

PLANNING PERMISSION

Name and Address of applicant

Mr Timmins
c/o Agent

Name and Address of Agent (if any)

Mr Rick Bright
Bright & Associates
Pear Tree House
Dovaston,
Oswestry
SY10 8DP

Part I - Particulars of application

Date of Application:

6 January 2020

Application No:

19/000056/CM

Particulars and location of development:

Extraction of sand and gravel and subsequent infilling with inert waste to achieve full restoration at Pinches (4) Quarry, Wildmoor Lane, Wildmoor, Bromsgrove, Worcestershire, B61 0QN

Part II - Particulars of decision

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

Commencement

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.

Date 1 October 2024

County Hall
Worcester WR5 2NP

Proper Officer



TOM POLLOCK, HEAD OF COMMERCIAL LAW

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

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 Tipplers 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 banded 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. There shall be no crushing, screening, sorting or processing of any waste materials that are brought on to the site.
65. There shall be no crushing of mineral on the site.
66. There shall be no retail sales on site to the general public.
67. No materials shall be burned on the site.
68. No skips shall be stored on the site.

Local Liaison

69. 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

- 70. 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.

The reasons for the conditions are:-

- 1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2. To notify the Mineral Planning Authority when the development, soil stripping, mineral extraction and infilling operations commence and the completion of mineral extraction, soil replacement and infilling operations in each stage, for development monitoring purposes.
- 3. For the avoidance of doubt, to define the permission and to ensure the satisfactory restoration of the site, in accordance with Policies MLP 10, MLP 31, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, WCS 11 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies BDP19, BDP21 and BDP23 of the adopted Bromsgrove District Plan.
- 4. For the avoidance of doubt and to secure a satisfactory form of development.
- 5. & 21. For the avoidance of doubt and to assist with the monitoring of the planning permission.
- 6. & 7. To define the permission.
- 8., 9., 19., 29., 30, 31., 32.,33. & 67. To protect the amenity of the surrounding area, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy BDP19 of the adopted Bromsgrove District Plan.

Reason for the pre-commencement condition (Condition 9): The site's construction works are one of the first operations that will take place on the site, so it's important that the hours of construction works are known and approved before these works commence to protect amenity of the local area.

- 12. & 15. In the interests of highway safety and to ensure the safe and free flow of traffic on the Strategic Road Network, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy BDP16 of the adopted Bromsgrove District Plan.

Reason for the pre-commencement condition (Condition 12): Appropriate signage is required to ensure appropriate routing of vehicles serving the site from the outset.

Reasons for the pre-commencement condition (Condition 15). The site's construction works are one of the first operations that will take place on the site, so it is important that the EMP for Highways to prevent the deposit of mud and detritus on the public highway has been submitted to and approved prior to the commencement of the development, for the reasons stated above.

- 10., 11., 13., 14. & 16. In the interests of highway safety and to ensure the provision of adequate on-site facilities, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy BDP16 of the adopted Bromsgrove District Plan.

Reasons for the pre-commencement condition (Condition 13): Details of access need to be approved and constructed accordingly before it is used by the vehicles serving the proposed development in the interests of highway safety.

Reasons for the pre-commencement condition (Condition 14): The earth bunds would be one of the first activities on site and the methods and procedures for constructing them are required from the outset of the development, for the reasons stated above.

- 17. To provide sustainable transport modes to help reduce pollution and particulate emissions from transport, in accordance with Policy MLP 26 of the adopted Worcestershire Mineral Local Plan, Policy WCS 11 of the adopted Worcestershire Waste Core

Strategy, and Policy BDP16 of the adopted Bromsgrove District Plan.

18., 28., 34., 46., 63. & 68. To protect the visual amenity of the site and environmental quality of the surrounding area, in accordance with Policies MLP 28, MLP 31 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9, WCS 11 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies BDP19 and BDP21 of the adopted Bromsgrove District Plan.

Reason for the pre-commencement condition (Condition 46.): It is important that the LEMP is required from the earliest stages of the development as the mineral extraction and importation of inert waste, together with vegetation clearance are one of the first operations that will take place on the site and have the potential to disturb flora and fauna. It is, therefore, critical a LEMP is in place for the reasons stated above.

20., 22., 23., 24., 25., 26., 27. & 35. To protect the water environment and prevent pollution, in accordance with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policy BDP23 of the adopted Bromsgrove District Plan.

Reason for the pre-commencement conditions (Condition 22.): To ensure groundwater monitoring pre-mineral extraction to approved parameters is implemented to establish a baseline for groundwater at the site.

Reason for the pre-commencement condition (Condition 24.) The detailed design of the surface water drainage is required at the outset of the development as it may require informing earlier stages of the operations.

36. & 37. To support the climate change adaptation and mitigation of the proposal, in accordance with Policy MLP 26 of the adopted Worcestershire Mineral Local Plan, Policy WCS 11 of the adopted Worcestershire Waste Core Strategy, and Policy BDP22 of the adopted Bromsgrove District Plan.

38. To allow the geological interest of the site to be recorded, in accordance with Policy MLP 36 of the adopted Worcestershire Minerals Local Plan.

39. To allow the historical and archaeological interest of the site to be recorded, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy BDP20 of the adopted Bromsgrove District Plan.

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

40., 41., 42., 44., 45. & 47. To protect and conserve any statutorily protected species and wildlife at the site, in accordance with Policy MLP 31 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

Reasons for the pre-commencement condition (Condition 40.): The site's construction works are one of the first operations that will take place on the site, and these have the potential to disturb protected species and habitats. Therefore, it is important that that the CEMP for biodiversity to control the construction impacts of the development has been submitted to and approved prior to the commencement of the development, for the reasons stated above.

Reason for the pre-commencement condition (Conditions 44. & 45.): An Ecological Design Strategy and a biodiversity monitoring strategy are required before the development commencement to ensure that each habitat is adequately protected, compensated for or enhanced from the beginning of the operations.

43. To maintain the environmental and ecological quality of the site, in accordance with Policy MLP 31 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

Reasons for the pre-commencement condition: An invasive non-native species protocol and biosecurity protocol are required at the outset of the development, in order to prevent any contamination and spreading of invasive species, as a result of the construction works.

48., 49., 50., 51. & 52. To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

53., 54., 55., 56., 57., 58., 59., 60., 61. & 62. To ensure the satisfactory restoration and aftercare of the site, in accordance with Policies MLP 10, MLP 31, MLP 33, MLP 34, MLP 35, MLP 36 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, WCS 11 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

64. & 65. To define the permission and to protect the amenity of adjacent residential properties, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy BDP19 of the adopted Bromsgrove District Plan.
66. In the interests of highway safety and to define the permission, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy BDP16 of the adopted Bromsgrove District Plan.
69. To protect the amenity of neighbouring residents and to ensure satisfactory restoration of the site, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy BDP19 of the adopted Bromsgrove District Plan.
- Reason for the pre-commencement condition: To enable the local community to be informed of each stage of the development.
70. To define the permission and to enable the monitoring of the consent in the interests of the amenity of the surrounding area, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy BDP19 of the adopted Bromsgrove District Plan.

Reason(s) for Approval

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

As set out in the officer report to the Planning and Regulatory Committee relating to the determination of this application, the Mineral Planning Authority has considered the development against the relevant policies in the Development Plan, in particular Policies MLP 1, MLP 3, MLP 7, MLP 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, and it is considered to be broadly in accordance with the National Planning Policy Framework and the Development Plan.

At the time of the decision, Worcestershire County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with the National Planning Policy Framework. The proposed development will increase the landbank by approximately 1.3 years, equating to a landbank of approximately 7.89 years in total, which is still only slightly above the 7-year landbank required by national policy.

The Mineral Planning Authority 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.

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

The proposal is located within the West Midlands Green Belt. It is considered that the exception for mineral extraction and engineering operations at Paragraph 155 of the National Planning Policy Framework applies in this instance, and the proposal is, therefore, not inappropriate development in the Green Belt.

The Mineral Planning Authority is satisfied that the development will not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of conditions (Conditions 10. to 17. and 66.).

The Mineral Planning Authority is satisfied that, subject to the imposition of conditions (Conditions 8., 9., 18., 19., 29. to 32., 28., 34., 46., 63., 64., 65., 67., 68., and 69.), there will be no adverse noise, air pollution, contaminated land, gaseous emissions, dust or light impacts on residential amenity or that of human health.

The Mineral Planning Authority is satisfied that the proposal will not have an unacceptable landscape character or visual impact, subject to the imposition of appropriate conditions (Conditions 8., 9., 19., 29. to 32. and 68.).

The Mineral Planning Authority is satisfied that that subject to the imposition of appropriate conditions (Conditions 38. and 40. to 47.), the proposed development will 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 Mineral Planning Authority is satisfied that subject to the imposition of appropriate conditions the proposal will not have adverse effects on the water environment (Conditions 20. and 22. to 27.).

It is considered that in principle the restoration of the site by the importation of inert materials is acceptable in this instance. The restoration of the site primarily to agricultural land is considered acceptable, subject to the imposition of conditions (Conditions 53. to 59.).

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

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

The Mineral Planning Authority in reaching a decision to grant planning permission has taken into account all of the environmental information submitted with it in support of the application and all of the consultation responses and third party public representations received. Overall, it is considered that there will not be any major adverse effects that cannot be adequately mitigated. Where necessary, adequate mitigation to avoid and reduce any adverse effects including

but not limited to land conditions, air quality (dust and noise), cultural heritage, ecology, transport, landscape and visual, water environment, have been secured through the use of the planning conditions attached to this permission.

The public had opportunities to participate in the decision-making process through statutory consultations, through neighbour notifications, Public Notices erected on site and in the surrounding area, and published in a local newspaper circulating in the locality in which the land to which the application is situated, and on a website maintained by the Mineral Planning Authority. There were five rounds of public consultation in total taking place in January – March 2020, April – June 2021, May – June 2022, October – November 2023; and April – May 2024.

For the consultations that took place in July – August 2020 and December 2020 - January 2021, public consultation was undertaken in accordance with The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020, as the applicant was not able to make copies of an Environmental Statement available at a named address because it was not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement. For these consultations, additional methods of consultation were undertaken including publishing details of the application on the County Council's social media accounts.

In response to the planning consultations, 46 letters of representation objecting to the proposal were received by the Mineral Planning Authority, in relation to a number of matters including but not limited to adverse impacts upon: the Green Belt, amenity, traffic and highway safety, public rights of way, flooding and the water environment, biodiversity, landscape and visual impact, adverse pollution impacts and cumulative impacts. As set out above, where necessary, adequate mitigation to avoid and reduce any adverse effects have been secured through the imposition of conditions.

Positive and Proactive Statement

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

In dealing with the application the Mineral Planning Authority has worked with the applicant in the following ways:-

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

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application. This is in accordance with Paragraph 38 of the National Planning Policy Framework.

Right to Challenge the Decision at the High Court

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

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

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

Informative Notes

Archaeology

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

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

Highways - Section 278 Agreement Details

The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway improvement works with the Highway Authority (Worcestershire County Council), nor does it confirm detailed design approval by the Highway Authority until the design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow relevant conditions imposed under this permission to be discharged but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into to allow the works and the applicant has complied with the requirements of the New Roads and Streetworks Act 1991 (NRSWA) and Traffic Management Act 2004. The person or organisation shall follow the necessary procedure by applying to Worcestershire County Council Streetworks Team for road space for a period to be agreed.

Worcestershire County Council normally use Section 278 to allow the developer to employ a contractor and for that contractor to work on the existing public highway in the same way as if Worcestershire County Council were conducting the works.

When any work is undertaken by a party acting on behalf of a developer on the existing adopted highway it will also be necessary to electronically provide notices to Worcestershire County Council (start date, location, workspace area) to allow these works to take place in accordance with NRSWA. Also, details regarding temporary traffic management controls for works in the public highway are to be submitted to Worcestershire County Council for approval using the online application process. The applicant is urged to engage with Worcestershire County Council as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions. The term 'highway improvement works' includes, but is not limited to, a proposed junction or access arrangement, highway drainage, street lighting, structures in or adjacent to highway, and any necessary traffic regulation orders or statutory notice.

Highways Extraordinary Maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road

maintenance due to damage by extraordinary traffic. Before any work is commenced upon the development hereby approved representatives of Worcestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

Highways - Works Adjoining Highway

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority.

Environmental Permit and Pollution Prevention

An Environmental Permit from the Environment Agency will be required for the storage, treatment and disposal of inert extractive wastes resulting from the extraction of mineral resources. A further Environmental Permit will be required, should waste be accepted and deposited on site for restoration purposes. The Environment Agency advise the applicant to contact their National Permitting Service for basic and enhanced pre-application advice. Further information can be found at <https://www.gov.uk/guidance/waste-environmental-permits/permitting>

Operators should incorporate pollution prevention measures to protect ground and surface water. Previous Pollution Prevention Guidance maintained by the Environment Agency has been withdrawn but is still available in the national archives at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>. They refer to the latest Pollution Prevention Guidance targeted at specific activities available at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Water Environment

Any connection to the existing Battlefield Brook may require an easement from the relevant landowner(s) and may be subject to Land Drainage Consent depending upon the type of connection – the applicant is advised to contact North Worcestershire Water Management to confirm when the detailed design is complete.

Ecology

All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981 (as amended).

It is an offence under the Wildlife and Countryside Act 1981 (as amended), to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. The submission of a method statement, to be agreed in writing with the Mineral Planning Authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measure required to ensure that biodiversity outcomes comply with the originally approved scheme.

Cadent Gas Infrastructure

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, the applicant should register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Wester Power Distribution

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 National Grid Electricity Distribution (NGED) plant is also regulated under the Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 2015. The safe working procedures should be defined and practiced.

The applicant should ensure that the use of mechanical excavators in the vicinity of our plant is kept to a minimum. National Grid Electricity Transmission (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.

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.

Appeal

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

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

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

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

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

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

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim

that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

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