

PLANNING PERMISSION

Name and Address of applicant

NRS Ltd
C/O agent

Name and Address of Agent (if any)

Mr Joel Jessup
Heatons
The Arc
6 Mallard Way, Pride Park
Derby, DE24 8GX

Part I - Particulars of application

Date of Application:

30 July 2021

Application No:

21/000029/CM

Particulars and location of development:

Proposed importation of inert restoration material and extraction of sand to enable engineering operations for stability purposes and completion of site restoration at (Western portion of the former) Sandy Lane Quarry, Wildmoor, Worcestershire.

Part II - Particulars of decision

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

Commencement

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 at least five working days prior to:-
 - i. The commencement of the development hereby approved;
 - ii. The commencement of soil stripping operations in any stage;
 - iii. The commencement of mineral extraction in any stage;
 - iv. The completion of mineral extraction in any stage;
 - v. The commencement of infilling operations in any stage; and
 - vi. The completion of infilling operations in any stage.

Time Limit

3. All mineral extraction operations shall cease, and the site shall be restored in accordance with the approved restoration scheme as required by Condition 45) of this permission within 6 years of commencement of the development hereby approved. Should mineral extraction operations cease before this date, the Mineral Planning Authority shall be notified in writing within 1 month of mineral extraction operations ceasing.

Approved Plans

4. The development hereby approved shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:
 - Drawing number: NRS-001-W.D.001, titled: 'Location Plan', dated April 2021
 - Drawing number: NRS-001-W.D.007, titled: 'Current situation', dated April 2021
 - Drawing number: NRS-001-W.D.008, titled: 'Stage 1 Operations', dated April 2021
 - Drawing number: NRS-001-W.D.009, titled: 'Stage 2 Operations', dated April 2021
 - Drawing number: NRS-001-W.D.010 REV A, titled: 'Concept Restoration', dated November 2021.

Date 8 July

2022



County Hall 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.

Waste Acceptance

5. 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.

Phasing

6. The site shall be progressively worked and restored in accordance with the phased working programme and contiguous restoration scheme as shown on the approved drawings numbered: NRS-001-W.D.008, titled: 'Stage 1 Operations', dated April 2021 and Drawing number: NRS-001-W.D.009, titled: 'Stage 2 Operations', dated April 2021, except where otherwise stipulated by conditions attached to this permission.

Depth of Working

7. No excavation or extraction shall take place below 150 metres Above Ordnance Datum (AOD).

Working Hours

8. Except in emergencies to maintain safe quarry working, all operations and uses on the site including the running of any plant or machinery, shall only take place between 07:00 to 19:00 hours Mondays to Fridays, inclusive, and 07:00 to 13:00 hours on Saturdays, with no operations on the site at any time on Sundays, Bank or Public Holidays. The Mineral Planning Authority shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours.

Highways and Public Rights of Way

9. Access to and from the site shall only be gained via existing access of Sandy Lane (A491) as shown on drawings numbered: NRS-001-W.D.008, titled: 'Stage 1 Operations', dated April 2021 and Drawing number: NRS-001-W.D.009, titled: 'Stage 2 Operations', dated April 2021.
10. No development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) for highways has been submitted to and approved in writing by the Minerals Planning Authority. This shall include but not be limited to the following: -
- i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - ii. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
 - iii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - iv. Details of any temporary construction accesses and their reinstatement; and
 - v. A highway condition survey, timescale for re-inspections, and details of any reinstatement.

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

11. No development hereby approved shall commence until a parking scheme including the specification, location and timetable for the provision of car parking, including the type and number of spaces, to be provided on site, at a gradient not exceeding 1 in 8, 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 and this area shall be retained for the purpose of vehicle parking only.
12. No development hereby approved shall commence until the specification, location and timetable for the provision of electric vehicle charging space(s) to be provided on site, 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 and the space(s) and power point(s) shall be kept available and maintained for the use of electric vehicles only.
13. No development hereby approved shall commence until details, location and a timetable for the provision of accessible car parking space(s) 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 and the spaces shall be kept available and maintained for use by disabled users only.
14. No development hereby approved shall commence until details, location and a timetable for the provision of sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the cycle parking shall be kept available and maintained for use by bicycles only.
15. Prior to the commencement of the development hereby approved, full details of the wheel wash, together with water supply, water storage, recycling and disposal shall be submitted to and approved in writing by the Mineral Planning Authority. The wheel wash shall be implemented and operated in accordance with the approved details.
16. No HGVs shall enter the public highway from the site, unless their wheels and chassis have been cleaned in the wheel wash to prevent material being deposited on the highway.
17. All loaded vehicles entering and leaving the site shall be sheeted to prevent dust emission and spillage of materials on to the public highway.

18. Prior to the commencement of mineral extraction or importation of inert waste materials a scheme of positive and robust signage to help direct drivers to the site entrance and to alert other motorists to the potential of slow moving/ turning HGVs shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
19. The intensity of sign illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals technical guidance note PLG05 "The brightness of illuminated advertisements" 2015 or in any document amending or superseding that report.

Boundary Treatment

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

Lighting

21. Prior to commencement of the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The strategy shall include:
- Height of lights
 - Intensity of the lights
 - Spread of light in metres (Lux plan)
 - Any measure proposed to minimise the impact of the lighting or disturbance through glare
 - Times when the lighting would be illuminated; and
 - Measures to minimise the impact of lighting upon protected species and habitats, including:
 - identifying those areas / features on site that are particularly sensitive for bats and invertebrates and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, such as for foraging
 - show how and where external lighting will be installed, through provision of appropriate technical specifications including optic photometric data and contour plans (in both horizontal and vertical planes), and glare rating, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Topographical Survey

22. 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

23. Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have been submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
24. No works in connection with site drainage shall commence until a Sustainable Drainage Systems (SuDS) Management Plan which shall include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework for their management and maintenance in perpetuity, has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall also detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the approved SuDS Management Plan shall be implemented in full and shall be managed and maintained in accordance with the approved maintenance plan.
25. 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.
26. 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.

27. Prior to the commencement of the development hereby approved, details of pollution control measures, including pollution incident response procedures shall be submitted to, and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
28. Repair, maintenance and fuelling of vehicles, plant and machinery shall only take place on an impervious surface drained to a sealed interceptor and the contents of the interceptor shall be removed from the site.

Noise and Vibration

29. The development hereby approved shall be carried out in accordance with Section 6 of the Assessment of the Potential Noise Impact, dated 14 April 2021.
30. The noise attributable to mineral operations from the site shall not exceed the levels set out below at the receptor locations identified in the Assessment of the Potential Noise Impact, dated 14 April 2021 when measured in terms of an LAeq 1-hour level (free field):
- Fairview Lodge: LAeq, 1-hour 55dB
 - Lower Madeley Farm: LAeq, 1-hour 48dB
 - Oak Villa: LAeq, 1-hour 48dB
 - The Cottage, Harbours Hill: LAeq, 1-hour 50dB
 - Bringsty, Sandy Lane: LAeq, 1-hour 55dB
 - Wildmoor Quarry property (Dolfor House): LAeq, 1-hour 55dB
 - Farcroft: LAeq, 1-hour 55dB
 - No. 1 Madeley Road: LAeq, 1-hour 55dB.
31. During the removal of soils and superficial deposits and the creation of any screen bunds or restoration works, the noise limit at the receptor locations identified in the Assessment of the Potential Noise Impact, dated 14 April 2021 shall not exceed 70dB LAeq 1-hour (free field) for a period of up to 8 weeks in any calendar year. Prior written notice of at least 5 working days, being Mondays to Fridays inclusive, shall be given to the Mineral Planning Authority of the commencement and the duration of such operations.
32. Within 21 days from receipt of a written request from the Mineral Planning Authority, the operator shall, at its expense, employ an independent qualified acoustic consultant to assess the noise impact from the development hereby approved upon the receptor locations identified in the Assessment of the Potential Noise Impact, dated 14 April 2021. The scope, methodology and timescales for delivery of the noise assessment shall be agreed in writing with the Mineral Planning Authority before assessment begins. Thereafter the noise assessment shall be completed in accordance with the agreed scope and shall be presented to the Mineral Planning Authority within the timescales for delivery.
33. Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 32) including all noise measures and any audio recordings, where the Mineral Planning Authority is satisfied of an established breach of noise limits set out in the Conditions 30) and / or 31), and upon notification by the Mineral Planning Authority in writing to the quarry operator, the quarry operator shall within 21 days propose a scheme of mitigation for the written approval of the Mineral Planning Authority. The scheme of mitigation shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. Thereafter, the scheme shall be implemented in accordance with the approved details.
34. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times, and this shall include the fitting and use of silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.
35. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices.
36. Internal roads shall be maintained such that their surface remains in a good condition free of potholes or other defects.

Dust

37. The development hereby approved shall be carried out in accordance with Section 7 of the Assessment of the Potential Dust and Air Quality Impact, dated 19 May 2021.

Stockpiles

38. The height of any stockpiles of sand and gravel and inert waste restoration material shall not exceed 5 metres.
39. Soil handling and placement shall take place in accordance with the 'Good Practice Guide for Soil Handling' produced by Defra and only when the soils are dry and friable and in dry ground conditions.
40. Prior to the commencement of the development hereby approved, 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.

Ecology

41. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, including vegetation clearance, an invertebrates survey shall be submitted to and approved in writing by the Mineral Planning Authority. The supplementary survey shall be of an appropriate type for the invertebrate species and survey methods shall follow national good practice guidelines.
42. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, including vegetation clearance, a detailed Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to and approved in writing by the Mineral Planning. The CEMP for biodiversity shall include the following:
- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of "biodiversity protection zones";
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during quarrying (may be provided as a set of method statements);
 - iv. The location, timing and design of sensitive works to avoid harm to biodiversity features and priority species;
 - 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 a suitably competent Ecological Clerk of Works (ECoW); and
 - viii. Use of protective fences, exclusion barriers and warning signs.

Thereafter, the measures set out in the approved CEMP for biodiversity shall be implemented and maintained for the duration of the development hereby approved. On completion of the ecological works set out within the CEMP for biodiversity, a statement of conformity shall be submitted to the Mineral Planning Authority by the Ecological Clerk of Works confirming their successful implementation.

43. Notwithstanding the submitted details, prior to the commencement of the development hereby approved until an Ecological Design Strategy (EDS) addressing the agreed ecological mitigation, compensation and enhancement measures shall be submitted to and approved in writing by the Mineral Planning Authority. The EDS shall include the following:
- i. Purpose and conservation objectives for the proposed works;
 - ii. Review of site potential and constraints;
 - 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;
 - x. Details for disposal of any wastes arising from works; and
 - xi. A nesting bank could be provided, with details (including specification and exact location) submitted for approval within the Ecological Design Strategy.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. A report describing the results of monitoring shall be submitted to the Minerals 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 County Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy shall be implemented in accordance with the approved details.

Landscape

44. Notwithstanding the submitted details, prior to the commencement of the development hereby approved a Landscape and Ecological Management Plan (LEMP) and accompanying method statement detailing the creation and establishment of semi-natural habitats, trees, hedgerow, waterbody and scrub planting shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The LEMP shall include the following:
- i. Description and evaluation of landscape features and habitats to be managed and their design principles for biodiversity;
 - 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. Detailed designs and working methods necessary to achieve the stated objectives (species, provenance, numbers, density and planting/seeding methods of seed mixes, trees and shrubs to be used);
 - vii. Extent and location of proposed works shown on appropriate scale maps;
 - viii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - ix. Timetable for implementation;

- x. Details of the body or organization responsible for implementation of the plan;
- xi. Ongoing monitoring and remedial measures including details of Initial aftercare and long-term maintenance;
- xii. Details of any legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the applicant with the management body(ies) responsible for its delivery; and
- xiii. Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, the LEMP shall set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

Thereafter the development shall be carried out in accordance with the approved details and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species.

Restoration

- 45. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed restoration scheme for the site shall be submitted to and approved in writing by the Mineral Planning Authority. 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.
- 46. 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 45) of this permission which, in the opinion of the Mineral Planning Authority constitutes a permanent cessation, a revised scheme, to include details of restoration and aftercare, shall be submitted to the Mineral Planning Authority for approval in writing within 6 months of the cessation of the winning and working of minerals. The revised scheme shall be fully implemented within 12 months its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority. On completion of LEMP implementation, a brief Statement of Conformity will be issued to the County Planning Authority by a Suitably Qualified Ecologist or Environmental Manager.
- 47. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Mineral Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Mineral Planning Authority.

Aftercare

- 48. 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.
- 49. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an outline aftercare scheme shall be submitted to and approved in writing by the Mineral Planning Authority to cover a period of 5 years. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the restoration scheme, as required by Condition 45) of this permission.
- 50. A Detailed Aftercare Scheme shall be submitted to the Mineral Planning Authority for approval in writing at least 9 months prior to the anticipated completion date for each stage. The approved scheme shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings.

Interpretation Strategy

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

Permitted Development Rights

- 52. Notwithstanding the provisions of Class L of Part 7 and Class A and Class B of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fixed or mobile plant, machinery, buildings, structures, erections or private ways shall be erected, extended, installed, rearranged, replaced or altered within the site without the approval of the Mineral Planning Authority.

Other Matters

- 53. There shall be no crushing, screening, sorting or processing of any waste materials on the site.
- 54. No processing or treatment of mineral shall take place on the site.
- 55. The site shall not be open to the general public for commercial purposes.

56. No materials shall be burned on the site.

Local Liaison

57. No development shall commence until a scheme that sets out measures for liaison arrangements with the local community has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the approved scheme shall be implemented for the duration of the development hereby approved.

Planning Permission

58. 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.
2. To notify the Mineral Planning Authority when the development, soil stripping, mineral extraction and infilling operations commence and the completion of mineral extraction and infilling operations in each stage, for development monitoring purposes.

Reason for the pre-commencement condition: For proactive development monitoring purposes, to allow the Mineral Planning Authority to undertake site visits to prior to commencement of the development, before any operations on site commence.
3. For the avoidance of doubt, to define the permission and to ensure the satisfactory restoration of the site, in accordance with 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.
4. For the avoidance of doubt and to secure a satisfactory form of development.
5. & 55. To define the permission.
6. To ensure that the site is reclaimed in a condition capable of beneficial after use at an early date and in the interests of amenity, in accordance with Policies 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.
7. To protect the water environment and prevent pollution, in accordance with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy and Policy BDP23 of the adopted Bromsgrove District Plan.
- 8., 29., 30., 31., 32., 33., 34., 35., 36., 37., 53. & 56. To protect the amenity of the surrounding area, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy and Policy BDP19 of the adopted Bromsgrove Plan.
9. In the interests of highway safety, in accordance with Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policy BDP16 of the adopted Bromsgrove District Plan.
- 10., 11., 12., 13., 14., 15., 16. & 17. In the interests of highway safety and to ensure the provision of adequate on-site facilities, in accordance with 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 10.): The site's construction works are one of the first operations that will take place on the site, so it is important that the CEMP 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.

Reason for the pre-commencement condition (Conditions 11., 12., 13. & 14.): Details of car parking including accessible car parking facilities and vehicle charging points as well as cycle parking will be required to provide adequate and sustainable facilities for the visitors and employees from the beginning of the site operations.

Reason for the pre-commencement condition (Condition 15.): The details of wheel wash, water supply/storage facilities are required before operations on site commence to prevent the deposit of mud and detritus on the public highway.
18. & 19. 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 WCS 8 of the adopted Worcestershire Waste Core Strategy and Policy BDP16 of the adopted Bromsgrove District Plan.

20., 21., 38., 44., 52. & 54. To protect the visual amenity of the site and environmental quality of the surrounding area, in accordance with Policies WCS 12 and WCS 14 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 21.): Any lighting used on site can impact wildlife and visual amenity of the residents, therefore, the details of lighting scheme need to be approved before any operations on site commence.

Reason for the pre-commencement condition (Condition 44.): It is important that the LEMP is required at the outset 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.

22. To enable the Mineral Planning Authority to adequately control the development and to minimise its impacts on the amenities of the local area, in accordance with Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy and Policy BDP21 of the adopted Bromsgrove District Plan.

23., 24., 25., 26., 27. & 28. To protect the water environment and prevent pollution, in accordance with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy and Policy BDP23 of the adopted Bromsgrove District Plan.

Reason for the pre-commencement condition (Condition 23.) The detailed design of the surface water drainage is required at the outset of the development as it may require to inform earlier stages of the operations.

Reason for the pre-commencement condition (Condition 27.) Pollution control measures, including pollution incident response procedures are required before operations on site commence to prevent pollution to the water environment.

39. & 40. To minimise damage to the existing soils and to ensure that the maximum depth of soils with high organic matter content, and a reservoir of nutrients is retained and kept available on site for restoration and infilling, in accordance with Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

Reason for the pre-commencement condition (Condition 40.): The creation of soil bund will be one of the first operations on the site. A scheme for seeding and management of all soil overburden storage bunds are required to ensure the quality of soils is maintained.

41., 42. & 43. To protect and conserve any statutory protected species and wildlife at the site, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policy BDP21 of the adopted Bromsgrove District Plan.

Reason for the pre-commencement condition (Condition 41.): An invertebrates survey is required prior to the development commencement including vegetation clearance to adequately consider risk of impact to invertebrate species and inform detailed design of the restoration strategy. This is particularly important as the phased extraction is likely to remove habitats for invertebrates for many years and therefore adversely impact multiple generations and potentially compromise ability of scarce invertebrates from recolonising restored habitats.

Reason for the pre-commencement condition (Condition 42.): The site's construction works are one of the first operations that will take place on the site and these have the potential to disturb protected species and habitats. Therefore, it is important that that the CEMP for biodiversity to control the construction impacts of the development have been submitted to and approved prior to the commencement of the development, for the reasons stated above.

Reason for the pre-commencement condition (Condition 43.): An Ecological Design Strategy is required before the development commencement in order to ensure that each habitat is adequately protected, compensated for or enhanced from the beginning of the operations.

45., 46., 47., 48., 49. & 50. To ensure the satisfactory restoration and aftercare of the site, in accordance with 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.

Reason for the pre-commencement condition (Condition 45.): A detailed restoration plan is required at the outset of the development as it may require to inform earlier stages of the operations taking into account matters such as ecology or flood risk mitigation.

Reason for the pre-commencement condition (Condition 49.): An outline aftercare scheme is required at the outset of the development as it may require to inform earlier stages of the operations taking into account matters such as ecology or flood risk mitigation.

51. In support of the environmental quality in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policy BDP21 of the adopted Bromsgrove District Plan

57. To protect the amenity of neighbouring residents, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy.

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

58. 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 WCS 14 of the adopted Worcestershire Waste Core Strategy.

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 Saved Policy 2 of the Adopted County of Hereford and Worcester Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy, and Policies 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 NPPF. The proposed development will increase the landbank by approximately 0.29 years, equating to a landbank of approximately 3.81 years in total, which is still below the minimum landbank for at least 7 years for sand and gravel.

The Mineral Planning Authority considered that on balance the proposed development accords with Saved Policy 2 of the adopted Minerals Local Plan.

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 150 of the NPPF apply 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 9 to 19).

It is considered that subject to the imposition of conditions that there will be no adverse air pollution (Condition 37), noise and vibration (Conditions 8 and 29 to 36), dust (Condition 15 to 17 and 37) or lighting impacts (Condition 21) on residential amenity.

It is considered that the proposal will not have an unacceptable impact upon the character and appearance of the local area and historic environment including archaeology subject to the imposition of appropriate conditions (Conditions 20, 44 to 50).

It is considered that subject to the imposition of conditions, that the proposal will have no adverse impacts on the ecology, biodiversity and geodiversity at the site or in the surrounding area, and will protect, conserve and enhance the application site's value for biodiversity (Conditions 21, 41 to 46 and 48 to 51).

The Mineral Planning Authority considered that there will be no adverse effects on the water environment, subject to the imposition of appropriate conditions (Conditions 23 to 28).

It is considered that in principle the restoration of the site by the importation of inert materials is acceptable in this instance. The ecologically led restoration of the site is considered acceptable, subject to the imposition of conditions (Conditions 45 to 50).

The Mineral Planning Authority considered that the proposal will provide substantial 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 and in support of the application and all of the consultation responses and third-party public representations received. Overall, it is considered that there will not be any major adverse effects that cannot be adequately mitigated. Where necessary, adequate mitigation to avoid and reduce any adverse effects including but not limited to air quality and dust, noise, ecology and nature conservation, traffic and transport, landscape and visual impact, and water resources and flood risk, 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 and non-statutory consultations, through neighbour notifications, Public Notices erected on site and in the surrounding area and published in a local newspaper circulating in the locality in which the land

to which the application is situated, and on a website maintained by the Mineral Planning Authority. There were three rounds of public consultation in total taking place in August – September 2021, February – March 2022 and April – May 2022. For the consultation that took place August – September 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 this consultation, 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, 6 letters of representation (2 commenting and 4 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: amenity, traffic and highway safety, the water environment, biodiversity and adverse pollution 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

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

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

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

Right to Challenge the Decision at the High Court

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

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

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens 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/>).

Notes

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email: worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.

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

The applicant is urged to engage with the County Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions. The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

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

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

- a. No disturbance of, or change to, the surface of the path or part thereof should be carried out without the Highway Authority's written

consent.

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

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

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

The applicant will require an Environmental Permit to authorise the landfilling operation proposed as part of the restoration of the site. The proposal also notes that sand will be extracted, but not processed on site. Any mining waste produced from this phase and deposited at the site would also be subject to authorisation via an Environmental Permit.

The proposed waste to be used in the landfilling phase is inert. The operator must ensure that all waste accepted at the site is suitable for use, and that a full 'WM3' assessment and Waste Assessment Criteria (WAC) tests have been completed and that these are shown to be compliant. As part of an application for an Environmental Permit, the operator will be required to submit their proposals for the landfill infrastructure, including groundwater monitoring regime, which may include a Construction Quality Assurance (CQA) plan. These aspects will be secured and controlled through the permit. The landfill must have a geological barrier in place that extends along the base and sides of the site and provides a barrier to any emissions of contaminants. Where the operator intends to rely on the natural geology to form a barrier they must show that it is suitable and meets all of the relevant requirements. The Environmental Permit will likely require the operator to undertake regular monitoring of site emissions, including landfill gas. They should ensure that the infrastructure for this is installed at the site and maintained for the life of the Environmental Permit. All stored fuels and other potentially polluting liquids must be stored with adequate secondary containment, and where static storage is located, on an impermeable surface.

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

Appeal

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

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

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

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

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

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

Purchase Notices

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

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