural Heritage;
- Noise;
- Air Quality;
- Contaminated Land and Ground Stability;
- Soils;
- ;Health Impacts, and
- Cumulative Effects.

Proposal

6. The overall application site extends to approximately 5.7 hectares of land. The applicant has set out that they are seeking to extract approximately 850,000 tonnes of sand and gravel. A comparable volume of inert waste (approximately 860,000 tonnes) would be imported to achieve restoration. The applicant sets out that the operations on site would take approximately 14 years (2024 until 2038) to complete. Extraction is proposed to last approximately 9 years, commencing in 2025 and continuing until 2036. The applicant has stated that restoration would be completed by 2038. The site would be returned primarily to agricultural use.

7. The applicant has set out that existing site levels are circa 153 metres AOD near the site entrance and are generally circa 156 metres AOD to circa 157 metres AOD in the north-western environs of the site in terms of areas of hardstanding. In the northern part of the site is a small knoll circa 172 metres AOD and site levels increase broadly in a south-westerly direction to the hill formation at circa 186 metres AOD in the southern part of the site.

8. The proposed final restoration profile would be between from a minimum of 155 metres AOD at the access road to a maximum 185 metres AOD at the highest point in the most southernly area of the site.

9. There would be eight operational sequences (stages). The applicant has set out that the maximum depth of surface working would be circa 30 metres and that mineral extraction would take place to the following approximate base levels:

- Southern Sector: Phase 1 (170 metres AOD), Phase 2 (155 metres AOD) and Phase 2A (145 metres AOD); and
- Northern Sector: Phase 3 (145 metres AOD).

10. The applicant states that mineral extraction would commence in the southern part of the site. The quarry development scheme entails an operational sequence of eight stages. Mineral extraction would be divided into three phases, with stages five to eight being a landfilling process to achieve restoration. The applicant has set out a summary of the quarry development, which is as follows:

- **Stage 1:** Screen bund and site preparation: approximately 0.5 metres depth of soil strip amounting to approximately 8,250 cubic metres of material for the soil bund.

- Estimated time period for this stage is late 2024 with extraction ready commencing in 2025;
- **Stage 2:** Development of Phase 1: Extraction and preliminary seeding of southern extraction slope, with circa 174,000 tonnes of mineral to be extracted from early 2025 to mid-2026;
 - **Stage 3:** Development of Phase 2: Extraction and seeding of southern extraction slope with circa 368,500 tonnes of mineral to be extracted from mid-2026 to end of 2029;
 - **Stage 4:** Development of Phase 2A: Extraction including preparation for Phase 3 by soil stripping with circa 123,000 tonnes of mineral to be extracted from end of 2029 to end of 2030;
 - **Stage 5:** Development of Phase 3: Extraction and commencement of infilling the southern sector with circa 185,000 tonnes of mineral to be extracted with infill commencing end of 2030 to mid-2032;
 - **Stage 6:** Completion of Phase 3: Extraction and infilling for restoration of southern sector with 280,000 tonnes of infill from mid-2032 to end of 2034;
 - **Stage 7:** Restoration: Continuation of infilling for restoration of southern sector with 380,000 tonnes of infill from end of 2034 to mid-2037;
 - **Stage 8:** Restoration: Completion of restoration in southern sector and infilling to complete northern sector with 200,000 tonnes of infill to be completed by 2038.

11. The applicant has set out that the site would be restored in a phased (sequential) pattern. The restoration strategy is to retain and preserve the existing soils and return the area to agricultural grassland. The restoration would also include native hedgerow, small-scale woodland planting and a pond with associated wetland areas. The vegetation along the southern, northern and eastern boundary would be preserved. Additional boundary hedgerow and tree planting would take place along the site boundaries. The site would be protected with security fencing.

12. Processing of mineral is proposed to take place via mobile plant within the extraction area and the applicant has stated that a maximum of 150,000 tonnes per annum of sand and gravel would be processed. The processing would be a dry screen operation with the use of a Powerscreen Chieftain 1500 mobile plant. As a result of the process the standardised aggregate sizes of a sand product would be produced.

13. The processed mineral stockyard area would be located in the north-western part of the site on an area of existing hardstanding. Associated infrastructure would include a weighbridge, shaker bar tyre cleaner and staff welfare cabins and staff canteen. The staff welfare cabin would be approximately 2.9 metres wide by 5.08 metres long by 2.5 metres high. The staff canteen would be approximately 2.99 metres wide by 5.1 metres long by 2.5 metres high. Both buildings would be painted in a Goosewing Grey colour.

14. As part of the scheme's mitigation measures the applicant is proposing an earth bund measuring approximately 3 metres high, sited along the northern edge of the stockyard, and an earth bund, measuring approximately 4 metres high, located along the eastern / north-eastern site boundary, adjacent to the M5 Motorway roundabout. The bund adjacent to the M5 Motorway would be set back approximately 2 metres off the boundary fence line. Within this gap a surface water drainage ditch would be formed to prevent any surface water escape. The bund would appear as nearer to 3 metres high from the road/motorway as the site is lower than the road level. Both bunds would be constructed from soils stripped from the site and would be seeded with a native species acid grassland mix.

15. The hours of working proposed by the applicant would be between 07:00 to 18:00 hours Mondays to Fridays, and between 07:00 to 14:00 hours Saturdays, with no working on Sundays, Bank or Public Holidays.

16. Access to the site is proposed to be via the existing access to Pinches (3) Quarry, which leads directly onto Wildmoor Lane. Wildmoor Lane links to Sandy Lane (A491), the latter which forms part of the strategic lorry network and subsequently connects to Junction 4 of the M5 Motorway, located about 290 metres, broadly south-east of the site access. The applicant has set out that they own the restored Pinches (1) Quarry site including the majority of the access to current access to the Pinches (3) Quarry site. A small amount of access road is in the ownership of a third party.

17. The applicant estimates that, on average, 38 (76 two-way) Heavy Goods Vehicle (HGV) trips per weekday and 7 (14 two-way) HGV trips on a Saturday would take place and that all drivers would be informed that they need to turn right onto Wildmoor Lane.

18. A maximum of 8 staff are anticipated to work at the quarry with the majority of employee trips occurring outside of the local highway peak hours due to employee shift patterns. They are anticipated to make 16 vehicles movements two-way a day.

19. A security gate would be provided for the period of site operations. The gate would be set back approximately 29 metres from the public highway to allow HGVs to queue and turn around should the gates be locked.

20. The applicant is not expected to operate the site. However, the applicant has set out that there is an interested operator for the site. The applicant states that the site would be operated by Merriman Ltd who are a well organised and experienced mineral company.

21. The application is accompanied by an Environmental Statement, which covers the following topics: alternatives, dust and air quality, biodiversity, contaminated land and ground stability, cultural heritage, health impacts, landscape and visual, noise, soils, transport, water environment, and cumulative effects.

The Site

22. The application site, which is known as Pinches Quarry (4) Quarry measures approximately 5.7 hectares in area. The application site occupies an elevated position in the open countryside of north Worcestershire. It is located approximately 5 kilometres broadly north of Bromsgrove and immediately to the south-west of Junction 4 of the M5 Motorway. The application site and the surrounding land are located within the West Midlands Green Belt.

23. The present use of the site is rough grazing and agriculture and also includes an area of hardstanding in the north-western part of the site. The site boundaries consist of a combination of fencing, hedgerows and scrub. The site is also transacted with remnants of hedgerows, hedgerow trees and southern part of the site are covered with the scrubland vegetation which matured on site over the years. The site is bordered by Sandy Lane (A491) broadly to the north-west, the M5 Motorway to the south-west and Wildmoor Lane to the north-east. An access track runs across the site broadly north to south forming part of the western and northern site boundaries.

24. The Environmental Agency's Indicative Flood Risk Map identifies that the site is located within Flood Zone 1 (low probability of flooding). The proposal is located upon an aquifer -

Groundwater Source Protection Zone (Zone 3 – Total Catchment). The Environmental Agency's Surface Water Flood Risk Map identifies that a small part of the application site area would be at Low (between 0.1% and 1% chance each year) and Medium risk (between 0.1% and 3.3% chance each year) of surface water flooding. A small area of Low-risk surface water flooding would be located within the stockyard area. A strip of Low and Medium risk surface water flooding follows the access road and edges of the development.

25. According to the agricultural land classification report, prepared for the applicant, the application site primarily comprises primarily Grades 3b agricultural land, but it may also include limited area of Grade 3a agricultural land, therefore, comprising, in part, Best and Most Versatile (BMV) agricultural land (Grades 1 to 3a).

26. The application site is not crossed by any Public Rights of Way. The nearest Footpath BM-631 is located about 100 metres broadly north-east of the site access, but it is adjacent to the wider red line boundary stretching along Sandy Lane. Footpath BN-532 is located approximately 140 metres broadly south of the application site. A section of the Monarch's Way long distance footpath passes along Wildmoor Lane, to the north-west of the site.

27. There are a number of statutory wildlife designated sites within 3 kilometres of the site. This includes the geological Site of Special Scientific Interest (SSSI) of Madeley Heath Pit, which is located about 1.25 kilometres broadly to the north-west of the application site. Feckenham Forest SSSI is located about 2.5 kilometres, broadly to the south-west of the application site. Little Royal Farm Pastures SSSI lies approximately 3.3 kilometres to the south-west of the proposal.

28. There are a number of non-statutory wildlife designated sites within two kilometres of the site. Beacon Wood & Chadwich Wood Local Wildlife Site (LWS) is located approximately 660 metres, broadly to the east of the site. Broadmoor Wood & Chadwich Manor Ponds LWS is located approximately 675 metres, broadly north-east of the site. Waseley Hills Country Park LWS is located about 1.7 kilometres, broadly north of the proposed scheme. Whetty Coppice LWS is located about 2 kilometres, broadly north-east of the site. Beacon Hill LWS is located about 1.8 kilometres, broadly to the east of the site. The Roughlands LWS is located about 1.1 kilometres, broadly east of the application site. Round Hill LWS is situated approximately 1.5 kilometres, broadly south-east of the proposal.

29. The ancient semi natural woodland of Beacon Wood is located approximately 1 kilometre, broadly east of the site, and the ancient semi natural woodland of Broadmoor Wood is located approximately 1.1 kilometres, broadly north-east of the site.

30. There are a number of Listed Buildings within the vicinity of the application site. This includes the Grade II Listed Building / Structure of 'Lydiat House' and 'Gate Piers East of No. 61' situated about 165 metres and approximately 175 metres, broadly south-east of the application site on the eastern side of the M5 Motorway. The Grade II 'Farm Buildings Immediately West, South West of Chadwich Manor', Grade II 'Gate Piers West of Chadwick Manor' and Grade II* Listed Building of Chadwick Manor are located approximately 630 metres, 650 metres and 675 metres, broadly north-east of the application site. The Scheduled Monument of the 'Moated site at Fairfield Court' is located about 2.1 kilometres, broadly west of the application site. There are two undesignated heritage assets, Chadwich Mill Farm and Chadwick Farm located approximately 35 metres to the west of the application site.

31. The site lies within the North-East Worcestershire Strategic Corridor, as identified in the adopted Worcestershire Minerals Local Plan.

32. There are a number of existing minerals and waste management developments in the local area, including Pinches (3) Quarry (MPA Ref: 08/000055/CM), which is a recently restored quarry located adjacent to the southern boundary of the site. Wildmoor Quarry (MPA Ref: 107104 Minute No. 67 refers, and 407219) is an active sand quarry located about 1.3 kilometres west of the proposal. On 21 June 2017 Bromsgrove District Council refused to grant a certificate of lawful use or development for 'composite mixed use comprising residential and commercial use for the importation, processing by crushing and sorting and distribution of aggregates, soils and demolition materials' at Dolfor House located adjacent to Wildmoor Quarry. This was subject to an appeal, and a Public Inquiry was held between 9 February 2021 and 11 February 2021, the appeal was allowed and a lawful development certificate was granted by the Planning Inspectorate on 19 February 2021 for 'mixed use of residential and the importation, storage and processing of quarried sands and gravels for sale and the importation, storage and processing by use of mobile plant and equipment of construction, demolition and excavation materials for the sale of recovered soils and recycled aggregates' (Appeal Ref: APP/P1805/X/18/3209389).

33. Veolia Sandy Lane Western Quarry (Ref: 107110, Minute No. 118 refers), is located about 1.6 kilometres broadly west of the proposal. The planning application for the importation of inert restoration material and extraction of sand to enable engineering operations for stability purposes and completion of site restoration at the above site was approved by the MPA in July 2022 (MPA Ref: 21/000029/CM, Minute No. 1102 refers).

34. Veolia Sandy Lane Eastern Quarry (MPA Ref: 407292, Minute No. 262) is located about 1 kilometre, broadly west of the application site. That site has planning permission for infilling but is currently inactive. The restored Veolia Sandy Lane Landfill (MPA Ref: 407292, Minute No. 262), is situated approximately 1.3 kilometres broadly west of the proposal.

35. Chadwich Lane Quarry (MPA Ref: 13/000061/CM, Minute No. 882 refers), which is a former sand quarry that has been restored, is located about 1.3 kilometres broadly north-west of the application site. On 25 March 2021, planning permission (MPA Ref: 18/000036/CM, Minute No. 1069 refers) was granted for the extraction of approximately 1.35 million tonnes of sand over a 13-year period and subsequent infilling on land adjacent to Chadwich Lane Quarry, located about 1.3 kilometres north-west of the application site. Subsequently, the Section 73 application (MPA Ref: 23/000045/CM) to amend the approved drainage scheme has been submitted to the MPA. The application is currently pending consideration. The former landfill site of Mill Farm Sandpits lies to the south-west of the site.

36. The Air Quality Management Area (AQMA) of Lickey End is located about 2.2 kilometres south of the proposal. AQMA No 4 Worcester Road and the Redditch Road, AQMA Stoke Heath are located approximately 5 kilometres and 6.5 kilometres respectively, broadly to the south of the site. In addition, the whole of the Birmingham City Council area is declared an AQMA, the nearest point of which is located approximately 2.5 kilometres broadly to the north-east of the site. The AQMA at Hagley, located approximately 6.8 kilometres north-west of the proposal was revoked in 2019 and is now understood to be an 'Air Quality Area of Concern'.

37. A Cadent Gas high pressure gas pipeline is located along Wildmoor Lane, located adjacent to the site access and crossing the red line boundary extending along Sandy Lane (A491). The associated Health and Safety Executive's Major Accident Hazard Pipeline zone that buffers this pipeline is protruding into the application site. No pipeline is located within the proposed mineral extraction work areas.

38. There are two telecommunication masts, which are located adjacent to the southern boundary of the site.

39. Nearby residential properties include Sidhu Kinnersley, Chadwich Mill Farm, Chadwick Mill Cottage, Chadwick End Cottage, Hillcot and Oak Cottage that are located approximately 35 metres, 70 metres, 120 metres, 210 metres and 240 metres broadly west of the application site, respectively. Chadwich House and Cherry Tree Barn are situated about 15 metres and 100 metres south of the red line boundary along Sandy Lane and 125 metres and 180 metres broadly to the north of the site entrance respectively. Other residential properties (Brookhouse Farm, Poppys View (Wayside), and Chadwich Heights) are located on the northern side of Sandy Lane (A491) approximately 35 metres and 250 metres broadly north and north-west of the red line boundary along Sandy Lane and 125 metres broadly to the north of the site access, and 200 and 320 metres broadly to the north-west of the site access, respectively. There is also a group of residential properties located on the eastern side of the M5 Motorway, the closest of which is situated about 165 metres broadly to the east of the application site.

Summary of Issues

40. The main issues in the determination of this application are:

- Worcestershire's landbank of sand and gravel reserves
- Location of the development
- Alternatives
- Green Belt
- Traffic, highway safety and Public Rights of Way
- Residential amenity (including noise, air pollution, gas, dust and light)
- Landscape character and visual impact
- Historic Environment
- Ecology, biodiversity and geodiversity
- Water environment including flooding
- Restoration and Aftercare

Planning Policy

National Planning Policy Framework (NPPF)

41. The National Planning Policy Framework (NPPF) was revised in response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. This revised NPPF replaces the previous NPPF published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

42. On 30 July 2024, the Government published a consultation on draft revisions to the NPPF. This consultation seeks views on the proposed approach to revising NPPF to achieve sustainable growth in the planning system. It is seeking views on a series of policy proposals in relation to housing, Green Belt, healthy communities, green energy and renewable development, water resilience, local plan making and changes to Nationally Significant

Infrastructure Projects. The consultation on the revised NPPF closes on 24 September 2024. In light of the fact, that the consultation has not yet closed or a revised NPPF published, the Head of Planning and Transport Planning consider that very little weight should be afforded to the consultation version of the NPPF in the determination of this planning application.

43. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

44. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

45. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

46. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

47. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

48. The following guidance contained in the NPPF is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed and beautiful places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

49. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

Chief Planning Officer Letter - Green Belt protection and intentional unauthorised development (31 August 2015)

50. This letter sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

The Development Plan

51. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of

the adopted Worcestershire Minerals Local Plan, adopted Worcestershire Waste Core Strategy Development Plan Document, and the adopted Bromsgrove District Plan.

52. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

53. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states “*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.

Worcestershire Minerals Local Plan (Adopted July 2022)

54. The Worcestershire Minerals Local Plan was adopted by the County Council on 14 July 2022 and replaces the minerals policies in the County of Hereford and Worcester Minerals Local Plan. The policies that are of relevance to the proposal are set out below:

- Policy MLP 1: Spatial Strategy
- Policy MLP 3: Strategic Location of Development – Areas of Search and Windfall Sites Within the Strategic Corridors
- Policy MLP 7: Green Infrastructure
- Policy MLP 10 North East Worcestershire Strategic Corridor
- Policy MLP 14: Scale of Sand and Gravel Provision
- Policy MLP 15: Delivering Steady and Adequate Supply of Sand and Gravel
- Policy MLP 26: Efficient Use of Resources
- Policy MLP 27: Green Belt
- Policy MLP 28: Amenity
- Policy MLP 29: Air Quality
- Policy MLP 30: Access and Recreation
- Policy MLP 31: Biodiversity
- Policy MLP 32: Historic Environment
- Policy MLP 33: Landscape
- Policy MLP 34: Soils
- Policy MLP 35: Best and Most Versatile Agricultural Land
- Policy MLP 36: Geodiversity
- Policy MLP 37: Water Quality and Quantity
- Policy MLP 38: Flooding
- Policy MLP 39: Transport
- Policy MLP 40: Planning Obligations

Worcestershire Waste Core Strategy Development Plan Document (Adopted November 2012)

55. The Worcestershire Waste Core Strategy policies that are of relevance to the proposal are set out below:

- Policy WCS 1: Presumption in favour of sustainable development
- Policy WCS 2: Enabling Waste Management Capacity
- Policy WCS 5: Landfill and disposal
- Policy WCS 6: Compatible land uses

- Policy WCS 7: Development associated with existing temporary facilities
- Policy WCS 8: Site infrastructure and access
- Policy WCS 9: Environmental assets
- Policy WCS 10: Flood risk and water resources
- Policy WCS 11: Sustainable design and operation of facilities
- Policy WCS 12: Local characteristics
- Policy WCS 13: Green Belt
- Policy WCS 14: Amenity
- Policy WCS 15: Social and economic benefits

Bromsgrove District Plan (Adopted January 2017)

56. The Bromsgrove District Plan policies that are of relevance to the proposal are set out below:

- Policy BDP1: Sustainable Development Principles
- Policy BDP4: Green Belt
- Policy BDP13: New Employment Development
- Policy BDP15: Rural Renaissance
- Policy BDP16: Sustainable Transport
- Policy BDP19: High Quality Design
- Policy BDP20: Managing the Historic Environment
- Policy BDP21: Natural Environment
- Policy BDP22: Climate Change
- Policy BDP23: Water Management
- Policy BDP24: Green Infrastructure

Draft Planning Policy

Emerging Worcestershire Mineral Site Allocations Development Plan Document

57. Site options have been proposed by landowners and mineral operators in response to formal 'calls for sites' carried out between 2014 and 2020 (including the site which is the subject of this Report) to inform the development of a Mineral Site Allocations Development Plan Document which (once adopted) would sit alongside the Minerals Local Plan to allocate 'specific sites' and 'preferred areas' for mineral extraction.

58. A range of technical evidence has been gathered to inform a 'Preferred Options' draft of the Development Plan Document, but no decisions have been made about which sites should and should not be allocated. The development of the Mineral Site Allocations DPD and consultation on 'Preferred Options' has been delayed due to uncertainty about changes to national planning policy and legislation for developing planning policy documents.

59. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Planning and Transport Planning that the emerging Worcestershire Mineral Site Allocations Development Plan Document should be given very limited weight in development management terms in the determination of this application.

Emerging Belbroughton and Fairfield Neighbourhood Plan

60. Belbroughton and Fairfield Parish Council submitted an application to Bromsgrove District Council on 4 January 2018, to designate the entire parish area as a Neighbourhood Area.

61. On 18 January 2018, the application for the designation of the entire Parish of Belbroughton and Fairfield, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Bromsgrove District Council. The Neighbourhood Area boundary runs along Chadwich Mill Lane.

62. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements, as set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

63. Given that the emerging Belbroughton and Fairfield Neighbourhood Plan has not been tested at examination, has not been subject to a referendum or adopted by Bromsgrove District Council. Indeed, there will be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Planning and Transport Planning that the emerging Belbroughton and Fairfield Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

Other Documents

Waste Management Plan for England (2021)

64. The Government, through Defra, published the latest Waste Management Plan for England in January 2021. The Waste Management Plan for England is required to fulfil the requirements of the Waste (England and Wales) Regulations 2011 and together with its associated documents, local authorities' waste local plans and, combined with the equivalent plans produced by the devolved administrations in Scotland, Wales and Northern Ireland, and Gibraltar, it ensures that waste management plans are in place for the whole of the UK and Gibraltar. It supersedes the previous Waste Management Plan for England (2013).

65. While the Our Waste, Our Resources: A Strategy for England (2018) sets out a vision and a number of policies to move to a more circular economy, such as waste prevention through policies to support reuse, repair and remanufacture activities, the Waste Management Plan for England focuses on waste arisings and their management. It is a high-level, non-site specific document. It provides an analysis of the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

Our Waste, Our Resources: A Strategy for England (2018)

66. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

67. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

68. It contains eight chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal.

69. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad. The government wish to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

The Government Review of Waste Policy England 2011

70. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

71. In relation to infrastructure and planning paragraph 26 states that the Government continues to support local authorities in the provision of necessary waste infrastructure. Paragraph 256 identifies that the Government's ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. The Government's ambition is to have appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources.

Worcestershire Green Infrastructure Strategy 2023-2028

72. Green Infrastructure is the planned and managed network of green spaces and natural elements that intersperse and connect our cities, towns and villages. Green Infrastructure comprises many different elements including biodiversity, the landscape, the historic

environment, the water environment (also known as blue infrastructure) and publicly accessible green spaces and informal recreation sites.

73. The Green Infrastructure Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in Worcestershire; and inform relevant strategies and plans of partner organisations over the next five years. The Strategy contains high-level priorities which should be explored in more detail at the local and site level.

74. The strategy states that *“the main opportunities to deliver green infrastructure in the county will be from integrating green infrastructure priorities and principles into other plans, proposals and decision-making processes. These include: new development such as housing and employment, including brownfield re-development; land management initiatives such as agri-environment schemes and carbon sequestration projects; minerals extraction and restoration; infrastructure development such as transport, renewable energy and water projects; and retrofitting green infrastructure into existing development”*.

75. The Strategy states that *“minerals development can potentially have a long-term impact on the character of an area due to the location of sites on greenfield land, the significance of the landscape and habitat change involved, and the carbon footprint of extraction and processing operations. However, sites must be restored to high environmental standards at the earliest opportunity, and the land must be restored to an appropriate after-use. This could involve restoring the land to its previous (usually agricultural) use but there is often significant opportunity to integrate Green Infrastructure into restoration schemes, including habitat creation and enhancement, climate change mitigation, and elements of public access for recreation”*.

76. The Strategy also states that *“the scale and type of activity that is unique to minerals development may provide opportunity for county-level or sub-regional level green infrastructure assets to be created. The phased nature of many minerals operations also presents potential for the creation of temporary and ephemeral habitats whilst extraction is continuing”*.

77. The Strategy considers that the key to planning and managing green infrastructure in minerals extraction and restoration is to consider the site in its context and be guided by the five ‘Process’ principles of how to deliver good Green Infrastructure (set out in paragraph 5.1 of the Strategy). This includes considering the features of the site and the networks of habitats, Public Rights of Way, sustainable transport routes and water courses that surround it. The setting of the site within the local landscape, and how restoration can seek to enhance local landscape character and views into or out of existing Green Infrastructure assets should be considered.

Consultations

78. Worcestershire County Council, as the MPA, carried out public consultation on the planning application initially from 28 January 2020 until 4 March 2020. Following the consideration of comments that were received, the MPA wrote to the applicant on 4 May 2020 requesting further information in respect of the Environmental Statement, in relation to ecology; highways, geotechnical standards, drainage and environmental matters; hydrology and operational matters; restoration; contaminated land; noise; dust; public health; heritage, and landscape.

79. In accordance with Regulation 25 of the Town and Country Planning (EIA) Regulations 2017 (as amended), the MPA carried out public consultation on this further information from 21 April 2021 until 2 June 2021. Following the consideration of the comments that were received, the MPA wrote to the applicant on 9 July 2021 and 23 July 2021 requesting further information in respect of the Environmental Statement in relation to contaminated land (gaseous emissions), highways, geotechnical standards and heritage. Additionally, on 7 March 2022, the MPA wrote to the applicant requesting further information in relation to Habitat Regulations Assessment.

80. In accordance with Regulation 25 of the Town and Country Planning (EIA) Regulations 2017, the MPA carried out public consultation on this further information from 4 May 2022 until 8 June 2022. Following the consideration of the comments that were received, the MPA wrote to the applicant on 9 August 2022, 16 August 2022 and 23 January 2023 requesting further information in respect of the Environmental Statement in relation to access and highways, landscape and visual amenity, ecology and climate change.

81. In accordance with Regulation 25 of the Town and Country Planning (EIA) Regulations 2017, the MPA carried out public consultation on this further information from 18 October 2023 until 22 November 2023. Following the consideration of the comments that were received, the MPA wrote to the applicant on 26 March 2024 requesting further information in respect of the Environmental Statement in relation to access and highways.

82. In accordance with Regulation 25 of the Town and Country Planning (EIA) Regulations 2017, the MPA carried out public consultation on this further information from 10 April 2024 until 13 May 2024.

83. **County Councillor Shirley Webb** objects to this application.

84. The main reasons for the objection include:

Unacceptable impact on highways

85. Councillor Webb states that an increase in traffic from the site turning right to Lydiate Ash roundabout to access the motorway is a great concern. She states that HGVs are a lot slower in turning and moving on to a fast road going uphill where the traffic is coming downhill and at a greater speed could potentially cause accidents. A large number of vehicles daily using the site entrance and turning on to a single-track lane would create more noise and pollution for nearby residents. Councillor Webb states that HGVs should not be allowed to use the local lanes through Wildmoor and Catshill and should turn right only out of the site should permission be granted. Councillor Webb highlights that the condition of Wildmoor Lane is already showing signs of excess sand and mud from Pinches (3) Quarry and the cage area of Pinches (4) Quarry site. As such, a wheel wash should be considered as a condition should the application be granted along with additional measures such as signs to ensure the HGVs keep to a particular route and not through the local villages. Councillor Webb is concerned the cost to the district and county council of repairing and cleaning the roads affected by this development. The public footpath would also be impacted.

Unacceptable impact on the Greenbelt

86. Councillor Webb states that the site is the prominent hillside in the Green Belt, with lots of mature trees and shrubs. All of this would disappear as a result of this development resulting in noise and pollution increase from the M5 Motorway and Sandy Lane (A491). The loss of the wooded hillside would have cumulative effects on local residents regarding its environmental impact.

Unacceptable impact on the environment and wildlife and health

87. Councillor Webb is concerned regarding unacceptable impacts that the proposal could cause on the environment, wildlife and health of local population and the users of Public Right of Way. County Councillor Shirley Webb states Worcestershire Regulatory Services are currently monitoring gaseous emissions from previous phases which is of great concern to residents within the immediate vicinity.

Impacts from the M5 Motorway

88. Councillor Webb also raises concerns regarding the applicant's 'Regulation 25 Response with regard to Landscape and Visual Appraisal (Motorway Impacts) document' submitted as part of 2023 consultation as there is no data attached to the report to quantify their response. County Councillor Shirley Webb is concerned that the removal of the bund would have a great impact on the community, noise, dust and the health implications this would have on their families, particularly those within proximity to the quarry, not just from the quarry extractions but from the M5 Motorway which borders the quarry.

Enforcement and monitoring

89. Councillor Webb suggests that careful enforcement and monitoring is required of this site as it is renowned for unauthorised motorbike usage and bonfires. She also notes that some caged areas have appeared on site with water and electricity power in. Councillor Webb understands that Bromsgrove District Council are investigating this, but this disrespect does not give local residents confidence in any further applications. Councillor Webb states that should this application be granted, she would work with residents and the owner with regular meetings to discuss and monitor the area.

90. Councillor Webb recommends that should this application be granted:

- No right turn for HGV from Wildmoor Lane to Sandy Lane should be allowed (vehicles must turn left and proceed to the Stoneybridge roundabout to turn around and approach Lydiate Ash roundabout).
- A bond must be in place to protect the restoration in the event the company goes into administration.
- A wheel wash must be in place to protect the highway.
- A residents liaison meeting must be held regularly for residents to voice their concerns / issues and be part of the restoration planning. County Councillor Shirley Webb states that she would work with residents and the owner/operator during regular meetings to discuss and monitor the area.
- The operating hours should not be before 07:30 hours and none on Sundays.

91. **County Councillor Adrian Kriss (neighbouring division)** has certain reservations regarding this proposal.

92. Councillor Kriss states that the first issue is the increase in the amount of traffic along the access roads that increase congestion, noise and pollution over the next 14 years, when the County Council is trying to focus on reducing emissions towards 2050.

93. Councillor Kriss is concerned that the County Council/District Council would have to clear the highways of mud and debris. Councillor Kriss is aware this has been the case with other projects as despite of planning conditions being put down on paper the reality was that the Council had duty bound to ensure that the highway is clear of debris.

94. Councillor Kriss also comments that it is very easy for the developers to make promises that debris would not be left on the road, or that it is cleaned on a regular basis. However, it ends up with somebody else picking up the bill, as any debris left on the road becomes a danger for cyclists and motorcyclists.

95. If the MPA was minded to grant planning permission, then a 'bond' should be paid, in advance of any commencement of works, of possibly £100,000, that is held by the MPA in light of the fact that timely cleaning ought to be done. If at the end of the term, the applicant has complied with all the conditions and the MPA has not had to attend, then they can get the money back. If however, the MPA has had to do the work, it can make an application for access to that bond.

96. Bromsgrove District Council (incorporating comments from the Bromsgrove District Council Heritage Officer) have no objections to this proposal.

97. In terms of heritage, Bromsgrove District Council are of the view that whilst the proposal is unlikely to have any significant adverse impact on the various heritage assets in the vicinity, it is unclear how the applicant has reached that conclusion. It is also noted that the applicant's assessment is erroneously referring to the 2004 Local Plan policies and not the 2017 Local Plan policies which succeeded them when the Bromsgrove District Plan was adopted in January 2017 and became the statutory development plan for the District.

98. The applicant has since clarified that the latest Historic Environment Desk-based Assessment includes issues highlighted by Bromsgrove District Council including policy updates and the assessment of non-designated assets.

99. Bromsgrove District Council have not provided any further comments on the application following this clarification.

100. Originally, Bromsgrove District Council commented that the applicant has submitted a heritage statement in respect of the site. In addition to a number of archaeological features, and in respect of these it is suggested that Worcestershire Archive and Archaeology Service are consulted, the report identifies a number of designated and non-designated heritage assets. It is not clear from the report how far away these assets are from the site. A map would have been useful. The report suggests that the following have the potential to be most impacted by the scheme:

- WSM54995 Chadwich Hill Farm Non-designated heritage asset
- WSM44095 Chadwick Farm Non-designated heritage asset
- WSM06610 Chadwich Manor Grade II*
- WSM29582 Farm Buildings at Chadwich Manor Grade II
- WSM01726 Gate piers at Chadwich Manor Grade II
- WSM01724 Lydiate Ash Grade II
- WSM01725 Gate Piers at Lydiate Ash Grade II

101. The report did not identify the significance of these buildings or identify the extent of their settings, but merely includes list descriptions or descriptions from the Historic Environment Records. The conclusion was reached that the site lies within the setting of these assets, but the site as a whole does not contribute to their settings significance. There was no analysis to show how this conclusion has been arrived at. As the M5 Motorway separates the designated assets at Chadwich Manor and Lydiate Ash from the site, this

conclusion is probably not unreasonable, although the Heritage Statement failed to identify this, but the non-designated heritage assets noted above, appear to be located to the west of the site, and maybe impacted to some extent.

102. The Heritage Statement referred to policies in the previous Bromsgrove Local Plan, rather than the Plan adopted in 2017. This plan has a number of policies (including Policy BDP20) which seek to protect all heritage assets and their settings, not just designated heritage assets.

103. Bromsgrove District Council considered at the time that the submitted Heritage Statement had not adequately identified the significance of heritage assets in the vicinity of the site, or the extent of their settings, and therefore it was not possible to conclude that the development of the site would not harm the significance of these assets. The Heritage Statement had also failed to consider whether the scheme complies with Policy BDP20 of the adopted Bromsgrove District Plan 2017.

104. **Bournheath Parish Council** object to this application. They specify the following reasons for their objection:

Traffic concerns

105. Bournheath Parish Council are concerned with the risk of danger and traffic congestion, resulting from heavy vehicles entering and exiting Wildmoor Lane onto Sandy Lane (A491). With right hand turns out of Wildmoor Lane toward the M5 Motorway Junction being of particular concern. The revised boundary now includes a large section of Sandy Lane (A491), either side of the junction in question. However, no physical changes are evident that would correct the concerns identified. National Highways, in their response, have identified a list of conditions that need to be met before consent is granted. This includes requirements for vehicle cleaning, a key concern, to prevent hazardous road/drain contamination from debris dropped from vehicles exiting the site. Ideally, this application should be updated, with full details of the applicant's plans to meet these conditions to enable a full understanding of the impact on local traffic.

106. Bournheath Parish Council state that the submitted vehicle path diagrams appear to show that various large vehicle ingress and egress scenarios are possible but leave little room for error within the limited confines of the Wildmoor Lane and Sandy Lane junction.

107. Originally, Bournheath Parish Council also asked the applicant to define and consider the peak travel times.

Harm to environment and the Green Belt

108. The updated Ecology Impact Assessment describes the degree to which nature has reestablished itself after previous activities on this site. This elevated site, which is clearly visible from nearby road and surrounding area, is a visually pleasing green space with mature trees and shrubs providing a natural habitat that would continue to flourish if left alone. This would be completely lost if planning is granted, only beginning again after 13 years of intrusive activity. The new report also identifies the presence of Japanese Knotweed on this site, a species listed under Schedule 9 to the Countryside Act 1981. Urgent eradication is required to avoid compromising nearby structures and potential spread over a larger area. Provision of a bond, to cover future restoration has previously been requested to provide assurance that restoration would take place if this development was allowed to progress.

Impact on residents of noise during extraction and restoration

109. Noise resulting from extraction works and movement of vehicles may reach levels that are hazardous to health. Worcestershire Directorate of Public Health have identified this as a potential negative impact on health. The applicants noise management plan appears to be limited but does identify noise monitoring. Strict monitoring of noise emissions along with limitations on operating hours must be stipulated if planning permission is granted.

Impact on local residents due to loss of natural barrier to motorway noise

110. The proposed temporary bund (reaching 176 metres AOD), which only extends round the north-east corner of the site, is unlikely to provide the same level of protection as current hillside which reaches 186 metres AOD and spans the whole site and is a natural sound barrier.

Dust, dirt and mud

111. Dust in the air, dirt and mud on the roads due to lack of cleaning causing skid risk, contamination pushing towards the water course. Health impact of dust emissions remains a concern, there are houses very close to the site. The applicant has identified procedures for dust management, to be overseen by the site manager. If permission is granted, it is critical that these are adhered to.

Impacts of footpaths

112. Bournheath Parish Council share the concerns raised by the Ramblers Association regarding impact on walkers using the Monarch's Way long distance footpath. This long-distance footpath follows Wildmoor Lane and crosses Sandy Lane in the zones depicted in the vehicle path diagrams. Bournheath Parish Council believe that this application should include further submissions to show how walkers would be protected.

113. Bournheath Parish Council state that Footpath BN-532 crosses the corner of the Pinches site. Although the boundary for this application does not include the path, Bournheath Parish Council would like assurance that any activity associated with the proposals in this application will not compromise the definitive line of this path.

Waste

114. Bournheath Parish Council ask questions regarding inert waste including whether inert waste would originate from within Worcestershire to comply with policy.

Restoration

115. Bournheath Parish Council also state that should the application be granted, then an appropriate restoration plan should be required.

Bond

116. Bournheath Parish Council asks if a Bond could be taken, proportionate to the value of the sand extraction.

117. **Belbroughton and Fairfield Parish Council (neighbouring)** object to the expansion of quarrying activities in the locality. They note that their concerns over a major development for the extraction of an estimated 1 million tonnes of sand on an existing Green Belt site. This is a prominent hillside site adjacent to Junction 4 of the M5 Motorway and whilst it is in the neighbouring Parish Council land of Bournheath, it is considered that this location is part of the landscape structure of the Belbroughton and Fairfield Parish area. Consequently, such development would affect the nearby residents at Marlbrook on the east side of the M5 Motorway together with the nearby residents of Wildmoor Lane, Top Road, Middle Road and Third Road.

118. Belbroughton and Fairfield Parish Council state that the MPA should consider whether a fourth phase on this site is absolutely necessary given that it has such a prominent landform in the Green Belt and one that is directly adjacent to major highways and infrastructure.

119. The existing Pinches (3) Quarry site is still in operation and at the present time it has not yet achieved a final completion date. If the County Council is minded granting planning permission for Pinches (4) Quarry, as a precursor it should require that Pinches (3) Quarry be completed and reinstated prior to the commencement of Pinches (4) Quarry. Also, the applicant has referred to an intended 13 years of operation from 2021 to 2034 for the sand extraction and partial infill of Pinches (4) Quarry. To avoid overrun, a definite and firm completion date should be agreed as part of any permission.

120. Belbroughton and Fairfield Parish Council further state that they are concerned about the negative impact that the proposal would have on the residents in the Parish and residents in neighbouring hamlets as well as the wider community. The proposal as outlined in the planning application would:

- Negativity affect traffic noise and traffic management in the area.
- Increase air pollution resulting from sand extraction and increased vehicular movements.
- Compromise road safety on the A491 and surrounding road network
- Negatively impact public health especially in terms of local water supply.

121. The existing landforms of the proposed Pinches (4) Quarry site indicated on drawing number Ref: PN1079-D17 shows that the hillside is much steeper and more marked in landform than those projected on the Restoration Masterplan drawing number Ref: PN1079-D12. Whilst the Restoration Masterplan shows shrub and tree planting, the illustrated final landform would appear to be much flatter in scheme design. When restored the Belbroughton and Fairfield Parish Council would want to see a comparable landform to that of the existing hillside albeit that some lower areas have been tipped on sporadically in the past.

122. Belbroughton and Fairfield Parish Council are concerned about the damage this development would cause to this hillside Green Belt location. The developer continues to describe the landscape of the site as 'scrub'. This description is now ten years out of date as the site is now a wooded hillside with mature trees and shrubs.

123. Whilst the site is in a convenient position to receive HGV traffic via the motorway and the A491, the usage of local roads cannot be ignored. Many of the nearby local highways are unsuited to take large HGVs and total restrictions for local road usage by HGVs from the site should be implemented as part of a permission. Also, the estimated frequency of five HGVs per hour accessing the site with a daily frequency of between 110 and 126 vehicles accessing the site, would result in an unacceptable concentration of heavy goods traffic if local roads were used.

124. Belbroughton and Fairfield Parish Council refer to the projected increase in HGVs resulting from the proposed scheme as transport figures already show that the A491 and its junction 4 with M5 Motorway at Lydiate Ash is already operating beyond capacity at peak times. Belbroughton and Fairfield Parish Council also states that the more recent records show an increase in accidents and a fatality near this junction. The Wildmoor Lane 'T'

junction with the A491 is now a dangerous turning and this application would increase the use of local roads by HGVs.

125. Belbroughton and Fairfield Parish Council highlight that the County Council must erect suitable signage to this effect and enforce any breaches by the operators. The County Council has recently carried out a clean-up to the gutters and verges of the A491 at a considerable cost. Whilst the A491 highway is constantly trafficked there have been regular concentrations of debris at the quarry entrances, including that from the existing Pinches (3) Quarry site, particularly in adverse weather conditions.

126. Wheel cleaning and wheel washing should be regarded as an essential operational requirement to reduce debris on the highways. The developer has a responsibility to ensure that this is properly managed and carried out continuously during the timescale of its operations. Belbroughton and Fairfield Parish Council ask that the developer be held to account if this is not undertaken, as road cleaning has had to be carried out and paid for by Bromsgrove District Council throughout the Pinches (3) Quarry operations. Clearly the evidence of recent years' activities by such operators leaves both councillors and residents extremely frustrated and concerned at the additional capacity now being considered. Belbroughton and Fairfield Parish Council state that now is the time to ensure robust conditions are in place and are enforced.

127. Following reports of illegal access to the Pinches (3) Quarry site, Belbroughton and Fairfield Parish Council has concerns about site security particularly during out of hours working when the site is supposedly closed. The existing site entrance and gate area looks run down in appearance and are not very secure. Also, the site boundary hedges on to Wildmoor Lane are overgrown and un-kept and the developer should be required to cut these back from the highway.

128. With regard to health impacts Belbroughton and Fairfield Parish Council agree that regular noise monitoring should be undertaken to determine actual noise levels on and around site boundaries throughout the operational timescale of the different phases of sand extraction.

129. The applicant recognises that dust emissions are a potential problem. Detail is provided about the daily site dust management procedures to be carried out by the site manager and the notice board to be provided at the site entrance for residents to post items for action. It is particularly during hot dry windy conditions when dust issues are more frequently experienced locally that more of an effort would need to be made on site to reduce dust clouds happening especially from HGVs crossing the site.

130. Given that this application concerns the concluding Pinches (4) Quarry for sand extraction at this site, the Belbroughton and Fairfield Parish Council would recommend that a surety bond be imposed on the developer as condition of permission to ensure that both the intended timescale of the works is carried out without extension, together with the agreed timescale for the complete restoration of the site in accordance with the finally agreed restoration plan and aftercare requirements.

131. The operators are requested to maintain regular communication and liaison with the Belbroughton and Fairfield Parish Councils and Residents' Associations to ensure that reasonable concerns raised by residents would be addressed directly by the developer.

132. The zone between Junction 4 on the M5 Motorway and Stoneybridge roundabout on the A491 has been converted over the decades to an industrial region within the designated Green Belt so much so that it is now a blight on the landscape. Feedback from residents raises concerns that further development would be detrimental to the various communities in the surrounding area.

133. The additional information received from the applicant would not appear to address the very real concerns of residents. The key points of concern are as follows:

- In the 'Landscape & Visual Impact Assessment December 2019', the applicant is still describing the landscape character of the site as 'mainly consisting of rough grazing land and abandoned scrub to mineral operations. The Worcestershire Landscape Character Assessment referred to by the applicant was dated 2012. The site some eleven years later is a semi mature and partially wooded hillside, with a number and mixture of mature trees. It is of great concern that this existing and prominent hillside, which has returned itself naturally to our Green Belt area should be destroyed and for many years be turned into an eyesore for sand extraction and subsequent in filling. The hillside acts as a natural noise visual bund which would not be replaced by the proposed bunds. Given the recent investment by public bodies in improving the M5 Motorway Junction 4 and the A38, then clearly an increase in traffic flow, and traffic noise, is anticipated in this area of North Worcestershire.
- Local knowledge over several decades has clearly witnessed that the various quarries have contributed to greatly increased sand deposits along local roads. So much so, that recently Worcestershire County Council had to spend public money in trying to clean Sandy Lane (A491). Sadly, this arterial road has returned to its former condition and continues to present a safety issue with regards to vehicle traction. The existence of Pinches Quarry in proximity to the M5 Motorway junction and the now heavily utilised A491 will have a detrimental effect on the safety of vehicles.
- The previous operation of Pinches Quarry clearly demonstrated the adverse impact that HGVs had whilst trying to exit Wildmoor Lane onto the A491 or turning right from the A491 into Wildmoor Lane across the fast-flowing traffic. Such traffic movement presented a danger then and would continue to do so. It is doubtful whether the revised plans, which introduce a right-hand turn lane into Wildmoor Lane would totally negate the increase in danger from the movement of quarry vehicles using that stretch of road. This is because it does not impact those exiting Wildmoor Lane.
- Residents are becoming increasingly aware of various environmental matters. In 2018, the Environmental Agency data from its water testing in Third Road showed unusually high values across the spectrum of chemicals tested. No explanation was offered for these contaminants in the water. There is great concern over the possible pollution of the Aquifer which lies between 10 metres and 20 metres below ground level, so we understand. Contaminated water runoff from the quarry has the potential to flow into the natural Aquifer in the area which supplies some residents with their drinking water. There is also awareness of the impact over air borne pollutants in the locality given the close proximity of the M5 Motorway. The cumulative air impact from such traffic flow and the dust from the quarry has the very real potential to exceed the statutory limit of PM10. Coupled with the mining of silica sand, there is the very real

concern of airborne silica, which can result in silicosis. The increasing frequency of strong winds would mean that such silica particles could spread to an area way outside the confines of the quarry and create a negative health environment for residents.

134. In the event that the Planning and Regulatory Committee decides to grant permission for this application, then Belbroughton and Fairfield Parish Council would be expecting stringent conditions to be put in place to safeguard the residents of this area together with rigorous enforcement measures.

- Before any additional quarrying works commence the proposed junction improvements should be fully completed in accordance with the drawings and specification approved by the relevant Highway Authorities.
- Due to the existing congestion on Sandy Lane (A491), consideration should be given to restricting right turn movements from Wildmoor Lane onto Sandy Lane.
- A bond (£500,000) must be put in place before any further quarrying is commenced to secure the restoration works in the event that mining company goes into administration. This would be to ensure that both the intended timescale of the works is carried out without extension, together with the agreed timescale for the complete restoration of the site in accordance with the finally agreed restoration plan and aftercare requirements.
- Wheel wash facilities to be installed in order to protect the existing highway.
- Operating hours to be approved by environmental health with no works before 08.00 hours and no Sunday or Bank holiday working.
- The operator is to agree to regular liaison meeting with local residents and stakeholders so that concerns / issues can be addressed and to be involved in the restoration planning.

135. **Catshill and North Marlbrook Parish Council (neighbouring)** object to the proposal.

136. They are particularly concerned about what happened at the Marlbrook Quarry where the limit of restorative fill was exceeded. Therefore, in respect of this application they consider that there is a need for robust monitoring in order to avoid overfilling and that measures be put in place to ensure that all infill material is genuinely inert. They are concerned about noise and dust, which would cause a huge number of complaints. Furthermore, they are unhappy about the potential amount of extra traffic through Catshill and recall that Marlbrook site had horrendous problems during excavation and following completion. They consider that all vehicle movements should only access and egress the site to and from the A491; that vehicles do not come through Catshill, which could be tied to legal requirements albeit that this may coincide with extra traffic from the Perryfields development if that goes ahead; and measures should be taken to prevent debris spilling onto the highway.

137. **Historic England** state that they do not wish to offer any comments but suggest that the views of the specialist conservation and archaeological advisors are sought as relevant.

138. **The County Archaeologist** has no objection, subject to the imposition of conditions relating to a programme of archaeological work.

139. The County Archaeologist notes that the application is supported by an archaeological desk-based assessment. There are no upstanding heritage assets within the proposed development site.

140. Historically the site lies within a medieval agricultural landscape containing dispersed medieval settlement and areas of woodland. Chadwich Farm, the former corn mill and associated settlement around the road junction between Wildmoor Lane and Top Road lies to the west of the site. To the east, now separated by the M5 Motorway, is the medieval village of Lydiate Ash. Throughout the post-medieval period the proposed development site has likely been agricultural in nature, evidenced by cartographic sources. Prior to this the land use is unknown, but spot finds nearby and archaeological work further away indicate that this has likely been an agricultural landscape with dispersed settlement since late prehistory.

141. There is some potential for below-ground archaeological remains of all periods to be present within the site. The desk-based assessment characterises that potential as low-medium but does caution that the lack of current evidence in the immediate vicinity of the site may reflect a paucity of fieldwork rather than a low potential for archaeology.

142. The County Archaeologist is content that the level of information provided is sufficient to determine the application. They are also satisfied that although the site lies within the setting of several designated and undesignated heritage assets, the impact would be temporary, there is an adequate buffer and the long-term landscaping and restoration proposals have the potential to improve setting. There is, however, unknown potential for below-ground archaeology to survive within the undisturbed areas of the proposed development site that would be destroyed by the mineral extraction.

143. The County Archaeologist notes that the heritage statement has been updated to include further information in relation to the setting of the designated and undesignated buildings in the area in response to the concerns of the Bromsgrove District Council Conservation Officer. Advice should be sought from the Bromsgrove District Council Conservation Officer to ensure that this is adequate and that any impacts can be mitigated through the screening provided by the proposed embankment and tree planting.

144. The County Archaeologist therefore recommends that a programme of archaeological work be secured and implemented by a suitably worded condition(s). This would take the form of an archaeological evaluation in the first instance, which may result in further mitigation should archaeological remains be uncovered.

145. **Natural England** have no objections to this proposal. They consider that the proposed development would not have likely significant effects on statutorily protected sites and has no objection to the proposed development. Natural England have also provided further general advice including consideration of protected species and other natural environmental issues such as that relating to best and most versatile agricultural land and soils. They have set out that guidance on soil protection is available in the Department for Environment, Food & Rural Affairs 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' and recommend its use in the design and construction of development, including any planning conditions.

146. In relation to the Habitat Regulation Assessment, the Natural England note that Worcestershire County Council, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. The County Council's assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

147. **Worcestershire Wildlife Trust** have no objections to this proposal, subject to the imposition of conditions relating to a Construction and Environmental Management Plan, Landscape Environmental Management Plan and sustainable drainage. They note the contents of the various associated documents and in particular the commentary set out in the Environmental Statement and Ecological Impact Assessment. They note the additional ecological information including the helpful updates to provide clarity around restoration proposals relating to biodiversity enhancement. In view of the ecological survey findings and the proposed mitigation and ecological enhancement, they do not wish to object to the application and are content to defer to the opinions of the County Ecologists for any further biodiversity consideration.

148. In relation to additional/revised information, they state that they have no further comments.

149. **The County Ecologist** has no objections to this proposal, subject to the imposition of conditions relating to a Construction and Environmental Management Plan, Ecological Design Strategy, Landscape and Environmental Management Plan and Biodiversity Monitoring Strategy.

150. The County Ecologist initially commented that further information was required with regard to invertebrates and species selection and planting/establishment specifications within the concept restoration scheme.

151. The applicant provided further clarification regarding above matters and the County Ecologist agrees with the findings that a modest positive outcome for biodiversity at a local level is achievable subject to the imposition of conditions capable of securing the mitigation, compensation and enhancement measures as outlined within the applicant's Ecological Impact Appraisal.

152. The County Ecologist considers that there is sufficient information provided with regards to badgers and invertebrates so that detailed design matters now can be secured through condition. While update surveys for mobile species would be a requirement through the lifetime of the development, they consider that these can be integrated within the recommended conditions rather than need for an additional and standalone condition.

153. The Supplementary Information on Ecology report (October 2020) confirms an invertebrate survey has been undertaken (August 2020), focusing on bare ground and sparse vegetation, and that this confirms presence of species specialising and/or exploiting sandy soils. The County Ecologist's understanding is that only one species, the Cinnabar Moth (*Tyria jacobaeae*) Identified on this site carries any protected status through its listing within Schedule 40 of the Natural Environment and Rural Communities Act. This species is considered relatively common and without a specialist requirement to complete its lifecycle (it feeds on groundsels and ragworts), Cinnabar Moths can easily be accommodated within restoration proposals. The 'Supplemental Information' report also offers explicit confirmation that the applicant and agent are amenable to take advice on subsequent landscaping and Landscape Environmental Management Plan documents so as to ensure designs offer benefits for specialist invertebrates on restoration. As such, the County Ecologist is satisfied there appears to be no implications for notable/protected invertebrate species and has confidence that no net loss for the site's invertebrate interest is achievable.

154. Turning to the issue of badgers. The County Ecologist notes that the Supplemental Information' report states that "*the current status of the sett is considered rather academic*" on account of the changeable nature of sett use over the lifespan of mineral development,

and furthermore for “UK protected species (rather than European protected species), Natural England, rather than the Council, is the competent authority to deal the legalities of mitigation and compensation strategies”.

155. Paragraph 99 of Government Circular 06/2005 states that *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”*.

156. It is therefore considered right and proper for the MPA to seek sufficient information so to have confidence in understanding the status of the badger sett at the point in time of determination, and also to establish the extent of affect which the proposed mineral development is predicted to have.

157. Additionally, it is considered necessary to have sufficient confidence in the information submitted so that the decision-maker has certainty in the proposed mitigation strategy; to ensure that the proposed approach has sufficient clarity, is proportionate to the scale of predicted impacts, and is capable of being secured and implemented within the development (in compliance with British Standard BS42020:2013 clauses 6.6, 6.10, 8.1 and 8.2).

158. However, while the County Ecologist acknowledges the status of the sett may indeed change during the time intervening seeking and implementing consent, it is also apparent that the applicant has confidence that an appropriate mitigation strategy (to address ‘worse-case’ loss of a main sett) can indeed be implemented on land within the applicant’s control and within the scheme’s boundaries. In this regard the County Ecologist is minded that the proposed Construction and Environmental Management Plan condition can, via a Method Statement, address risk to badgers at each phase of extraction and restoration, through specification of pre-start surveys and by securing appropriate mitigation if deemed as needed at that point in time. Monitoring and reporting of the success or otherwise of any such mitigation is addressed through the proposed Biodiversity Monitoring condition.

159. Should the MPA be minded to grant permission, the County Ecologist would review the Construction and Environmental Management Plan Method Statements on receipt and would expect that the ‘basic principles’ for consideration of badgers in the ‘Supplemental Information’ report and Ecological Impact Assessment are indeed specified for implementation within each developmental phase.

160. Alternatively, and as outlined in the Ecological Impact Assessment, if a badger mitigation strategy is required, confirmation should be sought that this is capable of being delivered within this scheme. If a mitigation and compensation strategy (rather than avoidance measures) is determined to be unavoidable, this may require modification of the restoration plan parameters (for example to accommodate an artificial sett) and it would be prudent to understand this at the point of determination. the County Ecologist suggests condition wording so that the implications on later phases of extraction and restoration can be informed by updated surveys, as the scheme progresses.

161. On the assumption that the MPA has sufficient comfort on the aforementioned protected and notable species issues, then the County Ecologist has no objection to the scheme, subject to the suite of avoidance, mitigation and enhancement measures which have been recommended by the applicant being secured through imposition of suitably

worded condition. Based on model conditions set out in BS42020:2013, they suggest imposing conditions relating to a Construction and Environmental Management Plan, breeding birds, badgers, invasive and non-native species, Ecological Design Strategy, Biodiversity monitoring and a Landscape Environmental Management Plan.

162. In relation to the updated ecological information provided as a result of Regulation 25 from 4 May 2020, the County Ecologist notes the applicant's Regulations 25 information and, agrees with the findings that a modest positive outcome for biodiversity at a local level is achievable, the County Ecologist has no objections to the scheme, subject to imposition of conditions capable of securing the mitigation, compensation and enhancement measures as outlined within the applicant's Ecological Impact Assessment.

163. In summary, the County Ecologist recommends that a Construction and Environmental Management Plan is produced, this can contain Method Statements addressing protection and mitigation of the key biodiversity issues as identified by the applicant, namely badgers, birds and invasive species. The County Ecologist also recommends that an Ecological Design Strategy is produced alongside a broader Landscape and Environmental Management Plan to provide detailed design of required mitigation and enhancement measures for implementation and management beyond the extraction and restoration phases and over the agreed aftercare period. Additionally, the County Ecologist recommends a Biodiversity Monitoring Strategy (which could be integrated within the Ecological Design Strategy at your discretion) to clearly set out commitments for monitoring and reporting of the performance of conservation measures against their intended objectives during the aftercare period.

164. In relation to the updated ecological reports as a result of Regulation 25 request from 23 January 2023, the County Ecologist states that this updated Ecological Impact Assessment notes very minor changes to habitat extents over the period intervening the initial survey (conducted in April and August 2017) and update surveys (undertaken in November 2019 and March 2023). These changes are not considered to pose any implications to the site's baseline nature conservation value. The site's value for fauna remains broadly unchanged. Subsequently, recommendations provided for site mitigation, compensation and enhancement measures remain broadly consistent and are acceptable. The County Ecologist believes that if these measures are secured through the imposition of suitably worded conditions (as specified in the original response), they are likely to result in minor net gains for biodiversity.

165. In relation to net gains for biodiversity, the County Ecologist clarifies that in their sub-regional, county and district ecological contexts, the gains, such as ponds (more than 0.1 hectares) and broadleaved woodland (more than 0.2 hectares), are positive, but modest in nature. At a site-level context, the applicant's Preliminary Ecological Appraisal assesses these habitat gains as 'significant'. The addition of approximately 1 kilometre of hedgerow, would pose valuable biodiversity benefits, particularly if species-rich in composition. Additionally, on restoration, there are new features proposed for nesting birds and roosting bats, amphibian and reptile refugia and hibernacula which, cumulatively, should result in positive gains for biodiversity, in comparison to the site's baseline biodiversity value.

166. **The County Public Rights of Way Officer** has no objections to this proposal. The County Public Rights of Way Officer states that there are no Public Rights of Ways currently recorded that would be affected by this proposal.

167. **National Highways (formerly Highways England)** have no objections to this proposal, subject to the imposition of conditions relating to detailed design and

maintenance of the surface water management (including the installation and maintenance of proposed surface water ditches and the infiltration basin), a Construction and Environmental Management Plan and a lighting strategy.

168. National Highways state that in a planning application proposal is in the vicinity of the M5 Motorway that forms part of the Strategic Road Network.

169. Originally, National Highways commented that they note that Phases 1 and 2 of the proposed development are located directly adjacent to the M5 Motorway northbound off-slip and the circulatory carriageway which forms part of the junction. Based on the assessment of the of the application, National Highways provides the following comments:

Transport Statement

170. The applicant has provided a Transport Statement to support the application, National Highways undertook a review of the proposed trip generation and noted the lack of evidence provided to support the trip numbers proposed within the document. National Highways would therefore request that methodology to support these trip generation figures is supplied. In their previous Scoping Opinion response dated 26 July 2018, National Highways noted that trip distribution and assignment had not been provided, and recommended that it be clearly set out within the Transport Assessment to include M5 Motorway Junction 4. In addition, it was recommended that the applicant undertake junction impact assessments at the Sandy Lane/Wildmoor Lane junction, as any operational issues at this location could result in implications for the operation of M5 Motorway Junction 4. There was no evidence provided within the Transport Statement to suggest this assessment has taken place.

171. In response to further/revised information, National Highways commented that although the M5 Motorway Junction 4 specific junction analysis has not been provided as requested, the updated Transport Statement, dated November 2020 provided evidence to demonstrate that the development shall not have a severe impact upon operation of the Strategic Road Network. However, it has been noted that this junction currently operates beyond capacity during peak hours.

Geotechnical Standards

172. In order to protect the integrity of the existing strategic road network in proximity to the development site, National Highways required the applicant to comply with the relevant geotechnical requirements. The scoping opinion response National Highways provided requested a Geotechnical Ground Stability Assessment and Drainage Strategy are required. In their previous scoping opinion response, National Highways requested that the Geotechnical Ground Stability Assessment should be undertaken in accordance with the Design Manual for Roads and Bridges HD 22/08. This standard has since been revised and replaced by CD622. The applicant would be required to work in accordance with Standard CD622 in association with the extraction of materials and its impacts on Strategic Road Network highway land, and the proposed construction of a noise attenuation bund, measuring approximately 3-metres high, located adjacent to the M5 Motorway. This must include a Ground Investigation Report (GIR) and Preliminary Sources Study Report which may be combined, as a minimum in order to satisfy Key Stage 2 of the certification process for site allocation purposes.

173. The applicant since provided additional information in relation to updated geotechnical appraisal provided within the Ground Investigation Report/Geotechnical

Design Report. This information has been reviewed by the National Highways' Geotechnical Team and they raise no objections to this proposal.

Drainage

174. National Highways originally stated that a Drainage Strategy must be provided to establish the design principles for the capture of surface water run-off from the proposed noise attenuation bund, which measures approximately 3 metres high, and establish a suitable point of outfall.

175. In response to further/revised information, National Highways commented that from their perspective, the hydrogeological aspects of the report are of limited interest. Such matters would be commented upon by the Environment Agency and Lead Local Flood Authority in line with their remit. National Highways, however, commented in relation to the geotechnical stability of the shared eastern boundary of the quarry site with the M5 Motorway Junction 4.

176. With regard to flood risk, the development site is in Flood Zone 1 (very low risk of flooding). Some of the site (areas to the north and west) may be susceptible to localised flooding from an ordinary watercourse (Battlefield Brook); however, this is some distance from the M5 Motorway. Groundwater is not identified as a particular concern, due to the free-draining characteristics of the site (sand) and surrounding area, including underlying aquifers, which have a high abstraction demand as a local water supply. Although risks across the site vary, the southern part (closest to the M5 Motorway) has limited potential for groundwater flooding. There are no reported occurrences of flooding across the site from historic records; however, the area near Battlefield Brook (furthest away from M5 Motorway) may have a low risk of flash flooding.

177. Site visits made in connection with the production of the applicant's Flood Risk Assessment and Drainage Strategy suggests the site drains from south to north and along the access track, which is used as a drainage channel by surface water runoff. This leads to discharge onto Wildmoor Lane (an issue for Worcestershire County Highways). The Drainage Strategy proposes a Sustainable Drainage System, collecting water on site as part of a phased extraction and restoration operation. Reference is made to the screening bund along the eastern boundary with the M5 Motorway and the need to ensure a cut-off drain is provided. The details of this would require consideration in due course; however, this ditch would be directed towards the north-western area, where it would outfall into an infiltration basin. Further details for the design of the basin would be determined by the Building Research Establishment Digest (BRE) 365 permeability test.

178. As such, National Highways would recommend an appropriately worded planning condition requiring the submission and approval of the detailed design, installation and maintenance of proposed surface water ditches and the infiltration basin (as per the recommendations of the Flood Risk Assessment and Drainage Strategy), prior to the commencement of Phase 4 quarrying activity following the satisfaction of other matters.

Environmental Matters

A further matter to ensure the safe and efficient operation of the Strategic Road Network was the provision of a Construction Environmental Management Plan. This would cover both operational and restoration phases of the development, and the detailed design of the noise attenuation bund, including drainage. The rationale for this requirement was that National Highways previously requested that these matters be considered further by the applicant as part of the environmental assessments as set out in National Highways' scoping opinion response. It is anticipated that the Construction Environmental

Management Plan can be conditioned as part of any planning approval granted in relation to this application.

179. **The County Highways Officer** has no objections to this proposal, subject to the imposition of conditions relating to a detailed scheme for the site access works at the Sandy Lane (A491)/Wildmoor Lane junction and Wildmoor Lane, a detailed scheme and Construction Method Statement for the bunds/earthworks at the northern and eastern site boundaries and details of parking, turning areas and wheel cleaning facility.

180. The County Highways Officer previously requested that the applicant provides further information to demonstrate that the proposals would be served by safe and suitable access for all users and would not result in an unacceptable highway safety impact.

181. The County Highways Officer is now in receipt of the Stage 1 Road Safety Audit.

182. Following previous formal responses and advice provided by the County Highways Officer regarding the constraints on Wildmoor Lane and HGVs overrunning the verge to access Pinches (4) Quarry, the applicant has proposed to provide a localised widening on Wildmoor Lane at the site access and upgrade the Sandy Lane (A491)/Wildmoor Lane junction to provide a ghost-island right turn lane arrangement to accommodate larger vehicles.

183. A Road Safety Audit 1 and Designer's Response has been submitted in support of the proposed Sandy Lane (A491)/Wildmoor Lane junction modifications and localised widening on Wildmoor Lane. The Road Safety Audit 1 identified one problem of increased potential for overtaking vehicles on Sandy Lane (across the proposed a ghost-island right turn lane hatch markings) resulting in increased risk of side-swipe or head on collisions. In response to this potential issue, central islands have been proposed by the design team. The County Highways Officer accepts that the Road Safety Audit 1 has been satisfactorily completed.

184. The County Highways Officer requests that at detailed design/Section 278 stage (at which stage a Road Safety Audit 2 would be undertaken), the applicant further considers the access to Brookhouse Farm to ensure access remains safe and suitable and the Monarchs Way Ramblers route along Wildmoor Lane, with associated pedestrian activity. Both the Brookhouse Farm access and Monarch's Way route should be specifically identified within the Road Safety Audit 2 as matters to be considered by the audit team. The tie-in of Footpath BM-631 to the northbound layby on Sandy Lane, immediately north of the existing Brookhouse Farm access should also be shown on plans included within the Road Safety Audit 2 brief.

185. The applicant has provided updated vehicle swept path analysis demonstrating that rigid vehicles (tippers), which typically have a larger turning circle/turning area requirement, can safely undertake necessary turning manoeuvres at the modified Sandy Lane (A491)/Wildmoor Lane junction, including safely passing a vehicle queue at Wildmoor Lane.

186. Prior to work commencing on site, Technical Approval would be required from the County Highways as Technical Approval Authority in relation to the proposed bund, which constitutes a structure and earthworks. A Construction Method Statement would be required as part of the submission to obtain Technical Approval.

187. The applicant's plans for the stockyard area illustrates a 'shaker bar tyre cleaner'. The County Highways Officer confirms that they are satisfied that the provision of details of 'wheel cleaning' to be secured with an imposition of a planning condition.

188. **The Ramblers Association** comment that they note that the County Footpaths Officer had, quite properly, no comment to make as the Public Right of Way in the area, Footpath BM-631, starts at the layby and runs away from the site to the north-eastern direction. However, this path, and Wildmoor Lane are part of the Monarch's Way, a very well known, thoroughly documented and well used 625-mile walk. Further Footpath BM-631 leads directly to one of the very rare safe routes for walkers to get across the M5 Motorway. Thus, a considerable number of walkers, far more than would be expected on a normal path and lane, are to be expected. The junction of Sandy Lane (A491) and Wildmoor Lane is already hazardous, so Ramblers Association was anxious to see what measures were in hand to prevent this project making things worse.

189. The Ramblers Association was extremely surprised to see that the Road Safety Audit did not even note the presence of the footpath arriving at the layby and did not show it on the drawings. Furthermore, there was no mention of the Monarch's Way using Wildmoor Lane, or indeed any idea of pedestrian activity, despite the Way being very clearly marked on the relevant Ordnance Survey maps and a simple search engine input reveals innumerable web sites and maps.

190. The Ramblers Association consider that this should without doubt have at least been shown on drawings in a Road Safety Audit. However, some corrective action would seem to be fairly straightforward. Perhaps the proposed 'central island' could be upgraded to function as a pedestrian refuge, and a footpath created to align with it. During road marking perhaps a few metres of the layby could be marked to be kept clear at the appropriate point to allow pedestrians through.

191. **The Campaign to Protect Rural England** have no objections to the proposal.

192. The Campaign to Protect Rural England state that there is a need for sand and gravel in this part of the county and an extension to the existing quarry seems sensible. If this area was not worked mineral resources would have to be found from elsewhere, probably somewhere much less acceptable.

193. Their one concern relates to the volume of traffic on Sandy Lane (A491) adjoining the site. The westbound carriageway is extremely congested at evening peak times, with traffic often unable to flow freely off the motorway roundabout. The roundabout exit is two lanes wide, but this quickly narrows to a pinch point where all traffic must filter into a single lane, which is itself a source of congestion, but this is aggravated by traffic slowing before it enters the ghost lane to turn right into Money Lane. On occasions traffic is backed up on to the roundabout so that traffic leaving the M5 Motorway northbound exit slip-road is unable to pass through the traffic lights and backs up down the slip road.

194. Before improvements to the slip road and roundabout by National Highways, stationary traffic sometimes backed up into the running lane of M5 Motorway. The improvements greatly alleviated that potential death-trap, but the start of Sandy Lane (A491) was not widened, so that the improvements (though very welcome) did not remove the bottleneck that caused congestion.

195. The Campaign to Protect Rural England consider that the solution is to widen the south side of Sandy Lane(A491) between the roundabout and Wildmoor Lane. Some of

this can probably be accommodated within the highway boundary (involving the loss of a layby), but a modest amount of land acquisition may be needed. Campaign to Protect Rural England suspect that this may be regarded as a highway issue, not a planning issue, as traffic from the quarry extension applied for may well be no worse than that from the existing quarry. They suggest that highways colleagues have open discussions with the applicant, with a view to adjusting the boundary between the highway and the proposed quarry. They suspect that this would involve a surrender of land by the applicant, probably a sale, but it might also enable the applicant to work sand closer to the road than otherwise. It may involve the loss of a hedge, but this would only be a fairly modern one, dating from the 1960s when the M5 Motorway was built.

196. **The Open Spaces Society** have no comments on the proposal as they have no local representative.

197. **Herefordshire and Worcestershire Earth Heritage Trust** have no objection to this application, subject to the imposition of a condition requiring the applicant to obtain approval, before any commercial excavation works commence, for a plan of geoconservation measures including:

- Identifying the location of the fault across the site as recommended in the applicant's Geotechnical report.
- As also recommended in the applicant's Geotechnical report, further investigation around the fault to identify the nature of the lithologies in that region and further to make this information available and publicly accessible.
- A plan committing the applicant to inform Herefordshire and Worcestershire Earth Heritage Trust when excavation has exposed the fault at different depths and facilitate visits by geologists so that they can record and advance understanding of the feature. The plan should include the conditions under which geologists would be able to conduct this work.
- A plan for deploying methodologies whereby the geological features exposed by quarrying shall be recorded throughout the staged development, preferably to include high-resolution ground or drone photogrammetry surveys.
- Provision in the restoration plan for small quantities of untouched sandstone at and in the vicinity of the fault, sufficiently accessible to support future research.

198. Herefordshire and Worcestershire Earth Heritage Trust state that the site of the planned extraction is of geological importance as it would expose the Blackwell Fault (part of the Lickey Ridge) that lies between the Chester formation and overlying Wildmoor sandstone, both of which are to be exploited in this development. The fault is important because of its size, having an estimated throw of 110 metres at Blackwell, and because published information about it appears to be sparse. This could be regarded as a regionally important site, although there is no current designation. The Lickey Ridge is itself an important feature of southern British geology, and its history is only partly understood.

199. Herefordshire and Worcestershire Earth Heritage Trust state that the fault is shown on the British Geological Survey map as passing through the Lydiate Ash motorway junction (and the nearby Pinches (4) Quarry site) and a little west of the town of Blackwell. It is shown in Figure 18 of the British Geological Survey memoir as having a 'throw' (amount of movement) of 110 metres at Blackwell. It is one of a number of sub-parallel faults to the west of the Lickey Hills ridge with downthrow to the west. These faults broadly merge with the Inkberrow fault, which defines the eastern side of the Worcester Graben. The Worcester

Graben is an ancient and important feature of the geology of Southern Britain. It is a rift valley that lies between the north-south Malvern Lineament to the west and (roughly) the Lickey Hills and Cotswold escarpment to the east.

200. Herefordshire and Worcestershire Earth Heritage Trust could find no mention in the memoir of any current or previous exposures of the Blackwell fault, hence a new exposure could be of considerable interest to geologists.

201. From a geoconservation perspective, one option would be to oppose any quarrying at the site, however its true value to geology would not be known until the fault has been exposed. Quarrying through the fault would give an opportunity to document it to modern standards, which would itself be valuable, provided that geologists are given the support they need to do this. The feature could potentially be preserved in the site restoration plan by covering with a small thickness of soil. This leaves the potential for future re-excavation as has been the case for many SSSIs.

202. Local authority planning policy places an obligation on developers to *“protect, conserve and enhance geodiversity”* and *“where loss is unavoidable, record and advance understanding of the significance of any geodiversity feature(s) to be lost (wholly or in part) in a manner proportionate to their importance and the impact of the loss, and make evidence and any archive generated publicly accessible”*.

203. On this basis, they request that the developer be required to provide access to the site for geologists, to support the investigation and recording of the geological features associated with the fault zone before they are destroyed. Such visits would have to coincide with periods when the fault zone and the rock formations on either side of it are exposed and can be accessed safely. An element of planning and cooperation between developer and geological teams would be needed to achieve a mutually acceptable solution.

204. Herefordshire and Worcestershire Earth Heritage Trust suggest that as part of the restoration of the site, some exposure of the fault zone might be included in the landscape, enabling access for education and further research. The feasibility of this cannot be determined until the nature of the fault zone is known and they acknowledge that it may not be cost-effective to attempt preservation if the rock is soft and easily eroded. It is also noted that the site lies very close to the route of the Monarchs Way long distance footpath and an information board explaining the geology might also be considered as a means of achieving ‘net gain’.

205. In relation to additional/further information submitted by the applicant, Herefordshire and Worcestershire Earth Heritage Trust state that the previous comments made by the organisation with regard to this application remain valid and need to be considered, and the following comments also apply.

206. Herefordshire and Worcestershire Earth Heritage Trust note that Worcestershire Minerals Local Plan has now been formally adopted by Worcestershire County Council. Under Policy 36: ‘Geodiversity’, *“Planning permission will be granted where it is demonstrated that the proposed mineral development will conserve and enhance geodiversity”*. It states that: *“a technical assessment appropriate to the proposed development and its potential impacts on geological conservation interests will be required to demonstrate that the proposed development will: (...) c) where loss is unavoidable, record and advance understanding of the significance of any geodiversity feature(s) to be lost (wholly or in part) in a manner proportionate to their importance and the impact of the loss, and make evidence and any archive generated publicly accessible”*.

207. Although a technical assessment of this nature has not been submitted in this case, it is clear that evidence of a significant geological feature is likely to be lost as a result of this development unless active measures are taken in the course of the extraction process to record and advance understanding of the feature at the time it is exposed.

208. Herefordshire and Worcestershire Earth Heritage Trust note that the applicant, in their response, states: *“The Herefordshire and Worcestershire Earth Heritage Trust requested access to record geological features. “The applicant is agreeable to prior arranged site visits for geological reasons. Exposure of fault zones or indeed exposed mineral faces is not part of the final restoration proposal, but reasonable effort will be made to photographically record any feature of interest”*. The Applicant’s willingness to arrange site visits by Geologists is welcomed, however, to ensure that such visits are successful in advancing our knowledge of the Blackwell Fault, they must be arranged as part of an explicit and agreed plan. The exact timing of visits would depend on the location of the fault and the timings for extraction of sand at that location.

209. As stated in our previous response, discovering the location of the fault and quarrying through it would give an opportunity to document it to modern standards. Geologists need the support of the applicant to achieve this. The offer to provide photographic records of the feature as it is revealed is also welcomed.

210. In addition, if a fault of geological significance is encountered as expected, then the quarrying and restoration plans should be modified to retain and preserve a representative part of the fault zone. Parts of the site where the fault occurs should be left untouched by quarrying and preserved by covering with a small thickness of soil. Although this would not expose the feature, it leaves the potential for future re-excavation as has been the case for many SSSIs. The current restoration plans could allow for this, as quarrying does not extend all the way to the margins of the site and restoration levels are no higher than current levels.

211. The applicant’s ‘Geotechnical Investigation & Design Report’ reveals very little about the possible location of the Blackwell Fault, whose geological interest is of particular significance, although the likely presence of the fault juxtaposing the Chester Sandstone Formation and the Wildmoor Sandstone Member is fully recognised. The report states: *“2.4.3 An exposure of highly fractured moderately weathered dark red brown sandstone was observed on the quarry access road during the walkover survey. This is conjectured to be at the top surface of the Wildmoor Sandstone Member close to the fault zone.”* but it does not indicate where on the access road this observation was made. It later states: *“7.2.5 The location and extent of the fault between the Wildmoor Sandstone and the adjacent Chester Formation, close to the northern boundary of the site, has not been fully defined. The rock on either side of the fault is expected to be similar in engineering properties, but the precise location and width of the fault zone is not currently known. The fault zone is likely to contain weaker material, possibly more in the nature of a soil, and for this reason the quarry walls in this area may need to be loped at a shallower angle than the rest of the excavation.”* It then recommends: *“9.2.4 It is recommended that the area of the conjectured fault near the northern boundary of the site is exposed at an early stage in the development of the quarry, and that once located the area is investigated by exploratory boring to obtain geotechnical parameters to refine the design of the high wall in this location”*. Inspection of the report also revealed an unexplained, apparent anomaly between the body of the report and the boreholes logs provided in a separate document. Borehole logs BH2, BH3, BH4 and BH5 all describe the sandstone as Chester Sandstone Formation, while only boreholes BH1, BH1B and BH1C, clustered in the very south of the area, describe the presence of the Wildmoor Sandstone Member.

212. These observations coincide more closely with British Geological Survey mapping, which shows the fault nearer to the south of the area than the north. Further investigation is needed to establish the zone where faulting has occurred. The Report states that the majority of the site is Wildmoor Sandstone, with the fault occurring in the north of the area, however the evidence we have found in the applicant's documents and from the British Geological Survey does not support this.

213. Herefordshire and Worcestershire Earth Heritage Trust have also found no indication in the working scheme provided by the applicant that the recommendation of the Report to expose the fault "*at an early stage in the development of the quarry*", followed by an "*investigation by exploratory boring*" would be implemented.

214. **The County Landscape Officer** has no objection, subject to the imposition of a condition relating to a Landscape Environmental Management Plan.

215. The County Landscape Officer is satisfied that from landscape perspective that the proposed Restoration Plan would deliver sufficient screening and net gains in the context of the landscape character setting of the site. Filtered and glimpsed views of road infrastructure may be evident particularly to transient receptors where the viewpoint is relative to the position of the receptor at the given time. However, the contribution of existing vegetation in the setting of the site should be seen in context with the proposed restoration scheme, which the County Landscape Officer is satisfied would provide functional screening.

216. The County Landscape Officer originally commented that the landscape and restoration proposals are broadly acceptable and have addressed comments submitted by the MPA in the Scoping Opinion representation. The County Landscape Officer welcomed the acknowledgement and intention to deliver restoration aims that were set out in the Scoping Opinion representation. It was clear that more information detailing how conservation and restoration measures would be prioritised and delivered throughout the scheme. The County Landscape Officer supports the County Ecologist's recommended condition wording relating to a Landscape Environmental Management Plan.

217. The County Landscape Officer recognised the presence of the geologically important Blackwell Fault, which is a matter that was flagged to them by Herefordshire and Worcestershire Earth Heritage Trust. The County Landscape Officer supported measures to facilitate access for geological recording and promotion of information pertaining to this fault as part of site interpretation. This is a particular opportunity given the proximity of the site to the Monarch's Way long distance footpath.

218. In relation to further information submitted by the applicant, the County Landscape Officer commented that the details therein, set within the context of the overall scheme, would not result in increased harm to the landscape. The County Landscape Officer also noted that the applicant has addressed previous comments concerning ecology and geological interpretation. Therefore, further to their original comments, the County Landscape Officer had no objection to the scheme on landscape grounds.

219. In relation to resident's concerns regarding visual impacts from the M5 Motorway the County Landscape Officer originally stated that the variables that dictate how visible structures may be to a range of receptors are complex and best understood in the context of a spatial assessment that considers visual effects, the zone of theoretical visibility and viewpoints supported by visualisations to assist in the presentation of those effects. The County Landscape Officer considered that the submitted cross-section clarifies the

topographical changes in level and potential effects at points along the section. However, it remains indicative and would therefore need to be developed further to articulate the relationship with landscape features, such as trees, hedgerows and other natural and built structures that may intervene between the structures being assessed and receptors that are potentially affected. A Landscape and Visual Assessment is the most effective form of assessment because it can assess the effects within a broader spatial context. The County Landscape Officer recommended a proportionate assessment from the applicant based on the potential effects that may result in visual impact from structures that are situated outside of the scheme boundary.

220. In relation to the restoration scheme, the County Landscape Officer suggested that an increase in the woodland area proposed in Field 1 along with a thickening of all boundary and internal hedgerows with abundant trees could contribute towards the mitigation of visual impacts raised in the representation. This can only be maximised once the site is fully restored and vegetation begins to mature, and therefore, the effects might be more difficult to mitigate during phases of operation. If landscaping of sufficient height and density is introduced then visual softening would be more effective due to the cumulative effects of multiple boundary features combining along a sightline – put another way, layers of screening.

221. Again, this would benefit from a more thorough assessment of impacts and options for mitigation. If there is a specific issue with views along the cross-section submitted for consideration, then it might be possible to target that with a specific area of planting. In conclusion, the County Landscape Officer maintained a no objection position in response to the proposed scheme.

222. In relation to information submitted by the applicant in respect of visual impacts from the M5 Motorway, the County Landscape Officer stated that the scope of this survey is welcomed. The survey has delivered an assessment of the specific visual issues raised by the local resident in relation to concerns that the M5 Motorway and its related infrastructure would be more visible to residential receptors as a result of proposed topographical changes. The study builds upon results presented in the Landscape and Visual Impact Assessment (2019) and the selection of four viewpoint/sightline assessments has, their view, addressed the limitations that can be present in a single cross section when attempting to understand cumulative impacts in a complex and dynamic landscape setting. The report acknowledges that reduction of the hilltop might lead to some increase in perception of the M5 Motorway from the viewpoint detailed in Section 5, but that in context with the overall field of view, this would be limited in magnitude. The County Landscape Officer agreed with this assessment, and that overall, intervening vegetation and variations in topography would result in glimpsed, filtered views.

223. The County Landscape Officer stated that a moderate increase in additional soft landscaping and enhancement could contribute towards functional screening and filtered views that would take effect once the scheme is restored.

224. **Public Health England** – no comments received.

225. **The County Public Health Officer** has no objections to the proposal, subject to the imposition of planning conditions relating a Dust Management Plan, an assessment of the impact on air quality, green infrastructure, controlling operating hours and times of vehicle movements.

226. The County Public Health Officer welcomes the inclusion of a Health Impact Assessment but echoes the concerns made by others regarding exposure to dust and gases from the site and the effect on air quality of a significant number of HGVs travelling to and from the site. The County Public Health Officer recognises that minerals can only be worked where they naturally occur but that the local highway network would experience additional traffic movements affecting the flow of traffic and air quality. The County Public Health Officer comments that the development should consider the health impacts on local residents and those directly employed in the minerals industry and have referred to various effects, including noise pollution, mental health issues such as stress and anxiety.

227. The noise and dust created by the HGV movements could cause a detrimental effect on residents and local areas, particularly on those who are most vulnerable such as older people and those with existing respiratory conditions. It is crucial that plans are in place that contain a firm commitment to employ measures to mitigate any potential effects.

228. The County Public Health Officer also requests the developer has a plan in place with measures to limit the effects on the local traffic network caused by HGVs and ensures the site has facilities to remove mud from the wheels of vehicles to avoid hazards caused by mud on the road.

229. Mineral extraction can have an impact on health due to the various chemicals used in the mining process as well as the potentially damaging compounds and metals removed from the ground. The developer should consider the health impacts on local residents and those directly employed in the minerals industry and the subsequent effects (not limited to health) that may be felt more widely (i.e. family and friends).

230. Noise and vibration would be generated by mineral operations, and vehicle movements may reach levels that are hazardous to health. Noise pollution can have a direct impact on the local population and is likely to be a significant area of concern. The site proposes operating every day except Sundays, there are both direct and indirect potential health impacts from this and this is considered to have the potential for a negative impact on health.

231. There are a number of residential properties in general proximity to the site, these may be adversely affected by site traffic, noise and dust as well as potential run off from dangerous substances extracted from the site. Consideration should also be given to mental health issues such as stress and anxiety which may affect those in the vicinity of the site or who are losing accessibility to green spaces for recreation.

232. The County Public Health Officer considers that in light of the length of the period of mineral extraction that it is important to ensure that the site retains as much as possible of green infrastructure and has a clear plan for restoration. The County Public Health Officer recognises that walking and cycling isochromes have been mapped by the applicant but comments that these do not constitute either a walking or cycling plan. Facilities to promote walking and cycling would include, for example, provision of infrastructure to reach the site, which increases actual and perceived for pedestrians and cyclists. The County Public Health Officer would want to see staff cycle parking spaces, preferably a lockable cycle store close to the entrance to the proposed office buildings on site.

233. The County Public Health Officer considers that the Health Impact Assessment does not contain enough commitment to mitigating the effects on health and wellbeing of a site of such proportions. They request the imposition of a number of conditions relating to a Dust Management Plan, an assessment of the impact on air quality, green infrastructure, and

construction in terms of vehicle movements, operating hours and controlling mud on the roads.

234. The County Public Health Officer has no further comments in relation to additional information submitted by the applicant.

235. **The County Sustainability Officer** wishes to make no comments on this proposal.

236. **The Environment Agency** have no objection, subject to the imposition of relevant conditions relating to water monitoring.

237. With regard to the proposal and controlled waters, they have reviewed the various reports and note that it is stated that groundwater levels have been monitored on site since the initial installation of the boreholes in 2009 at the Pinches (2) and (3) Quarry sites, as well as at a number of boreholes on the edge of the site. It is specified that all workings would be above the water table (with a remaining saturated zone of 10 metres) and due to this it is indicated that no groundwater pumping would be required. This assessment has been carried out with data from current boreholes. Thought should be given to the data provided by the new boreholes once they have been drilled, and the levels that the boreholes record on installation.

238. Originally, the Environment Agency recommended that a groundwater quality and level monitoring plan should be submitted. They noted that reports relating to Pinches (3) Quarry highlight 'previous quarrying at the site has seen small seepages of groundwater at considerable depth', 'groundwater flow in small volumes is to be controlled by sump pumping as necessary' and 'groundwater flow will resume to normal after restoration'. They sought confirmation over whether this has been considered for Pinches (4) Quarry also.

239. The applicant has since submitted the Gas and Groundwater Monitoring Plan. The Environment Agency has no further objections, subject to relevant conditions relating to water monitoring.

240. With regard to restoration inert landfilling proposal, they commented that the proposals appear similar in nature to previous phases at this site. They have been involved in the previous phases – Pinches (1) and (2) Quarry sites from a permitting perspective in relation to the restoration (landfilling) phases and have not had any significant cause for concern in relation to such. They note the Dust Management Plan and Noise Assessment carried out to support the Environmental Statement.

241. The operators would be required to operate the infilling as part of the restoration proposals under a relevant Environmental Permit, which would likely include requirements to undertake monitoring to assess any potential impact on the environment and local receptors. Dust and noise could be particular issues that the operator must be aware of during the landfilling phases. The Environment Agency would leave any issues from emissions arising from the extraction phase for the MPA to consider, perhaps in consultation with Worcestershire Regulatory Services.

242. The Environment Agency have reviewed the further information submitted in respect of the Environmental Statement. They have no objection and have recommended a number of conditions are imposed relating to a water monitoring scheme, including at least a monthly dip in terms of frequency of monitoring. They expect that groundwater level monitoring would continue throughout the extraction of minerals and not just the landfilling and restoration phases. The Environment Agency in expect that groundwater

level monitoring would continue throughout the extraction of minerals and not just the landfilling and restoration phases. The water monitoring scheme should include a review of monitoring data from the recent/new boreholes once they have been drilled, and the levels that the boreholes record on installation, ensuring that all workings would be above the water table (with a remaining saturated zone of 10 metres) and that no groundwater pumping would be required.

243. The Environment Agency have also recommended a condition relating to mitigation of any adverse risk of deterioration to groundwater flows and quality, should this be identified through the monitoring.

244. The operators would be required to operate the inert infilling as part of the restoration proposals under a relevant Environmental Permit, which would likely include requirements to undertake monitoring to assess any potential impact on the environment and local receptors.

245. In relation to the Habitat Regulations Assessment Screening report, the Environment Agency state that a check of the Environment Agency's Ecology and Fish Data explorer website shows the closest record for any of the Severn Estuary Ramsar Site species is on the River Severn itself at Worcester (2017-22). Species recorded include Atlantic salmon, sea/brown trout, Brook lamprey and River lamprey, lamprey sp. larvae and European eel (elvers and glass eels). There are no records for the River Salwarpe, although it is accepted that absence of records does not necessarily reflect an absence of the species as the Salwarpe may not be in the sampling programme. There is therefore a pathway for effects on Special Area of Conservation (SAC)/Ramsar species from the proposed development.

246. There are records for the Salwarpe on the Ecology and Fish Data Explorer:

- Survey ID 1295 Date 03/07/2013 European eel & brown/sea trout recorded.
- Survey ID 1290 Date 02/07/2013 European eel & brown/sea trout recorded
- Survey ID 1291 Date 20/06/2014 brown/sea trout recorded.

247. Given the dry extraction and sustainable drainage implementation proposed for the scheme, the Environment Agency are not in a position to disagree with the conclusion that the proposal would not have any impacts on the populations of notified fish species of the Severn Estuary SAC and Ramsar Site.

248. **North Worcestershire Water Management** (on behalf of the Lead Local Flood Authority) have no objections to this proposal, subject to the imposition of conditions relating to a drainage strategy, a Sustainable Drainage Management Plan, and the design of any facilities for the storage of oils, fuels or chemical.

249. North Worcestershire Water Management state that the site is within Flood Zone 1 and is predominantly outside of an area susceptible to surface water flooding. However, there are some flow routes around the perimeter of the site. They are aware of some instances of flooding on nearby lanes.

250. The excavation phase of the site is of less concern in terms of drainage and flood risk although they are pleased to see that the site would not be worked wet. Therefore, it is not envisaged that pumping of surface or ground water would be required. The subsequent infilling and restoration of the site would be of more interest to North Worcestershire Water Management. They note the presence of the underlying aquifer, but protection of this falls under the remit of the Environment Agency.

251. They are pleased to read within the Flood Risk Assessment that measures are considered to reduce the risk of surface water leaving the site, namely the provision of two bunds around the perimeter of the site and the creation of a flood storage basin. They note that ditches would be provided around the site perimeter too in order to prevent water filling the basin prematurely and risk flowing off the site.

252. Originally, they recommended that some low-level check dams are incorporated into the design to slow the flow of water and promote localised infiltration or evaporation where possible. Details of the basin and ditches would need to be provided and approved prior to completion of the site.

253. The applicant has since provided a more detail on the location of the earth bunds and ditches. North Worcestershire Water Management welcome the provision of this information, however, they still require conditions as suggested in their original comments.

254. As a major site, they would expect to see the use of sustainable drainage post-completion of the site, and this should ensure there is no increase in runoff from the site and where possible a reduction in the rate and volume of water leaving the site. Post-restoration levels must be as existing, with no new flow routes which may impact upon neighbouring land.

255. **Severn Trent Water Limited** have no objections to this proposal. The proposal would have minimal impact on the public sewerage system and, therefore, a drainage condition is not required to be applied. They comment that the proposal is within the Groundwater Source Protection Zone 3 (SPZ3), and they recommend that the Environment Agency's guidance is closely followed during development.

256. **Worcestershire Regulatory Services** have no objections to this proposal, subject to the imposition of planning conditions relating to a scheme for gas monitoring, noise monitoring, the position, extent and height of the proposed perimeter bunds and a revised Dust Management Plan.

257. In terms of air quality and contaminated land, Worcestershire Regulatory Services state that after reviewing the submitted further/revised information submitted as part of 2022 consultation, they considered that no potential air quality and contaminated land issues have been identified, therefore, they have no adverse comments to make. They note the Environment Agency recommends condition relating to groundwater monitoring from the borehole installations. They would recommend a similar condition for gas monitoring for the MPA to collate data on the gas regime.

258. In terms of air quality, Worcestershire Regulatory Services originally said that they reviewed the submitted report entitled 'Air Quality Assessment for a proposed extension of quarry, Wildmoor Bromsgrove' and considered that this represents an appropriate assessment based on the expected trip generation with HGVs to predominantly enter and exit the site via the M5 Motorway. Worcestershire Regulatory Services accepted the findings of the report in this respect and, therefore, raised no adverse comments in relation to air quality based on the information provided.

259. Worcestershire Regulatory Services also states that it would be desirable if some sort of assurance could be obtained that the nearby M5 Motorway junction would be the main entrance and exit source for HGV journeys where at all possible.

260. In terms of vibration, Worcestershire Regulatory Services state that they have no objections.

261. In terms of contaminated land and gas migration, Worcestershire Regulatory Services have reviewed the report, entitled 'Pinches Quarry, Lydiate Ash, Preliminary Sources Study Report', which is predominantly a geotechnical report assessing ground conditions at the site with a brief reference to contamination stating "*Prior to the commencement of quarrying the area was rural and agricultural, with no potentially contaminative industrial uses*" and "*There are no specific contaminants of concern emanating from within the site, nor in the surrounding area*" (section 3.6 Geo-Environmental and Contamination). No further reference to contamination is contained within the report.

262. Worcestershire Regulatory Services previously provided a response to Scoping Opinion (MPA Ref: 18/000040/SCO), which advised that elevated levels of methane and carbon dioxide had been monitored at various points within Pinches (1) and Pinches (2) Quarry sites. Further excavation and infilling at the proposed development site has the potential to alter the gas regime in the area and could pose a risk of gas migration effecting properties in the area. Worcestershire Regulatory Services, therefore, recommended that a contamination assessment (gas assessment) should be undertaken to ascertain any changes to the existing gas regime that the new area of quarrying would have and any impacts this may have on nearby receptors (residential properties, commercial buildings, etc.) to inform requirements for any mitigation measures as necessary.

263. Worcestershire Regulatory Services originally thought that the Preliminary Sources Study Report does not provide any information relating to gas risk assessment as previously requested. No relevant information relating to gas risk assessment has been identified within the available documents on the planning portal. Worcestershire Regulatory Services, therefore, recommended that a suitable gas risk assessment is undertaken to ascertain potential changes to the gas regime in the area from the proposed development and potential risks to relevant receptors, and identify mitigation measures as necessary.

264. Worcestershire Regulatory Services have reviewed two further documents submitted, which are the 'Site Investigation into Gas Generation From Pinches 1, 2 & 3 on Pinches 4 Quarry', and the 'Gas & Groundwater Monitoring Plan 2021'.

265. With regard to the Site Investigation report, Worcestershire Regulatory Services noted that the report summarises that the proposed development site is surrounded by former quarries (Pinches (1), (2) and (3)), these were exhausted of mineral reserves, and subject to landfill. At Pinches (1) and (2) Quarry sites, landfilling is complete (1990, 2000). Filling of Pinches (3) is expected to be completed in 2021. Historically, there was also 'Chadwick Farm Sand Pit' – filled with inert material in 1967.

266. In terms of the waste management licence history, Pinches (1) Quarry site consists of industrial/commercial waste, Control of Pollution Licence (COPA) – surrendered. Pinches (2) Quarry site consists mainly of inert material COPA/WWL EAWML 46013, awaiting final restoration. Pinches (3) Quarry site consists of inert material, with the Environmental Permit EPR/WP3299VG – ongoing.

267. With regard to gas monitoring, for Pinches (1) and Pinches (2) Quarry sites, this was undertaken from 2009 to 2011. For Pinches (3) Borehole BH1, this was undertaken from 2009 onwards, and is currently operational. In terms of Geology – Potential Pathways, there are porous bands within sandstone – preferential route for gas migration. There is an extremely permeable superficial deposit (near surface).

268. The report conclusions are that gas migration is occurring by molecular diffusion in the unsaturated layer of sandstone and by mass viscous flow through glacial and more porous sandstone bands. A major part of Sherwood sandstone would be left between Pinches (4) Quarry and Pinches (1), (2) and (3) Quarry sites, and gases are likely to vent through into Pinches (4) Quarry site. The gas source at Pinches (4) Quarry site has been identified as the Pinches (1) and (2) Quarry site, with Pinches (3) Quarry site being inert, but the gas in Borehole 1 at Pinches (3) Quarry site is from Pinches (1) Quarry site. The report refers to monitoring the boreholes and the internal monitoring points to act as an indicator to allow surrender of the permit. If these boreholes show no presence of landfill gas above trigger levels, then all external gases must be from external sources.

269. With regard to mitigation proposed, Pinches (4) Quarry site is to have a geological barrier constructed to reduce gas migrate into the landfill. This is expected to increase gas release around Pinches (1) and (2) (closed sites) Quarry sites. Pinches (3) Quarry site borehole is also expected to show elevated readings as a result. The report suggests it is prudent not to set trigger levels for the perimeter boreholes of Pinches (4) Quarry site due to the influence from landfill gas from Pinches (1) and possibly Pinches (2) Quarry sites.

270. Worcestershire Regulatory Services have also considered the 'Gas & Groundwater Monitoring Plan 2021...'. The report suggests the likelihood of gas production in Pinches (4) Quarry site is very low and it is recommended that internal gas monitoring points are constructed. It is noted that landfill gas is currently detected from the original Pinches (1) Quarry site and is detected in Pinches (3) Quarry site and is, therefore, likely to be detected along the south-eastern perimeter of the quarry. There is no proposed gas extraction due to the low organic fraction nature of the impending fill.

271. Gas monitoring is proposed on a quarterly basis at each of the external (site perimeter) gas monitoring points to obtain the baseline data then monitoring during operations on a quarterly basis. External gas monitoring is from the five combined groundwater and gas boreholes. Internal (proposed fill) gas monitoring points consist of seven combine water & gas boreholes, which would be installed over 3 development phases. Monitoring exercises would record CH₄ (methane), CO₂ (Carbon dioxide), CO (Carbon Monoxide), flow, atmospheric and differential pressure and meteorological conditions.

272. Worcestershire Regulatory Services originally commented that the proposal consists of lining the quarry after mineral extraction, to stop gas migration from the surrounding infilled sites. Due to the ground gas issue in the local area the applicant needs to consider if the installation of such a barrier has the potential to the increase the level of risk to offsite receptors, namely the houses on Wildmoor Lane. Worcestershire Regulatory Services commissioned a gas survey in 2015, but no significant ground gas risk to the houses was identified at that time. Worcestershire Regulatory Services was looking for assurances that the current proposal would not alter that finding. The reports submitted did not offer any commentary or assessment in that regard at the time.

273. In terms of noise, Worcestershire Regulatory Services state that the submitted Noise Assessment appears acceptable and predicts that noise from the proposed site activities would comply with the noise limits for normal and periodic site activities detailed within the Government's Planning Practice Guidance (PPG). The position, extent and height of the proposed perimeter bunds should be conditioned. They consider that the submitted Noise Management Plan appears acceptable. They request the imposition of a condition relating to noise monitoring.

274. Originally, Worcestershire Regulatory Services quoted some inconsistencies between the Noise Management Plan and the Noise Assessment in relation to when daily operations would commence. They stated that starting as early as 06:00 hours may adversely impact the nearest noise sensitive receptor(s).

275. The applicant has since clarified the operating hours which are no earlier than 07:00 hours. Worcestershire Regulatory Services have no objection to the operating hours.

276. With regard to dust, they consider that the submitted Air Quality Assessment appears acceptable and predicts, that in terms of dust emissions, the impact would not be significant at the nearest sensitive receptor(s). They therefore have no objection to the application in terms of dust emissions.

277. The submitted Dust Management Plan appears generally acceptable. However, the plan makes reference to mineral crushing, which they understand would not be undertaken. Additionally, they would recommend that perimeter bunds and restored areas are seeded with a suitable material to minimise dust emissions. Therefore, the applicant should submit a revised Dust Management Plan for further comment and approval.

278. In relation to Silicosis, Worcestershire Regulatory Services state that *“it is highly unlikely that the development would result in any exceedances of Local Air Quality guidelines for NO_x or Particulate Matter (PM_{2.5}/PM₁₀)”*.

279. In relation to further/revised information submitted as part of 2023 consultation, Worcestershire Regulatory Services state that the submitted Landscape and Visual Appraisal assessment appears satisfactory and demonstrates that there should be no additional impacts in terms of light and noise from the M5 Motorway impacting residential receptors to the western side of the motorway. Therefore, Worcestershire Regulatory Services have no objection to the application in terms of light and noise impacting existing residential receptors.

280. **Cadent Gas** states that they have no objection to the proposal.

281. Cadent provides a drawing indicating the approximate location of the WM1227 high pressure Cadent Gas Pipeline, which runs along Wildmoor Lane. They state that no habitable buildings can be constructed within 14 metres of the proven pipeline distance but that the Health and Safety Executive (HSE) must be consulted who might specify a greater distance where development is restricted. Any development within the easement of the pipeline would require their written consent.

282. Cadent Gas asks for an informative on the Decision Notice which states that the prior to carrying out works, the applicant should register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

283. **National Grid Electricity Distribution (NGED) Electricity / National Grid Telecoms (NGT)** provides a copy of our plan showing their existing apparatus in the vicinity of your proposed works. They advise that all NGED equipment on site should be assumed to be live until NGED prove otherwise and provide the applicant with confirmation to this effect in writing. Recent additions to their network, or service connections between the main cable and a building or street lamp may not be shown.

284. They further advise that damage to underground cables and contact with overhead lines can cause severe injury or may prove fatal. The applicant must comply with the requirements of the Health & Safety Executive guidance 'HS(G)47, Avoiding Danger from Underground Services'. Work taking place in the vicinity of the NGED plant is also regulated under the Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 2015. They state that safe working procedures should be defined and practiced.

285. The applicant should ensure that the use of mechanical excavators in the vicinity of our plant is kept to a minimum. NGT ducts contain fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position.

286. If there are overhead lines crossing the development site and the proposal involves building works which may infringe the clearance to our overhead system, then you should contact NGED /NGT for advice. Where overhead lines cross the site, the applicant must comply with the requirements of Health & Safety Executive guidance as laid down in 'GS6, Avoidance of Danger from Overhead Electric Lines'. Where diversions to NGED apparatus are needed to allow change to occur on site, the cost of these alterations may be charged to the persons responsible for the works.

287. **The Health and Safety Executive** have no objections to this proposal on safety grounds. The Planning Advice Web App has been used. This states that the Health & Safety Executive is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/Pipelines. The development has been identified to within at least one Consultation Distance, however, based on the details input by the MPA, Health & Safety Executive's advice is that they 'do not advise against' the development.

288. **Hereford & Worcester Fire and Rescue Service** have no objection to the proposal. They state that access to the site for fire appliances with regards road widths and road carrying capacities should be considered.

289. The applicant confirmed that the arrangement for the site access would comprise hard surface capable of carrying laden articulated and rigid HGV lorries thus its construction and carrying capacity would readily be able to accept fire and rescue vehicles. The access road itself is compliant with highway standard widths being approximately 7.3 metres.

290. Hereford & Worcester Fire and Rescue Service notes this response and have no further comments.

291. **West Mercia Police** have no concerns or objections.

292. **Worcestershire Local Enterprise Partnership (LEP)** – no comments received.

Other Representations

293. The application has been advertised on site, in the press and by neighbour notification. To date, 46 letters of representation have been received, including letters from Wildmoor Residents' Association, the Monarch's Way Association, Fairfield Village Community Association and County Councillor Karen May (neighbouring) who provided comments in her capacity of District Councillor covering Belbroughton & Romsley Ward. All 46 letters were objections, some of which are from the same individuals, made during multiple consultation

rounds. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Green Belt

- Impact on the West Midlands Green Belt due to affecting the site's rural location

Ecology and biodiversity

- The technical assessments describe the application site as grazing land and abandoned scrub, while it has developed over the years as a green pasture for horses and includes some mature trees.
- Negative impact of the development on wildlife supported on the site by the established vegetation. There is evidence of the following species present on site: buzzard, skylark, bull finch, nuthatch and green and spotted woodpecker. There is also evidence of badgers including entry to badger setts.

Water environment

- Due to the porous nature of the sandstone, leachate originating from other landfill sites in the area has been found in local water courses. Should contaminated leachate enter Battlefield Brook from a restored Pinches site the ecosystem downstream, which includes Brown Trout, Otters and other wildlife, would be negatively impacted.
- Pollution of the groundwater/aquifer.

Landscape

- Visual impact of the development and loss of greenery on the hillside which forms the Pinches (4) Quarry site.
- The proposed development would cause visual intrusion on the neighbouring properties and long-distance views.
- Change of landform and removal of vegetation from the higher grounds within the site would cause visual impacts from the M5 Motorway.
- The shape of the hillside should be as close as possible to the naturally existing contours rather than a 'flatten' form of the hillside.
- The bunds would not prevent the site being visible.
- Additional native tree planting would be required particularly in areas akin to the existing large tree positions to ensure a more random and natural appearance of the tree scape.

Residential Amenity and Public Health

- Peace to be eroded.
- Impact of dust and mud on Sandy Lane (A491)/Wildmoor Lane junction.
- Impact of dust particles including those containing silica sand on the air quality, local schools and health of the local residents including respiratory diseases, breathing difficulties and eye symptoms.
- Impact of noise from machinery operated on the site.
- Impact of noise and light from the motorway when the vegetation from the hill is removed.
- Increased pollution from the motorway as a result of the removal of the vegetation

from the hill.

- Fear of vibrations from the proposed development as ground vibrations have been felt from other quarry operations in the area.
- Historic boreholes filled with unknown materials create potential for gas generation and explosion.
- Potential for gaseous emissions and waste dumping which occurred as part of Pinches (1), (2) and (3) Quarry developments.
- Concerns that restoration of Pinches (4) Quarry site would take longer than proposed as it happened as part of Pinches (1), (2) and (3) phases, therefore, the impact on the local area could be more prolonged.
- Concerns over operating hours. 07:00 hours start for the operations six days a week is unacceptable. The start should be no earlier than 07:30 hours.
- Bromsgrove District Council is having to pay to have Wildmoor Lane continually cleaned due to the drainage issues that are experienced. A planning condition should be placed on proposal that the wheel wash must be used.
- A question is being asked whether receiving a payment from the applicant to carry out cleansing on this lane if they fail to do this, would be possible.
- Prohibit the owner from renting out the site to tenants who are abusing their occupancy by lighting fires causing nuisance to nearby residents.

Highways and access

- Traffic concerns in relation to lorries existing Wilmore Lane into Sandy Lane in particular turning right, towards Lydiate Ash Interchange (Junction 4) of the M5. All vehicles exiting Wildmoor Lane should turn left, with lorries driving to the Stoneybridge roundabout to turn around, and a Traffic Regulation Order enforcing a no right turn should be adopted, with appropriate signage, being put in place.
- Wildmoor Lane not appropriate for HGVs passing as it is too narrow. HGVs should not be allowed to use Wildmoor Lane and other local roads such as Top Road.
- Concerns that HGVs would still use local lanes instead of main roads when there is an accident on M5 Motorway.
- Impact of increased HGV movements and cumulative impact of increased traffic from other new developments in Bromsgrove.
- Traffic concerns including impact on traffic flow when HGVs wait to access the site.
- The proposed central islands, on Sandy Lane (A491) would have minimal impact to reduce traffic speeds.
- Highways information does not seem to include up to date accident information.
- Traffic impacts on walkers, cyclists and horse riders. Impact of increased traffic on a long-distance footpath, the Monarch's Way, which crosses the A491 at Wildmoor Lane, and is already difficult for walkers to cross safely. More heavy lorries turning into and out of Wildmoor Lane can only increase the danger. As a minimum improved pedestrian access across this road should be required with a significant halfway sanctuary provided for at least 6 walkers. It should be a Pedestrian Controlled Crossing Point. With proper footpath access along Wildmoor Lane. It requires warning signage indicating 'Walkers crossing' and the layby opposite Wildmoor Lane requires open access on to the road and clear line of sight for walkers too.
- Wheel washing or regular wheel cleaning to prevent material from the site being conveyed on to Wildmoor Lane and its junction with the A491, should be imposed by

conditions. The operators should be surcharged for road sweeping costs as required and as a result of debris being discharged from the site over the total period of the site operations.

- The applicant should be responsible to carry out improvements to the site entrance and access into the site area. More secure access to the off Wildmoor Lane to prevent illegal trespassing.
- The existing galvanised gate access from the Sandy Lane (A491) (adjacent to Junction 4 of the M5 Motorway) which is unsecured, should be closed off.
- Hedge trimming of Wildmoor Lane to be controlled.
- Construct on/off slip roads on Sandy Lane (A491) each side of Wildmoor Lane.
- Apply no parking-stopping restrictions for some distance – 3 ways around junction.
- Sign-posted prohibition of HGVs between junction of Top Road with Wildmoor Lane and quarry entrance should be introduced.

Other

- Insufficient public consultations prior to the application submission.
- Road width and carrying capacity should be considered in relation to fire and rescue
- Negative impacts on local house sales.
- Compliance with policies of the now superseded County of Hereford and Worcester Minerals Local Plan, adopted April 1997.
- The historic use of Pinches (4) Quarry site for burning wastes and motorbike racing causing the residents nuisance.
- The site developers neglected the site degrading the agricultural land and incorrectly portraying the site as non-agricultural and located in a commercial setting.
- The owner is not trustworthy. Lack of trust that the applicant would follow through with the restrictions put on the development due to their track record.
- The resident site visit identified secure fencing for storage, mounds of landfill material reaching up to 30 metres with industrial waste showing, terrapin huts, mud, Pinches (3) Quarry site not restored satisfactory, debris and illegal storage units, water supply.
- Noted within the application that the developer wishes to retain the stockyard area for separate business activities after the completion of operations.
- Large number of quarries in the area – it should be scaled down not increased.
- Questions over responsibility for only inert materials being used on site, the County Council does not have a capacity or resources to monitor the site.
- Where the inert material would be imported from?
- It is suggested that the community of Wildmoor is involved in the development of the restoration plan.
- A bond should be put in place in the event that the operator goes into administration and the area is left with yet another unresolved restoration issue.
- The timescales for restoration and phasing should be carefully monitored and enforced.
- Regular liaison meetings with the site operator's for the mutual benefit of both parties and should take place on a three or four monthly basis.
- Impact on carbon footprint.

The Head of Planning and Transport Planning's Comments

294. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Worcestershire's landbank of sand and gravel reserves

295. As set out under the 'Other Representations' heading earlier in this report, various comments have been made including whether there is a need for Phase 4 of the Pinches Quarry.

296. National planning policy for minerals is contained within Section 17 'Facilitating the sustainable use of minerals' of the NPPF. Paragraph 215 of the NPPF states *"it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation"*. Paragraph 217 of the NPPF states *"when determining planning applications, great weight should be given to the benefits of mineral extraction, including the economy"*.

297. Paragraph 219 f) of the NPPF states *"minerals planning authorities should plan for a steady and adequate supply of aggregates by...maintaining landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised"*. Footnote 77 of the NPPF states *"longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserved relative to markets, and productive capacity of permitted sites"*. As required by the NPPF, the MPA has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

298. The LAA (published January 2024) covers the period up to 31 December 2022 and, in accordance with the NPPF (paragraph 219), forecasts future demand based on a rolling average of 10 years' sale data in Worcestershire and other relevant local information. Its prime purpose is to assist Worcestershire County Council (in its role as MPA) in its efforts to provide for the steady and adequate supply of local aggregates.

299. The LLA states that *"none of the demand indicators suggest that the production guideline should be lower than the 10-year average, and some (trends in annual sales figures, the historic sub-regional apportionment and predicted infrastructure requirements) suggest that the production guideline should be increased above the 10-year average. Supply indicators (including replenishment rates, site allocations, industry interest) suggest that an increase above the 10-year average could be accommodated"*.

300. In view of the above, the production guideline in the LAA is derived from the 10-year sales average plus 20%. The LAA states that *"this scale of uplift will support the continuation of recent supply levels and mitigate any potential impacts on the production guideline from the former County of Hereford and Worcester Minerals Local Plan (1997) being in place well beyond its expected implementation period (up to July 2022), which may have led to lower annual sales due to additional barriers to development rather than lower levels of demand. The 20% uplift will also support the anticipated scale of demand for housing and infrastructure development and allow some flexibility in relation to demand for HS2 and other development needs. This approach will be kept under review"*

in future LAAs, particularly to monitor the impact of the Worcestershire Minerals Local Plan (2018-2036) which was adopted in July 2022 and to reflect greater certainty about demand for HS2 once the project moves into a period of peak demand (which is likely to be reflected in 2023 and 2024 sales figures)”.

301. The annual production guideline for sand gravel identified by the LAA is, therefore, 0.667 million tonnes. Based on this production guideline and the stock of permitted reserves of approximately 5.06 million tonnes of sand and gravel, Worcestershire had a landbank of approximately 7.59 years on 31 December 2022. This is slightly above the 7-year landbank required by national policy.

302. It should be noted that the LAA includes reserves at Bow Farm Quarry (cross-boundary application), which was permitted by Worcestershire County Council on 8 November 2022, but at the time of the publication of the LAA, it was contingent on planning permission being granted for site access and processing plant within Gloucestershire. This was granted planning permission on appeal on 19 January 2024 (Appeal Ref: APP/T1600/W/23/3324695, Gloucestershire County Council Ref: 19/0081/TWMAJM).

303. There were no further planning permissions for minerals site granted in the period between the end of 2022 and 31 December 2023. Assuming the production guideline for sand and gravel set out in the LAA (0.667 million tonnes) continued in 2023, then the landbank of permitted reserves on 31 December 2023 would be just below the minimum landbank for at least 7 years for sand and gravel at 6.59 years (4.39 million tonnes of sand and gravel).

304. Should this application be planning permission granted, it would increase the landbank by approximately 1.3 years, equating to a landbank of approximately 7.89 years. This is still only slightly above the 7-year landbank required by national policy.

305. It needs to be noted that since December 2023, the MPA granted planning permission for part-retrospective application for the winning and working of sand and restoration to agriculture (pasture for horses) at former motocross site, adjacent to Wilden Lane, Wilden, Stourport-on-Severn, Worcestershire. The proposal was to extract approximately 250,000 tonnes of sand and gravel. Permission was granted on 14 March 2024, but with the following condition being imposed: *“This permission does not authorise any further mineral extraction or importation of waste or soils to the site from the date of this permission”.*

306. It is also noted that there are also a number of planning applications for mineral extraction pending consideration, namely:

- **Ripple East, Bow Lane, Ripple** – Proposed extraction of approximately 475,000 tonnes of sand and gravel with restoration to agriculture and nature conservation, including ponds, wetlands, hedgerows and lowland mixed deciduous woodland and meadows (Ref: 22/000015/CM). Should this planning application be granted permission, it would increase the landbank by approximately 0.71 years.
- **Uckinghall Quarry, off School Lane, Uckinghall** – Proposed extraction of approximately 755,000 tonnes of sand and gravel with reinstatement involving the importation of inert restoration materials and soils to restore the site to agriculture and nature conservation, including ponds, wetlands, hedgerows and lowland mixed deciduous woodland and meadows (MPA Ref: 23/000049/CM). Should this planning

application be granted permission, it would increase the landbank by approximately 1.13 years.

307. It is further noted that an appeal against the Council's decision to refuse planning permission for Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster – Proposed extraction of approximately 3 million tonnes of sand and gravel over a total of 6 phases (MPA Ref: 19/000053/CM, Minute No. 1096 refers, Appeal Ref: APP/E1855/W/22/3310099) was dismissed on 5th May 2023. The appellant submitted a claim to the High Court of Justice for statutory review of the decision by the Planning Inspectorate. The High Court of Justice subsequently quashed the Planning Inspectorate decision. The application is currently back with the Planning Inspectorate for redetermination. No decision has been made to date. Should this appeal be allowed, and planning permission granted, it would increase the landbank by approximately 4.50 years.

308. It is noted that Policy MLP 14: 'Scale of Sand and Gravel Provision' of the Worcestershire Minerals Local Plan states that *"the scale of provision required over the life of the plan [2036] is at least 14.872 million tonnes of sand and gravel"*.

309. The Government's PPG (Paragraph Reference ID: 27-082-20140306) states *"for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates"*. Notwithstanding this, as indicated by the PPG (Paragraph Reference ID: 27-084-20140306) *"there is no maximum landbank level and each application for mineral extraction must be considered on their own merits regardless of length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need"*.

310. Paragraph 2.24 of the Worcestershire Minerals Local Plan states that *"as aggregates are bulky, costly to transport and generally fairly low value, they are typically only transported about 30 miles from their source. However, where a particular resource serves a distinct market, or where suitable resources are not available more locally, materials may travel further to meet demand"*.

311. It is considered that the proposal would contribute to providing a balanced geographical spread of mineral reserves and provide an additional mineral site, contributing to a steady and adequate supply of mineral and adding to resilience to the mineral supply in Worcestershire, which is currently provided by a limited number of active / operational sites (Wildmoor Quarry and Chadwich Lane Quarry, north of Bromsgrove; Clifton Quarry, south of Worcester; and Ryall North Quarry, north of Upton-upon-Severn).

312. It should be noted that a planning application for Chadwich Lane Quarry (MPA Ref: 23/000045/CM) is pending consideration for: 'The carrying out of development pursuant to planning permission reference number: 18/000036/CM, dated 25 March 2021 without complying with conditions 4, 5, 7, 26, 28, 29, 30, 33, 34, 41, 50, 55 and 60 of that permission'. This seeks principally to amend the approved drainage scheme and does not amend the amount of mineral to be extracted.

313. The proposal is considered to be consistent with paragraph 219 f) of the NPPF as it would contribute towards the MPA's landbank for sand and gravel.

Location of the development

314. Paragraph 215 of the NPPF states that *“since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”*.

315. The Government’s PPG further states that *“planning for the supply of minerals has a number of special characteristics that are not present in other development: minerals can only be worked (i.e., extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited...”* (Paragraph Reference ID: 27-001-20140306).

316. Policy MLP 1: ‘Spatial Strategy’ of the adopted Worcestershire Minerals Local sets out a spatial strategy for the location of minerals extraction, seeking to direct such development within the Strategic Corridors stating that *“for most types of mineral, the majority of development over the life of the plan will be located in the Avon and Carrant Brook, Lower Severn, North East Worcestershire, North West Worcestershire and Salwarpe Tributaries Strategic Corridors: i. Development for sand and gravel...will be supported within the strategic corridors and will not normally be supported elsewhere in the county...”*.

317. The reasoned justification to Policy MLP 1 states that *“to serve market demand for mineral resources in and around Worcestershire, and to support the local and wider economy five strategic corridors are identified [within the Worcestershire Minerals Local Plan]...The identification of the strategic corridors has been informed by the distribution of the mineral resources which are found in Worcestershire... The distribution of sand and gravel...resources has been instrumental in defining the strategic corridors. The strategic corridors are the areas in the county where these are the greatest concentrations of sand and gravel, silica sand, and brick clay resources which are not affected by significant viability, environmental and amenity constraints”*.

318. The reasoned justification goes onto state that *“the strategic corridors are well located to serve planned housing and infrastructure developments and are connected to the strategic transport network...Concentrating mineral development in the strategic corridors will enable a co-ordinated approach to the working and restoration of mineral sites, giving greater opportunities to deliver integrated social, economic and environmental gains than if sites are considered in isolation. The character and distinctiveness of each of the strategic corridors sets a framework for the cost-effective delivery of multifunctional green infrastructure priorities”*.

319. The proposed development would be located within the ‘North-East Worcestershire Corridor’ as shown and defined on the Minerals Local Plan Policies Map, in accordance with Policy MLP 1 of the adopted Worcestershire Minerals Local Plan.

320. The Government’s PPG states that *“mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):*

- 1) *Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;*

- 2) *Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or*
- 3) *Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply” (Paragraph Reference ID: 27-008-20140306).*

321. The Worcestershire Minerals Local Plan designates “areas of search”. Policy MLP 3: ‘Strategic Location of Development – Areas of Search and Windfall Sites within the Strategic Corridors’ of the of the Worcestershire Minerals Local states that: *“areas of search are allocated within the Avon and Carrant Brook, Lower Severn, North East Worcestershire, North West Worcestershire and Salwarpe Tributaries Strategic Corridors, as shown [within the Worcestershire Minerals Local Plan]...a) planning permission will be granted for new mineral developments and extensions to extant sites within allocated areas of search where there is a shortfall in supply as demonstrated by part c)”*.

322. Part c) of the policy states: *“a shortfall in supply for a broad mineral type will be considered to exist where: i) there is a shortfall in extant sites and allocated specific sites and / or preferred areas to meet the scale of provision required over the life of the plan...”*.

323. The reasoned justification to Policy MLP 3 states that *“areas of search have been allocated to provide a positive framework to ensure that a sufficient supply of minerals can be delivered over the life of the plan, to facilitate the minerals industry to find and put forward sites, and (combined with the strategic corridor priorities in policies MLP 8 to MLP 12 to provide as much certainty as possible to communities over where and how mineral development might take place if there is a shortfall in supply of a particular mineral”*.

324. The proposal would be located within an “area of search” as shown and defined on the Minerals Local Plan Policies Map. The Head of Planning and Transport Planning considers that there is currently a shortfall in extant sites, allocated specific sites and preferred areas to meet the scale of provision required over the life of the Worcestershire Minerals Local Plan, given that the emerging Worcestershire Minerals Site Allocations Development Plan Document which will allocate “specific sites” and “preferred areas”, is at an early stage of preparation and has not, therefore, been subject to consultation, tested at examination or adopted by the County Council. Furthermore, as outlined in the ‘Worcestershire’s landbank of sand and gravel reserves’ section of this report, the current landbank set out in the latest published LAA is only slightly above the minimum 7 years for sand and gravel.

325. In view of the above, the Head of Planning and Transport Planning considered that the location of the proposed development accords with the strategic locational policies of the adopted Worcestershire Minerals Local Plan, namely Policies MLP 1 and MLP 3.

326. Consideration of the proposal against Policy MLP 10: ‘North-East Worcestershire Corridor’ of the Worcestershire Minerals Local Plan, is set out in the ‘Restoration and aftercare of the site’ section of this report. This policy sets the priorities for the delivery of multifunctional green infrastructure in the North-East Worcestershire Corridor’.

Alternatives

327. Schedule 4 of the Town and Country Planning (EIA) Regulations 2017 outlines the information for inclusion within an Environmental Statement. Paragraph 2 states “a

description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects”.

328. The PPG states that *“the 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied...and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects”* (Paragraph Reference ID: 4-041-20170728).

329. The applicant considered alternative working schemes. The applicant’s approach to the assessment of alternatives references that the site has previously been put forward as part of the development of the Worcestershire Minerals Local Plan with conceptual phase areas. In the Environmental Statement they set out that that since the Scoping Opinion was issued in September 2018 by the MPA, the design has evolved. They refer to considering option designs, involving different phase areas and sequencing, against potential environmental effects, particularly in relation to noise and visual impacts.

330. The applicant also refers to considering different design options in terms of extracting the sand process in an alternative pattern, i.e. north to south. However, they consider that the submitted scheme represents the optimum operational design and offers effective mitigation measures. They also state that the design option is reliant upon establishing the quarry to enable working (extraction) to continue at ground levels lower than the surrounding terrain and thus, beyond immediate sound and sight issues for sensitive receptors.

331. The applicant recognises that the site is located in the North-East Worcestershire Strategic Corridor as identified in the adopted Worcestershire Minerals Local Plan. Policy MLP 1: Spatial Strategy of the adopted Worcestershire Minerals Local Plan seeks to direct minerals extraction within the Strategic Corridors stating that *“For most types of mineral, the majority of development over the life of the plan will be located in the Avon and Carrant Brook, Lower Severn, North East Worcestershire, North West Worcestershire and Salwarpe Tributaries Strategic Corridors”.*

332. The need for the development is discussed above in the ‘Worcestershire’s landbank of sand and gravel reserves’ section of this report, which demonstrates that the landbank is only slightly above the minimum 7 years for sand and gravel, which demonstrates that there is still a need for a supply. Furthermore, specific sites and preferred areas are due to be allocated in the future in an emerging a Mineral Site Allocations Development Plan Document. It is noted that the site was submitted in response to calls for sites and is under consideration, but that the Emerging Mineral Site Allocations Development Plan Document is at an early stage and, therefore, there are no guarantees the site would be allocated.

333. In view of the above, the Head of Planning and Transport Planning considers that the applicant’s approach to the consideration of alternatives is acceptable in this instance.

Green Belt

334. The proposal is located within the West Midlands Green Belt. As set out under the ‘Other Representations’ heading in this report, letters of representation have been received objecting on the grounds of adverse impacts upon the Green Belt.

335. Policy WCS 13 of the Worcestershire Waste Core Strategy permits waste management facilities in areas designated as Green Belt where the proposal does not constitute inappropriate development, or where very special circumstances exist. This is supplemented by Policy BDP4: 'Green Belt' of the Bromsgrove District Plan which states that the development of new buildings in the Green Belt is considered to be inappropriate, except in a number of circumstances which are listed in the policy, but does not include references to mineral extraction or engineering operations as referenced in the NPPF.

336. Policy MLP 27: 'Green Belt' of the adopted Worcestershire Minerals Local Plan states that: *"a) Mineral extraction and / or engineering operations within the Green Belt, will be supported where a level of technical assessment appropriate to the proposed development demonstrates that, throughout its lifetime, the mineral extraction and / or engineering operations will:*

- *preserve the openness of the Green Belt; and*
- *not conflict with the purposes of including land within the Green Belt.*

b) Where any aspect of the proposed development is inappropriate [FOOTNOTE: Green Belt policy on inappropriate development, and development that may not be inappropriate, is set out in Ministry of Housing, Communities and Local Government (July 2021) National Planning Policy Framework, paragraphs 147-151] in the Green Belt - including mineral extraction and / or engineering operations that cannot satisfy the tests in part (a) above - it will only be supported where a level of technical assessment demonstrates that very special circumstances exist that mean the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

337. The introduction to Section 13 of the NPPF at Paragraph 142 states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

338. Paragraph 143 of the NPPF states that *"Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

339. Paragraph 152 of the NPPF states in respect of proposals affecting the Green Belt that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".* Paragraph 153 of the NPPF states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".*

340. Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt and

outlines a number of exceptions to this. Minerals can only be worked where they are found, and mineral working is a temporary use of land. Paragraph 155 of the NPPF identifies certain other forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and engineering operations, *“provided they preserve its openness and do not conflict with the purposes of including land within it”*. In other words, mineral extraction remains inappropriate development in the Green Belt unless it can be demonstrated that the proposal both preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

341. What comprises ‘mineral extraction’ for the purposes of applying this policy is not defined in the NPPF. However, Section 55 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) defines mining operations to include the removal of material of any description from a mineral-working deposit. With regard to the imposition of conditions for mineral working Schedule 5 of the 1990 Act refers to the winning and working of minerals. Therefore, it is reasonable to conclude that ‘mineral extraction’ should include plant and infrastructure necessary to facilitate the winning and working of minerals. To that extent, it is considered that the plant and machinery included within proposal is limited to that necessary to facilitate mineral extraction.

342. The requirement to preserve openness means that proposals must not reduce openness or cause harm to the Green Belt and if they do must demonstrate Very Special Circumstances as set out in the NPPF. A part of these Very Special Circumstances will be a need to demonstrate why any chosen method or approach is not able to avoid or minimise a reduction of openness.

343. Given an essential characteristic of Green Belt is ‘openness’, it is important to understand what this means. There has been significant argument around the concept of openness and the extent to which it encompasses visual effects as opposed to just the physical / volumetric effect of new development. This was largely resolved by the Court of Appeal in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where Sales LJ said: *“The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”*.

344. Subsequently, in February 2020, the Supreme Court in *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 generally supported the Turner decision, but provided further analysis of openness: *“The concept of “openness” in para 90 of the NPPF [a previous version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance (PPG) 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the*

minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”, and: “[Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector”.

345. To not be inappropriate development in the Green Belt, it is not a prerequisite that openness is maintained. Mineral extraction may not be inappropriate as long as it preserves openness in accordance with paragraph 155 of the NPPF. It therefore comes down to the specific details of the proposals; determining the “tipping point” beyond minerals excavation that would preserve openness and not conflict with the purposes of including land within the Green Belt, depends on the particular circumstances of the proposal as a matter of fact and degree. Relevant considerations could include the siting, nature and scale of the operational development within the local context, include its cumulative context, along with its visual effects, the impacts of its duration and the reversibility of any impact on the openness and purposes of the Green Belt.

346. This position is further underpinned by the advice in the PPG, which states when *“assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation”* (Paragraph: 001 Reference ID: 64-001-20190722).

347. For planning judgements openness is often equated with “absence of built development”. Sprawl is a multi-faceted concept and thus has a variety of different definitions which may apply according to context. Sprawl is the converse of open and undeveloped land and may include an uncontrolled or cluttered urban fringe or development which adds to a loss of attractiveness or sense of untidiness. A related term used in NPPF at paragraph 143 c) is ‘encroachment’ which is generally defined as a gradual advancement of urbanising influences through physical development or land use change.

348. Taking into account the matter of a “tipping point,” it is expected that any approach to minerals development within the Green Belt would optimise design in balance with operational needs to seek to preserve the openness of the Green Belt and the effect on Green Belt purposes, so as not to be inappropriate.

349. As set out under the ‘Proposal’ heading of this report, the proposal includes a new quarry with the infilling of the resultant void with inert waste material to the level of the surrounding ground, progressive restoration of the land primarily to agricultural use. Processing of mineral is proposed to take place via mobile plant within the extraction area. There would be a processed mineral stockyard area located in the north-western part of the site on an area of existing hardstanding. Associated infrastructure would include a weighbridge, wheel cleaning facility and staff welfare cabins and staff canteen.

The staff welfare cabin would measure approximately 2.9 metres wide by 5.08 metres long by 2.5 metres high. The staff canteen would measure approximately 2.99 metres wide by 5.1 metres long by 2.5 metres high. Both buildings would be painted, finished in a Goosewing Grey colour.

350. As part of the scheme's mitigation measures the applicant is proposing a noise and visual screen earth bund, measuring approximately 3 metres high, sited along the northern edge of the stockyard, and an earth bund measuring approximately 4 metres high, along the eastern / north-eastern site boundary, adjacent to the M5 Motorway roundabout. Whilst it is considered that the bunds would be alien features in the landscape, they would be seeded with grass to help reduce their visual impact. The bunds would be removed at the end of the development when the final soils contained within them would be used to help restore the land to agricultural use.

351. The applicant estimates that extraction and restoration works would take until 2038 to complete. On completion of the infilling, the ancillary site infrastructure would be removed and the site restored. The revised restoration masterplan shows that the former stock yard area would be restored by removal of infrastructure and ground profiles reinstated. The PPG (Paragraph Reference ID: 27-001-20140306) sets out that *“Planning for the supply of minerals has a number of special characteristics that are not present in other development”*, which includes that *“working is a temporary use of land”*. The PPG (Paragraph Reference ID: 27-194-20140306) also states under the heading of ‘What types of conditions will be appropriate’ that *“regard should be had to all material planning conditions including...land quality and proposed after-use”*.

352. The proposed restoration plan demonstrates the reinstatement of the site landform to be similar to existing levels. The peripheral vegetation is proposed to be strengthened along the eastern and north-eastern boundaries and further native species hedgerow and intermittent tree planting on the edges of the proposed extraction area are proposed. Further hedgerow and tree planting are proposed following the existing hedgerow lines. Two areas of native woodland are proposed. Overall, the Head of Planning and Transport Planning considers that the proposed landscaping would provide sufficient levels of visual screening whilst delivering the restoration scheme which is in line with the landscape character historically present in the local area. In relation to the visual impacts from the M5 Motorway on the surrounding residential properties, the Head of Planning and Transport Planning considers that it has been demonstrated that there would be very limited visibility. Should any visibility be present it would be distant and glimpsed.

353. The County Landscape Officer raises no objection to this proposal, subject to the imposition of relevant conditions.

354. Taking into account the above, the Head of Planning and Transport Planning considers that subject to the imposition of conditions relating to a revised restoration scheme which includes the stockyard, and any proposed buildings and associated infrastructure including their siting and design, there would be no permanent spatial or visual impact on the Green Belt.

355. The applicant anticipates that a CAT D6T Dozer, loading shovel, Powerscreen Chieftain 1500 mobile plant, dump truck and HGVs would be used on site. The applicant estimates that there would be approximately 38 (76 two-way) HGV trips per weekday and 7 (14 two-way) HGV trips on a Saturday. A maximum of 8 staff are anticipated to work at the quarry. They are anticipated to make 16 vehicles movements two-way a day.

356. It is considered that the access, bunds, ancillary facilities and activity associated with mineral extraction would, to some extent, impair the openness of the area, but not enough in view of the Head of Planning and Transport Planning to exceed the threshold or tipping point for the purposes of applying Paragraph 155 of the NPPF in respect to openness.

357. The proposed development would, notwithstanding its duration, be a temporary activity and, therefore, would not conflict with the fundamental aim of Green Belt policy. In a similar manner, whilst the proposal would disturb the site for a period of time, it would not conflict with the five purposes of Green Belt, as the site would be progressively returned to an open state following completion of extraction. In view of this, the Head of Planning and Transport Planning considers that the exceptions for mineral extraction and engineering operations at paragraph 155 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.

358. In view of the above, on balance, the Head of Planning and Transport Planning considers that the proposed development, when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt, as the site would be progressively returned to an open state following completion of extraction. Whilst there would be some short-term visual impact during the site operation, eventually, the site would be restored to agricultural use to include landscape features such as broadleaved woodland and grassland. The site landform changes are not considered to be significant and in the long term the site appearance would be representative of the local and historic landscape character. As such, it is considered that the visual impact on openness does not make this development “inappropriate”.

359. It is considered that the proposal is in line with any typical mineral development in the Green Belt, and it is assessed that this site should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a temporary duration, and very short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 155, and this proposal should benefit from those exemptions as it comes within the intended scope.

360. As the proposed development is not considered to constitute inappropriate development, there is no need under The Town and Country Planning (Consultation) (England) Direction 2024, to refer this application to the Secretary of State for Housing, Communities & Local Government if Members are minded granting planning permission for this development.

Traffic, highway safety and impact upon Public Rights of Way

361. As set out under the ‘Consultations’ and ‘Other Representations’ headings in this report, objections have been received from members of the public and various consultees including County Councillor Shirley Webb, Bournheath Parish Council Belbroughton and Fairfield Parish Council, Catshill and North Marlbrook Parish Council, Fairfield Village Community Association & Neighbourhood Watch, as well as local residents, objecting to the proposal on traffic and highway safety grounds. Concerns raised include local roads being unsuitable for HGVs, increase in traffic, need for increased capacity on roads, highway safety concerns, debris and mud being deposited on road and vehicle routing. Whilst not objecting Campaign to Protect Rural England and Ramblers Association are

also concerned with highways implications of this proposal, specifically regarding congestion on A491/Sandy Lane and the safety of pedestrians using Monarch's Way long distance footpath.

362. Paragraph 111 of the NPPF states *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

363. Policy MLP 30: 'Access and Recreation' of the adopted Worcestershire Minerals Local Plan seeks to optimise opportunities to enhance rights of way network and the provision of publicly accessible green space. It also seeks to ensure that proposals would not have an acceptable adverse effect on the integrity and quality of existing rights of way network or navigable waterways and retaining rights of way in situ unless it is demonstrated that it is not practicable.

364. Policy MLP 39: 'Transport' of the adopted Worcestershire Minerals Local Plan states that *“planning permission will be granted for mineral development that uses the most sustainable transport options and which will not have an unacceptable adverse effect on transport safety or congestion. A level of technical assessment appropriate to the proposed development and its potential impacts on the local and strategic transport network will be required to demonstrate that, throughout its lifetime, and taking into account the cumulative effects of multiple impacts from the site and/or a number of sites in the locality, the proposed development will:*

- a) prioritise the use of alternatives to road transport for the movement of minerals and materials (including water, rail, conveyors and pipelines). Road transport of minerals and materials will only be acceptable where it is demonstrated that alternative modes are not practicable or are not environmentally preferable;*
- b) provide safe access for employees and visitors which, where appropriate, optimises the use of public transport, walking and cycling;*
- c) connect to the strategic transport network without having an unacceptable adverse effect on safety or congestion of the local or strategic transport network;*
- d) not have an unacceptable adverse effect on the environment or amenity along transport routes; and*
- e) where new or modified routes are required, optimise opportunities to create and integrate green infrastructure”*.

365. Policy WCS 8: 'Site infrastructure and access' of the adopted Waste Core Strategy seeks to ensure that... *“b) the site is well connected to the strategic transport network and uses alternatives to road transport where practicable; and c) vehicular and pedestrian access to the site is safe and adequate to support the proposed waste management facility, either as it is or with improvements that form part of the application; and d) proposals will not have an unacceptable adverse impact on safety or congestion on the transport network or amenity along transport routes”*.

366. Policy BDP16: 'Sustainable Transport' of the Bromsgrove District Plan states that... *“BDP16.1 Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network. (...) BDP16.3 The*

Council will support the use of low emission vehicles including electric cars through encouraging the provision of charging points in new developments. (...) BDP16.6 Infrastructure for pedestrians and cyclists, for example access routes and cycle parking, will be provided in a safe and sustainable environment within the context of green infrastructure, as an integral feature of proposed development. Developments which would worsen walking and cycling access and exacerbate motor vehicle dependence should not be permitted”.

367. Policy BDP19: ‘High Quality Design’ of the Bromsgrove District Plan state that development should ensure that measure the potential impact of pollution in relation to air, noise, vibration, light and water to occupants, wildlife and the environment.

368. As set out under the ‘Proposal’ heading in this report, access to the site is proposed to be via the existing access to the restored Pinches (3) Quarry site, which leads directly onto Wildmoor Lane and then links to the Sandy Lane (A491) and then to junction 4 of the M5 Motorway. Wildmoor Lane is located to the north of the site and forms a priority T-junction with Sandy Lane (A491) to the east of the site. To the west of the site, Wildmoor Lane continues south-westbound before terminating in the village of Catshill. The applicant’s Transport Statement references that beyond the site access to the west (south-west) of the site, Wildmoor Lane is unsuitable for HGVs and there is a sign to this effect located just to the south of the access. The Transport Statement states that the distribution of the site traffic is expected to access and egress the site via the M5 Motorway both northbound and southbound.

369. The Transport Statement states that the maximum output for the proposals would be circa 150,000 tonnes per year, of saleable mineral. The applicant estimates that, on average, 38 (76 two-way) HGV trips per weekday and 7 (14 two-way) HGV trips on a Saturday would take place. Eight-wheel tipper trucks would be the main vehicles travelling to and from the site. The site is predicted to have a relatively constant number of vehicle movements, but this is expected to vary from day to day and the season, where more movements are expected during summer months.

370. The site operating hours would be between 07:00 to 18:00 hours Mondays to Fridays, and between 07:00 to 14:00 hours Saturdays, with no working on Sundays, Bank or Public Holidays.

371. The proposed quarry would employ a maximum of 8 staff from commencement. The employees would generate a maximum of 16 daily trips – 8 trips in and 8 trips out of the site. The Transport Statement assumes that 25% of staff movements would be made during the network peak hour. The applicant confirms that the network peak hours for Mondays to Fridays would be AM between 08:00 to 09:00 hours and PM between 17:00 to 18:00 hours.

372. The Transport Statement considers that the trip generation is based on a theoretical maximum output for the site, which is likely to be an overestimation.

373. Capacity modelling have been undertaken at the Sandy Lane (A491)/ Wildmoor Lane junction to identify the impact the resulting traffic flow changes would have on the local highway network. The capacity assessments show that this junction is already operating over capacity and whilst the addition of development traffic exacerbates this, the predicted queuing increases are not severe.

374. The Transport Statement sets out that vehicular access to the development would be provided through the existing priority T-junction taken from Wildmoor Lane. The site access would be widened to allow two HGVs to pass each other in a left in/right out formation. The site access would be gated with a secure entrance gate. The gate would be offset from the highway by approximately 29 metres. This would allow for a sufficient turning room for the vehicles to turn around should gates remain closed. Further gates would be provided at the access to the site car park.

375. The maximum achievable visibility splays would be provided on either side of the improved site access (Wildmoor Lane and A491/Sandy Lane junction) to measure approximately 2.4 metres by 42 metres to the west measured to the centre of the lane and 2.4 metres by 31 metres to the junction. The applicant states that this would maximise intervisibility for left turners into Wildmoor Lane/site access so that the emerging vehicles from Wildmoor Lane and the site access can be seen in advance. Current vegetation (bushes) would be cut back to protect the visibility envelope.

376. The Transport Statement states that the internal layout of the site has been designed to allow for all vehicles to enter and leave the site in a forward gear and to prevent any queuing on the public highway. The site would also include a weighbridge, secure HGV parking area and staff parking.

377. The Transport Statement states that the site is an extension to an existing quarry which has operated on the wider Pinches Quarry site for many years and that the additional trips generated by the proposal would not have a material impact.

378. The Transport Statement states that analysis of the most recent five years accident data has shown that there have been three slight accidents recorded in the vicinity of the site within the five-year study period. One of these accidents involved a vehicle turning at the junction between Sandy Lane and Wildmoor Lane and this does not suggest a recurring accident issue at the junction that would be exacerbated by additional traffic at the junction.

379. The applicant has submitted a Particulates Risk Assessment, which considers how various control measures could be used to control dust emissions to air from the development. The submitted Dust Management Plan states that a combination of physical and management measures would be used to prevent or minimise dust emissions. This includes stating that a water bowser would be available to spray water on unpaved internal haul routes as well as being capable of spraying the paved roads, and that haul routes would be maintained to prevent the accumulation of fine material on the haul route. The Dust Management Plan also states that the section of the internal haul road extending from the public road to the weighbridge of the site shall be hard surfaced. Additionally, the stockyard area arrangement plan indicated that a shaker bar tyre cleaner / wheel cleaning processes being located within the site to reduce the carry through of mud onto the public highway is being proposed. The dust mitigation activities and wheel cleaning facilities would be controlled by the imposition of planning conditions.

380. National Highways have no objections to this proposal, subject to the imposition of conditions relating to detailed design and maintenance of the surface water management, a Construction and Environmental Management Plan and a lighting strategy.

381. The County Highways Officer has no objections, subject to the imposition of conditions relating to a detailed scheme for the site access works at Sandy Lane (A491)/Wildmoor Lane junction and Wildmoor Lane, a detailed scheme and Construction

Method Statement for the bunds/earthworks at the northern and eastern site boundaries and details of parking, turning areas and wheel cleaning facility.

382. The County Highways Officer states that the applicant has proposed to provide a localised widening on Wildmoor Lane at the site access and upgrade Sandy Lane (A491)/Wildmoor Lane junction to provide a ghost-island right turn lane arrangement to accommodate larger vehicles. A Road Safety Audit 1 and Designer's Response has been submitted in support of the proposed Sandy Lane (A491)/Wildmoor Lane junction modifications and localised widening on Wildmoor Lane. The Road Safety Audit 1 identified one problem of increased potential for overtaking vehicles on Sandy Lane (across the proposed a ghost-island right turn lane hatch markings) resulting in increased risk of side-swipe or head on collisions. In response to this potential issue, central islands have been proposed by the design team. The County Highways Officer accepts that the Road Safety Audit 1 has been satisfactorily completed.

383. The County Highways Officer requests that at detailed design/Section 278 stage (at which stage a Road Safety Audit 2 would be undertaken), the applicant further considers the access to Brookhouse Farm to ensure access remains safe and suitable and the Monarchs Way Ramblers route along Wildmoor Lane, with associated pedestrian activity. Both the Brookhouse Farm access and Monarchs Way route should be specifically identified within the Road Safety Audit 2 as matters to be considered by the audit team. The tie-in of Footpath BM-631 to the northbound layby on Sandy Lane, immediately north of the existing Brookhouse Farm access should also be shown on plans included within the Road Safety Audit 2 brief.

384. The County Highways Officer further states that the applicant has provided updated vehicle swept path analysis in drawings demonstrating that rigid vehicles (tippers), which typically have a larger turning circle/turning area requirement, can safely undertake necessary turning manoeuvres at the modified Sandy Lane/Wildmoor Lane junction, including safely passing a vehicle queue at Wildmoor Lane.

385. Prior to work commencing on site, Technical Approval would be required from the County Highways as Technical Approval Authority in relation to the proposed bunds, which constitutes a structure and earthworks. A Construction Method Statement would be required as part of the submission to obtain Technical Approval. All above points are proposed to be controlled by the planning conditions.

386. It is noted that Fairfield Village Community Association & Neighbourhood Watch Group requests the imposition of a planning condition relating to vehicles needing to turn left out of Swan Lane and either driving to Stoneybridge roundabout to turn around or the applicant invests in a traffic roundabout at the junction with Money Lane. The Head of Planning and Transport Planning notes that Swan Lane is accessed from Mill Lane, which then adjoins Wildmoor Lane approximately 820 metres, broadly to the south-west of the site access. As the applicant has stated that HGVs would, when leaving the site, turn right (broadly north-east) rather than left (broadly south-west), it is considered that the imposition of such a condition relating to Swan Lane would be likely to fail the statutory tests for planning conditions as referenced in the NPPF. Additionally, a condition relating to requiring a sign stating all vehicles must turn right out of the site access onto Wildmoor Lane would be imposed should this application be permitted.

387. Fairfield Village Community Association & Neighbourhood Watch Group have referenced that the applicant should invest in a traffic roundabout at the junction (of Sandy Lane) with Money Lane. Campaign to Protect Rural England have referred to the

need to widen the south side of the Sandy Lane between the M5 Motorway roundabout and Wildmoor Lane and that this might involve a surrender of land by the applicant, probably a sale. Additionally, County Councillor Shirley Webb, Bournheath Parish Council, Belbroughton and Fairfield Parish Council and comments received through letters of representation request that traffic from the quarry should only turn left on exiting Wildmoor Lane onto Sandy Lane (A491). National Highways and the County Highways Officer have no objection to the proposal. In relation to this matter specifically, the County Highways Officer states that right turning movements are allowed at this junction with no injury collision profile that leads the County Highways to believe there is a road safety issue here. No issues have been identified through an independent Stage 1 Road Safety Audit.

388. If HGVs turn left on exiting Wildmoor Lane onto Sandy Lane (A491) then they would be able to utilise the roundabout where the A491, B4091 and Madeley Road meet, which is approximately 2 kilometres from the access to the site. The revised Transport Statement states that the predicted queuing increases are not severe. Worcestershire Regulatory Services have stated that it would be desirable if some sort of assurance could be obtained that the nearby M5 Motorway junction would be the main entrance and exit source for HGV journeys where at all possible.

389. It is noted that National Highways and the County Highways Officer have no objection to the proposal or suggest no such improvements. Therefore, the Head of Planning and Transport Planning considers that it not appropriate, in light of paragraph 56, relating to planning conditions, and paragraph 57, relating to planning obligations, of the NPPF to require contributions towards additional infrastructure or capacity on the highway network.

390. Whilst not objecting Campaign to Protect Rural England and Ramblers Association are concerned with safety of pedestrians using Monarch's Way long distance footpath while crossing Sandy Lane (A491) at the junction with Wildmoor Lane. Letters of representation objecting to the proposal have been received to the same effect. They state that the junction is already hazardous for pedestrians crossing and it would get worse with the increased traffic. They would like to see improvements to this area such as upgrading the proposed 'central island' to serve as a pedestrian refuge, creating a new footpath creating a Pedestrian Controlled Crossing Point and including warning signs.

391. As stated above, the County Highways Officer has no objections to the proposal, subject to relevant conditions. Addressing the above point specifically, the County Highways Officer states that Wildmoor Lane is an existing narrow lane which has advanced warning signs for the potential presence of equestrians and the Lane's unsuitability for heavy goods traffic. There is no space or ability to provide a footway along Wildmoor Lane, which mostly would not be affected by additional traffic generated by the quarry and is already in use by walkers.

392. The proposed modifications to Sandy Lane (A491), include a refuge, which is currently not present. This would provide some benefit to users of the Monarch's Way and the public footpath which links to the back of the layby. There is no evidence presented to suggest that the number of pedestrians crossing Sandy Lane to access the Monarch's Way or public footpath is sufficiently high to support further investigation into a controlled crossing and there is no highway safety or injury collision profile in this location to suggest that there is an increased risk of conflict between pedestrians and vehicles.

393. The County Highways Officer further states that future stages of the Road Safety Audit process and detailed design stage of the proposals would ensure that the Monarch's Way route is clearly shown, as well as the public footpath connecting to the layby on Sandy Lane (A491).

394. The County Footpaths Officer has no objections to the proposal as there are no Public Rights of Way currently recorded that are affected by this proposal.

395. Hereford & Worcester Fire and Rescue Service have no objection to the proposal. They state that access to the site for fire appliances with regards road widths and road carrying capacities should be considered.

396. The applicant confirmed that the arrangement for the site access would comprise hard surface capable of carrying laden articulated and rigid HGV lorries thus its construction and carrying capacity would readily be able to accept fire and rescue vehicles. The access road itself is compliant with highway standard widths being 7.3 metres.

397. Hereford & Worcester Fire and Rescue Service notes this response and have no further comments.

398. In relation to comments made by County Councillor Adrian Kriss in relation to a 'bond' that should be sought from the applicant to cover Local Council costs of clearing the roads of debris and mud. The Head of Planning and Transport Planning notes that the County Highways Officer has raised no objections to the proposal, subject to conditions, including relating to a wheel cleaning facility. Furthermore, it is considered that this request would not pass the tests for planning obligations (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development). As set out at paragraph 57 of the NPPF, planning obligations must only be sought where they meet all of these tests. Additionally, Worcestershire County Council have powers under Section 149 of the Highways Act to remove anything which gets deposited on the highway and which is causing a nuisance. This legislation also allows Worcestershire County Council to recharge the costs back from the applicant should they be negligent on that matter.

399. In view of the above, including the advice of National Highways, the County Highways Officer and the County Public Rights of Way Officer, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, in accordance with Policies MLP 30 and MLP 39 of the adopted Worcestershire Minerals Local Plan Policy, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policies BDP16 and BDP 19 of the adopted Bromsgrove District Plan, subject to the imposition of appropriate conditions requiring that access shall only be gained to and from the site via the existing quarry access; signage to be erected requiring vehicles to turn right on existing the site; Environmental Management Plan (EMP) for Highways ; a detailed scheme for the site access works at Sandy Lane (A491)/Wildmoor Lane junction and Wildmoor Lane, a detailed scheme and Construction Method Statement for the bunds/earthworks at the northern and eastern site boundaries, wheel cleaning facilities, no mud or detritus being deposit on the public highway; sheeting of loaded vehicles; detailed design and maintenance of the surface water management, a lighting strategy and ensuring that the site not being open to the general public for commercial purposes.

Residential amenity (including noise, air pollution, gas, dust and light)

400. As set out under the 'Other Representations' heading of this report, letters of representation have been received objecting to the proposal on various grounds including noise, dust, (including concerns over silicosis), concerns over operating hours, potential for vibrations and pointing out that gaseous emissions for previous phases have caused concerns. Additionally, there were concerns that impacts of noise, light and pollution from the M5 Motorway would be intensified with the change to the site's landform.

401. Policy BDP19: 'High Quality Design' of the adopted Bromsgrove District Plan encourages high quality design through "*ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment*"; "*ensuring development is made suitable for the proposed final use, for instance, in terms of land contamination and, where relevant, does not create an unacceptable risk to controlled waters (where relevant)*" and "*maximise the distance between noise sources (for example motorways) and noise sensitive uses (such as residential) (...)*". In terms of air quality, all new developments above 0.5 hectares "*should not increase nitrogen dioxide (NO₂), particulate matter (PM10) and carbon dioxide (CO₂) emissions from transport and should be accompanied by an assessment of the likely impact of the development on local air quality and comply with current best practice guidance*". The policy also states that "*development with the potential to result in significant impact on air quality, either cumulatively or individually will be resisted unless appropriate measures to mitigate the impact of air pollutants are included. Development will be expected to contribute to the provision of adequate mitigation measures (...)*".

402. Policy MLP 28: 'Amenity' of the adopted Worcestershire Minerals Local Plan states that "*planning permission will be granted where it is demonstrated that the proposed mineral development, including associated transport, will not give rise to unacceptable adverse effects on amenity or health and well-being. A level of technical assessment appropriate to the proposed development will be required to demonstrate that, throughout its lifetime and taking into account the cumulative effects of multiple impacts from the site and/or a number of sites in the locality, the proposed development will not cause unacceptable harm to sensitive receptors from: a) dust; b) odour; c) noise and vibration; d) light; e) visual impacts; and / or contamination*".

403. Policy MLP 29: 'Air Quality' of the adopted Worcestershire Minerals Local Plan states "*planning permission will be granted where it is demonstrated that the proposed mineral development, including associated transport, will not give rise to unacceptable adverse effects on air quality, and will help secure net improvements in overall air quality where possible...*".

404. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy states that "*waste management facilities will be permitted where it is demonstrated that the operation of the facility and any associated transport will not have unacceptable adverse impacts on amenity...*".

405. Paragraph 191 of the NPPF sets out that "*planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [Footnote: see*

Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010]; b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*”.

406. Paragraph 192 of the NPPF goes on to state that *“planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement....”*.

407. Paragraph 194 of the NPPF states that *“the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively”*.

408. With specific regard to minerals, paragraph 217 of the NPPF states that *“when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:...b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties...”*.

409. The Noise Policy Statement for England was published in March 2010 and includes an Explanatory Note. The aim of the document is to *“provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion”*. It sets 3 aims, which are:

“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life”*.

410. The nearest residential properties are as set out under ‘The Site’ heading section earlier in this report. The hours of working proposed by the applicant would be between 07:00 to 18:00 hours Mondays to Fridays, and between 07:00 to 14:00 hours Saturdays, with no working on Sundays, Bank or Public Holidays. County Councillor Webb and Belbroughton and Fairfield Parish Council state that operating hours should start at 07:30 hours or even 08:00 hours Mondays to Fridays. This has also been raised through letter of representation. The Head of Planning and Transport Planning notes these comments; however, Worcestershire Regulatory Services find the proposed operating hours acceptable.

411. The PPG is the most up to date Government Guidance relating to noise emissions associated with mineral extraction. It recommends noise levels for normal daytime operations (07:00 to 19:00 hours) should not exceed 55dB(A) LAeq, 1h (free field), and a higher limit of

up to 70dB(A) LAeq 1h (free field) at specified noise sensitive properties for noisier, but temporary operations, such as soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, but for only up to 8 weeks a year. This is to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this would bring longer-term environmental benefits to the site or its environs (Paragraph Reference IDs: 27-021-20140306 and 27-022-20140306).

412. With regard to noise, the submitted Environmental Statement considered the impact of noise on the nearest sensitive receptors and the applicant also submitted a Noise Assessment. The Noise Assessment refers to the close proximity of the M5 Motorway and traffic and how noise levels within the surrounding area are principally influenced by traffic travelling along the road, with road traffic influencing both the ambient and background noise levels.

413. The Noise Assessment has considered nearby noise sensitive receptors and identified these residential properties within the report. The Noise Assessment has obtained source term noise levels from plant operating within similar quarries, which they consider are representative of the proposed operations. This includes the use of a dozer; loading shovel; processing plant, HGVs and a dump truck.

414. The Noise Assessment concludes that the proposal, in terms of plant and procedures would be similar to that undertaken within Pinches (3) Quarry and that the assessment indicated that the noise levels at surrounding properties with the mitigation measures proposed would not result in any unacceptable adverse impacts in terms of noise.

415. The applicant submitted the Noise Management Plan which sets out management and control measures that would be adopted on site, including ensuring that only modern and well-maintained plant would be used; all plant would be fitted with the appropriate silencers provided by the manufacturer; repairing any plant if found defective; materials would be handled carefully, and maintaining the speed limit within the site.

416. The Noise Management Plan states that given the low noise levels predicted for the site, noise monitoring would be carried out within a period of 1 month of commencement of extraction in any phase or at 12 monthly intervals. In addition, noise monitoring would be undertaken following receipt of a justified complaint.

417. With regard to air quality, the submitted Environmental Statement considered the impact on air quality and the applicant also submitted an Air Quality Assessment. The Air Quality Assessment comprises a screening assessment of general air quality impacts and a dust impact assessment of the quarry operations. The Air Quality Assessment sets out that in terms of PM₁₀ (particulate matter with a diameter of less than 10 micrometres or less) health effects, the site is not close to an AQMA and the annual average background levels of PM₁₀ are relatively low. The Air Quality Assessment sets out that as the quarry would be extracting and processing sand, high process contributions are unlikely. It is therefore concluded that the PM₁₀ air quality effect is insignificant.

418. With regard to dust, the submitted Environmental Statement considered the impact of dust emissions on the nearest sensitive receptors. The Environmental Statement refers to a Dust Management Plan that has been prepared and submitted to the MPA. This sets out that dust sources identified in terms of operations within the site include site preparation; mineral extraction; mineral processing; loading of processed aggregate, and transport off site. It also sets out that the primary potential sources of dust emission are aggregate screening;

unpaved and paved site haul roads; truck loading, and wind-blown dust from stockpiles and exposed faces. The applicant has also subsequently provided a Particulates Risk Assessment, which considers how dust may arise during the various operations – quarrying and landfill construction; quarrying and land fill operations; stockpiles, haul and access road, and the site as general, as well as the various control measures that would be used.

419. The Particulates Risk Assessment sets out that the local wind pattern would expose some potential local receptors to dust, with the most sensitive to the prevailing winds being situated to the north and north-east of the site development and permit footprint. The assessment sets out that there would be a few days a year when the ambient conditions (adverse wind speed and direction, coupled with dry weather) would favour the transport of significant dust from the landfill site towards the nearest receptors.

420. Various physical and management measures are set out in order to prevent or minimise dust emissions as set out in the Dust Management Plan and the Particulates Risk Assessment, referenced under the 'Traffic, highway safety and impact upon Public Rights of Way' heading in this report.

421. In terms of gaseous emissions, the applicant submitted a Gas and Groundwater Monitoring Plan. It sets out that the likelihood of gas production is very low and recommends that internal gas monitoring points are constructed to monitor for potential internal soil gas production volume and flow. It also states that *"landfill gas is currently detected from the original Pinches (1) landfill and is detected in Pinches (3) and is therefore likely to be detected along the south eastern perimeter of the quarry"*. The Gas and Groundwater Monitoring Plan concludes that *"there is no requirement for gas extraction due to the low organic fraction nature of the inert waste and therefore there will be little gas production and not enough gas for gas engines or flaring"*.

422. The Gas and Groundwater Monitoring Plan sets out that five combined groundwater and gas monitoring boreholes are to be installed around the outside of the landfill site. It also sets out that internal gas monitoring points, which are based on two monitoring points per hectare, would be installed. Gas monitoring would include monitoring methane, carbon dioxide and carbon monoxide with results of the sampling and analysis to be forwarded to the Environment Agency every quarter.

423. Additional information provided by the applicant in January 2022, provides further information in relation to contamination of land. It states that the geological barrier would not allow any gasses from the inert waste to escape. It also states that *"if this were to occur there is a large proportion of sandstone left between the Pinches (4) site and the houses on Wildmoor Lane. This would allow the gas to diffuse"*. Confirms that after setting the compliance levels they would be assessed every six years. Groundwater monitoring and dip levels would be undertaken on a quarterly basis and a report submitted to the Environment Agency every quarter as well as an additional report of the last years' monitoring would be provided in January every year.

424. Given the applicant is proposing to restore the site by importing inert waste materials, the proposed development would require an Environmental Permit from the Environment Agency, it is noted that paragraph 194 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively"*.

425. Paragraph 50 Reference ID: 28-050-20141016 of the PPG elaborates on this matter, stating that *“there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body”*.

426. The Environment Agency have no objection, subject to the imposition of relevant conditions relating to water monitoring. With regard to the proposal and controlled waters, they have reviewed the various reports and note that it is stated that groundwater levels have been monitored on site since the initial installation of the boreholes in 2009 at the restored Pinches (2) and (3) Quarry sites, as well as at a number of boreholes on the edge of the site. It is specified that all workings would be above the water table (with a remaining saturated zone of 10 metres) and due to this it is indicated that no groundwater pumping would be required. This assessment has been carried out with data from current boreholes. Thought should be given to the data provided by the new boreholes once they have been drilled, and the levels that the boreholes record on installation.

427. Worcestershire Regulatory Services have no objections to this proposal, subject to the imposition of planning conditions relating to a scheme for gas monitoring, noise monitoring, the position, extent and height of the proposed perimeter bunds and the revised Dust Management Plan.

428. In terms of air quality and contaminated land, Worcestershire Regulatory Services state that after reviewing the submitted information, they considered that no potential air quality and contaminated land issues have been identified. As such, Worcestershire Regulatory Services have no adverse comments to make. They note the Environment Agency’s proposed condition relating to groundwater monitoring from the borehole installations. They would recommend a similar condition for gas monitoring in order for the MPA to collate data on the gas regime.

429. Worcestershire Regulatory Services state that would be desirable if some sort of assurance could be obtained that the nearby M5 Motorway junction would be the main entrance and exit source for HGV journeys where at all possible. In relation to this, the applicant’s Transport Statement confirms that the distribution of the site traffic is expected to access and egress the site via the M5 Motorway both northbound and southbound.

430. In terms of noise, Worcestershire Regulatory Services state that the submitted Noise Assessment appears acceptable and predicts that noise from the proposed site activities would comply with the noise limits for normal and periodic site activities detailed within the NPPF. The position, extent and height of the proposed perimeter bunds should be conditioned. They consider that the submitted Noise Management Plan appears acceptable. They request the imposition of a condition relating to noise monitoring.

431. With regard to dust, Worcestershire Regulatory Services consider that the submitted Air Quality Assessment appears acceptable and predicts, that in terms of dust emissions, the impact would not be significant at the nearest sensitive receptor(s). They therefore have no objection to the application in terms of dust emissions.

432. Worcestershire Regulatory Services further comment that the submitted Dust Management Plan appears generally acceptable. However, the plan makes reference to mineral crushing, which they understand would not be undertaken. Additionally, they would recommend that perimeter bunds and restored areas are seeded with a suitable material to minimise dust emissions. Therefore, the applicant should submit a revised Dust Management Plan for further comment and approval.

433. In relation to the above, the Head of Planning and Transport Planning notes that the applicant has confirmed that they are amenable to the imposition of a planning condition restricting the development from mineral crushing.

434. A number of objections (including County Councillor Shirley Webb and Belbroughton and Fairfield Parish Council) in relation to this application have been raised regarding increased impacts on the local residents such as light pollution and noise as a result of the change of the site's landform during quarrying and in particular based on the assumption that final restoration levels would be much lower to the existing levels, exposing the community to impacts from the M5 Motorway. In respect of that, the applicant submitted document titled 'Landscape and Visual Appraisal (Motorway Impacts)' which undertakes cross-sectional analysis of viewpoints to identify possible impacts from the M5 Motorway. The document is discussed in detail in section 'Landscape character and visual impacts'. The assessment demonstrates that there would be either none or very minor changes to the skyline/landform comparing the restored site to the existing levels. As such, the assessment concludes that no further noise or light emission would be received as a result of the proposed development. In this regard, there are no further cumulative effects.

435. In relation to this further information, Worcestershire Regulatory Services state that noise from the motorway impacting the identified sensitive receptors is mostly attenuated due to their distance from the motorway and not the marginal, if any, screening effect of the intervening hill. The submitted cross-sectional drawings show that the motorway corridor would still be screened from all of the identified receptors by the intervening landscape and therefore should not result in any appreciable increase in noise levels. The submitted assessment appears satisfactory and demonstrates that there should be no additional impacts in terms of light and noise from the M5 Motorway impacting residential receptors on the western side of the motorway. Therefore, Worcestershire Regulatory Services have no objection to the application in terms of light and noise impacting existing residential receptors.

436. In respect of vibrations Worcestershire Regulatory Services state that they have no objections.

437. As set out earlier in this report, paragraph 191 of the NPPF states that *"Planning...decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development"*.

438. With regard to health and wellbeing impacts, the PPG states that *"it is helpful if the Director of Public Health is consulted on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it. This would allow them to work together on any necessary mitigation measures. A health impact assessment is a useful tool to use where there are expected to be significant impacts"* (Paragraph Reference ID: 53-005-20190722).

439. The applicant submitted the Health Impact Assessment which concludes recommendations and mitigation measures for the proposal such as ensuring community engagement, progressive restoration strategy, air and dust monitoring and management, noise and vibration control, noise assessments, light pollution controls, flood risk strategy implemented and sustainable drainage system designed, sustainable travel and road safety measures implemented.

440. The Health Impact Assessment states that *“ongoing assessments are recommended to further explore the extents to which the proposed development is likely to impact the health and well-being principles outlined. For example, undertaking air and noise monitoring surveys to ascertain actual air quality and noise levels when the proposed development is operational”*.

441. In terms of cumulative impacts, the Health Impact Assessment states that, taking into account the distances between the application site and similar industries, *“it is considered that cumulative effects from other nearby sources are likely to have a negligible effect on the sensitive receptors; particularly in regard to dust, light, noise and visual impacts”*.

442. The County Public Health Officer has no objections to the proposal subject to an imposition of the planning conditions relating a Dust Management Plan, an assessment of the impact on air quality, green infrastructure, and construction in terms of vehicle movements, operating hours and controlling mud on the roads.

443. The County Public Health Officer welcomes the inclusion of the Health Impact Assessment but echo the concerns made by other regarding exposure to dust and gases from the site and the effect on air quality of a significant number of HGVs travelling to and from the site. They recognise that minerals can only be worked where they naturally occur but that the local highway network would experience additional traffic movements affecting the flow of traffic and air quality and that noise and dust could cause a detrimental effect on residents, particularly those who are most vulnerable such as older people and those with existing respiratory conditions. They have commented that the development should consider the health impacts on local residents and those directly employed in the minerals industry and have referred to various effects, including noise pollution, mental health issues such as stress and anxiety.

444. The County Public Health Officer considers that the Health Impact Assessment does not contain enough commitment to mitigating the effects on health and wellbeing of a site of such proportions. The County Public Health Officer requests the imposition of a number of conditions relating to a Dust Management Plan, an assessment of the impact on air quality, a clear plan to retain green infrastructure, vehicle movements and operation hours to be adjusted, and controlling mud on the roads.

445. The County Public Health Officer has no further comments in relation to additional information submitted by the applicant.

446. Whilst noting the request from the County Public Health Officer to impose a condition relating to an assessment of the impact on air quality, Worcestershire Regulatory Services state that the submitted Air Quality Assessment appears acceptable and predicts, that in terms of dust emissions, the impact would not be significant at the nearest sensitive receptor(s). Therefore, in light of this advice and that an Air Quality Assessment has been submitted, it is not considered appropriate to impose a condition to this effect. Worcestershire Regulatory Services have no objection to the application in terms of dust

emissions. Worcestershire Regulatory Services have also stated that the submitted Dust Management Plan appears generally acceptable, however, the revised Plan would be conditioned.

447. It is noted that the Health Impact Assessment recommends that the community engagement and good relationship between the community and the applicant is maintained. This has also been raised by County Councillor Shirley Webb, Belbroughton and Fairfield Parish Council and letters of representation. A planning condition relating to the Community Liaison Group is recommended to be imposed on this application.

448. Bromsgrove District Council have no objections to this proposal on amenity or public health grounds.

449. County Councillor Shirley Webb has commented that Worcestershire Regulatory Services is currently monitoring gaseous emissions from previous phases of Pinches, which concerns her. She is also concerned over the impact that the change to the landform of the area covered by Pinches (4) Quarry would have a great impact on the community, particularly those within close proximity to the quarry, due to noise, dust and the health implications from the quarry and from the M5 Motorway.

450. County Councillor Adrian Kriss (neighbouring division) is concerned with the increase in the amount of traffic along the access roads that increase congestion, noise and pollution.

451. Bournheath Parish Council object to this application based on the ground of potential noise, dust and water contamination impacts of this proposal on the local resident.

452. Neighbouring Belbroughton and Fairfield Parish Council objects to the proposal on a number of grounds including concerns about dust pollution including small dust particles including silica and noise pollution as a result of the change in the landform. They comment that noise would have to be carefully monitored. Noise monitoring and a submission of the revised Dust Management Plan is proposed to be controlled by the imposition of relevant planning conditions.

453. Neighbouring Catshill and North Marlbrook Parish Council object to this proposal on a number of matters including impacts of dust and noise on the local community.

454. In relation to objections from Belbroughton and Fairfield Parish Council and local residents regarding Silicosis, the Head of Planning and Transport Planning notes that the Health and Safety Executive guidance states that *"one of the health risks from working in the quarry industry is that of exposure to fine dust containing crystalline silica (otherwise known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as "silicosis". It usually takes a number of years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease"*.

455. The Health and Safety Executive have set the occupational exposure limit for dust at 10 mg per cubic metre as an 8-hour time weighted average. The Air Quality Assessment demonstrates that as the quarry would be extracting and processing sand, high process

contributions are unlikely. It therefore concludes that the PM₁₀ air quality effect is insignificant.

456. Worcestershire Regulatory Services have been consulted on this matter and state that *“it is highly unlikely that the development would result in any exceedances of Local Air Quality guidelines for NOx or Particulate Matter (PM_{2.5}/PM₁₀)”*.

457. With regard to lighting, the Environmental Statement sets out that during winter months, the proposed development possesses the potential to operate under lowlight conditions and, therefore, is likely to require artificial lighting sources, which could impact and distress residents in close enough proximity to be affected by light trespass. The Health Impact Assessment under recommendation / mitigation measures states that effective lighting policies and designs should be deployed in areas where artificial light is deemed likely to impact local residents. As such a detailed lighting scheme is recommended to be conditioned should planning permission be granted.

458. In relation to objections concerning the serviced by utilities caged areas on site, the applicant confirms that they have now been removed. No other structures that those specified on the submitted plans would be permitted as part of the planning permission, which would be controlled through relevant planning conditions.

459. Given that the location of the development is within the West Midlands Green Belt and as the above assessment of impacts upon residential amenity is based on the plans showing the mobile plant and associated infrastructure, including a weighbridge, wheel cleaning facility and staff welfare cabins, it is considered prudent to impose a condition restricting permitted development rights at the site.

460. In view of the above matters, and having had regard to the advice of the Environment Agency, Worcestershire Regulatory Services and County Public Health, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions relating to operating hours, restricting permitted development rights, requiring a detailed lighting scheme, revised Dust Management Plan, gas and water monitoring, noise monitoring and setting up of a Community Liaison Group that there would be no adverse noise, air pollution, contaminated land, gaseous emissions, dust or light impacts on residential amenity or that of human health in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy BDP 19 of the adopted Bromsgrove District Plan.

Landscape character and visual impacts

461. As set out under the ‘Other Representations’ heading of this report, letters of representation have been received objecting to the proposal on various grounds including landscape and visual impact. The objections include concerns over visual impacts on the surrounding area from the M5 Motorway as a result of the landform change during the extraction and post-restoration of the site.

462. Policy MLP 33: ‘Landscape’ of the adopted Worcestershire Minerals Local Plan seeks to conserve and enhance the character and distinctiveness of the landscape.

463. Policy WCS 9: ‘Environmental assets’ within the adopted Worcestershire Waste Core Strategy states that *“the proposal, including its design, landscaping and/or restoration, takes advantage of opportunities to enhance the character, quality and significance of environmental assets, and their settings or linkages between them”*. Policy WCS 12: ‘Local

characteristics' refers to permitting waste management facilities where it is demonstrated that they contribute positively to character and quality of the local area.

464. Policy BDP21: 'Natural Environment' of the adopted Bromsgrove District Plan aims to *"protect and enhance the distinctive landscape character of Bromsgrove, as identified in the Worcestershire Landscape Character Assessment, and take account of the Worcestershire Landscape Character Assessment Supplementary Guidance"*.

465. The Environmental Statement sets out that the proposed development would involve the removal of an area of rough grazing and abandoned scrub and the introduction of aspects and activities associated with mineral extraction and subsequent infilling as part of progressive restoration.

466. The submitted Landscape and Visual Impact Assessment (LVIA) sets out that, according to the Worcestershire Landscape Character Assessment, the site lies within the Principal Settled Farmlands Landscape Type which the LVIA applies a medium landscape sensitivity to and a slightly lower low-medium landscape sensitivity to the site.

467. The LVIA presents nine viewpoint locations and includes receptors such as residents, road users and footpath users using the local footpath network including from the Monarch's Way. This includes views from a close range (within circa 250 metres of the site), including from the Monarch's Way and a nearby residential property; mid-range views (circa 250 metres to 1 kilometre) and five long range views (beyond circa 1 kilometre).

468. At a site level, with regard to direct effects, during extractive operations and infilling works overall, there would be a large magnitude of impact and a moderate to major (adverse) significance of effect as a worst-case scenario.

469. The Environmental Statement, which cross references the LVIA, sets out that progressive restoration would return the site mainly to an agricultural use with small-scale woodland planting and a pond with associated wetland areas. This would provide opportunities for landscape gain suitable to the landscape type and would encompass key characteristics such as hedgerow boundaries. The proposed restoration contours would be comparable to the natural landform and would be appropriate in terms of the immediate vicinity and wider context and an irregular enclosure pattern of small to medium-sized fields and intermittent hedgerow trees. The Environmental Statement sets out that the post restoration, the site would result in a medium magnitude of impact and a moderate (beneficial) significance of effect. The Environmental Statement also states that there would be some limited close range indirect effects, resulting in a small magnitude of impact and minor-moderate (neutral) significance of effect but more generally they would be negligible. The latter also applies to adjacent landscape types in the study area.

470. As part of the proposed development, mineral processing would take place using mobile plant within the site and the stockyard area would be located in the north-western part of the site in an area of existing hardstanding. Following the cessation of mineral operations and infilling, the stockyard area would be restored through the removal of associated infrastructure, and ground profiles re-instated. The applicant confirms that *"the restoration gradients very much mimic the original ground levels with no steepening or modification"*.

471. The processed mineral stockyard area would be located in the north-western part of the site on an area of existing hardstanding. Associated infrastructure would include a weighbridge, wheel wash and staff welfare cabins. The staff welfare cabin would be approximately 2.9 metres wide by 5.08 metres long by 2.5 metres high. The staff canteen

would measure approximately 2.99 metres wide by 5.1 metres long by 2.5 metres high. Both buildings would be painted, finished in a Goosewing Grey colour.

472. Earth bunds would be erected during Phase 1 operations to visually screen the site. A screen bund measuring approximately 4 metres-high would be formed along the eastern and north-eastern boundary of the site. It would be constructed from topsoil stripped from future working area and it would be seeded with grass. It would screen most of the close-range views into the site. Additionally, there would be a screen bund measuring approximately 3-metres high, along north-western and western boundaries surrounding the proposed stockyard area.

473. The applicant submitted document titled 'Landscape and Visual Appraisal (Motorway Impacts)' which undertakes cross-sectional analysis of viewpoints to identify possible impacts from the M5 Motorway. The viewpoint locations include views from properties on Top Road, Middle Road, Wildmoor Lane and Sandy Lane. The Appraisal concludes that by retaining high ground on the southern and south-western boundaries as well as the placement of the eastern screen bund, there would only be minor visibility of the working area prior to it taking place below ground and sight level. Overall, it considers that there would either none or very minor changes to the skyline comparing the restored site to the existing levels. The Appraisal also states that operations on the site would not remove such a large proportion of the Pinches hill to allow views to the motorway. Furthermore, there are no predicted cumulative effects arising from the proposed development regarding additional visibility of the M5 Motorway.

474. The County Landscape Officer has no objection, subject to the imposition of a condition relating to a Landscape Environmental Management Plan.

475. The County Landscape Officer is satisfied that from landscape perspective that the proposed Restoration Plan would deliver sufficient screening and net gains in the context of the landscape character setting of the site. Filtered and glimpsed views of road infrastructure may be evident particularly to transient receptors where the viewpoint is relative to the position of the receptor at the given time. However, the contribution of existing vegetation in the setting of the site should be seen in context with the proposed restoration scheme, which the County Landscape Officer is satisfied would provide functional screening.

476. The County Landscape Officer originally commented that the landscape and restoration proposals are broadly acceptable and have addressed comments submitted by the MPA in the Scoping Opinion representation. The County Landscape Officer welcomed the acknowledgement and intention to deliver restoration aims that were set out in the Scoping Opinion representation. It was clear that more information detailing how conservation and restoration measures would be prioritised and delivered throughout the scheme. The County Landscape Officer supports the County Ecologist's recommended condition wording relating to a Landscape Environmental Management Plan.

477. Bromsgrove District Council have been consulted and they have no objections on the landscape grounds. Bournheath Parish Council object to this application based on the harm to the environment that this proposal would make. They are concerned that the operations on site would destroy a visually pleasing green space with mature trees and shrubs providing a natural habitat currently present on this elevated site which is visible from nearby road and surrounding area.

478. Neighbouring Belbroughton and Fairfield Parish Council objects to the expansion of quarrying activities in the locality and considers that the location is part of the landscape

structure of the Belbroughton and Fairfield Parish area. Belbroughton and Fairfield Parish Council is concerned with the changes to the site landform post-development being different to that pre-development.

479. The development site is currently largely screened with mature vegetation along the M5 Motorway, Wildmoor Lane and Sandy Lane with the exception of area around Lydiate Ash roundabout which affords some views towards the application site. Western boundaries of the site are encompassed by higher grounds of the restored Pinches (2) and (3) Quarry sites. As a result, and as demonstrated through the applicant's LVIA, there would be only glimpsed views from most of distant location such as local Public Rights of Way, Monarch's Way etc to the site. During operational period the visual impact would be minimised with temporary screening bunds along the boundaries which would be seeded with grass. The most visible part of the site is the highest point of the site located in the most southern part of the red line boundary. The visual impact of this is proposed to be minimised by the applicant with seeding the southern face of the quarry with grass species in order to help it to blend in in the landscape.

480. The proposed Restoration Plan demonstrated the reinstatement of the site's landform would be similar to the existing landform levels. The peripheral vegetation is proposed to be strengthened along the eastern and north-eastern boundaries and further native species hedgerow and intermittent tree planting on the edges of the proposed extraction area are proposed. Further hedgerow and tree planting are proposed following the existing hedgerow lines. Two areas of native woodland are proposed. Overall, the Head of Planning and Transport Planning considers that the proposed landscaping would provide sufficient levels of visual screening whilst delivering the restoration scheme which is in line with the landscape character currently and historically present in the local area. In relation to the visual impacts from the M5 Motorway on the surrounding residential properties, the Head of Planning and Transport Planning considers that it has been demonstrated that there would be very limited visibility. Should any visibility be present it would be distant and glimpsed.

481. In view of this and taking into account advice from the County Landscape Officer, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse or detrimental impact upon landscape character or visual impact, subject to the imposition of appropriate conditions relating to a Landscape Environmental Management Plan, phasing plans, detailed lighting scheme, detailed Restoration Plan and Aftercare and details of proposed buildings. The Head of Planning and Transport Planning considers that the proposed development accords with Policy MLP 33 of the adopted Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

Historic Environment

482. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

483. Paragraph 201 of the NPPF states that *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when*

considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

484. Paragraph 205 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 206 of the NPPF states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...b) assets of the highest significance...should be wholly exceptional"*.

485. The PPG at Paragraph 018 Reference ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework"*.

486. Policy MLP 32: 'Historic Environment' of the adopted Worcestershire Minerals Local Plan states that *"planning permission will be granted where it is demonstrated that the proposed mineral development will conserve and, where possible, enhance the historic environment..."*.

487. Policy WCS 9: 'Environmental assets' within the adopted Worcestershire Waste Core Strategy refers to considering the effect of the proposal on designated and non-designated heritage assets and their setting.

488. Policy BDP 20: 'Managing the Historic Environment' of the adopted Bromsgrove District Plan supports development proposals which sustain and enhance the significance of Heritage Assets including their setting. This includes both designated and non-designated heritage assets.

489. There are a number of designated and non-designated assets in the vicinity of the application site. They are listed in 'The Site' section of this report.

490. The application was accompanied by a Historic Environment Desk-based Assessment, which assessed the impact of the proposal on designated heritage assets. The applicant has set out that the heritage assessment has included using information from the Worcestershire Historic Environment Record. With regard to the Grade II Listed Building / Structure of Lydiate House and of 'Lydiate House' and 'Gate Piers East of No. 61', this sets out that the presence of the M5 Motorway means that there is no virtual relationship between the Listed assets and the site. With regard to Grade II 'Farm Buildings Immediately West, South West of Chadwick Manor', Grade II 'Gate Piers West of Chadwick Manor' and Grade II* Listed Building of Chadwick Manor are located approximately 630 metres, 650 metres and 675 metres, the Heritage Assessment refers to the M5 Motorway effectively screening these assets from the quarry although it does state that it is possible that there is a view from the first floor of the house. Overall, the Assessment considers the impacts on the heritage assets to be neutral.

491. Historic England have been consulted but they do not wish to offer any comments and suggest that the views of the specialist conservation and archaeological advisors is sought as relevant.

492. Bromsgrove District Council Conservation Officer have no objection to this proposal. In terms of heritage, Bromsgrove District Council is of the view that the proposal is unlikely to have any significant adverse impact on the various heritage assets in the vicinity.

493. The County Archaeologist comments on the application in terms of built heritage. The County Archaeologist is satisfied that although the site lies within the setting of several designated and undesignated heritage assets, the impact would be temporary, there is an adequate buffer, and the long-term landscaping and restoration proposals have the potential to improve setting.

494. The Scheduled Monument of the 'Moated site at Fairfield Court' is located about 2.1 kilometres, broadly west of the application site. Due to the distance from the Scheduled Monument, coupled with the presence of intervening structures and features, including vegetation, the Head of Planning and Transport considers that the proposal would not have an adverse impact on the Scheduled Monument.

495. In view of the above, taking into account the distances, coupled with the presence of intervening structures and features, including M5 Motorway and vegetation, the Head of Planning and Transport Planning considers that the proposal would not result in any harm to the significance of the Listed Buildings and the Scheduled Monument.

496. The Historic Environment Desk-based Assessment considered impact on of the proposal on the non-designated heritage assets. It identifies that the proposal may have initial slightly adverse impact on Brookhouse Farm and Chadwich Mill Farm in the short term during the site operations, however, this would be outweighed by the site restoration which would create a rural landscape more historically appropriate for the setting of these buildings.

497. As stated above, both Bromsgrove District Council (incorporating comments from the Bromsgrove District Council Conservation Officer) and the County Archaeologist have no objections on heritage grounds. The County Archaeologist is satisfied that although the site lies within the setting of several designated and undesignated heritage assets, the impact would be temporary, there is an adequate buffer, and the long-term landscaping and restoration proposals have the potential to improve their setting.

498. Paragraph 209 of the NPPF states that "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*". In view of this and based on the advice of the County Archaeologist and Bromsgrove District Council (which include comments from the Bromsgrove District Council Conservation Officer), the Head of Planning and Transport Planning considers that on balance, subject to the imposition of appropriate conditions, that the impact upon the non-designated assets is not of such significance as to constitute a refusal reason in this instance.

499. Paragraph 200 of the NPPF (2019) states that "*where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".

500. The Historic Environment Desk-based Assessment also assessed a range of sources on the archaeological resource of the area. The Historic Environment Desk-based Assessment concludes that the potential for the survival of significant archaeological remains

on site is 'low - medium'. It acknowledged, however, that the lack of archaeological activity in the immediate vicinity of the site may reflect a paucity of fieldwork. Should archaeological remains be present the proposed development has the potential to impact upon them. It also recognises that further archaeological work would be required post permission.

501. The County Archaeologist has raised no objections to the proposal, subject to the imposition of a condition requiring a programme of archaeological works, including a written scheme of investigation.

502. The County Archaeologist is content that the level of information provided is sufficient to determine the application. There is, however, unknown potential for below-ground archaeology to survive within the undisturbed areas of the proposed development site that would be destroyed by the mineral extraction, which is a reason for the recommended planning conditions.

503. In view of this, and taking into account the advice of the County Archaeologist, the Head of Planning and Transport Planning considers that on balance, subject to the imposition of appropriate conditions, the impact upon the archaeological assets is not of such significance as to constitute a refusal reason in this instance.

504. The Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon the historic environment, including designated and non-designated heritage assets and heritage assets with archaeological interest, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policy BDP 20 of the adopted Bromsgrove District Plan.

Ecology, Biodiversity and Geodiversity

505. Letters of representation have been received objecting to the proposal in relation to its impact on the site's wildlife of the site including impacts on birds and badgers. Concerns have been expressed that the site vegetation is described as 'scrub' while it contains mature trees.

506. Section 15 of the NPPF, paragraph 180 states that *"planning policies and decisions should contribute to and enhance the natural and local environment"*, by a number of measures including *"protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

507. Paragraph 186 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*; and *"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"*.

508. Policy MLP 31: 'Biodiversity' of the adopted Worcestershire Minerals Local Plan states that *"planning permission will be granted where it is demonstrated that the proposed mineral development will conserve, enhance and deliver net gains for biodiversity..."*.

509. Policy MLP 36: 'Geodiversity' of the adopted Worcestershire Minerals Local Plan state that "*Planning permission will be granted where it is demonstrated that the proposed mineral development will conserve and enhance geodiversity*". It also states that: "*a technical assessment appropriate to the proposed development and its potential impacts on geological conservation interests will be required to demonstrate that the proposed development will: (...) c) where loss is unavoidable, record and advance understanding of the significance of any geodiversity feature(s) to be lost (wholly or in part) in a manner proportionate to their importance and the impact of the loss, and make evidence and any archive generated publicly accessible*".

510. Policy WCS 9: 'Environmental Assets' of the adopted Worcestershire Waste Core Strategy, includes ensuring that proposals, will have no unacceptable adverse impacts on international, national or locally designated or identified habitats, species or nature conservation sites.

511. Policy BDP19: 'High Quality Design' of the adopted Bromsgrove District Plan state that development are expected to ensure that "(...) development enhances the character and distinctiveness of the local area"; "(...) *all trees that are appropriate (e.g. in terms of size, species, conditions and predicted climate) are retained and integrated within new development*" and sufficient measures are incorporated the potential impact of pollution in relation to air, noise, vibration, light and water to occupants, wildlife and the environment.

512. Policy BDP21: 'Natural Environment' of the adopted Bromsgrove District Plan seeks to achieve better management of Bromsgrove's natural environment by expecting developments to protect and enhance core areas of high nature conservation value, enhance restoration areas and creating buffer zones, guard protected species, maximise multi-functionality of Green Infrastructure and provide appropriate management, ensuring development follows the mitigation hierarchy and achieves net gains in biodiversity. The policy also states that "*due to the national importance of SSSI proposals likely to have an adverse impact within or outside of a SSSI, either individually or in combination with other developments will not normally be permitted. An exception will only be made when it can be demonstrated that the benefits of the development clearly outweigh the impact on the site or network of sites*". It also states that developments should contribute to the conservation and enhancement of geodiversity, in line with the objectives and actions in the Worcestershire Geodiversity Action Plan, where appropriate.

513. Policy BDP24: 'Green Infrastructure' of the adopted Bromsgrove District Plan encourages development to deliver a high quality multi-functional Green Infrastructure network by "*a) Ensuring developments adopt a holistic approach to deliver the multiple benefits and vital services of Green Infrastructure, with priorities determined by local circumstances; b) Requiring development to improve connectivity and enhance the quality of Green Infrastructure; c) Requiring development to provide for the appropriate long term management of Green Infrastructure; d) Requiring development to have regard to and contribute towards, the emerging Worcestershire Green Infrastructure Strategy, any local GI Strategy (...)*".

514. There are a number of statutory wildlife designated sites within 3 kilometres of the site. This includes the geological SSSI of Madeley Heath Pit, which is located about 1.25 kilometres broadly to the north-west of the application site. Feckenham Forest SSSI is located about 2.5 kilometres, broadly to the south-west of the application site. Little Royal Farm Pastures SSSI lies approximately 3.3 kilometres to the south-west of the proposal. The

Severn Estuary Special Protection Area (SPA) and Ramsar site lies approximately 70.5 kilometres north-east of the application site.

515. As part of their Environmental Statement, the applicant submitted an Ecological Impact Assessment and the undertook ecological surveys including the Great Crested Newt, Invertebrate, Badger and Bat Surveys.

516. In terms of species, no great crested newts or reptiles were recorded on site. In terms of invertebrates, four species of butterflies were recorded on site. In a few small patches, sloping bare ground was noted as supporting some burrowing bees and wasps and such areas are considered to be of value to invertebrates in a site context. The surveys identified no bat roost features. In terms of bat foraging and commuting, it is considered highly likely that this would be focused along features on the periphery of the application area. A single badger set was identified within the site. Within or over the survey area, 13 species of bird were recorded, of which 9 were confirmed, or considered possibly or probably breeding.

517. The applicant proposes the following mitigation and enhancement measures for species:

- Invertebrates: During the site preparation and operational phases, two large screening bunds would be created and sparsely seeded with a 100% native species acid grassland mix. This would provide both burrowing habitat and a nectar source. In addition, the upper sand faces on the southern side of the proposed quarry would similarly be seeded with such a mix and bare sand faces created as part of the extraction proposals would be available for use by invertebrates throughout the working life of the quarry and inert landfill.
- Wild birds: Removal of vegetation/features which might act as nesting sites for birds would be undertaken outside the bird breeding season. Where this is not possible, the vegetation/features would be checked for active nests prior to removal. Replacement nesting habitat for most species would be provided by the proposed restoration but in the short-term six nest boxes would be provided.
- Badger: an identified sett would be avoided with a stand-off of at least 20 metres, or where this is not feasible, an alternative sett location would either be created as banks and/or as bespoke artificial setts. An existing sett would then be subject to exclusion under licence. However, since the badger situation (such as the sett location) is subject to change, it is proposed to carry out a detailed badger survey 12 months prior to starting each soil stripping phase of the proposed development and draw up a detailed mitigation plan which will ensure legal compliance under licence.
- Amphibians and reptiles: On restoration, the potential for the site to support amphibians and reptiles would be enhanced by the creation of two hibernacula/refuges within approximately 10 metres of the proposed flood control pond.

518. The applicant clarifies that the trees within the site would be retained as part of Stages 1 (creation of screen bunds and site preparation such as soil stripping) and 2 (extraction of the furthest south-western area and seeding of the southern slope) operations which would help to screen these works. Trees would need to be removed to facilitate Stage 3 operations which include expanded extraction of the southern area. This includes three trees (oak and ash species), three of which are less than 4 metres in height and the remaining heights are approximately 6 to 8 metres.

519. The Ecological Impact Assessment states that habitats on site include dense scrub including trees and low quality semi-improved grassland. The scheme proposes to protect the peripheral vegetation along the site northern, eastern and southern boundaries throughout the period of site operation. The proposed restoration plans to agriculture includes a significant nature conservation element. This includes strengthening the boundary vegetation, planting of native species hedgerows and intermittent trees on the south-western edges of the extraction area and further hedgerow and tree planting across the site in the southern part of the site. Three pockets of native species broadleaf woodland (approximately 0.2 hectares) are also proposed. Drainage ditches would run across the site and a shallow flood control pond and associated wetland areas would feature in the north-western corner of the site. The pond would incorporate sinuous edges and a variety of shallow marginal slopes. The area would be left to vegetate naturally.

520. In 2023, the Minerals Planning Authority on advice from the County Ecologist, requested the applicant to provide a statement on the validity of the ecology reports to comply with the Chartered Institute of Ecology and Environmental Management advice which recommends that this should be between 18 months to three years. In response the applicant submitted the revised Ecological Impact Assessment which was updated by a qualified ecologist in March 2023.

521. The findings of this updated Ecological Impact Assessment, include evidence of more scattered and dense scrub (with and without trees) especially bramble (in particular in the southern parts of the site) and poor semi-improved grassland with evidence of light grazing by horses. Small areas at the north and east occur in a mosaic with ruderal tall herb. There was little change to other types of habitats. The Ecological Impact Assessment did not note any significant changes to species on site since the original report in 2019.

522. Natural England have no objections to this proposal. They consider that the proposed development would not have likely significant effects on statutorily protected sites and has no objection to the proposed development. Natural England have also provided further general advice including consideration of protected species and other natural environmental issues such as that relating to best and most versatile agricultural land and soils. They have set out that guidance on soil protection is available in the Department for Environment, Food & Rural Affairs 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' and recommend its use in the design and construction of development, including any planning conditions.

523. Worcestershire Wildlife Trust have no objections to this proposal subject to the imposition of conditions relating to a Construction and Environmental Management Plan, Landscape Environmental Management Plan, and sustainable drainage. They note the additional ecological information including the helpful updates to provide clarity around restoration proposals relating to biodiversity enhancement. In view of the ecological survey findings and the proposed mitigation and ecological enhancement, they do not wish to object to the application and are content to defer to the opinions of the County Ecologist for any further biodiversity consideration.

524. The County Ecologist has no objections to this proposal, subject to the imposition of conditions relating to a Construction and Environmental Management Plan, Ecological Design Strategy, Landscape and Environmental Management Plan and Biodiversity Monitoring Strategy.

525. The County Ecologist considers that there is sufficient information provided with regards to badgers and invertebrates so that detailed design matters can be secured through

condition. While update surveys for mobile species would be a requirement through the lifetime of the development, they consider that these can be integrated within the recommended conditions rather than need for an additional and standalone condition.

526. In relation to the 2023 updates to ecological reports, the County Ecologist states that this updated Ecological Impact Assessment includes very minor changes to habitat extents over the period intervening the initial survey (conducted in April and August 2017) and update surveys (undertaken in November 2019 and March 2023). These changes are not considered to pose any implications to the site's baseline nature conservation value. The site's value for fauna remains broadly unchanged. Subsequently, recommendations provided for site mitigation, compensation and enhancement measures remain broadly consistent and are acceptable. The County Ecologist considers that if these measures are secured through the imposition of suitably worded conditions (as specified in the original response), they are likely to result in minor net gains for biodiversity.

527. County Councillor Shirley Webb objects to the proposal stating that the loss of the wooded hillside which forms the application site would contribute towards environmental and wildlife cumulative impacts on local residents.

528. Neighbouring County Councillor Adrian Kriss objects to this proposal. He comments that nature has reestablished itself after previous activities on this site. This elevated site, which is clearly visible from nearby road and surrounding area, is a visually pleasing green space with mature trees and shrubs providing a natural habitat that would continue to flourish if left alone. This would be lost if the permission is granted after 13 years of intrusive activity. The presence of Japanese Knotweed (species listed under Schedule 9 to the countryside act 1981 have been identified on site). Urgent eradication is required to avoid compromising nearby structures and potential spread over a larger area. Provision of a bond, to cover future restoration has previously been requested to provide assurance that restoration would take place if this development was allowed to progress.

529. The Head of Planning and Transport Planning notes that the applicant's reports address the potential impacts and identify mitigation measures and enhancements to the environmental features and animal species relevant to the site. The technical consultees in particular the County Ecologist, Worcestershire Wildlife Trust and Natural England have no objections to this proposal on ecology grounds, subject to relevant planning conditions as described above.

530. In relation to objections based on the removal of the already established vegetation on site, the updated Ecological Impact Assessment (2023) acknowledge that the vegetation on site has matured, however, in technical terms it is still described as dense scrub with or without trees and low quality semi-improved grassland. The Head of Planning and Transport Planning notes that some of the vegetation would need to be removed from the site and that it would take some time for it to mature following the site restoration. However, whilst some vegetation on site is proposed to be removed, the peripheral vegetation would be enhanced and planting of native hedgerows, trees, pockets of woodland, pond and wetland areas are proposed as part of the restoration scheme which are expected to deliver enhanced ecological benefits above the existing ones. It is noted that the County Ecologist has no objection to this proposal, subject to the imposition of relevant conditions and comments that the site's restoration is likely to result in minor net gains for biodiversity.

531. In relation to net gains for biodiversity, the County Ecologist clarifies that in their sub-regional, county and district ecological contexts, the gains, such as ponds (more than 0.1 hectares) and broadleaved woodland (more than 0.2 hectares), are positive, but modest in

nature. At a site-level context, the applicant's Preliminary Ecological Appraisal assesses these habitat gains as 'significant'. The addition of approximately 1 kilometre of hedgerow, would pose valuable biodiversity benefits, particularly if species-rich in composition. Additionally, on restoration, there are new features proposed for nesting birds and roosting bats, amphibian and reptile refugia and hibernacula which, cumulatively, should result in positive gains for biodiversity, in comparison to the site's baseline biodiversity value.

532. In relation to Japanese Knotweed, the Construction and Environmental Management Plan containing a Method Statements to address invasive species is to be imposed as a condition as recommended by the County Ecologist.

533. The Government's PPG provides advice and guidance planning applications which may impact upon European sites, stating "*all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment (HRA) screening' – should take into account the potential effects both of the plan / project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured*" (Paragraph Ref ID: 65-001-20190722).

534. The PPG goes on to state that "*if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017)...A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment. The conservation objectives relate to each of the habitats and species for which the site was designated and will be provided in more detail by Natural England. A competent authority must consult Natural England for the purposes of the assessment and must have regard to any representations that Natural England may wish to make within a reasonable time (as specified by the competent authority)*" (Paragraph Ref ID: 65-002-20190722).

535. In relation to European designated sites and the Habitat Regulatory Assessment, non-toxic contamination, water quality deterioration and air pollution (specifically, nitrogen deposition) have been highlighted as priority issues in Natural England's Site Improvement Plan for the Severn Estuary SPA and Ramsar. Nitrogen deposition has the potential to result in eutrophication of habitats, which can result in a change in water quality and lead to successional changes to plant communities. Any development proposals which could result in a significant increase in traffic along a road within 20 meters of the SPA/Ramsar or its functionally linked habitat has the potential to adversely affect the integrity of the SPA/Ramsar. While there are no strategic or primary roads within a 30-mile radius of Worcestershire which are also within 200 metres of the Severn Estuary SPA/Ramsar boundary, there may be functionally linked habitats within 200 metres of routes most likely to be used by HGVs going to and from this application site.

536. Geckoella, on behalf of the Minerals Planning Authority as the competent authority, have carried out the Habitat Regulatory Assessment screening assessment. The assessment has identified no likely significant effects on any European Sites should the in-build measures of the projects as recommended by the screening be followed.

537. Natural England and the Environment Agency have been consulted on the Habitat Regulations Assessment Screening.

538. Natural England state that the assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

539. The Environment Agency state that, given the dry extraction and sustainable drainage implementation proposed for the scheme, they are not in a position to disagree with the conclusion that the proposal would not have any impacts on the populations of migratory fish species of the Severn Estuary SAC and Ramsar Site.

540. In terms of geodiversity, the applicant submitted the Geotechnical Investigation & Design Report. It states that *“An exposure of highly fractured moderately weathered dark red brown sandstone was observed on the quarry access road during the walkover survey. This is conjectured to be at the top surface of the Wildmoor Sandstone Member close to the fault zone. The location and extent of the fault between the Wildmoor Sandstone and the adjacent Chester Formation, close to the northern boundary of the site, has not been fully defined. The rock on either side of the fault is expected to be similar in engineering properties, but the precise location and width of the fault zone is not currently known. The fault zone is likely to contain weaker material, possibly more in the nature of a soil, and for this reason the quarry walls in this area may need to be loped at a shallower angle than the rest of the excavation.”* the Geotechnical Investigation & Design Report recommends that *“the area of the conjectured fault near the northern boundary of the site is exposed at an early stage in the development of the quarry, and that once located the area is investigated by exploratory boring to obtain geotechnical parameters to refine the design of the high wall in this location”*.

541. The applicant also states that is agreeable to prior arranged site visits for geological reasons. The applicant states that whilst exposure of fault zones or exposed mineral faces are not part of the final restoration proposal, reasonable effort would be made to photographically record any feature of interest.

542. Herefordshire and Worcestershire Earth Heritage Trust have no objection to this application, subject to the imposition of a condition requiring the applicant to obtain approval, before any commercial excavation works commence, for a plan of geoconservation measures. A condition is recommended to this effect.

543. In view of the above, and taking into consideration the advice of Natural England, Worcestershire Wildlife Trust, the Environment Agency, the County Ecologist, and Herefordshire and Worcestershire Earth Heritage Trust, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site’s value for biodiversity and geodiversity. The Head of Planning and Transport Planning considers that the proposed development accords with Policies MLP 31 and MLP 36 of the adopted Minerals Local Plan, Policy WCS 9

of the adopted Worcestershire Waste Core Strategy, and Policies BDP19, BDP21 and BDP24 of the adopted Bromsgrove District Plan.

Water environment including flooding

544. Letters of representation have been received commenting on the potential impact on the groundwater and potential contamination of Battlefield Brook with leachate, which would affect ecosystems downstream. There are also concerns that the quarry can lead to silt falling onto Wildmoor Lane and Battlefield Brook.

545. Policy MLP 37: 'Water Quality and Quantity' of the adopted Worcestershire Minerals Local Plan states that *"planning permission will be granted where it is demonstrated that the proposed mineral development will protect and, where possible, enhance the quality, quantity and flow of surface water and groundwater resources..."*.

546. Policy MLP 38: 'Flooding' of the adopted Worcestershire Minerals Local Plan states that *"planning permission will be granted where it is demonstrated that the proposed mineral development will avoid increasing flood risk to people and property on site or elsewhere and contribute, where possible, to a reduction in overall flood risk..."*.

547. Policy WCS 10: 'Flood risk and water resources' of the adopted Worcestershire Waste Core Strategy refers to considering flood risk as well as any potential impacts on surface and ground water.

548. Policy BDP19: 'High Quality Design' of the adopted Bromsgrove District Plan state that development should ensure that measure the potential impact of pollution in relation to air, noise, vibration, light and water to occupants, wildlife and the environment.

549. Policy BDP22: 'Climate Change' of the adopted Bromsgrove District Plan supports climate resilient developments by ensuring developments and infrastructure are planned to avoid increased vulnerability to the range of impacts and take advantage of the opportunities arising from climate change, having regard to the intended lifetime of the development.

550. Policy BDP23: 'Water Management' of the adopted Bromsgrove District Plan states that (BDP23.1) the Council will deliver safe developments with low environmental impact through *"c) Ensuring development addresses flood risk from all sources, follow the flood risk management hierarchy when, planning and designing development, and do not increase the risk of flooding elsewhere. Where inappropriate developments in areas at risk of flooding are necessary after the sequential test is applied, appropriate designs, materials and escape routes that minimise the risk(s) and loss should be incorporated b) Requiring all developments to work with the Lead Local Flood Authority and SuDS Approval Body and pay necessary regard to the Local Flood Risk Management Strategy and its evidence; e) Requiring all major developments to engage with Severn Trent Water at the earliest opportunity to ensure that sufficient capacity of the sewerage system (i.e. wastewater collection and treatment) is available to accommodate the development; f) Supporting developments that protect and enhance water quality. This includes ensuring the phasing of development is in line with the completion of the required infrastructure and non-mains drainage will follow the foul drainage hierarchy with appropriate management plans in place; g) Requiring developments to set aside land for Sustainable Drainage Systems (SuDS) and follow the SuDS management train concept. This includes maximising opportunities for restoring watercourses, deculverting, delivering multiple benefits in line with BDC24 Green Infrastructure and ensuring that an appropriate buffer zone is provided between the watercourse and any development"*.

551. Policy BDP24: 'Green Infrastructure' of the adopted Bromsgrove District Plan encourages development to deliver a high quality multi-functional Green Infrastructure network by "a) *Ensuring developments adopt a holistic approach to deliver the multiple benefits and vital services of Green Infrastructure, with priorities determined by local circumstances; b) Requiring development to improve connectivity and enhance the quality of Green Infrastructure; c) Requiring development to provide for the appropriate long term management of Green Infrastructure; d) Requiring development to have regard to and contribute towards, the emerging Worcestershire Green Infrastructure Strategy, any local GI Strategy (...)*".

552. Paragraph 165 of the NPPF states that "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*".

553. Paragraph 173 of the NPPF states that "*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan*".

554. Paragraph 168 of the NPPF states that "*the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding*".

555. Paragraph Reference ID: 7-023-20220825 of the PPG makes it clear that the sequential approach "*is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding*".

556. It also recognises that "*mineral deposits have to be worked where there is no scope for relocation (and sand and gravel extraction is defined as water-compatible development in the NPPF Annex 3, acknowledging that these deposits are often in flood risk areas). However, mineral workings should not increase flood risk elsewhere and sites need to be designed, worked and restored accordingly*" (Paragraph Reference ID: 7-030-20220825).

557. The Environmental Agency's Flood Risk Map identifies that the site is located within Flood Zone 1 (low probability of flooding). The proposal is located upon an aquifer - Groundwater Source Protection Zone (Zone 3 – Total Catchment). The Environmental Agency's Surface Water Flood Risk Map identifies that a small part of the application site

area would be at Low (between 0.1% and 1% chance each year) and Medium risk (between 0.1% and 3.3% chance each year) of surface water flooding. A small area of Low risk surface water flooding would be located within the stockyard area. A strip of Low and Medium risk surface water flooding follows the access road and edges of the development.

558. With regard to the sequential test, the consideration to alternative sites and the location of the development is considered in the 'Alternatives' and 'Location of the development' sections of this report. It is also noted that minerals are a finite natural resource and can only be worked where they are found. The Head of Planning and Transport Planning considers that there are no reasonably available sites appropriate for the proposed development locally with a significantly lower flood risk. It needs to be noted that the development site is located within Zone 1 (low probability of flooding) and only small part of the site has been identified at low to medium risk of surface water flooding. It needs to be noted that no part of the mineral extraction or mineral processing plant, proposed buildings and car parking would be located within the surface water flood risk area. In view of this, it is considered that the sequential test is passed in this instance.

559. The proposed development is classed as 'water-compatible development', as identified by Annex 3: 'Flood risk vulnerability classification' of the NPPF. 'Table 2: 'Flood risk vulnerability and flood zone 'incompatibility'' of the PPG shows that 'water-compatible' development is acceptable in Flood Zones 1 (low probability of flooding). In accordance with Table 2, the exception test outlined in the NPPF is not required water compatible developments within Flood Zone 1.

560. The applicant was required to submit A Flood Risk Assessment because the application site is above 1 hectare in size as specified in Paragraph 173 and Footnote 59 of the NPPF.

561. The applicant's Flood Risk Assessment incorporates a Drainage Strategy. The Flood Risk Assessment sets out that there are no surface water features within the site area. The Flood Risk Assessment refers to Battlefield Brook, an ordinary watercourse, which rises 1.5 kilometres to the north-east of the site boundary on the flanks of the Waseley Hills at an elevation of around 200 metres AOD. The Flood Risk Assessment also sets out that the brook passes in culvert beneath Top Road, alongside the Wildmoor Oak public house and some 375 metres from the application site. This culvert crosses the 145 metres AOD contour line. From the site inspection visit, this is the first appearance of the brook south of Sandy Lane (A491) 450 metres to the northeast. There is a shallow ditch immediately alongside the north side of Wildmoor Lane that contributes to Battlefield Brook near to the Top Road culvert. It is assumed that the Brook is within culvert through fields to this point as evidenced by the rate of flow witnessed in the watercourse.

562. The Flood Risk Assessment acknowledges that the site is located upon a bedrock principal aquifer and that the groundwater vulnerability is stated as Major High Principal and secondary aquifers provide significant quantities of drinking water, and water for business needs. They may also support rivers, lakes and wetlands.

563. The Flood Risk Assessment also refers to the site falling within two nitrate vulnerable zones, which are areas designated as being at risk from agricultural nitrate pollution. These two areas are:

- Surface Water 586 - River Salwarpe - confluence Elmbridge Brook to confluence River Severn Nitrate Vulnerable Zone;

- Groundwater 29 - West Midlands.

564. The applicant's Environmental Statement summarises the measures, originally identified through the Flood Risk Assessment and the Drainage Strategy, to protect the site from flooding and ensure it does not increase flood risk elsewhere which were.

565. The measures include routing the discharge of surface water flow to the proposed infiltration basin. There would be an opportunity for surface water to infiltrate ground along ditches and trenches, and that any release from infiltration basin would be at greenfield runoff rates to Battlefield Brook.

566. The Environmental Statement also sets out that runoff would be managed through sustainable drainage features, which would control flow rates, volumes and water quality leaving the site. The Environmental Statement also refers to surface water infrastructure reducing the risk of runoff from reaching the public highway.

567. The applicant also submitted the Hydrogeological Risk Assessment which concludes that the proposed development would comply with the requirements of the Groundwater Framework Directive transposed through the Environmental Permitting Regulations 2016 as the modelling and the groundwater monitoring and leachability testing following detailed site investigation has shown compliance that:

- Hazardous substance release is below minimum reporting values (indicative values set up by the Environment Agency for or selected hazardous substances in clean water);
- The site design limits the introduction of Non-Hazardous Pollutants into groundwater so as to avoid pollution down hydraulic gradient of the site;
- Essential and technical precautions have been considered including an engineered basal and side wall seal; and
- Requisite surveillance for groundwater and leachate is detailed in the report.

568. The Gas and Groundwater Monitoring Plan states that it is essential to monitor groundwater adjacent to the site for quality to assess the integrity of the performance of the site and to ensure that there is no impact on groundwater. The document sets out the nature and location of five boreholes. The Gas and Groundwater Monitoring Plan recommends that the compliance levels are reviewed on a six yearly basis in line with the Hydrogeological Risk Assessment review period or as appropriate. If, for example, the compliance levels were to be exceeded on three consecutive times, then this should be highlighted and discussed within any annual review of monitoring data. Such an occurrence may be the result of contaminant breakthrough or a change in the up-gradient groundwater quality. Sampling would be undertaken by staff appropriately trained in environmental monitoring procedures, and who are familiar with the equipment and its limitations.

569. The Gas and Groundwater Monitoring Plan further highlights that all data from the groundwater monitoring would be stored on the in-house electronic database. This database would allow quarterly and annual reports to be issues and provided to the Environment Agency.

570. National Highways have no objections to this proposal, subject to the imposition of appropriate conditions including relating to detailed design and maintenance of the surface

water management (including the installation and maintenance of proposed surface water ditches and the infiltration basin).

571. National Highways originally stated that a Drainage Strategy must be provided to establish the design principles for the capture of surface water run-off from the proposed noise attenuation bund and establish a suitable point of outfall.

572. In response to further/revised information, National Highways commented that with regard to flood risk, the development site is in Flood Zone 1 (very low risk of flooding). Some of the site (areas to the north and west) may be susceptible to localised flooding from an ordinary watercourse (Battlefield Brook); however, this is some distance from the M5 Motorway. Groundwater is not identified as a particular concern, due to the free-draining characteristics of the site (sand) and surrounding area, including underlying aquifers, which have a high abstraction demand as a local water supply. Although risks across the site vary, the southern part (closest to the M5 Motorway) has limited potential for groundwater flooding. There are no reported occurrences of flooding across the site from historic records; however, the area near Battlefield Brook (furthest away from M5 Motorway) may have a low risk of flash flooding.

573. Site visits made in connection with the production of the applicant's Flood Risk Assessment and Drainage Strategy suggest the site drains from south to north and along the access track, which is used as a drainage channel by surface water runoff. This leads to discharge onto Wildmoor Lane (an issue for Worcestershire County Highways). The Drainage Strategy proposes a Sustainable Drainage System, collecting water on site as part of a phased extraction and restoration operation. Reference is made to the screening bund along the eastern boundary with the M5 Motorway and the need to ensure a cut-off drain is provided. National Highways states that the details of this would require consideration in due course; however, this ditch would be directed towards the north-western area, where it would outfall into an infiltration basin. Further details for the design of the basin would be determined by a BRE Digest 365 permeability test.

574. As such, National Highways recommend an appropriately worded planning condition requiring the submission and approval of the detailed design, installation and maintenance of proposed surface water ditches and the infiltration basin (as per the recommendations of the Flood Risk Assessment and Drainage Strategy), prior to the commencement of Phase 4 quarrying activity following the satisfaction of other matters.

575. The Environment Agency have no objection, subject to the imposition of relevant conditions relating to water monitoring. With regard to the proposal and controlled waters, they have reviewed the various reports and note that it is stated that groundwater levels have been monitored on site since the initial installation of the boreholes in 2009 at the restored Pinches (2) and (3) Quarry sites, as well as at a number of boreholes on the edge of the site. It is specified that all workings would be above the water table (with a remaining saturated zone of 10 metres) and due to this it is indicated that no groundwater pumping would be required. This assessment has been carried out with data from current boreholes. Thought should be given to the data provided by the new boreholes once they have been drilled, and the levels that the boreholes record on installation.

576. Originally, the Environment Agency recommended that a groundwater quality and level monitoring plan should be submitted. They noted that reports relating to the restored Pinches (3) Quarry site highlight 'previous quarrying at the site has seen small seepages of groundwater at considerable depth', 'groundwater flow in small volumes is to be controlled by

sump pumping as necessary' and 'groundwater flow will resume to normal after restoration'. They sought confirmation over whether this has been considered for the application site also.

577. In relation to the above, the applicant has since submitted the Gas and Groundwater Monitoring Plan. The Environment Agency has no further objections, subject to relevant conditions relating to water monitoring.

578. With regard to restoration – inert landfilling proposal, they commented that the proposals appear similar in nature to previous phases at this site. They have been involved in the previous phases – Pinches (1) and (2) Quarry sites from a permitting perspective in relation to the restoration (landfilling) phases and have not had any significant cause for concern in relation to such. They note the Dust Management Plan (2019) and Noise Assessment (2019) carried out to support the Environmental Statement.

579. The operators would be required to operate the infilling as part of the restoration proposals under a relevant Environmental Permit, which would likely include requirements to undertake monitoring to assess any potential impact on the environment and local receptors. Dust and noise could be particular issues that the operator must be aware of during the landfilling phases. The Environment Agency would leave any issues from emissions arising from the extraction phase for the MPA to consider, perhaps in consultation with Worcestershire Regulatory Services.

580. The Environment Agency have reviewed the further information submitted in respect of the Environmental Statement. They have no objection and have recommended a number of conditions are imposed relating to a water monitoring scheme, including at least a monthly dip in terms of frequency of monitoring. They expect that groundwater level monitoring would continue throughout the extraction of minerals and not just the landfilling and restoration phases. The Environment Agency in expect that groundwater level monitoring would continue throughout the extraction of minerals and not just the landfilling and restoration phases. The water monitoring scheme should include a review of monitoring data from the recent/new boreholes once they have been drilled, and the levels that the boreholes record on installation, ensuring that all workings would be above the water table (with a remaining saturated zone of 10 metres) and that no groundwater pumping would be required.

581. The Environment Agency have also recommended a condition relating to mitigation of any adverse risk of deterioration to groundwater flows and quality, should this be identified through the monitoring.

582. The operators would be required to operate the inert infilling as part of the restoration proposals under a relevant Environmental Permit, which would likely include requirements to undertake monitoring to assess any potential impact on the environment and local receptors.

583. North Worcestershire Water Management (on behalf of the Lead Local Flood Authority) have no objections to this proposal, subject to the imposition of conditions relating to a drainage strategy, a Sustainable Drainage Management Plan, and the design of any facilities for the storage of oils, fuels or chemical.

584. North Worcestershire Water Management state that the site is within Flood Zone 1 and is predominantly outside of an area susceptible to surface water flooding. However, there are some flow routes around the perimeter of the site. They are aware of some instances of flooding on nearby lanes.

585. The excavation phase of the site is of less concern in terms of drainage and flood risk although they are pleased to see that the site would not be worked wet. Therefore, it is not envisaged that pumping of surface or ground water would be required. The subsequent infilling and restoration of the site would be of more interest to North Worcestershire Water Management. They note the presence of the underlying aquifer, but protection of this falls under the remit of the Environment Agency.

586. They are pleased to read within the Flood Risk Assessment that measures are considered to reduce the risk of surface water leaving the site, namely the provision of two bunds around the perimeter of the site and the creation of a flood storage basin. They note that ditches would be provided around the site perimeter too in order to prevent water filling the basin prematurely and risk flowing off the site.

587. Originally, they recommended that some low-level check dams are incorporated into the design to slow the flow of water and promote localised infiltration or evaporation where possible. Details of the basin and ditches would need to be provided and approved prior to completion of the site.

588. The applicant has since provided a more detail on the location of the earth bunds and ditches. North Worcestershire Water Management welcome the provision of this information, however, they still require conditions as suggested in their original comments.

589. As a major site, they would expect to see the use of sustainable drainage post-completion of the site, and this should ensure there is no increase in runoff from the site and where possible a reduction in the rate and volume of water leaving the site. Post-restoration levels must be as existing, with no new flow routes which may impact upon neighbouring land.

590. Severn Trent Water Limited have no objections to this proposal. The proposal would have minimal impact on the public sewerage system and therefore a drainage condition is not required to be applied. They comment that the proposal is within the Groundwater Source Protection Zone 3, and they recommend that the Environment Agency's guidance is closely followed during development.

591. Worcestershire Wildlife Trust have also recommended imposing a condition requiring sustainable drainage to ensure that long-term surface water drainage does not cause harm to receiving watercourses.

592. Based on the advice of the Environment Agency, North Worcestershire Water Management, Severn Trent Water Limited, Worcestershire Wildlife Trust and National Highways, the Head of Planning and Transport Planning considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions relating to the submission of a drainage strategy, a sustainable drainage management plan, groundwater quality and level monitoring plan, and the design of any facilities for the storage of oils, fuels or chemical.

Restoration and Aftercare

593. As set out under the 'Consultations' heading and 'Other Representations' headings earlier in this report, various comments have been made in relation to restoration and aftercare including recommending that a surety bond should be imposed on the developer, concerns about the timescales for restoration, and ensuring that the restored landform attempts to reinstate the shape of the hillside as close as possible to the naturally existing contours and to the same height as the highest part of the site.

594. The NPPF states in relation to the restoration of mineral workings, that *"planning policies should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place"* (Paragraph 216, h). This is reiterated in the National Planning Policy for Waste in relation to landfill sites, which at paragraph 7 states *"when determining waste planning applications, waste planning authorities should ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary"*.

595. The PPG provides more detailed guidance on restoration and aftercare of mineral workings. In particular to ensure that applicant deliver sound restoration and aftercare proposals, the PPG states at Paragraph: 041 Reference ID: 27-041-20140306 that *"mineral planning authorities should secure the restoration and aftercare of a site through the imposition of suitable planning conditions and, where necessary, through planning obligations"*.

596. The applicant has submitted details of a restoration scheme for the site in which the land would be progressively restored with the infilling of the void with inert waste materials to the level of the surrounding ground and progressive restoration of the land primarily to agricultural use.

597. The applicant has set out that the mixed areas of grassland and woodland restoration would be restored in a phased (sequential) pattern. The restoration strategy is to retain and preserve the existing soils and return the area to agricultural grassland. The restoration would include native hedgerow and small-scale woodland planting and a pond with associated wetland areas. The vegetation along the southern, northern and eastern boundary would be preserved. Additional boundary hedgerow and tree planting would take place along the site boundaries. The site would be protected with security and field gates.

598. The restored site would be subject to a 5-year aftercare management regime to ensure the successful establishment of agricultural land, locally distinct character features and habitats.

599. Conditions relating to the phasing, annual surveys of the ground levels, and detailed restoration and aftercare schemes are recommended should planning permission be granted to ensure the site is restored at the earliest opportunity and to high environmental standards.

600. Policy MLP 10: 'North East Worcestershire Strategic Corridor' of the adopted Worcestershire Minerals Local Plan states that:

Planning permission will be granted for mineral development within the North East Worcestershire Strategic Corridor that contributes towards the quality, character and distinctiveness of the corridor through the conservation, delivery and enhancement of green infrastructure networks.

A level of technical assessment appropriate to the proposed development will be required to demonstrate how, throughout its lifetime, the development will, where practicable, optimise the contribution the site will make to delivery of the following green infrastructure priorities:

- a) conserve and restore permanent pasture, incorporating lowland heathland, acid grassland and scrub habitats;*
- b) conserve, enhance and restore characteristic hedgerow patterns and tree cover*

along watercourses and streamlines;

c) slow the flow of water in upper reaches of the catchment;

d) create accessible semi-natural green space, incorporating information or routes which increase the legibility and understanding of the geodiversity, heritage and character of the area.

Proposals should demonstrate how the development will deliver these priorities at each stage of the site's life, and why the proposed scheme is considered to be the optimal practicable solution. Where site-specific circumstances and/or other policies in the development plan limit the ability to deliver one or more of the priorities, this should be clearly set out in the assessment.

Where the proposal would make very limited or no contribution to the delivery of these priorities as a whole, this will only be considered appropriate where the economic, social and/or environmental benefits of the proposed development outweigh the benefits of delivering the corridor priorities”.

601. The Head of Planning and Transport Planning considers that the proposal would broadly accord with this policy, in that the application site would be subject to progressive restoration. It would be restored primarily to agricultural land (4.5 hectares), broadleaved woodland (0.22 hectares) and pond/wetland areas (0.15 hectares).

602. The County Landscape Officer has no objection to this proposal on landscape grounds, subject to the imposition of conditions relating to a Landscape Environmental Management Plan. The County Landscape Officer comments that the landscape and restoration proposals are broadly acceptable. The County Landscape Officer is satisfied that from landscape perspective the proposed Restoration Plan would deliver sufficient screening and net gains in the context of the landscape character setting of the site. Filtered and glimpsed views of road infrastructure may be evident particularly to transient receptors where the viewpoint is relative to the position of the receptor at the given time.

603. The County Landscape Officer recognises the presence of the geologically important Blackwell Fault, which is a matter that was flagged to them by Hereford and Worcestershire Earth Heritage Trust. The County Landscape Officer supports measures to facilitate access for geological recording and promotion of information pertaining to this fault as part of site interpretation. This is a particular opportunity given the proximity of the site to the Monarch's Way long distance footpath. Therefore, they have no objection to the scheme on landscape grounds.

604. Herefordshire and Worcestershire Earth Heritage Trust have no objection to this application, subject to the imposition of a condition requiring the applicant to obtain approval, before any commercial excavation works commence, for a plan of geoconservation measures.

605. Herefordshire and Worcestershire Earth Heritage Trust stated that the site of the planned extraction is of geological importance as it would expose the Blackwell Fault that lies between the Chester formation and overlying Wildmoor sandstone, both of which are to be exploited in this development. The fault is important because of its size, having an estimated throw of 110 metres at Blackwell, and because published information about it appears to be sparse. This could be regarded as a regionally important site, although there is no current designation. A suitably worded condition can be imposed to ensure the above.

606. Worcestershire Wildlife Trust have no objections to this proposal, subject to the imposition of conditions relating to a Construction and Environmental Management Plan, Landscape Environmental Management Plan, and sustainable drainage.

607. The County Ecologist has no objections to this proposal, subject to the imposition of conditions relating to a Construction and Environmental Management Plan, Ecological Design Strategy, Landscape and Environmental Management Plan and Biodiversity Monitoring Strategy.

608. Natural England have no objections and the Environment Agency have no objection, subject to the imposition of relevant conditions relating to water monitoring.

609. In relation to financial guarantees, the responsibility for the restoration and aftercare of mineral sites lies with the operator, and in case of default the landowner. The NPPF at Paragraph 217 (e) state that mineral planning authorities should *"provide for restoration and aftercare at the earliest opportunity, to be carried out to a high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances"* (Paragraph 217, e). Furthermore, Paragraph: 048 Reference ID: 27-048-20140306 of the PPG states that *"a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases include:*

- *very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

610. The proposal is anticipated to be completed and restored within 14 years of commencement of the development, which is not considered to be very long-term in the context of mineral extraction and restoration. The development does not propose a novel approach or technique to mineral extraction or restoration, and the Head of Planning and Transport Planning has no reason to believe that there is a likelihood of financial or technical failure. Therefore, it is not necessary for the MPA to seek a financial guarantee in this instance.

611. Policy MLP 26: Efficient Use of Resource' of the adopted Worcestershire Minerals Local Plan states that *"mineral development will be permitted where it is demonstrated that the proposed development will make efficient use of natural resources. A level of technical assessment appropriate to the proposed development will be required to demonstrate that, throughout its lifetime, the proposed development will (...) balance the benefits of maximising extraction with any benefits of allowing sterilisation of some of the resource, taking account of (v) the appropriateness of importing fill materials on to site, and the likely availability of suitable fill materials"*.

612. Bournheath Parish Council makes comments in relation to origin of inert waste to be used as infill as part of this proposal. The applicant states that *"the inert waste input would be sourced from local building projects in compliance with the materials specified though the Environmental Site Permit (managed through the Environment Agency). There is a known current and ongoing need for such sites and also an ever-decreasing number of local (Worcestershire) sites in which to place this material"*. The applicant also confirms that the anticipated operator, Merriman Ltd, confirms that their key markets would be the southern

conurbation of Birmingham including Redditch, Kidderminster and Bromsgrove, Birmingham City, Worcester and Droitwich Spa. Although, due to the type of material, it would potentially travel slightly further given the shortage of available and suitable sites. Merriman Ltd. are confident of being able to work with other local firms who are both in the aggregate and waste industry and thereby retain a string local market spread.

613. In their objection, Catshill and North Marlbrook Parish Council (neighbouring) highlight a need for robust monitoring to avoid overfilling of the void and highlight that measures need to be put in place to ensure that all infill material is genuinely inert. It is noted that, should the planning permission be granted, the site would be subject to ongoing monitoring by the MPA, and the applicant would be required by a condition to submit to the MPA on an annual basis a topographical survey to demonstrate the levels of infill. In terms of inert being genuine, this would be monitored and controlled by the Environment Agency under the Environmental Permit.

614. Policy WCS 5 of the adopted Worcestershire Waste Core Strategy identifies that no capacity gap has been identified for the landfill or disposal of waste. The Policy then states that planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated it meets one of the three listed criteria. In this instance, it is considered that Part iii) is relevant, which states "*the proposal is essential for operational or safety reasons or is the most appropriate option*". Paragraph 4.45 of the explanatory text states "*landfill or disposal may also be necessary for a variety of operational or safety reasons. Landfill is often an essential component in the restoration of mineral workings*". The Head of Planning and Transport Planning considers that given the nature of the proposed working, which would extract minerals to a maximum depth of circa 30 metres, it is considered that in principle, the restoration of the site by the importation of inert materials is acceptable in this instance, subject to a progressive working and restoration scheme. A condition is recommended to this effect.

615. The Head of Planning and Transport Planning notes that the Environment Agency, Natural England, Worcestershire Wildlife Trust, the County Ecologist, County Landscape Officer and Herefordshire and Worcestershire Earth Heritage Trust all have no objections to the proposal, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposal is in accordance with Policies MLP 10 and MLP 26 of the adopted Worcestershire Minerals Local Plan and Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

Other matters

Climate change

616. Letters of representation have been received objecting to the proposal on the carbon impact of the proposal.

617. The NPPF states that "*the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure*" (paragraph 157).

618. Policy MLP 26: 'Efficient Use of Resources' of the adopted Worcestershire Minerals Local Plan states that:

“Mineral development will be permitted where it is demonstrated that the proposed development will make efficient use of natural resources.

A level of technical assessment appropriate to the proposed development will be required to demonstrate that, throughout its lifetime, the proposed development will:

*a) minimise use of water and energy in buildings, plant and transport;
b) optimise on-site energy generation from renewable and low-carbon sources; and
c) balance the benefits of maximising extraction with any benefits of allowing sterilisation of some of the resource, taking account of:*

*i. the need for the mineral resource; ii. the ability to deliver the relevant strategic corridor priorities;
iii. the ability to provide a stable and appropriate landform for beneficial after-use; iv. the ability to deliver high-quality restoration at the earliest opportunity;
v. the appropriateness of importing fill materials on to site, and the likely availability of suitable fill materials;
vi. the need to protect and enhance inherent landscape character; and
vii. the need to manage or mitigate impacts on the built, historic, natural and water environment and amenity.”*

619. Policy WCS 11: ‘Sustainable design and operation of facilities’ of the adopted Worcestershire Waste Core Strategy states that *“waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of sustainable development practices and climate change mitigation and resilience through: ...b) reducing water demand where possible and considering water efficiency in the design and operation of all new built development; and c) reducing energy demand where possible and considering energy efficiency in the design and operation of all new built development; and ...e) the consideration of land stability and subsidence; and f) landscaping which enhances, links and extends natural habitats, reflects landscape character or acts as a carbon ‘sink’”*.

620. Policy BDP1: ‘Sustainable Development Principle’ of the adopted Bromsgrove District Plan states at part BDP1.4 that *“In considering all proposals for development in Bromsgrove District regard will be had to (...) The causes and impacts of climate change i.e. the energy, waste and water hierarchies, flood risk and future proofing”*.

621. Policy BDP22: ‘Climate Change’ of the adopted Bromsgrove District Plan supports climate resilient developments by ensuring developments and infrastructure are planned to avoid increased vulnerability to the range of impacts and take advantage of the opportunities arising from climate change, having regard to the intended lifetime of the development.

622. It is also acknowledged that Bromsgrove District Council declared a climate emergency in July 2019 and also that Worcestershire County Council declared a climate emergency in July 2021 and a commitment to tackle its own impacts on climate change through the Worcestershire County Council Net Zero Plan (2020).

623. The applicant submitted the Climate Change Statement which considered impacts of climate change of the proposed development in two broad areas. Firstly, how proposed activities can be mitigated to restrict as best as possible the emissions of greenhouse gases; and secondly, given the known effects of climate change how the site restoration can be adapted to take into account these effects and continue to offer a beneficial afteruse.

624. The Climate Change Statement confirms that at each stage of the proposed development, consideration has been given to climate change as an integral part of the design process. With regards to reducing Worcestershire's climate change emissions, the Climate Change Statement outlines the following mitigation measures:

- Energy efficiency through machinery and processing plant, the adoption of good site working practices and office and administration (heating and cooling requirements). This would contribute to some fuel saving and thus, a reduction in CO₂;
- Use of renewable and low carbon energy: sourcing electricity from low carbon sources and/or renewables to reduce emissions;
- Generation of renewable and low carbon energy: The proposed development would incorporate as many aspects as possible if it is practical to do so (e.g. solar panels);
- Reducing transport impacts: Transport of minerals given the site location, road transport is the only viable option. The site is located close to the M5 Motorway. Gains in efficiency are also mirrored in the reduction of carbon emissions with regards to providing local employment opportunities and sustainable transport modes as identified in the applicant's Transport Statement. As part of a Travel Plan, measures such as the provision of electric vehicle charging points to be used for staff vehicles, a car share scheme and secure cycle storage would be implemented; and
- Impact of different land uses: Through the efficient storage of soils and their reuse (associated loss of vegetation and soil stripping), the majority of the site would be used for an agricultural afteruse (grassland and arable uses in preference to pasture would be adopted), as part of the restoration scheme, green infrastructure would be included, namely, new areas of native species broadleaf woodland, native species hedgerow and intermittent trees. A flood control basin and pond together with associated wetland areas would be incorporated. The pond would link to the drainage ditches along the edge of the field boundaries. Proposed hibernacula habitat features would also be included. In the longer term, the site can become a significant store for carbon through the restored grassland and new woodland.

625. With regards to planning for and adapting to the impacts of climate change, the development would employ the following adaptation measures:

- Flooding – managing flood risk impacts on mineral workings: The site is located in Flood Zone 1 (low probability of flooding). The applicant's Flood Risk Assessment considered a 1 in 100-year flooding situation and takes into account the potential effects of climate change due to the proposed development. It concluded that "*the proposed development remains low risk against future flooding when taking account of climate change*" (paragraph 9.2.1). The restoration scheme includes a flood control basin and pond together with associated wetland areas would be located in the north-western periphery of the site. The pond would link to the drainage ditches along the edge of the field boundaries;
- Water supply and groundwater: Technical reports have been submitted as part of the planning application; and
- Habitat/species resilience: The Ecological Impact Assessment outlines the proposed mitigation, compensation and enhancement measures. Reference is made to relevant technical research papers published by Worcestershire County Council. Any new guidance published by Worcestershire County Council would be considered as part of detailed planting for the restoration scheme.

626. A Greenhouse Gas Emissions Assessment forming part of the wider Climate Change Assessment has also been submitted to support this application. The assessment commits the applicant to undertake an annual review at the same time of year when the restoration actions are reviewed by Mineral Planning Authority each year. It would be carried out to reduce wherever possible, the effects of greenhouse gas emissions in future years. This would be on a general rather than technical level and would aim to make the overall activity as efficient as possible based on practical solutions. This would allow the operator to record the actions taken to save/mitigate the effects etc

627. A Greenhouse Gas Emissions Assessment further states that the proposed development would take approximately 14 years to complete when incorporating both mineral operations and restoration. A Greenhouse Gas Emissions Assessment identified the following key areas which would be monitored during the operational period to reduce impacts on climate change:

- Investment in plant efficiency and processes;
- Electrification of plant (moving from diesel to electrification);
- Site practices (e.g. locating plant close to extraction face);
- Purchase electricity from carbon neutral sources or produced onsite if practical to do so);
- Export of minerals/importing inert waste - HGVs (i.e. type of vehicle);
- HGV fuel sources; and
- A Travel Plan for staff members.

628. A Greenhouse Gas Emissions Assessment also states that *“as part of restoration aftercare, a detailed submission of restoration aftercare would include methods to improve the afteruse. Thus, the aftercare scheme can review use of grassland and vegetation cover which are capable of fixing carbon to a more efficient level”*.

629. The County Sustainability Officer has been consulted and raises no comments on the proposal.

630. The Head of Planning and Transport Planning considers that the applicant provided sufficient climate change mitigation and adaptation considerations for the lifespan of the project. The applicant also demonstrates measures that the development would monitor and minimise the emission of CO₂ to the environment.

631. Taking into account all of the above, the Head of Planning and Transport Planning considers that overall, the proposal would contribute to mitigating and adapting to climate change, in accordance with Policy MLP 26 of the adopted Worcestershire Minerals Local Plan, Policy WCS 11 of the adopted Worcestershire Waste Core Strategy, and Policies BDP1 and BDP22 of the adopted Bromsgrove District Plan.

Economic impact

632. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are independent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives. In particular, the NPPF sees the economic role of planning as *“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is*

available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”.

633. The NPPF at Paragraph 85 states that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.*

634. In addition, Paragraph 215 of the NPPF states that *“it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”.*

635. The applicant states that the proposal would provide eight direct jobs, including a quarry manager, deputy and other operatives. By creating these job opportunities, the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

636. Furthermore, the Bromsgrove District Plan sets out targets to 2030 for growth, including a housing target of 7,000 houses (of which 2,300 dwellings are dependent on a Green Belt Review and Local Plan Review being undertaken), and the development of 28 hectares of land for employment. Land has also been identified within Bromsgrove District to enable Redditch Borough to achieve their housing target. To this end, there is a target to 2030 of providing 3,400 houses for Redditch growth as well as 10 hectares of employment land. These developments would require aggregate raw material to allow the various development projects to proceed.

637. It is also noted that the Minerals Product Association estimates that *“the construction of a typical new house uses up to 50 tonnes of aggregates - from the foundations through to the roof tiles”.* Further aggregates are required for the construction of any supporting infrastructure and in the maintenance and refurbishment of the existing housing stock and other types of development. But broadly, based on this figure of 50 tonnes, the proposed development would provide enough aggregate for the construction of approximately 17,000 homes.

638. The Head of Planning and Transport Planning acknowledges that the NPPF affords significant weight to the need to support economic growth and notes that Paragraph 215 of the NPPF states that *“it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs”.* Paragraph 217 of the NPPF also states that *“when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”.* It is considered that the proposal would contribute to the wider growth aspirations for the County through the supply of local aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighs in its favour.

Utilities

639. National Grid Electricity Distribution (NGED) Electricity / National Grid Telecoms (NGT) provides a copy of the plan showing their existing apparatus in the vicinity of your proposed works. They provide safety advice for the works taking place in proximity to their apparatus.

An informative note is proposed to be imposed on the decision notice to reflect these comments, should planning permission be granted.

640. Cadent Gas have provided a drawing indicating the approximate location of the WM1227 high pressure Cadent Gas Pipeline, which runs along Wildmoor Lane. They have stated that no habitable buildings can be constructed within 14 metres of the proven pipeline distance but that the Health and Safety Executive must be consulted who might specify a greater distance where development is restricted. Any development within the easement of the pipeline would require their written consent. Cadent Gas asks for an informative note to be imposed on the Decision Notice to state the details of the planned works should be submitted to Cadent Gas for review.

641. The Health and Safety Executive Planning Advice Web App has been used. This states that the Health and Safety Executive is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This development is within at least one Consultation Distance, has been considered using Health and Safety Executive's planning advice web app and based on the details input by the MPA, Health and Safety Executive's Advice is that they Do Not Advise Against. Consequently, Health and Safety Executive does not advise on safety grounds against the granting of planning permission in this case.

642. Taking into account the above, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact on utilities in the area.

Site Security

643. As set out under both the 'Consultations' and 'Other Representations' headings in this report, various concerns have been raised about past occupiers causing nuisance, as well as concerns about the site not being secure and site gates being of bad quality.

644. It should be noted that the design and operation of the site would have to accord with The Quarries Regulations 1999 and associated Approved Code of Practice and Guidance. The Quarries Regulations aim to protect those working at a quarry and others who may be affected by quarrying activities e.g., those living, passing, or working nearby, or visitors to site. It is important to note that the operator would be under a legal duty which cannot be passed on to a third party to ensure that appropriate Health and Safety aspects associated with the site are assessed and implemented with due care and diligence, as the Quarries Regulations state, the obligation to ensure health and safety aspects relates to all, including potential for trespass. The applicant has set out that during the operational stages the site access would be gated with a new secure entrance gate. The gate would be offset from the highway by approximately 29 metres. There would be an additional gate to the staff car park.

645. The restoration masterplan illustrates a single access point to the site of Wildmoor Lane which would be marked by a security and field gate.

646. In relation to comments made in relation to the disused gate by the lay-by on Sandy Lane (A491), the applicant confirms that the gate would be removed and replaced by a suitable post and rail fence. The applicant also states that the signage would be installed to comply with health and safety for quarries informing of the dangers of unauthorised access. Part of any weekly safety check for a quarry would involve inspection of boundary fences and signage make any repairs immediately anything untoward is discovered.

647. West Mercia Police have no concerns or objections to this proposal.

648. In view of this, the Head of Planning and Transport Planning is satisfied that the proposal would not have any adverse impacts in terms of nuisance, crime and safety.

Pinches (3) Quarry Site

649. Belbroughton and Fairfield Parish Council (neighbouring) have stated that if the County Council is minded to grant planning permission for the proposed development as a precursor it should require that Pinches (3) Quarry be completed and reinstated prior to the commencement of the proposed Pinches (4) Quarry. The applicant owns only the current access to the Pinches (3) Quarry site, and in any event Pinches (4) Quarry application must be considered on its own merits. Whilst noting Pinches (3) Quarry site is not under the control of the applicant, the MPA notes that restoration for this quarry has now been completed and the site has entered the aftercare period.

Monitoring and enforcement

650. As set out under the 'Other Representations' heading of this report, concerns have been received about how, if planning permission was to be granted, the site would be monitored in terms of compliance with any planning conditions that may be imposed, particularly in light of the problems that residents have experienced relating to other phases of Pinches Quarry, in particular Pinches (3) Quarry.

651. The Environment Agency have confirmed that the importation of any inert waste post extraction is a landfilling activity which would require an Environmental Permit under the Environmental Permitting Regulations, which would be monitored by the Environment Agency.

652. The County Council, as the Waste and Mineral Planning Authority also has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development including the carrying out of development before the necessary planning approvals have been granted. Planning enforcement action is discretionary and takes place when the breach is causing significant planning harm or when negotiations to resolve the breach, once it is identified, do not produce required results, and only if taking action is considered to be the wider public interest. Furthermore, the MPA carry out proactive monitoring of minerals and landfill sites, as under Regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended), MPAs dealing with County Matter applications can charge to monitor mineral and landfill permissions. This covers initial implementation to the end of the period of aftercare required by a condition of the planning permission (Paragraph: 046 Reference ID: 22-046-20180222 of the PPG).

653. As set out under the 'background' heading of this report, Pinches (3) Quarry is restored, and permission relating to that Quarry is controlled by conditions imposed as referenced under MPA Ref: 08/000055/CM.

654. As set out in paragraph 55 of the NPPF, "*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions...*". This report has considered whether the proposed development could be made acceptable through imposing conditions.

655. It should also be noted that the imposition of a condition is recommended should planning permission be granted, requiring the applicant to submit a scheme that sets out

measures for liaison arrangements with the local community, and for this local liaison to be carried out for the duration of the development.

656. With regard to comments from local residents regarding historic leachate entering the local drainage network, it is understood this is in connection with the nearby restored Sandy Lane Landfill site, which was operated by Veolia, and the Environment Agency's prosecution of Severn Trent Water Limited in 2012. In February 2011 the Environment Agency was alerted to a potential pollution incident at the Elmbridge Brook. Investigations into the cause of the discharge revealed that a sewer had been blocked by a tree root that had broken through the side of the sewer wall. The discharge was landfill leachate taken from the nearby Veolia Sandy Lane Landfill site. It is understood that the landfill has consent from Severn Trent Water Limited to discharge landfill effluent into the sewers.

657. Following completion of the investigations, the Environment Agency commenced prosecutions against Severn Trent Water Limited for the unpermitted discharges into Elmbridge Brook. Severn Trent Water Limited pleaded guilty before the Redditch Magistrates' Court and were fined £25,000 for the offences. In setting the level of the fine, the court took into account the extent of the pollution and the harm caused. However, it did give credit to Severn Trent Water Limited for the remedial measures it had taken following the incident and the measures it had taken to improve site. This incident did not relate to the applicant or to this application site in any way.

Public Consultation

As set out in the 'Other Representations' heading of the report, a letter of representation has been received objecting on basis that the applicant should have made additional efforts to consult the local community prior to the planning application submission. The applicant's Environmental Statement highlights that "*a public consultation event was held on 22 November 2019 at Bournheath Community Centre*". The applicant states that consideration has been given to the comments of consultees and attendees at the event and incorporated into their submission. The Head of Planning and Transport Planning notes that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised by the NPPF (Paragraph 40) and in the County Council's Statement of Community Involvement.

658. In relation to the planning application public consultation, the application was subject to five rounds of public consultation, (further details are included in 'Consultations' section of this report). All relevant information relating to these public consultations were made available on the Worcestershire County Council website and residents were informed of this via advertising in the press, on site and by neighbour notification, 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, and amended temporary regulations during the coronavirus (COVID-19) pandemic. In view of the above, the Head of Planning and Transport Planning is satisfied that the MPA has complied with the appropriate procedures.

Cumulative Effects

659. Regulation 4 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states that the Environmental Impact Assessment must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on a number of factors this includes the interaction between the factors of population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the

landscape. Schedule 4, Part 5 states in relation to information for inclusion within Environmental Statements, this includes *“the cumulation of effects with other existing and / or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources”*.

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

661. The Environmental Statement includes a section summarising cumulative effects, including effects on air quality, health, and landscape and visual impact. This concludes that cumulative effects from other nearby sources are unlikely to lead to a significant impact on sensitive receptors, particularly with regard to dust, light, noise and visual impacts. There are a number of existing minerals and waste management developments in the local area, as set out under ‘The Site’ heading of this report. However, due to the topography, distances involved as well as the presence of intervening buildings and vegetation, it is considered that there would be no adverse landscape or visual cumulative effects resulting from the proposal.

662. The applicant undertook a separate assessment of the cumulative impacts from the M5 Motorway which concludes that there would be no predicted cumulative effects in relation to visual impact or noise or light emissions.

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

664. On balance, the Head of Planning and Transport Planning considers that having regard to these other mineral / waste management developments that the cumulative impact of the proposed development would not be such that it would warrant a reason for refusal of the application.

EIA Team and Expertise

665. Regulation 18 (5) of the Town and Country Planning (EIA) Regulations 2017 requires the applicant to ensure that the Environmental Statement is prepared by competent experts and the Environmental Statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts. This is in order to ensure the completeness and quality of the Environmental Statement.

666. The Environmental Statement was compiled and coordinated by Andy Morris, the Director of Enviroarm, who is a Chartered Geologist; Environmentalist and a Member of the Chartered Institution of Wastes Management. Further revisions of the Environmental Statement were compiled and coordinated by Rick Bright, Bright & Associates, who is a Chartered Landscape Architect and a Member of the Landscape Institute. As part of the submission the applicant included the qualifications and membership to professional bodies of the authors of each of the chapters of the Environmental Statement.

667. In view of this, the Head of Planning and Transport Planning is satisfied that the applicant has engaged competent experts to prepare the Environmental Statement.

Human Rights Act 1998

668. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

669. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

670. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the MPA would not detrimentally infringe the human rights of an individual or individuals.

Other matters

671. The issue of the proposal reducing the local property values have been raised through some letters of representation. The Head of Planning and Transport Planning notes these concerns but advises members that property values are not a relevant material consideration in the determination of this planning application.

672. Comments have also been received about the history and background of the landowner and applicant. The MPA understand that the site is not expected to be operated by the applicant, but by Merriman Ltd. Notwithstanding this, it is considered that the background and history of the applicant is not a material planning consideration in the determination of this planning application, and as set out in the PPG planning permission usually runs with the land (Paragraph Reference ID: 21a-016-20140306).

Summary

673. The applicant seeks planning permission for the proposed extraction of sand and gravel and subsequent infilling with inert waste to achieve full restoration at Pinches (4) Quarry, Wildmoor Lane, Wildmoor, Bromsgrove, Worcestershire.

674. Pinches (4) is part of a larger quarry complex, known as Chadwich Mill Farm Sandpit, which has been operating since at least 1948. Over the years, planning permission has been granted on a number of occasions for extensions to the quarry complex that have allowed sand extraction, infilling the void with inert waste material and restoration of the land to agricultural use.

675. Planning permission was granted under Mineral Planning Authority (MPA) Ref: 08/000055/CM, Minute 640 refers, on 30 November 2009 to continue the extraction of sand in Pinches (3) Quarry, to the south to 144 metres Above Ordnance Datum (AOD) and to infill the void with inert waste material to the level of the surrounding ground and the restoration of the land to agricultural use. Pinches (3) Quarry has now been restored and entered the period of aftercare.

676. The applicant has set out that they are seeking to extract approximately 850,000 tonnes of sand and gravel. A comparable volume of inert waste (860,000 tonnes) would be

imported to achieve restoration. The applicant sets out that the operations on site would take approximately 14 years (2024 until 2028) to complete. Mineral extraction is proposed to last 9 years, commencing in 2025 and continuing until 2036. The applicant has stated that restoration would be completed by 2038. The site would be returned primarily to agricultural use.

677. The applicant has set out that the mixed areas of grassland and woodland restoration would be restored in a phased (sequential) pattern. The restoration strategy is to retain and preserve the existing soils and return the area to agricultural grassland. The restoration would include native hedgerow and small-scale woodland planting and a pond with associated wetland areas.

678. Processing of mineral is proposed to be a dry screen operation and would take place via a mobile plant. As result of the process the standardised aggregate sizes of a sand product would be produced.

679. As part of the scheme's mitigation measures the applicant is proposing an earth bund measuring approximately 3 metres high, sited along the northern edge of the stockyard, and an earth bund, measuring approximately 4 metres high, located along the eastern / north-eastern site boundary, adjacent to the M5 Motorway roundabout.

680. Access to the site is proposed to be via the existing access to Pinches (3) Quarry, which leads directly onto Wildmoor Lane. The applicant estimates that, on average, 38 (76 two-way) Heavy Goods Vehicle (HGV) trips per weekday and 7 (14 two-way) HGV trips on a Saturday would take place.

681. The processed mineral stockyard area would be located in the north-western part of the site on an area of existing hardstanding. Associated infrastructure would include a weighbridge, shaker bar tyre cleaner and staff welfare cabins and staff canteen. A maximum of 8 staff are anticipated to work at the quarry.

682. The hours of working proposed by the applicant would be between 07:00 to 18:00 hours Mondays to Fridays, and between 07:00 to 14:00 hours Saturdays, with no working on Sundays, Bank or Public Holidays.

Worcestershire's landbank of sand and gravel reserves

683. Paragraph 219 f) of the NPPF states "*minerals planning authorities should plan for a steady and adequate supply of aggregates by...maintaining landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised*". Footnote 77 of the NPPF states "*longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserved relative to markets, and productive capacity of permitted sites*". As required by the NPPF, the MPA has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

684. Should this application be planning permission granted, it would increase the landbank by approximately 1.3 years, equating to a landbank of approximately 7.89 years. This is still only slightly above the 7-year landbank required by national policy.

685. It is considered that the proposal would contribute to providing a balanced geographical spread of mineral reserves and provide an additional mineral site, contributing to a steady and adequate supply of mineral and adding to resilience to the mineral supply in Worcestershire, which is currently provided by a limited number of active / operational sites

(Wildmoor Quarry and Chadwich Lane Quarry, north of Bromsgrove; Clifton Quarry, south of Worcester; and Ryall North Quarry, north of Upton-upon-Severn).

686. The proposal is considered to be consistent with paragraph 219 f) of the NPPF as it would contribute towards the MPA's landbank for sand and gravel.

Location of the development

687. The proposed development would be located within the 'North-East Worcestershire Corridor' as shown and defined on the Minerals Local Plan Policies Map, in accordance with Policy MLP 1 of the adopted Worcestershire Minerals Local Plan.

688. The proposal would be located within an "area of search" as shown and defined on the Minerals Local Plan Policies Map. The Head of Planning and Transport Planning considers that there is currently a shortfall in extant sites, allocated specific sites and preferred areas to meet the scale of provision required over the life of the Worcestershire Minerals Local Plan, given that the emerging Worcestershire Minerals Site Allocations Development Plan Document which will allocate "specific sites" and "preferred areas", is at an early stage of preparation and has not, therefore, been subject to consultation, tested at examination or adopted by the County Council. Furthermore, as outlined in the 'Worcestershire's landbank of sand and gravel reserves' section of this report, the current landbank set out in the latest published LAA is only slightly above the minimum 7 years for sand and gravel.

689. In view of the above, the Head of Planning and Transport Planning considered that the location of the proposed development accords with the strategic locational policies of the adopted Worcestershire Minerals Local Plan, namely Policies MLP 1 and MLP 3.

690. Consideration of the proposal against Policy MLP 10: 'North-East Worcestershire Corridor' of the Worcestershire Minerals Local Plan, is set out in the 'Restoration and aftercare of the site' section of this report. This policy sets the priorities for the delivery of multifunctional green infrastructure in the North-East Worcestershire Corridor'.

Alternatives

691. The applicant considered alternative working schemes. The applicant's approach to the assessment of alternatives references that the site has previously been put forward as part of the development of the Worcestershire Minerals Local Plan with conceptual phase areas. In the Environmental Statement they set out that since the Scoping Opinion was issued in September 2018 by the MPA, the design has evolved. They refer to considering option designs, involving different phase areas and sequencing, against potential environmental effects, particularly in relation to noise and visual impacts.

692. The applicant also refers to considering different design options in terms of extracting the sand process in an alternative pattern, i.e. north to south. However, they consider that the submitted scheme represents the optimum operational design and offers effective mitigation measures. They also state that the design option is reliant upon establishing the quarry to enable working (extraction) to continue at ground levels lower than the surrounding terrain and thus, beyond immediate sound and sight issues for sensitive receptors.

693. The need for the development is discussed above in the 'Worcestershire's landbank of sand and gravel reserves' section of this report, which demonstrates that the landbank is only slightly above the minimum 7 years for sand and gravel, which demonstrates that there is still a need for a supply. Furthermore, specific sites and preferred areas are due to be allocated in the future in an emerging a Mineral Site Allocations Development Plan Document. It is noted that the site was submitted in response to calls for sites and is under

consideration, but that the Emerging Mineral Site Allocations Development Plan Document is at an early stage and, therefore, there are no guarantees the site would be allocated.

694. In view of the above, the Head of Planning and Transport Planning considers that the applicant's approach to the consideration of alternatives is acceptable in this instance.

Green Belt

695. The proposal is located within the West Midlands Green Belt.

696. Paragraph 143 of the NPPF states that “*Green Belt serves five purposes:*

- f) to check the unrestricted sprawl of large built-up areas;*
- g) to prevent neighbouring towns merging into one another;*
- h) to assist in safeguarding the countryside from encroachment;*
- i) to preserve the setting and special character of historic towns; and*
- j) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

697. Paragraph 152 of the NPPF states in respect of proposals affecting the Green Belt that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. Paragraph 153 of the NPPF states “*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*”.

698. Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt and outlines a number of exceptions to this. Minerals can only be worked where they are found, and mineral working is a temporary use of land. Paragraph 155 of the NPPF identifies certain other forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and engineering operations, “*provided they preserve its openness and do not conflict with the purposes of including land within it*”. In other words, mineral extraction remains inappropriate development in the Green Belt unless it can be demonstrated that the proposal both preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

699. As set out under the ‘Proposal’ heading of this report, the proposal includes a new quarry with the infilling of the resultant void with inert waste material to the level of the surrounding ground, progressive restoration of the land primarily to agricultural use. Processing of mineral is proposed to take place via mobile plant within the extraction area. There would be a processed mineral stockyard area located in the north-western part of the site on an area of existing hardstanding. Associated infrastructure would include a weighbridge, wheel cleaning facility and staff welfare cabins and staff canteen. The staff welfare cabin would measure approximately 2.9 metres wide by 5.08 metres long by 2.5 metres high. The staff canteen would measure approximately 2.99 metres wide by 5.1 metres long by 2.5 metres high. Both buildings would be painted, finished in a Goosewing Grey colour.

700. As part of the scheme's mitigation measures the applicant is proposing a noise and visual screen earth bund, measuring approximately 3 metres high, sited along the northern edge of the stockyard, and an earth bund measuring approximately 4 metres high, along the eastern / north-eastern site boundary, adjacent to the M5 Motorway roundabout. Whilst it is

considered that the bunds would be alien features in the landscape, they would be seeded with grass to help reduce their visual impact. The bunds would be removed at the end of the development when the final soils contained within them would be used to help restore the land to agricultural use.

701. The applicant estimates that extraction and restoration works would take until 2038 to complete. On completion of the infilling, the ancillary site infrastructure would be removed and the site restored. The revised restoration masterplan shows that the former stock yard area would be restored by removal of infrastructure and ground profiles re-instated. The PPG (Paragraph Reference ID: 27-001-20140306) sets out that *“Planning for the supply of minerals has a number of special characteristics that are not present in other development”*, which includes that *“working is a temporary use of land”*. The PPG (Paragraph Reference ID: 27-194-20140306) also states under the heading of ‘What types of conditions will be appropriate’ that *“regard should be had to all material planning conditions including...land quality and proposed after-use”*.

702. The proposed restoration plan demonstrates the reinstatement of the site landform to be similar to existing levels. The peripheral vegetation is proposed to be strengthened along the eastern and north-eastern boundaries and further native species hedgerow and intermittent tree planting on the edges of the proposed extraction area are proposed. Further hedgerow and tree planting are proposed following the existing hedgerow lines. Two areas of native woodland are proposed. Overall, the Head of Planning and Transport Planning considers that the proposed landscaping would provide sufficient levels of visual screening whilst delivering the restoration scheme which is in line with the landscape character historically present in the local area. In relation to the visual impacts from the M5 Motorway on the surrounding residential properties, the Head of Planning and Transport Planning considers that it has been demonstrated that there would be very limited visibility. Should any visibility be present it would be distant and glimpsed.

703. The proposed development would, notwithstanding its duration, be a temporary activity and, therefore, would not conflict with the fundamental aim of Green Belt policy. In a similar manner, whilst the proposal would disturb the site for a period of time, it would not conflict with the five purposes of Green Belt, as the site would be progressively returned to an open state following completion of extraction. In view of this, the Head of Planning and Transport Planning considers that the exceptions for mineral extraction and engineering operations at paragraph 155 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.

704. In view of the above, on balance, the Head of Planning and Transport Planning considers that the proposed development, when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt, as the site would be progressively returned to an open state following completion of extraction. Whilst there would be some short-term visual impact during the site operation, eventually, the site would be restored to agricultural use to include landscape features such as broadleaved woodland and grassland. The site landform changes are not considered to be significant and in the long term the site appearance would be representative of the local and historic landscape character. As such, it is considered that the visual impact on openness does not make this development “inappropriate”.

705. It is considered that the proposal is in line with any typical mineral development in the Green Belt, and it is assessed that this site should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a

temporary duration, and very short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 155, and this proposal should benefit from those exemptions as it comes within the intended scope.

Traffic, highway safety and impact upon Public Rights of Way

706. Based on the advice of National Highways, the County Highways Officer and the County Public Rights of Way Officer, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, in accordance with Policies MLP 30 and MLP 39 of the adopted Worcestershire Minerals Local Plan Policy, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policies BDP16 and BDP 19 of the adopted Bromsgrove District Plan, subject to the imposition of appropriate conditions requiring that access shall only be gained to and from the site via the existing quarry access; signage to be erected requiring vehicles to turn right on existing the site; EMP for Highways; a detailed scheme for the site access works at Sandy Lane (A491)/Wildmoor Lane junction and Wildmoor Lane, a detailed scheme and Construction Method Statement for the bunds/earthworks at the northern and eastern site boundaries wheel cleaning facilities, no mud or detritus being deposit on the public highway; sheeting of loaded vehicles; detailed design and maintenance of the surface water management, a lighting strategy and ensuring that the site not being open to the general public for commercial purposes.

Residential amenity (including noise, air pollution, gas, dust and light)

707. Having had regard to the advice of the Environment Agency, Worcestershire Regulatory Services and County Public Health, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions relating to operating hours, restricting permitted development rights, requiring a detailed lighting scheme, revised Dust Management Plan, gas and water monitoring, noise monitoring and setting up of a Community Liaison Group that there would be no adverse noise, air pollution, contaminated land, gaseous emissions, dust or light impacts on residential amenity or that of human health in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy BDP 19 of the adopted Bromsgrove District Plan.

Landscape character and visual impacts

708. Taking into account advice from the County Landscape Officer, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse or detrimental impact upon landscape character or visual impact, subject to the imposition of appropriate conditions relating to a Landscape Environmental Management Plan, phasing plans, detailed lighting scheme, detailed Restoration Plan and Aftercare and details of proposed buildings. The Head of Planning and Transport Planning considers that the proposed development accords with Policy MLP 33 of the adopted Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

Historic Environment

709. The Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon the historic environment, including designated and non-designated heritage assets and heritage assets with archaeological interest, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policy BDP 20 of the adopted Bromsgrove District Plan.

Ecology, Biodiversity and Geodiversity

710. Taking into consideration the advice of Natural England, Worcestershire Wildlife Trust, the Environment Agency, the County Ecologist, and Herefordshire and Worcestershire Earth Heritage Trust, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity and geodiversity. The Head of Planning and Transport Planning considers that the proposed development accords with Policies MLP 31 and MLP 36 of the adopted Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policies BDP19, BDP21 and BDP24 of the adopted Bromsgrove District Plan.

Water environment including flooding

711. Based on the advice of the Environment Agency, North Worcestershire Water Management, Severn Trent Water Limited, Worcestershire Wildlife Trust and National Highways, the Head of Planning and Transport Planning considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions relating to the submission of a drainage strategy, a sustainable drainage management plan, groundwater quality and level monitoring plan, and the design of any facilities for the storage of oils, fuels or chemical.

Restoration and Aftercare

712. The Head of Planning and Transport Planning considers that the proposal would broadly accord with this policy, in that the application site would be subject to progressive restoration. It would be restored primarily to agricultural land (4.5 hectares), broadleaved woodland (0.22 hectares) and pond/wetland areas (0.15 hectares).

713. The proposal is anticipated to be completed and restored within 14 years of commencement of the development, which is not considered to be very long-term in the context of mineral extraction and restoration. The development does not propose a novel approach or technique to mineral extraction or restoration, and the Head of Planning and Transport Planning has no reason to believe that there is a likelihood of financial or technical failure. Therefore, it is not necessary for the MPA to seek a financial guarantee in this instance.

714. The Head of Planning and Transport Planning considers that given the nature of the proposed working, which would extract minerals to a maximum depth of circa 30 metres, it is considered that in principle, the restoration of the site by the importation of inert materials is acceptable in this instance, subject to a progressive working and restoration scheme. A condition is recommended to this effect.

715. The Head of Planning and Transport Planning notes that the Environment Agency, Natural England, Worcestershire Wildlife Trust, the County Ecologist, County Landscape Officer and Herefordshire and Worcestershire Earth Heritage Trust all have no objections to the proposal, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposal is in accordance with Policies MLP 10 and MLP 26 of the adopted Worcestershire Minerals Local Plan and Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

Conclusion

716. On balance, taking into account the provisions of the Development Plan and in particular Policies MLP 1, MLP 3, MLP 7, MLP 10, MLP 14, MLP 15, MLP 26, MLP 27, MLP 28, MLP 29, MLP 30, MLP 31, MLP 32, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37, MLP 38, MLP 39, and MLP 40 of the adopted Worcestershire Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 7, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy, and Policies BDP1, BDP4, BDP13, BDP15, BDP16, BDP19, BDP20, BDP21, BDP22, BDP23, and BDP24 of the adopted Bromsgrove District Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

717. **The Head of Planning and Transport Planning recommends that, having taken the environmental information into account, planning permission be granted for the extraction of sand and gravel and subsequent infilling with inert waste to achieve full restoration at Pinches (4) Quarry, Wildmoor Lane, Wildmoor, Bromsgrove, Worcestershire, subject to the following conditions:**

Commencement

- 1) **The development must be begun not later than the expiration of three years beginning with the date of this permission.**
- 2) **The operator shall provide written notification to the Mineral Planning Authority within five working days of:**
 - i. **The date of commencement of the development hereby approved;**
 - ii. **The date of commencement of soil stripping operations in any phase;**
 - iii. **The date of commencement of mineral extraction operations in any phase;**
 - iv. **The date of completion of mineral extraction operations in any phase;**
 - v. **The date of commencement of infilling operations in any phase;**
 - vi. **The date of completion of infilling operations in any phase;**
 - vii. **The commencement of soil replacement operations in any phase; and**
 - viii. **The completion of soil replacement operations in any phase.**

Time Limits

- 3) **All mineral extraction and progressive restoration by importation with inert materials shall be completed and the land restored in accordance with the approved restoration scheme as required by Condition 53) of this permission by 31 December 2038.**

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:**
 - **Numbered: PN1079-D15 (Rev A), Version 2, Titled: The Site Location Plan, Dated: July 2023;**

- **Numbered: PN1079-D16 (Rev C), Version 7, Titled: The Site Boundary and Area Under Control of the Applicant, Dated: July 2023;**
- **Numbered: PN1079-D17 (Rev A), Version 2, Titled: Topographic Site Survey, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 1 of 8, Version 6, Titled: Stage 1: Screen Bund and Site Preparation, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 2 of 8, Version 6, Titled: Stage 2: Development of Phase 1 Extraction and Preliminary Seeding of Southern Extraction Slope, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 3 of 8, Version 6, Titled: Stage 3: Development of Phase 2 Extraction and Seeding of Southern Extraction Slope, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 4 of 8, Version 6, Titled: Stage 4: Development of Phase 2A Extraction Including Preparation for Phase 3 by Soil Stripping, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 5 of 8, Version 6, Titled: Stage 5: Development of Phase 3 Extraction and Commencement of Infilling the Southern Sector, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 6 of 8, Version 6, Titled: Stage 6, Completion of Phase 3 Extraction and Infilling for Restoration of Southern Sector, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 7 of 8, Version 6, Titled: Stage 7: Continuation of Infilling for Restoration of Southern Sector, Dated: July 2023;**
- **Numbered: PN1079-D11 (Rev B), Sheet 8 of 8, Version 6, Titled: Stage 8: Completion of Restoration in Southern Sector and Infilling to Complete Northern Sector, Dated: July 2023;**
- **Numbered: PN1079-D12 (Rev C), Version 5, Titled: Restoration Masterplan, Dated: July 2023;**
- **Numbered: PN1079-D13, Version 2, Titled: Illustrative Cross Sections, Dated: November 2019;**
- **Numbered: PN1079-D14 (Rev E), Version 7, Titled: Stockyard Arrangement and General Layout, Dated: June 2024;**
- **Numbered: SCP/18318/ATR04 (Rev A): Swept Path Analysis Proposed Right Turn Lane on Sandy Lane, Dated: 23 January 2023, in the Document Titled: 'RSA 1 – Designers Response', Dated: 6 February 2023;**
- **Numbered: SCP/18318/ATR05, Titled: Swept Path Analysis, Dated: 1 February 2024;**
- **Numbered: SCP/18318/ATR06, Titled: Swept Path Analysis, Dated: 1 February 2024;**
- **Numbered: SCP/18318/ATR07, Titled: Swept Path Analysis – Site Access off Wildmoor Lane – Two Tippers Passing Each Other, Dated: 1 February 2024;**
- **Numbered: SCP/18318/ATR08, Titled: Swept Path Analysis – Proposed Right Turn Lane on Sandy Lane, Dated: 1 February 2024;**

- Numbered: SCP/18318/SK01, Titled: Proposed Right Turn Lane on Sandy Lane, Dated: 15 May 2023, in the Document Titled: 'Regulation 25 Response with regard to Highways', Dated: May 2023;
- Numbered: SCP/18318/D01 (Rev D), Titled: Proposed Right Turn Lane on Sandy Lane, Dated: 6 February 2023, in the Document Titled: 'RSA 1 – Designers Response', Dated: 6 February 2023;
- Numbered: SCP/18318/D03 (Rev A), Titled: General Arrangement – Site Access Arrangement of Wildmoor Lane, in the Document Titled: 'RSA 1 – Designers Response', Dated: 6 February 2023.

Extraction Boundary

5) No mineral extraction shall take place outside the limit of the extraction boundary shown on drawings:

- Numbered: PN1079-D11 (Rev B), Sheet 1 of 8, Version 6, Titled: Stage 1: Screen Bund and Site Preparation, Dated: July 2023;
- Numbered: PN1079-D11 (Rev B), Sheet 2 of 8, Version 6, Titled: Stage 2: Development of Phase 1 Extraction and Preliminary Seeding of Southern Extraction Slope, Dated: July 2023;
- Numbered: PN1079-D11 (Rev B), Sheet 3 of 8, Version 6, Titled: Stage 3: Development of Phase 2 Extraction and Seeding of Southern Extraction Slope, Dated: July 2023;
- Numbered: PN1079-D11 (Rev B), Sheet 4 of 8, Version 6, Titled: Stage 4: Development of Phase 2A Extraction Including Preparation for Phase 3 by Soil Stripping, Dated: July 2023;
- Numbered: PN1079-D11 (Rev B), Sheet 5 of 8, Version 6, Titled: Stage 5: Development of Phase 3 Extraction and Commencement of Infilling the Southern Sector, Dated: July 2023;
- Numbered: PN1079-D11 (Rev B), Sheet 6 of 8, Version 6, Titled: Stage 6, Completion of Phase 3 Extraction and Infilling for Restoration of Southern Sector, Dated: July 2023;
- Numbered: PN1079-D11 (Rev B), Sheet 7 of 8, Version 6, Titled: Stage 7: Continuation of Infilling for Restoration of Southern Sector, Dated: July 2023; and
- Numbered: PN1079-D11 (Rev B), Sheet 8 of 8, Version 6, Titled: Stage 8: Completion of Restoration in Southern Sector and Infilling to Complete Northern Sector, Dated: July 2023.

Waste Acceptance

- 6) No waste materials other than those defined in the application, namely construction, demolition and excavation wastes, shall be imported to the site for infilling and restoration purposes.
- 7) Materials imported to the site for infilling and restoration shall not be subsequently removed from the site.

Construction and Operating Hours

- 8) Except in emergencies to maintain safe quarry working, all operations including mineral extraction; processing of minerals and their transportation

from the site; soils stripping, replacement and handling; the transportation of imported inert materials; infilling operations and site restoration; loading and unloading; and servicing, maintenance or repair of any plant and machinery (excluding construction works and site set-up), shall only take place between 07:00 to 18:00 hours Mondays to Fridays, inclusive, and 07:00 hours to 14:00 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.

- 9) Prior to the commencement of the development hereby approved, details of the hours for construction works and site set-up, including highway works, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the construction works and site set-up shall be carried out in accordance with the approved details.

Traffic, Highway Safety and Public Rights of Way

- 10) Access to and from the site shall be gained only from the existing quarry access onto Wildmoor Lane as shown on Drawing Numbered: PN1079-D11 (Rev B), Sheet 1 of 8, Version 6, Titled: Stage 1: Screen Bund and Site Preparation, Dated: July 2023.
- 11) No soil stripping operations shall take place, until the parking and turning facilities have been provided as shown on Drawing Numbered: PN1079-D14 (Rev E), Version 7, Titled: Stockyard Arrangement and General Layout, Dated: June 2024.
- 12) Heavy Goods Vehicles (HGVs) on exiting the site shall turn right onto Wildmoor Lane. No HGVs shall turn left onto Wildmoor Lane when exiting the site. Prior to the commencement of the development hereby approved, details of signage requiring all HGVs to turn right onto Wildmoor Lane along with the siting of the signage close to the site exit, and a programme for its installation, shall be submitted to and approved in writing by the Mineral Planning Authority. The signage shall be erected in accordance with the approved details and thereafter shall be retained and maintained until the last Phase has been restored.
- 13) Prior to the commencement of the development hereby approved, a detailed scheme for the site access works at Sandy Lane (A491)/Wildmoor Lane junction and Wildmoor Lane, that is broadly in accordance with drawings contained in Document Titled: 'Regulation 25 Response with regard to Highways', Dated: May 2023, Numbered: SCP/18318/SK01, Titled: Proposed Right Turn Lane on Sandy Lane, Dated: 15 May 2023 and Document Titled: 'RSA 1 – Designers Response', Dated: 6 February 2023, Numbered: SCP/18318/D01 (Rev D), Titled: Proposed Right Turn Lane on Sandy Lane, Dated: 6 February 2023, Numbered: SCP/18318/D03 (Rev A), Titled: General Arrangement – Site Access Arrangement of Wildmoor Lane, Dated: 6 February 2023 and Numbered: SCP/18318/ATR04 (Rev A): Swept Path Analysis Proposed Right Turn Lane on Sandy Lane, Dated: 23 January 2023, subject to any necessary changes identified during the detailed design and Road Safety Audit processes, shall be submitted to, and approved in writing by the Minerals

Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to soil stripping operations in any stage.

14) Prior to the commencement of the development hereby approved, a detailed scheme and Construction Method Statement for the bunds/earthworks at the northern and eastern site boundaries, as shown on Drawing Numbered: PN1079-D11 (Rev B), Sheet 1 of 8, Version 6, Titled: Stage 1: Screen Bund and Site Preparation, Dated: July 2023, shall be submitted to, and approved in writing by the Minerals Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

15) Prior to the commencement of the development hereby approved, an Environmental Management Plan (EMP) for Highways covering construction / site set-up, operational and restoration phases of the development shall be submitted to, and approved in writing by the Minerals Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The EMP for Highways shall include as a minimum:

- i. A HGV and Construction Traffic Management Plan;
- ii. HGV and Construction Traffic routing plans;
- iii. HGVs and Construction Traffic arrival and departure times;
- iv. Delivery times to avoid peak traffic hours;
- v. Parking and delivery arrangements;
- vi. Clear and detailed measures to prevent debris, mud and detritus being distributed onto the public highway and Strategic Road Network, which shall include the installation of a wheel cleaning facility and how vehicles will use it; and
- vii. Assurance that all vehicles exit the site in a forward gear.

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

17) Within 3 months of the commencement of the development hereby approved, the specification, location and timetable for the provision of at least 2 electric vehicle charging spaces to be provided within the stockyard area, as shown on Drawing Numbered: PN1079-D14 (Rev E), Version 7, Titled: Stockyard Arrangement and General Layout, Dated: June 2024, shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the spaces and power points shall be kept available and maintained for the use of electric vehicles only, and shall not be used thereafter for the parking of any other vehicles.

Stockyard Area

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

approved details, or any subsequent amendments agreed in writing by the Mineral Planning Authority, and the development shall then be retained as such thereafter.

Boundary Treatment

- 19) Notwithstanding the submitted details, prior to their erection / construction on site, details of any new fences, walls and other means of enclosure shall be submitted to the Mineral Planning Authority for approval in writing. Details shall include their design including dimensions, materials, location and extent shown on a plan, timetable for their installation and when they will be removed, and maintenance arrangements. The development shall be carried out in accordance with the approved details, or any subsequent amendments agreed in writing by the Mineral Planning Authority, and the development shall then be retained as such thereafter.

Depth of Working

- 20) No excavation of minerals as part of the development hereby approved shall take place below the base level extraction depth of 145 metres Above Ordnance Datum.
- 21) A topographical survey of the site shall be carried out during the 12th month of extraction operations and shall be provided to the Mineral Planning Authority within two months of the survey date. Thereafter, the survey shall be carried out annually and supplied to the Mineral Planning Authority within two months of the survey date. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within two months of a written request. The survey shall be at a scale of 1:1250, with all levels related to Ordnance Datum. The surveys shall include the extent of land open for quarrying or undergoing restoration and quarry floor levels.

Water Environment

- 22) Notwithstanding the submitted details, no development shall commence until a scheme for groundwater monitoring has been submitted to and approved in writing by the Mineral Planning Authority, and thereafter implemented in accordance with the approved details throughout the lifetime of the development, including the restoration and aftercare period. The scheme shall include, but may not be limited to:
- i. water features survey including private water supplies;
 - ii. any borehole, well, spring or private water supply that is identified as being at risk of derogation or otherwise negatively impacted by the mineral extraction;
 - iii. water monitoring locations;
 - iv. method and frequency for recording monitoring results (level and quality);
 - v. method and frequency for reporting of monitoring results to the Mineral Planning Authority and Environment Agency, detailing how and when the monitoring data and the Scheme itself shall be reviewed to assess if any impacts are occurring; and
 - vi. methods for investigating the causes of any such impacts and for remediating them.

- 23) If monitoring results from the approved groundwater monitoring scheme as required by Condition 22) of this permission provides evidence of any adverse risk of deterioration to groundwater flows and quality, extraction of mineral on site shall cease until a programme to investigate is put in place so that the problem is understood. Additionally, a scheme of remediation and compliance with the approved groundwater monitoring scheme, informed by the investigation, implementation of effective alternative options and mitigation, shall be submitted to the Minerals Planning Authority for approval in writing. This scheme shall include:**
- i. methods and analysis for investigating the causes of these changes and for remediating them; and**
 - ii. monitoring the success and failures of any remediation works carried out.**
- 24) Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have been submitted to and approved in writing by the Mineral Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. The peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property. The runoff volume from the development in the 1 in 100 year 6 hour rainfall event shall not exceed the greenfield runoff volume for the same event. The surface water drainage measures shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.**
- 25) No works in connection with site drainage shall commence until a Sustainable Drainage Systems (SuDS) Management Plan which shall include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework for their management and maintenance, has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall also detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the approved SuDS Management Plan shall be implemented in full and shall be managed and maintained in accordance with the approved maintenance plan.**
- 26) 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.**
- 27) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall**

be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank or vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.

Lighting

- 28) Details of any lighting to be installed at the site shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. Thereafter, the development shall be carried out in accordance with the approved details. 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; and
 - vi. Times when the lighting would be illuminated.

Noise

- 29) The noise attributable to mineral operations from the site, measured at the nearest noise sensitive properties used as dwellings, shall not exceed 55dB LAeq 1-hour.
- 30) During the removal of soils and superficial deposits and the creation of any screen mounds or restoration works, the noise limit at the nearest sensitive properties used as dwellings shall not exceed 70dB LAeq 1 hour for a period of up to 8 weeks in any calendar year. Prior written notice of at least 5 working days, being Mondays to Fridays inclusive, shall be given to the Mineral Planning Authority of the commencement and the duration of such operations.
- 31) Notwithstanding the submitted details, no soil stripping operations shall take place until a Noise Management Plan, to include noise level monitoring has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The Plan shall provide for:
- i. Noise mitigation measures and best practice measures, which shall include but not limited to all internal roads shall be maintained such that their surface remains free of potholes or other defects; and all mobile plant, machinery and vehicles (excluding delivery vehicles (but not inert waste delivery vehicles) which are not owned or under the direct control of the operator) used on site shall incorporate white noise reversing warning devices;
 - ii. Noise level monitoring at the noise sensitive receptors identified within the Noise Assessment Report, dated 12 September 2019;
 - iii. A programme detailing frequency and duration of noise monitoring;

- iv. **Noise level monitoring shall be carried out for at least 2 separate durations during the working day with the main items of plant and machinery in operation;**
- v. **The results of the noise level monitoring shall include LA90 (as presented in the Noise Assessment Report, dated 12 September 2019) and LAeq noise levels;**
- vi. **Details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate;**
- vii. **The logging of all weather conditions, approximate wind speed and direction;**
- viii. **Noise level monitoring results shall be submitted to the Mineral Planning Authority within 7 days of the noise monitoring being carried out;**
- ix. **If the noise level monitoring results reveal an exceedance of the relevant noise limits set out in Conditions 29) or 30) of this permission, then no further mineral extraction or infilling operations shall take place until a scheme providing for further noise mitigation has been submitted to and approved in writing by the Mineral Planning Authority, and the approved noise mitigation measures have been subsequently implemented. Further noise level monitoring shall be undertaken within 7 days of the implementation of the further noise mitigation and submitted to the Mineral Planning Authority within 7 days of the noise level monitoring being carried out. If the subsequent noise level monitoring results still reveal an exceedance of the relevant noise limits set out in Conditions 29) or 30) of this permission, then the provisions and process set out in this Condition, Part ix shall be repeated until compliance with the noise limits has been achieved;**
- x. **A procedure for the logging, investigating and responding to noise complaints whether received directly from a member of the public or via the Mineral Planning Authority; and**
- xi. **If, following a complaint, the Mineral Planning Authority decides that further noise level monitoring is required, written notice shall be given to the Mineral Operator specifying the required noise level monitoring. The further noise level monitoring shall be undertaken by the Mineral Operator and the results submitted in writing to the Mineral Planning Authority within 14 days of the request.**

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

Dust

33) Notwithstanding the submitted details, no soil stripping operations shall take place until a revised Dust Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Dust Management Plan shall as a minimum cover the dust control measures specified in Section 3 of the Document Titled: Dust Management Plan, on behalf of: Enviroarm Limited & BJ Timmins, Dated: March 2019, and include mitigation measures associated with perimeter earth bunds and site's restoration. Thereafter, the development shall be carried out in accordance with the approved details.

Stockpiles

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

Gas Monitoring Scheme

- 35) Prior to the commencement of mineral extraction, a scheme for gas monitoring scheme has been submitted to and approved in writing by the Mineral Planning Authority, and thereafter implemented in accordance with the approved details throughout the lifetime of the development, including the restoration and aftercare period. The scheme shall include, but may not be limited to:
- i. any borehole as being at risk of derogation or otherwise negatively impacted by the mineral extraction;
 - ii. gas monitoring locations;
 - iii. method and frequency for recording monitoring results;
 - iv. method and frequency for reporting of monitoring results to the Mineral Planning Authority, detailing how and when the monitoring data and the Scheme itself shall be reviewed to assess if any impacts are occurring; and
 - v. methods for investigating the causes of any such impacts and for remediating them.

Greenhouse Gas Emissions

- 36) The development hereby approved shall be in accordance with Greenhouse Gas Emissions monitoring procedures identified in Paragraphs 7.1.14 to 7.1.18 of the Greenhouse Gas Emissions Assessment contained in the Document Titled: Climate Change Statement, Dated: June 2023.

Renewable / Low Carbon Energy

- 37) Prior to the commencement of mineral extraction, details of renewable or low carbon energy generating facilities to be incorporated as part of the site office and welfare facilities shall be submitted to and approved in writing by the Mineral Planning Authority. The approved energy generating facilities shall be provided prior to the use of the site office and welfare facilities hereby approved, and shall be retained and maintained thereafter.

Geological Feature

- 38) Prior to the commencement of mineral extraction, a scheme of geoconservation measures shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. A scheme of geoconservation shall include:
- i. Identifying the location of the fault across the site;
 - ii. Further investigation around the fault to identify the nature of the lithologies in that region and further to make this information available and publicly accessible;
 - iii. A scheme committing the applicant to inform Herefordshire and Worcestershire Earth Heritage Trust when excavation has exposed the fault at different depths and facilitate visits by geologists so that they

can record and advance understanding of the feature. The plan should include the conditions under which geologists would be able to conduct this work;

- iv. A scheme for deploying methodologies whereby the geological features exposed by quarrying shall be recorded throughout the staged development, preferably to include high-resolution ground or drone photogrammetry surveys; and
- v. Provision in the restoration plan for small quantities of untouched sandstone at and in the vicinity of the fault, sufficiently accessible to support future research.

Archaeology

39) Notwithstanding any submitted details, no development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The scheme shall include an assessment of significance and research questions; and

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

Ecology and Biodiversity

40) Notwithstanding any submitted details, no development shall take place until a Construction Environmental Management Plan (CEMP) for Biodiversity has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The CEMP for Biodiversity shall include the following:

- i. Risk assessment of potentially damaging quarrying activities;
- ii. Identification of “biodiversity protection zones”;
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during quarrying (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person; and
- viii. Use of protective fences, exclusion barriers and warning signs.

- 41) No removal of hedgerows, trees or shrubs or scrub or works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Mineral Planning Authority.**
- 42) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The measures may include:**
- i. creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and**
 - ii. open pipework greater than 150 millimetres outside diameter being blanked off at the end of each working day.**
- 43) Prior to the commencement of development, an invasive non-native species protocol and biosecurity protocol shall be submitted to and approved by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The protocols shall detail:**
- i. The containment, control and removal of Japanese Knotweed on site; and**
 - ii. Measures to minimise or remove the risk of introducing non-native species into a particular area during the operational, restoration or aftercare phases of the scheme.**
- 44) Notwithstanding any submitted details, prior to the commencement of development hereby approved, an Ecological Design Strategy (EDS) addressing badger and invertebrate mitigation, compensation and enhancement, bird and bat boxes specifications shall be submitted to and approved in writing by the Mineral Planning Authority. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. The EDS shall include the following:**
- i. Purpose and conservation objectives for the proposed works;**
 - ii. Review of site potential and constraints, including up-to-date and detailed badger and invertebrate surveys to be undertaken by a competent and appropriately accredited specialist. Reporting to include explicit badger survey methodology;**
 - iii. Detailed design(s) and/or working method(s) to achieve stated objectives;**
 - iv. Extent and location/area of proposed works on appropriate scale maps and plans;**
 - v. Type and source of materials to be used where appropriate, e.g. native species of local provenance;**

- vi. **Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;**
- vii. **Persons responsible for implementing the works;**
- viii. **Details of initial aftercare and long-term maintenance;**
- ix. **Details for monitoring and remedial measures; and**
- x. **Details for disposal of any wastes arising from works.**

45) Notwithstanding any submitted details, no development shall take place, including groundworks and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by the Mineral Planning Authority. The purpose of the strategy shall be to monitor the implementation and success against explicit criteria of the biodiversity mitigation, compensation and enhancement strategies. The content of the strategy shall include the following:

- i. **Aims and objectives of monitoring to match the stated purpose;**
- ii. **Identification of adequate baseline conditions prior to the start of development;**
- iii. **Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;**
- iv. **Methods for data gathering and analysis;**
- v. **Location of monitoring;**
- vi. **Timing and duration of monitoring;**
- vii. **Responsible persons and lines of communication; and**
- viii. **Review, and where appropriate, publication of results and outcomes.**

A report describing the results of monitoring shall be submitted to the Mineral Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Mineral Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

46) Notwithstanding any submitted details, prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the Mineral Planning Authority. Thereafter, the LEMP shall be implemented in accordance with the approved details. The content of the LEMP shall include the following:

- i. **Description and evaluation of features to be managed, to include wildlife pond design, hedgerow, shrub, tree planting, grass and wildflower seeding;**
- ii. **Ecological trends and constraints on site that might influence management;**
- iii. **Aims and objectives of management;**
- iv. **Appropriate management options for achieving aims and objectives;**
- v. **Prescriptions for management actions;**

- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii. Details of the body or organisation responsible for implementation of the plan; and
- viii. Ongoing landscape and biodiversity monitoring and remedial measures.

On completion of the ecological mitigation and enhancement works, a statement of conformity shall be submitted to the Mineral Planning Authority confirming their successful implementation.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Soil Handling and Storage

- 48) Soil handling and placement shall take place in accordance with the 'Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021) and only when the soils are dry and friable and in dry ground conditions.
- 49) All topsoil and subsoil shall be permanently retained on site and used in restoration. All available soil forming materials shall be recovered during excavation to achieve restoration of the site.
- 50) Restoration to agriculture shall be carried out in accordance with the restoration scheme as required by Condition 53) of this permission. Before any topsoil is placed, the area shall be subsoiled with a heavy duty subsoiler. Such treatment shall ensure that within the subsoil:
- i. There is no material injurious to plant life;
 - ii. There is no rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations including subsoiling;
 - iii. There is no wire, rope, cable or other foreign objects;
 - iv. There is a level but un-compacted surface suitable to receive topsoil; and
 - v. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site;
- 51) All topsoil, subsoil and soil forming materials shall be stored in separate bunds which:

- i. Shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;
- ii. Shall not be traversed by heavy vehicles or machinery except where essential for the purposes of mound construction or maintenance;
- iii. Shall not be subsequently moved or added to until required for restoration;
- iv. Shall have a minimum 3 metre stand-off buffer of undisturbed ground around each storage mound;
- v. Shall only store topsoil on like textured topsoil and subsoil on like textured subsoil;
- vi. Topsoil bunds shall not exceed 3 metres in height and subsoil (or subsoil substitute) bunds shall not exceed 5 metres in height; and
- vii. Shall, if continuous bunds are used, have dissimilar soils separated by a third material previously approved in writing by the Mineral Planning Authority.

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

Restoration

53) Notwithstanding the submitted details, within 6 months of the commencement of the development hereby approved, a detailed restoration scheme for the site, including the stockyard area represented on Drawing Numbered: PN1079-D14 (Rev E), Version 7, Titled: Stockyard Arrangement and General Layout, Dated: June 2024, shall be submitted to the Mineral Planning Authority for approval in writing. The detailed restoration scheme shall include final contour levels, with all levels related to Ordnance Datum. Thereafter, the development shall be carried out in accordance with the approved scheme.

54) The haul road and office, canteen and toilet buildings shall be removed, in accordance with the restoration scheme as required by Condition 53) of this permission, and any plant that is no longer operational shall be removed from the site within 12 months of the completion of restoration within the extraction area.

55) Topsoil shall be evenly re-spread on the site in accordance with the restoration scheme as required by Condition 53) of this permission to achieve a minimum depth of 300 millimetres.

56) Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on re-laid topsoil.

57) Re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping.

58) 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 53) 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 of its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.

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

Aftercare

60) The land 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.

61) Notwithstanding any submitted details, within 6 months of the commencement of the development hereby approved, an Outline Aftercare Strategy 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 53) of this permission. These steps shall include the following:

- i. Control of invasive species;**
- ii. Timing and pattern of vegetation establishment;**
- iii. Cultivation practices;**
- iv. Management of soil, fertility and weeds;**
- v. Drainage;**
- vi. Irrigation and watering;**
- vii. A timetable for undertaking the aftercare scheme; and**
- viii. 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.**

62) A Detailed Aftercare Strategy shall be submitted to the Mineral Planning Authority for approval in writing, not later than three months prior to each of the aftercare working group meetings, as required by Condition 61) of this permission. The scheme shall elaborate on the Outline Aftercare Strategy as required by Condition 61) of this permission, and shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings.

Permitted Development Rights

63) Notwithstanding the provisions of Class A of Part 2, Class L of Part 7 and Class A and Class B of Part 17 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no gate, fence, wall or other means of enclosure, fixed or mobile plant, machinery, buildings, structures, erections or private ways (other than these shown on the submitted and approved plans, or set out in the submitted planning application documents) shall be erected, extended, installed, rearranged, replaced or altered within the site without the approval of the Mineral Planning Authority.

Other Matters

64) Materials imported to the site for infilling and restoration shall not be subsequently removed from the site.

65) There shall be no crushing, screening, sorting or processing of any waste materials that are brought on to the site.

66) There shall be no crushing of mineral on the site.

67) There shall be no retail sales on site to the general public.

68) No materials shall be burned on the site.

69) No skips shall be stored on the site.

Local Liaison

70) No development shall commence until a scheme detailing the establishment and operation of a Community Liaison Group (CLG) has been submitted to and approved in writing by the Mineral Planning Authority. The scheme be in the form of terms of reference for the CLG and shall set out:

- i. The aims and purpose of the group;**
- ii. The membership of the group;**

- iii. The operation of the group (including regularity of meetings and who would chair the meetings) / standard agenda items and voting;
- iv. Accountability of the group;
- v. Recording of meetings; and
- vi. Access to the record of meetings.

Once approved the CLG scheme shall be implemented in accordance with the approved terms of reference throughout the construction, operation, restoration and aftercare period of the development hereby approved.

Planning Permission

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

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Head of Planning and Regulation) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 19/000056/CM, which can be viewed online at: www.worcestershire.gov.uk/eplanning by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.