

**PLANNING AND REGULATORY COMMITTEE**  
**3 NOVEMBER 2015****PROPOSED AGGREGATES MATERIAL RECYCLING  
FACILITY, WORKSHOP BUILDING AND ECOLOGICAL  
RESTORATION AND ENHANCEMENT AREAS AT CHURCH  
FARM QUARRY, GRIMLEY, WORCESTERSHIRE**

---

**Applicant**

Pencroft Ltd.

**Local Member**

Mr P Grove

**Purpose of Report**

1. To consider a County Matter planning application for a proposed aggregates material recycling facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire.

**Background**

2. There is a long history of sand and gravel extraction and processing on land surrounding and part of this application site, as the following planning history illustrates:-
3. Planning consent was first granted for mineral working at Church Farm Quarry under planning permission reference MR54/58 August 1958. An extension to mineral working was consented in March 1974 under planning permission MR472/73.
4. On 25 July 1979 planning permission MH 65/79 was refused for a proposed extraction of sand and gravel working south of Church Farm, Grimley.
5. Planning permission reference 404073 (MH 2824/79 EX) was granted in May 1980 for "*extraction of sand and gravel from 17.07 hectares of land north of Grimley Brook, to be conveyed to existing Church Farm Plant*" on land known as Church Farm North.
6. In August 1989 planning permission was granted on appeal (Reference: T/APP/F1800/110413/P7) for mineral extraction on the land known as Retreat Farm and Tinkers Coppice Farm and for erection of a replacement processing plant. Planning permission reference 407255 altered the phasing of this mineral extraction and permitted the installation for a conveyor.

7. Planning permission reference 407276 was granted in March 1994 for mineral extraction on land known as Church Farm East. The consent restricted commencement of development until extraction at Retreat Farm was complete.

8. Planning permission reference 407493 was granted in February 2001 "to continue using land north of Grimley Brook for silting following extraction of sand and gravel without complying with conditions 6, 7 and 8 subject to which a previous planning permission was granted on 7 May 1980 under reference 404073 to enable its eventual restoration for agriculture, nature conservation and lakes at land known as Church Farm North, Ball Mill Quarry, Grimley".

9. On 26 September 2002 planning permission was granted for "a proposed aggregate recycling facility and associated agricultural improvements at Ball Mill Quarry, Grimely, Worcester" (Ref: 407540, Minute 185 refers). This was subject to a condition which stated:

*Condition 3: "Within 3 months of the adjacent sand and gravel processing plant ceasing to process material obtained from the approved extraction areas at Retreat Farm or from Church Farm East (permitted on 6 March 1994 under reference 407276) providing working there commences within 2 months of completion of extraction at the Retreat Farm Site, the operations hereby permitted shall cease and all plant, equipment and machinery shall be removed from the site which shall be restored in accordance with the scheme to be approved by the Mineral Planning Authority for the whole of the plant area".*

10. Planning permission 407540 was commenced, but closed due to lack of commercial and demolition waste material to process at the facility. The planning permission has now expired.

11. On 12 December 2006 the Planning and Regulatory Committee granted planning permission for the "proposed extension to Ball Mill Quarry, land known as Church Farm South and Church Farm West at Ball Mill Quarry, near Grimely, Worcestershire" (Ref: 407632, dated 20 April 2007, Minute 503 refers), subject to a condition (Condition 2) that there should be no sand and gravel extraction from the area of land known as Church Farm South. It stated:

*Condition 2: "The land to which this permission relates is that shown edged red on drawing number BMQ 2/2, dated July 2005 (scale 1:10,000) received by Worcestershire County Council on 8 August 2005 and this permission only allows sand and gravel extraction from the part of the application site known as Church Farm West shown as phases 4 and 5 on submitted drawing number BMQ 5/3A dated March 2006 identified on the plan attached to this planning permission. There shall be no sand and gravel extraction from the part of the application site known as Church Farm South, shown as phases 1, 2A/2B, 3A and 3B on submitted drawing number BMQ 5/2A dated March 2006 identified on the plan attached to this planning permission".*

12. On 27 January 2009 the Planning and Regulatory Committee refused planning permission for the "variation of condition 2 of planning permission reference 407632, Church Farm West and Church Farm South, Ball Mill Quarry, Grimley near Worcester" to allow the applicant to extract sand and gravel from land referred to as

Church Farm South (Ref: 407702, Decision Notice dated 9 April 2009, Minute 623 refers) for the following reasons:

- *Refusal Reason 1: "The application was considered to result in an unacceptable loss of best and most versatile agricultural land contrary to Structure Plan Policy CTC.7, Minerals Local Plan Policy 2, Malvern Hills District Local Plan Policy DS3 and the aims of PPS7; and*
- *Refusal Reason 2: The proposal is concerned to result in permanent and unacceptable landscape and visual impacts contrary to Structure Plan policy CCT.1 and Policy QL24 in the Malvern Hills District Local Plan".*

13. This decision was appealed by Tarmac Limited and following a Public Inquiry between 20 - 22 October 2009, the appeal was allowed and planning permission was granted for "an extension to Ball Mill Quarry on Land known as Church Farm South and Church Farm West at Ball Mill Quarry, near Grimley, Worcestershire, WR2 6LU in accordance with the application Ref 407702 (07/000129/CM), dated 15 August 2007, without compliance with condition No. 2 previously imposed on planning permission Ref 407632 (05/01238/COM) dated 20 April 2007" (Appeal Reference: APP/E1855/A/09/2105051). This is the extant planning permission for the Church Farm Quarry site. This application for an aggregates recycling facility is located on the minerals processing plant area of Church Farm Quarry.

14. Mineral extraction has now ceased at Church Farm South, although some processed/unprocessed sand and gravel remains on site, together with the processing plant, buildings and weighbridge, and restoration is currently taking place.

## **The Proposal**

15. The applicant is seeking planning permission for a proposed aggregates material recycling facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire. The facility would process construction, demolition and excavation waste materials and would have a maximum throughput of about 151,800 tonnes per annum. The existing offices, weighbridge and staff car park associated with mineral workings, which are located on the western side of the application site, adjacent to the access road are proposed to be retained and to remain in situ.

16. The existing sand and gravel processing plant on site is proposed to be removed and replaced by a washing, crushing and screening plant. The washing plant, which would measure about 4 metres high and materials stockpiles are proposed within the north-east area of the application site. The washing plant would be a multi-stage process that progressively segregates the feed material into various sizes and removes finer clays to produce aggregates. The process recycles all waste water back through the system and, therefore, a water storage pond is not required. With regards to waste fines from the process, these would be dried and mixed into topsoil at a ratio of 25:75 ready for reuse. The washing plant would be located on a concrete pad.

17. A jaw crusher unit (Sandvik QJ340/341), which would measure about 4.4 metres high, is proposed to be installed in the south-west corner of the site. This facility would enable construction and demolition waste to be crushed prior to being

screened. A mobile triple deck doublescreen (Sandvik QA450) and topsoil screener (Finley 390), which would both measure approximately 3.6 metres high are also proposed to be installed in the south-east corner of the site, immediately to the east of the proposed crusher. A new workshop building is proposed to be constructed within a secure compound located in the eastern side of the site. The building and secure compound would be used for vehicle maintenance. The proposed building would measure approximately 30 metres long by 18 metres wide by 8 metres high. The applicant is also proposing new replacement concrete surfacing within the proposed building compound and new crushed stone hardstanding within the waste processing areas. An earth bund, which would act as an acoustic screening feature is also proposed within the southern part of the site enclosing the screening and crushing plants, and would measure approximately 7 metres high.

18. Pencroft Ltd. currently operate a transport yard from a site known as Laugherne Villa, which is located on the outskirts of Martley (Malvern Hills District Council Refs: 13/01183/FUL, 12/01438/FUL, 12/00452/FUL, and 12/00451/FUL). That site does not have planning permission for an aggregates recycling facility. The applicant states that the company operate throughout Worcestershire and Herefordshire and that they currently employ a total of 22 full-time employees, should this planning application be granted a further 10 employees (full-time equivalent) would be required. It is anticipated that an average of between 30 and 40 HGV vehicle movements would be generated with a maximum of 600 tonnes of material being processed in a single day. The site would be operational for haulage activities and vehicular movements from 07:00 hours to 18:00 hours Mondays to Fridays, inclusive and between 07:00 hours to 13:00 hours on Saturdays. Crushing would be restricted to between the hours of 09:00 to 16:00 hours Mondays to Fridays (inclusive). Access to the site would be via the existing private quarry access road off the A443.

19. The application is accompanied by a Noise Report, Landscape and Visual Impact Assessment, Preliminary Ecological Appraisal, Ecological Construction Method Statement, Great Crested Newt Survey, and Flood Risk Assessment.

## **The Site**

20. The application site measures approximately 6.5 hectares in area (approximately 395 metres long by 165 metres wide) and is broadly flat and rectangular in shape, aligned in a south-west to north-east direction. The site occupies the plant area of the Church Farm Quarry complex. The application site is located approximately 330 metres north of the village of Grimley, approximately 1.1 kilometres south of the village of Holt and about 6 kilometres north of Worcester city centre. Vehicular access is provided by means of an existing private tarmac road that leads directly from the A443, measuring about 450 metres long.

21. The Grimley Brook runs from the south-west to north-east, forming the northern boundary of the proposed aggregate recycling facility site. The application site currently contains site offices (raised portakabins), staff and visitor car parking, a weighbridge, machine store, shipping containers, electricity sub-station, aggregate stockpiles, and plant all associated with the existing mineral extraction activities, which have recently ceased. Settlement ponds are located at the southern and northern corners of the application site. Much of the site is surrounded by

established broadleaf woodland and scrub associated with the banks of Grimley Brook as well as around the settlement ponds. Public Rights of Way (Footpaths HT-532, HT-533 and HT-536) run along the northern and eastern boundary of the site access road and adjoin to Footpath GM-600, which runs southwards through the centre of the application site. The long distance footpath of the Severn Way is located along the northern boundary of the application site and runs along adjacent field boundaries to the east and south of the proposal. A permissive footpath which follows part of the Severn Way runs around the northern, eastern and southern boundaries of the site adjoining Footpaths HT-536 and GM-600. An overhead electricity line is located within the northern and southern parts of the site and runs underground north to south through the site. Part of the application site, adjacent to the Grimley Brook is located within Flood Zone 3.

22. The Scheduled Monuments of 'Enclosure north of St. Bartholomew's Church', 'Enclosure west of Church Farm', and 'Medieval fishponds and ridged cultivation remains, east of Grimley village' are located about 160 metres, 320 metres south and 450 metres south-east of the proposed facility, respectively. The Grade II Listed Buildings/Structures of Churchyard Cross, Chest Tombs of Griffiths Family, Walker Family, and Benbow Family, and the Grade II\* Listed Building of the Church of St Bartholomew's are located about 370 metres south of the proposal. The Grade II Listed Building of April Cottage is also located approximately 400 metres south-west of the application site.

23. The Grimley Brick Pits Site of Special Scientific Interest (SSSI) is located approximately 575 metres east and 590 metres south-east of the application site. The Grimley Brook Local Wildlife Site (LWS) forms the northern boundary of the application site. The River Severn LWS is located about 725 metres east of the proposal and, the Bournes Dingle and Turnmill Pond Complex LWS is situated beyond, located about 890 metres east of the application site. The Thorngrove Lake LWS is situated approximately 950 metres south-west of the proposal. An area of Ancient Woodland is located approximately 50 metres north of the application site.

24. The nearest residential properties are those associated with the northern end of the village of Grimley, located about 330 metres south-east of the application site, together with 'Lyndhurst' on the west side of the A443, situated about 185 metres south of the application site (red line boundary) and about 290 metres from the proposed facility. Grimley and Holt CE Primary School is located approximately 430 metres south-east of the proposal. The Top Barn Farm complex is located about 520 metres to the north of the proposal. Mill Pool Farm Industrial Estate and Ball Mill Top Business Park, together with further residential properties situated along the A443 are located approximately 290 metres and 390 metres west and south-west of the proposed facility, respectively. The residential property of the Old Vicarage is located about 560 metres south-west of the site. Further residential properties are also located about 880 metres east of the proposal, along the eastern bank of the River Severn, and include The Rest, Horse Ferry, The Nook, Ardmore, and Grade II Listed Hawford House.

## Summary of Issues

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

- The waste hierarchy
- Location of the development
- Landscape character and appearance of the local area
- Residential amenities (including noise and dust emissions)
- Ecology and biodiversity
- The water environment
- Traffic, highway safety and impact upon the Public Rights of Way.

## Planning Policy

### National Planning Policy Framework (NPPF)

26. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

27. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

28. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

29. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving the Historic Environment
- Section 13: Facilitating the sustainable use of minerals

### **National Planning Policy for Waste**

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

### **The Development Plan**

31. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and Saved Policies of the Adopted Malvern Hills District Local Plan.

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

33. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

### **Worcestershire Waste Core Strategy Development Plan Document (WCS)**

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 3: Re-use and Recycling

Policy WCS 5: Landfill and disposal

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources  
Policy WCS 11: Sustainable design and operation of facilities  
Policy WCS 12: Local characteristics  
Policy WCS 14: Amenity  
Policy WCS 15: Social and economic benefits

#### **Malvern Hills District Local Plan (Saved Policies)**

Policy DS1 The Location of Development  
Policy DS3 General Development Requirements  
Policy DS11 Rural Settlements  
Policy DS13 Employment Development within or immediately adjacent to Rural Settlements  
Policy DS15 Employment Developments in Category 3 Settlements and Open Countryside  
Policy QL1 The Design of New Buildings and Related Development  
Policy QL5 Walls, Gates, Fences or other Means of Enclosure  
Policy QL13 New Development affecting the Setting of Listed Buildings  
Policy QL14 Scheduled Ancient Monuments and other Archaeological Sites  
Policy QL16 Sites of Special Scientific Interest (SSSIs)  
Policy QL17 Sites of Regional or Local Wildlife Importance  
Policy QL19 Protection of Wider Biodiversity  
Policy QL20 Creation of Habitat  
Policy QL21 Landscaping  
Policy QL22 Protection of Trees, Woodlands and Hedgerows

#### **Draft South Worcestershire Development Plan**

34. The South Worcestershire Development Plan (SWDP) is being prepared jointly by the three local authorities and communities of Malvern Hills, Wychavon and Worcester City. The plan considers the long-term visions and objectives for South Worcestershire.

35. On 28 May 2013 the SWDP was submitted to the Secretary of State. The Examination in Public on Phase 1 took place on 1-3 October 2013 and the publication of the Inspectors interim findings was published on 30 October 2013. The Inspector's interim conclusions on Phase 1 asked the three councils involved in compiling the South Worcestershire Development Plan (SWDP) to look again at the figures they prepared on the number of homes needed in the area by 2030 and do more work on the technical evidence used to establish how many homes the area will need. An additional hearing took place on 13-14 March 2014 following new evidence submitted by the three councils. The Inspector's interim conclusions dated 31 March 2014 on Phase 1 provide a full, objectively assessed need for housing over the plan period for South Worcestershire of 28,370 dwellings.

36. Following the Inspector's interim conclusions, the three South Worcestershire Councils agreed at their meetings held on 30 September 2014 to undertake formal consultation (between 6 October and 17 November 2014) into the proposed uplift in housing numbers in the SWDP. The Phase 2 hearings took place in February, April and May 2015, relating to SWDP Policies 1 to 7 and Strategic Sites, Development Management Policies, and Proposed Sites in the Main Town and Villages, respectively.



37. Following the discussions during the examination hearing on 9 April the Councils submitted copies of revised housing trajectories to the examination. It had become clear that there was a need for further amendments to the housing trajectories. As a result, the Inspector decided to hold a further procedural session on the trajectories on 3 June. In addition, a further hearing session was held on 17 June 2015 to discuss formal sports pitches/courts.

38. On 9 September 2015 the Councils published the proposed Main Modifications which have arisen from the examination of the SWDP. These were considered by meetings of the full Councils in September 2015 (22 September and 30 September 2015), who voted to agree to hold a six-week public consultation on the proposed Main Modifications. This consultation runs from 9 October to 20 November 2015, and gives members of the public a chance to have their say on this latest stage of the SWDP's development.

39. The Examination formally remains open until the Inspector issues his binding report and it is possible that further hearings could be held if the Inspector chooses to do so. In the circumstances the SWDP cannot yet be declared sound and cannot be adopted. It is not yet, therefore, part of the development plan. Having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Strategic Infrastructure and Economy, that little weight will be attached to the SWDP in the determination of this application. The draft SWDP policies that are relevant to the proposal are listed below:

Policy SWDP 1 Overarching Sustainable Development Principles  
Policy SWDP 2 Development Strategy and Settlement Hierarchy  
Policy SWDP 3 Employment, Housing and Retail Provision Requirements and Delivery  
Policy SWDP 4 Moving Around South Worcestershire  
Policy SWDP 5 Green Infrastructure  
Policy SWDP 6 Historic Environment  
Policy SWDP 8 Providing the Right Land and Buildings for Jobs  
Policy SWDP 12 Rural Employment  
Policy SWDP 21 Design  
Policy SWDP 22 Biodiversity and Geodiversity  
Policy SWDP 24 Management of the Historic Environment  
Policy SWDP 25 Landscape Character  
Policy SWDP 28 Management of Flood Risk  
Policy SWDP 29 Sustainable Drainage Systems  
Policy SWDP 30 Water Resources, Efficiency and Treatment  
Policy SWDP 31 Pollution and Land Instability  
Policy SWDP 32 Minerals

#### **Waste Management Plan for England (2013)**

40. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

41. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the

landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

42. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

43. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

44. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

#### **The Government Review of Waste Policy England 2011**

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

### **Consultations**

46. **Grimley Parish Council** strongly objects to the proposals for the following reasons:

- The quarry and recycling plant operators are in breach of the temporary planning permission reference 407540. The consent to permit recycling on Church Farm Quarry was conjoined to the extraction of minerals on Retreat Farm and Church Farm East. The operation ran for 12 to 18 months only. The operators have failed to discharge a condition requiring the land to be restored following that activity
- The application is not in accordance with the Waste Core Strategy. The applicant has not provided material considerations that allow a departure from the development plan
- The application site does not fall within Level 1: Worcester of the Geographic Hierarchy for waste management, as set out in the Waste Core Strategy.
- The application site should not be considered as previously developed land or an extant quarry/recycling facility. The application site should be regarded as a greenfield site
- The application was not subject to any form of Screening for an Environmental Impact Assessment
- The application should not have been validated without a Transport Statement or Assessment
- Reservations regarding the predicted vehicle movements of 30 to 40 per day.

- The application site is surrounded by habitats worthy of preservation and enhancement such as ancient woodland, river terraces, ponds and farmland with hedgerow margins
- The Landscape and Visual Impact Assessment submitted with the application has a number of fundamental shortcomings.
- The Noise and Air Quality Assessments submitted are inadequate and do not cover all matters and potential scenarios
- No information on health and safety has been submitted
- The ecological impact has been assessed, but there is no obvious or robust assessment of what alternatives are available. Ecological impact should first and foremost be avoided
- There has been no form of public consultation.

47. **Holt Parish Council** strongly objects to the proposal for the following reasons:

- Holt and Grimley have suffered sand and gravel extraction at Church Farm South and other locations for over 40 years. Should Worcestershire County Council grant planning permission it would be contrary to the conditions of the extant minerals permission, which requires the site to be restored
- It is understood that Tarmac has been instructed to stop dismantling the heavy plant and the removal of hardcore from the site, whilst this planning application is pending. The restoration of the site, has therefore, been halted and as a consequence is unlikely to be restored within 12 months of the cessation of quarrying activities. This is a breach of condition and should be investigated
- The existing road infrastructure at Holt is inadequate for the increase in HGV traffic. Furthermore, the mini roundabout located at the junction of the A4133 and School Lane is inadequate for large vehicles, being too small for them to negotiate. It is considered this would result in a serious accident at this location.
- Any vehicles travelling east would have to cross Holt Fleet Bridge, thus creating further traffic issues, as the bridge is narrow and not designed for HGV vehicles. Furthermore, this increased traffic would put strain on the bridge, which has had to be repaired in the recent past
- The increased traffic would have a negative effect on all the residents within the parish, and would have adverse noise, air pollution and health impacts
- The applicant's submission assumes that given the County Planning Authority granted planning permission for an aggregate recycling facility in 2002 (Ref: 407540) that the site is deemed suitable for such purposes. This is incorrect, as the 407540 permission was for a finite time only, and did not include the importation of waste. It was granted only for the processing of materials that were extracted from the adjacent minerals site
- The applicant states that the proposal would generate 10 jobs. There is no evidence that these jobs would be available for local residents
- The proposed operating hours are unacceptable
- There would be an increase in traffic over and above the former quarrying activities at this site
- The Parish Council dispute the need for the facility, given that a large number of planning permissions are for greenfield sites, thus negating the need for waste management
- The proposal is contrary to the Worcestershire Waste Core Strategy Policy WCS 6

- Concerns that this would become the applicant's main operating centre, resulting in even more HGV traffic than is being detailed within the application.
- The applicant did not carry out public consultation.

48. Holt Parish Council also responded jointly with Grimley Parish Council, objecting for the same reasons as set out in the Grimley Parish Council comments (see above).

49. **Hallow Parish Council (Neighbouring Parish Council)** objects to the proposal. They are concerned regarding the impacts upon neighbouring Parish of Grimley and on Grimley School (Children who live in Hallow but attend the school), which is located in close proximity to the application site.

50. They consider that the proposal would result in an unacceptable increase in traffic through narrow country roads and along the A443, which passes through Hallow village, and would have an adverse impact on highways safety, traffic noise and dust originating from laden vehicles.

51. In the event the County Council is minded to grant planning permission they request that conditions are imposed, which limit the operating times to weekdays, Saturday mornings and no working on Sundays; and limit the number of vehicles that are permitted to access the site each week.

52. **Malvern Hills District Council** has stated that they have no comments to make on this proposal.

53. **Worcestershire County Council Minerals and Waste Management Planning Policy Officer** comments that this application has highlighted a discrepancy in the adopted Waste Core Strategy for Worcestershire between the Geographic Hierarchy shown on Figure 14, the Spatial Strategy, and the areas of search highlighted in Annex A of the Waste Core Strategy.

54. When looking at the location of the site in relation to district boundaries, it is clear from Figure 14 that this is outside of the Level 1 'Worcester zone' of the Geographic Hierarchy and is in fact in Level 5. The officer acknowledge that there is some ambiguity in terms of the availability of suitable land. The applicant has highlighted that Annex A of the Waste Core Strategy lists two areas of search as being in Level 1, which are adjacent to the application site, namely Ball Mill Top Business Park and Top Barn Business Park.

55. However, from the waste arisings, resource demand and onward treatment aspect, it can clearly be seen that the location of this application cannot be considered to be in Level 1:

- The location is not within an area with concentrated commercial and industrial waste arisings as shown in Figure 5 in the Waste Core Strategy, and is outside of the urban area of Worcester City from which a concentration of municipal solid waste and construction and demolition waste can be expected
- The location is not in an area with concentrated resource demand as shown in Figure 9 of the Waste Core Strategy
- The location does not benefit from clustering opportunities with existing waste management facilities or end-users of the proposed waste management process

- The Central Technology Belt which was promoted in the Economic Strategy for Worcestershire incorporates Worcester and Malvern, focused on high-tech businesses
- The proposed development is not in a location proposed for significant future development.

56. The areas of search do not have a prominent role in the Waste Core Strategy, having been used as an indicator to assess the deliverability of the plan. The policies in the plan refer to the Geographic Hierarchy set out in the Spatial Strategy and it is considered that Figure 14 should be given significantly more weight in decision making than the areas of search listed in Annex A. The officer confirms that they will consider the ambiguities highlighted in the Annual Monitoring Report.

57. **Historic England** has no objections, commenting that the proposal affects land which is north of the village of Grimley. Grimley has two scheduled monuments and the Church of St Bartholomew which is Grade II\* Listed. The scheduled monument closest to the site is the group of enclosures north of the church. There is evidence of a Romano-British farmstead having once existed here.

58. While the setting of the scheduled monuments is difficult to define it seems clear that the proposal would not have an adverse impact upon their setting. The proposal is within the worked out quarry area. It would put to good use land which would otherwise be redundant.

59. Historic England go on to state that this planning application should be determined in accordance with national and local policy guidance. They recommended that the specialist conservation advice of the District Council's Conservation Officer should be sought.

60. **The County Archaeologist** has no objections, stating they do not consider that there would be an impact on the Historic Environment due to the proposal being carried out in an already worked out area.

61. **The Environment Agency** comments that the proposal would require a bespoke Environmental Permit. The Environmental Permit would control general management and operations including waste types, emission (including odour, noise and vibration); and impacts to the water environment.

62. Given the proximity to the Grimley Brick Pits SSSI, they recommend that Natural England is consulted. They also recommend that the Lead Local Flood Authority (LLFA) is consulted with regards to flood risk and that Worcestershire Regulatory Services are consulted with regards to statutory nuisance.

63. With regard to the Water Framework Directive (WFD) the site falls within the catchment of the 'Grimley Brook source to confluence with River Severn'. The proposal should not result in a deterioration of WFD status and seek to improve it to help meet the objective of 'good status' by 2027.

64. The planning application does not consider the potential for waterborne pollution arising out of the proposed operations, with an explanation of how any mitigation measures can manage the risks where necessary.

65. The Environmental Permit would require waste to be stored on an impermeable hard standing with a sealed drainage system. The only direct discharges to controlled waters should be clean surface water from the roofs of any buildings or from areas not used for storage of waste. Moreover, a silt trap will ordinarily be required to enable suspended solids to be removed prior to discharging surface water into the Grimley Brook. An effective drainage scheme to control water quality will be secured as part of the Environmental Permit.

66. Given that fuel is likely to be stored on site. They recommend the imposition of a condition requiring fuel tanks to be double-bunded.

67. They confirm that a detailed noise assessment and dust management plan would be a requirement of any Environmental Permit.

68. **Public Health England** has no objections to the proposal, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

69. They also note that the applicant is required to apply to the Environment Agency for a bespoke Environmental Permit. If issued, the permit would set out operating requirements which must be complied with to protect the environment and public health.

70. **Worcestershire Regulatory Services (Environmental Health Officer)** has no objections, stating that the additional information submitted by the applicant regarding noise from the crusher operating confirms the calculations are representative.

71. They note that the bund would help minimise background noise creep at the nearby receptor(s), but the Noise Report does state that noise from the operation of the crusher would be no more than the existing background noise level which would suggest that complaints would be unlikely even without the proposed bund.

72. **Worcestershire Regulatory Services (Air Quality)** has no objections to the proposal and confirms that they are satisfied with the content and findings of the submitted Air Quality Assessment.

73. **South Worcestershire Land Drainage Partnership** has no objections to the proposals with respect to flood risk, but due to the scale of the proposed development statutory consultation with the Lead Local Flood Authority is required on the drainage strategy.

74. **Lead Local Flood Authority** has no objections, subject to the imposition of conditions requiring the submission of a detailed foul and surface water drainage scheme and the submission of a sustainable drainage (SuDS) management plan, which shall include maintenance schedules for all SuDS features.

75. **Severn Trent Water Limited** has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

76. **Forestry Commission** states that the application is within 500 metres of ancient semi-natural woodland, however, the scale of the proposal is such that there would be no effect on the woodland. Consequently, the Forestry Commission has no objections to the proposal.

77. They also note that it is Government policy to replace any trees that would be lost through development and ask the County Planning Authority to take this into account when determining the planning application.

78. **The County Footpath Officer** has no objection, stating that the proposal would affect the Public Right of Way of Footpath GM-600 and a permissive route of the Severn Way, which is a popular recreational route. They consider that the proposal should have no detrimental effect on the Public Rights of Way, subject to the applicant adhering to their obligations to the Public Rights of Way.

79. They also comment that there appears to be some demand for the applicant to move the permissive route of the Severn Way onto land in their control and even to formalise it through a Creation Agreement. While there may be some benefits of doing this, they consider it does not need to be imposed as a condition, should planning permission be granted.

80. **The Ramblers Association** objects to the proposal, as they consider it is harmful to the countryside and to an important national recreational trail (the Severn Way Long Distance Trail).

81. They consider that the effect of this application would be to place the quarry operators in a situation where they would not be required to fulfil their obligations under their extant planning permission to restore the land. In their view, this application has to be judged against environmental circumstances as they would have been prior to commencement of quarrying or after restoration works are completed. Consequently, this application would lead to a retrograde situation. Walkers and local people who would have been hopeful that conditions would improve on cessation of quarrying would be disappointed. They do not believe that it would be right to utilise the logic that because this site is now despoiled it is a fit place for this commercial use.

82. The applicant notes that planning permission was granted in 2003 for a similar proposal. They argue that this demonstrates that the County Planning Authority considered the use to be acceptable. The Ramblers Association disagree with the applicant's logic. They consider that the County Planning Authority required the materials reclamation operation to cease when quarrying and its similar ancillary uses stopped. This clearly demonstrates that the County Planning Authority did not think that it was an acceptable use in this location. Unlike quarrying, material reclamation is much more 'foot loose' and can be located in a range of more suitable locations. This site either before the commencement of quarrying or after restoration would not be a suitable site even when the important sustainable aspect of the application is taken into account.

83. With regards to the proposed retention of the permissive path which surrounds the application site. They note that the majority of the permissive path is outside the control of the applicant. A permissive path in these circumstances is clearly

vulnerable, as permissive rights can be withdrawn by the landowner at any time. Legal security is required which cannot be provided by Permissive status.

84. They recommend that if the County Planning Authority is minded to grant planning permission conditions are imposed to ensure the safety of walkers on Footpath GM-600. They consider it is not acceptable that walkers should feel intimidated and deterred from using a Public Right of Way because of the nature of activities that may have been approved. They also request that a condition be imposed requiring the applicant to provide the Severn Way diversion path on land within their control and for the County Council to enter into a Creation Agreement with the landowner/applicant under Section 25 of the Highways Act 1980 to dedicate it as a Public Right of Way.

85. **Malvern Hills District Footpath Society** has no objections, stating that their interest is in the Public Rights of Way proposals. Of particular importance are the Severn Way, Footpath GM-600, which passes through the proposed site and the existing permissive paths. During the site's previous use as an operations hub for the sand and gravel extraction the permissive path was a very welcomed alternative to avoid the quarrying operations and was much used by the public. They similarly expect that the public from both enjoyment and safety considerations will wish to avoid the proposed recycling operations area.

86. They note that the existing permissive path could be withdrawn at any time by the landowner and consider it would be a benefit to the applicant if they could control the availability of the Permissive Path and thus minimise usage of the legal GM-600 through his working area.

87. **The County Highways Officer** has no objections. She comments that the existing quarry access from the A443 road has good visibility in excess of 200 metres in both directions. The applicant states that the proposal would generate an average of about 30 to 40 vehicular per day (15 - 20 vehicles entering and 15 - 20 exiting the site per day). The applicant has confirmed that they operate a total of 12 lorries each with a load capacity of 20 tonnes. About 92 vehicle movements per day (about 46 HGV's entering and 46 HGV's exiting the site per day) based on the site being operational for 275 working days per year were associated with the transportation of sand and gravel from the previous mineral extraction operations.

88. It is noted that the applicant proposes to process a maximum of 151,800 tonnes per annum of construction and demolition wastes. On the assumption the facility would operate for about 275 working days a year, with an average load of about 20 tonnes per vehicle, this would equate to about 27 - 28 vehicles entering and about 27 - 28 vehicles exiting the site per day. Whilst this is more vehicle movements that the applicant has predicted, it is noted that this would be based on the maximum throughput, which the site may not reach initially. However, this number of vehicle movements is less than that associated with the previous mineral extraction operations at the site. Therefore, it is considered that this proposal would result in less vehicle trips than that associated with the previous mineral extraction operations on this site at its peak and does not result in a detrimental impact on the transport network.



89. **The County Landscape Officer** objects to the proposal in principle as a departure from the approved restoration scheme (woodland creation), stating that:

- The extant Church Farm South planning permission requires the plant area (this application site) to be restored to nature conservation compatible with the restoration of the remainder of the Grimley quarries where extensive areas of wildlife habitat have been created. The proposed land use is not compatible with the approved vision of nature conservation and farming in harmony with controlled public access
- The proposed bund is an incongruous element in the landscape. This is generally a flat landscape where an artificial engineered bund will inevitably be a visual intrusion and incongruous in the landscape. The fact that it will partially screen buildings, lorry movement and plant which is even more incongruous in the landscape is irrelevant as neither is acceptable. Slopes of 1:1 are potentially unstable and may be subject to localised erosion. Slopes of 1:2.5 will dry out quickly and will not readily support a thriving tree or shrub layer
- The creation of such a large bund so close to existing trees may also compromise their wellbeing through ground compaction and changes to available light, water and nutrients. The amended Landscape Masterplan shows the base of the bund well within the tree canopy of existing trees. If this is to be pulled away from the trees, the bund must be re-positioned rather than made steeper
- Many of the conclusions of the submitted Landscape and Visual Impact Assessment are not pertinent as they relate to the existing site condition and not to the restored site which should be the baseline condition
- They consider that this proposal would cause damage to the biodiversity potential of the restored site by allowing damaging development and land use activity
- It is apparent that these proposals would not be sympathetic to the rural and tranquil character of the landscape and neither can they demonstrate that they would safeguard, restore or enhance the post-restoration character of the landscape.

90. **The County Ecologist** objects to the proposal as they consider whilst there may be a number of laudable compensation measures proposed to address some of the anticipated biodiversity losses, they consider the proposal would not achieve a net gain for biodiversity, in comparison to the approved Restoration Strategy.

91. In comparing the current restoration proposals to the approved Restoration Strategy, the net result would appear to be a loss of approximately 2.8 hectares of native broadleaved woodland, and a loss of around 0.44 hectares of species rich grassland.

92. Impact avoidance measures have been proposed, including retention of some of the habitats and features considered to hold biodiversity value. Compensation measures proposed include additional planting of native hedgerow and inclusion of features designed to promote bat and bird roosting/nesting opportunities: a green wall (as part of the acoustic fencing, "*where feasible*") and a brown roof. The identification/division and quantification of compensation and enhancement measures in comparison to avoidance and mitigation measures is unclear within the supporting documentation. For instance, by caveating the inclusion of a green wall '*where feasible*', the application has failed to establish the parameters of the proposed compensation measure. If this is a measure which is capable of being secured, the application must adequately and cohesively establish the detail of the proposal (e.g. providing planting lists/density/after-care/total length).

93. The County Ecologist considers that the scheme must achieve at the very least 'no net loss' for biodiversity, and preferably demonstrate 'net gain' for biodiversity over the approved Restoration Strategy in order to be acceptable. Therefore, they consider that until those measures which are capable of being implemented are clearly distinguished, and appropriate specification has been provided, it is not possible to determine the acceptability of the proposal. The County Ecologist considers there is a gap in detail submitted by the applicant regarding decommissioning and restoration of the site (at the end-of-life of this proposal). These specifications are critical to demonstrate how the proposal could be favourably assessed as achieving 'no-net-loss for biodiversity' in comparison to the approved restoration plan. Separate to the mitigation and compensation measures specified within the 'ecological enhancement plan', which are designed to address direct impacts (e.g. land-take of area to be restored) and indirect impacts (e.g. disturbance of wildlife in the surrounding restored landscape) during the proposal's operational phase, the County Ecologist considers a commitment from the applicant to an appropriate decommissioning and landscaping specification is critical in demonstrating how the nature conservation value of the site would confidently and securely achieve 'no-net-loss for biodiversity' in perpetuity (i.e. in comparison with the approved restoration strategy).

94. The County Ecologist encourages the submission of further detail on pollution prevention strategies, and welcome exploration of a meaningful multiple-stage Sustainable Drainage (SuDS) design, which includes elements such as the oil/petrol interceptors.

95. However, should the County Planning Authority be minded to grant planning permission the County Ecologist recommends the imposition of conditions requiring a lighting strategy, remediation of invasive species, details of seed mixes and planting, arrangements for planting maintenance and replacements covering a period of no less than 5 years, a Habitat Management Plan, and securing the recommendations of the submitted Ecological Construction Method Statement.

96. **Worcestershire Wildlife Trust** has no comments.

97. **Natural England** has no objections, noting that this application is within 500 metres of the Grimley Brick Pits SSSI. They are satisfied that the proposed development would not damage or destroy the interest features for which the site has been notified. The applicant proposes a silt trap to protect the watercourse, which feeds Grimley Brick Pits SSSI from pollutants. They believe this would

mitigate potential impacts from the proposed development. The utmost care must be taken to ensure that no pollutants enter this watercourse during construction or post construction. They recommend measures are put in place to ensure that materials or works do not encroach into the surrounding environment during both construction and operational phases. They consider a physical boundary rather than a margin would be more suitable.

98. Notwithstanding this, they would prefer to see the original option of going back to a conservation site rather than the further development of this site. This would only have a positive impact on Grimley Brick Pits SSSI.

99. Finally, Natural England expect the County Planning Authority to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- Local sites (biodiversity and geodiversity)
- Local landscape character, and
- Local or national biodiversity priority habitats and species.

100. They note that they have not assessed this application and associated documents for impacts on protected species, and refer the County Planning Authority to their Standing Advice on protected species.

101. **West Mercia Police** has no objections, stating that the level of security proposed for the compound appears to be appropriate.

102. **British Telecom (BT)** has no objections to the proposal, and confirms that according to their records the Openreach apparatus onsite serves only Church Farm Quarry and no third parties.

## Other Representations

103. The application has been advertised in the press and on site. To date 56 letters of representations objecting to the proposal have been received. In addition a petition with 116 names/addresses has been received objecting to the proposal. The letters of representation and petition are available in the Members' Support Unit. Their main comments are summarised below, including those made in the petition:

### Traffic

- The vehicular use of the application site access is creating maintenance issues (cracks and erosion) to the fishing pools site access and it is considered this problem would be exacerbated should the proposal be granted planning permission
- Extra traffic on the bridge over the Severn is not a good idea, as it has already had to be strengthened
- HGVs have been slowing traffic, causing traffic queues. It is considered that this proposal would exacerbate this situation
- Access for heavy lorries to the transport network is entirely unsuitable involving them in either having to cross the river at Holt Fleet and grind their way slowly up the hill to Ombersley or to drive through Worcester causing obstruction, delay and wear and tear on the infrastructure

- The proposal should be accompanied by a Transport Assessment.

#### Highway Safety

- The entrance to the proposed site is opposite the access to the fishing pools site, and as such is not an adequate distance from another heavily trafficked access point
- Concerns regarding highways safety due to use of HGVs on winding roads.
- Would exacerbate the number of accidents on the A443
- Site access and infrastructure are inadequate
- Access for heavy lorries to the transport network is entirely unsuitable involving them in either having to cross the river at Holt Fleet and grind their way slowly up the hill to Ombersley or to drive through Worcester causing obstruction, delay and wear and tear on the infrastructure
- Increase in mud and debris deposited on the roads.

#### Public Rights of Way

- Adverse impact on amenity of Public Rights of Way
- The proposal is contrary to the Worcestershire Local Transport Plan 3, Rights of Way Improvement Plan.

#### Amenity

- Adverse impact on residential amenity and enjoyment of dwellings
- Adverse impact upon amenity of local businesses due to extra traffic, noise dust and pollution
- The operating hours should be reduced to between 8:00 and 18:00 hours Mondays to Fridays.

#### Proximity to Holiday Lodges

- Holt Pool Fishing has approval for 9 holiday lodges. These are situated about 400 metres from the entrance to the application site. It is considered that the proposal would cause an adverse impact upon these lodges in terms of noise, dust, traffic and general inconvenience.

#### Impact on School

- Considered that the proposal would adversely impact on the whole school community. The proposal would cause noise, dust and pollution which would be detrimental to children's' health, wellbeing and learning outcomes.

#### Noise

- The submitted Noise Assessment does not take account of crushing plant noise, which can be severe and perpetual
- Concerns regarding the assumptions and conclusions of the Noise Assessment.
- Increase in noise pollution.

#### Dust

- Concerns that dust generated by the proposal would have an adverse impact to the quality of water and health of fish at the nearby fishing pools
- Increase in dust pollution, which is already unacceptable, with dust regularly settling on properties and vehicles
- Concerns regarding the impact of dust on the nearby ancient woodland.

- Observation of Pencroft Ltd lorries suggests that they are never covered. It would, therefore, appear unlikely that they would be covered in future.

#### Pollution and contamination

- Increase in pollution
- Concerns regarding the material to be imported into the site, in particular the potential for contamination with hazardous materials such as asbestos and lead.

#### Light Pollution

- The applicant proposes to operate between 07:00 hours to 19:00 hours Mondays to Fridays and 7am to 13:00 hours on Saturdays. During winter months there will be a need for lighting. In addition security lighting may be required, which would create light pollution to the Village of Grimley that has no street lighting.

#### Air turbulence

- The application submission makes no reference to air turbulence caused by concrete crushing machinery.

#### Health Impacts

- Concerns that the increase in dust pollution will affect human health, particularly to those suffering from asthma. A Doctors letter was also enclosed with one letter of representation stating that: *"I believe there are grounds for concern that an increase in atmospheric dust would be detrimental to their health in terms of worsening asthma symptoms"*.

#### Adverse impact upon wildlife

- The proposal would have an adverse effect on the environment, which currently provides a home for many birds, as well as wildlife
- Any reference to ecological enhancement or restoration is irrelevant as this is due to happen under the extant planning permissions
- Concerns regarding proximity to Site of Special Scientific Interest (SSSI).

#### Landscape and Visual Impact

- The landscape character would be permanently harmed
- A wholly inadequate Landscape and Visual Impact Assessment has been submitted which does not consider the impact of a proposed 2.4 metre high palisade fence that would surround the site
- The Landscape and Visual Impact Assessment states that (Assessment Conclusions para 7.5) *"the site has been identified during the Waste Core Strategy 2012 to 2027 as a potential location for future recycling"*. This is not true, Church farm Quarry does not appear within the list, or elsewhere within the Waste Core Strategy
- The proposed workshop appears excessively large for such a site.

#### Rural Location

- Unsuitable for this greenfield land, rural location
- The application should be located on brownfield land/an industrial estate.

#### Restoration

- The extant quarry planning permission required the site to be restored to agriculture and woodland. It is considered that this should be honoured

- Unlike all previous applications associated with the mineral workings, this application is not limited in time and would effectively constitute a permanent change of use (with a risk of incremental growth and development) totally incompatible with the area
- Lafarge Tarmac should be required to complete the site restoration immediately.

#### Health and safety

- Health and safety risk with the delay in removing the existing fixed plant, which is now surrounded by a fence which is totally inadequate to keep youths out during the school summer holidays.

#### Baseline

- The proposal represents a very large intensification of land use to the previous approved operations and when compared to the correct baseline (Agricultural land and woodland)
- The expired temporary permission, which was granted 13 years ago for a little used aggregates recycling facility as part of the then existing quarry works is irrelevant to the determination of the proposal
- The application is misleading, as it is titled: "*retention of facility for (sustainable) Materials recycling Facility, Workshop Building and Ecological Restoration and Enhancement*". This is not existing, but is a proposed new facility.

#### Community Benefit

- The proposal has no community benefit.

#### Planning Policy

- Contrary to Worcestershire County Council's Waste Core Strategy, in particular Policies WCS 6, WCS 7, WCS 8, WCS 15 and Objectives WO2, WO3, WO6 and WO8
- The application site is situated too far from the likely source of waste arisings and end users
- The application site is not located within an appropriate zone in the Waste Core Strategy, as shown in Annex A: Areas of Search (Table 16) and Figure 14.
- The proposed development is not a compatible land use as identified in the Waste Core Strategy
- Considered no operational relationship between proposal and the application site.
- Conflicts with the Green Infrastructure Strategy
- Conflicts with the adopted County of Hereford and Worcester Minerals Local Plan.

#### Public Consultation

- Concerns that no proper notice has been given to local residents.
- Disappointed and dismayed that the applicant has not undertaken pre-application public consultation, as required by Policy WCS 15 of the Waste Core Strategy.

#### Impact on tourism

- Concerns that the local tourism generated from wildlife and tranquillity of the area would likely to be lost due to noise and pollution generated by the proposal.

### Compensation

- Should planning permission be granted compensation measures via Section 106 should be provided by the applicant, such as improvement of the school, provision of a village green, build a village hall, extension of land with the Church to form a cemetery, extensions to the village footpath network, and/or reinstatement of orchards adjacent to the village as a community asset.

### House Prices

- Concerns regarding the ability to market residential properties should local residents wish to move in the future; and detrimental impact on house prices.

## **The Head of Strategic Infrastructure and Economy's Comments**

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

### **The waste hierarchy**

105. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

106. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013).

107. The Head of Strategic Infrastructure and Economy considers that as the proposed aggregates material recycling facility would involve recycling and reusing construction and demolition wastes that it would comply with the objectives of the waste hierarchy. Furthermore, it is considered that the proposal would make a significant contribution to conserving primary aggregates, through the substitution of recycled aggregates and recycled soils into the market, in accordance with paragraph 143 of the NPPF relating to facilitating the sustainable use of minerals.

### **Location of the development**

108. The application site is located on the site of an existing minerals processing plant area, which is due to be removed and the land restored due to the cessation of

mineral extraction. A number of letters of representation and comments from Grimley Parish Council and Holt Parish Council consider that the proposal does not accord with the locational policies of the Worcestershire Waste Core Strategy.

109. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 4 identifies possible suitable sites for waste management, this includes industrial sites, opportunities for co-location, re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

110. The Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

111. Policy WCS 3 of the Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste, including treatment, storage, sorting and transfer facilities, to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

112. The applicant considers that the proposal is located within Level 1 (the highest level) of the Geographic Hierarchy stating:

*"The proposed development is located within Geographic Hierarchy Level 1: Worcester Zone. It is unfortunate that Figure 14 of the Waste Core Strategy does not depict accurate boundaries. It must be concluded that the site is within the Worcester Zone by virtue of the inclusion of the site in the Worcestershire Waste Core Strategy Background Document: Developing the Spatial Strategy 'Areas of Search'. The site is presented on page 89 of the document in table 15 titled 'Areas of Search' as site number 14 under Worcester and its expansion areas".*

113. The applicant also states that *"there are no other facilities of this nature in the local area and the application site is centrally located to serve Worcester City, Kidderminster, Redditch and Hereford"*, and has submitted plans that show the application site in relation to large contracts won and material deliveries (soils and recycled type 1 aggregates – up to 40mm is size; and recycled 6F2 crushed hardcore – up to 75mm) by the applicant in the last three years.

114. Annex A: 'Areas of Search' of the Worcestershire Waste Core Strategy identifies 58 areas of search as being potentially suitable for most waste management facilities, subject to consideration of the details of specific proposals. These locations were assessed against basic criteria relating to compatible land uses, infrastructure constraints and transport links. They have been used to assess



the deliverability of the Waste Core Strategy and could be used to guide developers in searching for suitable locations. Any proposals would, however, need to be fully assessed against the policies in the Development Plan.

115. It is noted that Annex A of the Waste Core Strategy does not identify the application site within these 58 areas of search, however, it does refer to two sites 'Ball Mill Top Business Centre' and 'Top Barn Business Centre' located approximately 390 metres to the south-west and 520 metres to the north respectively. These sites according to Annex A are located within Level 1 of the geographic hierarchy. Based on Annex A alone it would not be unreasonable to assume that the application site is located within Level 1 of the geographic hierarchy, given the proximity to Ball Mill Top Business Centre and Top Barn Business Centre. However, the approach taken by the Waste Core Strategy and as dictated in Policy WCS 3 is that of a spatial strategy based on the Geographic Hierarchy that would direct development in a sequential manner, rather than the approach of areas of search. Policy WCS 3 refers to the Geographic Hierarchy and the supporting text refers applicants to Figure 14: Key Diagram, which shows the levels of the Geographic Hierarchy. According to Figure 14 the application site is located within Level 5: All other areas, rather than Level 1 of the Geographic Hierarchy. Therefore, there appears to be a discrepancy within the Waste Core Strategy.

116. Based on the examination of Figure 5 'Patterns of C & I Arisings in Worcestershire' and Figure 9 'Patterns of resource demand for organics, energy and recycle in Worcestershire' of the Waste Core Strategy, which informed the production of the Geographic Hierarchy and spatial strategy, it would appear that the proposal is located within Level 5. Therefore, it would appear that reference to Ball Mill Top Business Centre and Top Barn Business Centre as within Level 1 of the Geographic Hierarchy within Annex A is an error. Furthermore, this conclusion is supported by the County Minerals and Waste Management Planning Policy Officer, who has commented further in respect of the evidence base that informed the Geographic Hierarchy, stating that this location does not benefit from clustering opportunities with existing waste management facilities or end-users of the proposed waste management process. The Central Technology Belt which was promoted in the Economic Strategy for Worcestershire incorporates Worcester and Malvern, focused on high-tech businesses; and the proposed development is not in a location proposed for significant future development. The officer states that the areas of search do not have a prominent role in the Waste Core Strategy, having been used as an indicator to assess the deliverability of the plan. The policies in the plan refer to the Geographic Hierarchy set out in the Spatial Strategy and it is considered that Figure 14 should be given significantly more weight in decision making than the areas of search listed in Annex A.

117. The Head of Strategic Infrastructure and Economy anticipates that this discrepancy will be taken into account in the Annual Monitoring Report (AMR) and that the Waste Core Strategy will be amended at the first review of the plan. Notwithstanding this, given the discrepancy within the Waste Core Strategy it is not considered that the apparent non-conformity with Policy WCS 3 constitutes a refusal reason in this instance.

118. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs re-

use and recycling facilities, such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes as long as they are enclosed. It also directs enclosed re-use and recycling sites to active mineral workings or landfill sites; land within or adjoining a waste water treatment works; or co-location with producers, end users or other complementary activities, where strongly justified. Greenfield land is stated as not being a compatible land use.

119. The applicant states that: "*Policy WCS 6: Compatible land Uses, categorises the types of land that may be able to support proposals for new waste management facilities. Table 7 lists eight land types, none of which apply to this application site.*

120. *The application site is a disused mineral extraction site. It is recognised that there is a restoration scheme approved that would be expected to be implemented, but at the time of this application the site is not a greenfield site. There has to be a pragmatic approach applied to this assessment. The restoration scheme remains a proposal until such a time that it is fully implemented. There is no absolute guarantee that the proposed restoration scheme will be implemented successfully and there is no certainty as to the outcome that may be achieved in respect of quality, success or timescale. At the time of this application the site has the very distinctive characteristics of a redundant mineral extraction site. The site contains various buildings, pieces of plant machinery and service roads and is covered in concrete hardstanding. Redundant or disused mineral extraction site is not a land type listed in table 7.*

121. *As the specific land type of the application site is not listed in table 7, the rigid application of Policy WCS 6 is simply not possible. Instead, a more pragmatic approach is necessary having regard to the explanatory text and the purpose of the Policy.*

122. *It is clear that the Policy is intended to direct waste management processes to the most appropriate locations and land types in order to minimise conflict and harm. The submitted Landscape and Visual Impact Assessment Report assesses in detail the impact of the proposed development on the existing landscape. The results of this assessment are compelling. Paragraph 7.2 of the report...concludes that it is considered that the proposed scheme will have a high beneficial effect in comparison to the previous operation".*

123. It is considered that the proposal would not be in accordance with Policy WCS 6, as the proposal would be sited within the open countryside on greenfield land. Annex 2 of the NPPF specifically excludes sites for mineral extraction from the definition of previously developed land, stating:

*"Previously developed land: This excludes: ...land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures".*

124. Whilst the applicant suggests that the application site is that of a disused mineral extraction site. It is considered that Church Farm West (Ref: 407632) has been restored and that mineral extraction ceased from Church Farm South (Ref: APP/E1855/A/09/2105051) in November 2014, and is currently undergoing

restoration. Both of these planning permissions imposed conditions, which required the plant and buildings to be removed within 12 months of the completion of mineral extraction, and the land to be restored. The approved restoration scheme for the application site is covered by Condition 40 of planning permission ( Appeal Reference : APP/E1855/A/09/2105051) which requires the application site to be restored to predominantly broadleaf woodland, together with species rich grassland and open water.

125. With regards to the definition of previously development land contained within the NPPF it is considered that the above demonstrates that the application site is one *"where provision for restoration has been made through development control procedures"*.

126. In view of this, it is considered that the application site constitutes greenfield land. There is no evidence submitted with the application as to why the proposal has to be sited on greenfield land and to whether the applicant has considered siting the proposed development on land set out as compatible in Policy WCS 6.

127. It is noted that Policy WCS 6 identifies 'active mineral workings' as a compatible land use where a strong clear operational relationship is demonstrated. Policy WCS 7 states that where waste management proposals are operationally related to or located on a mineral working...permission will only be granted for a temporary period commensurate with the permitted use on site; and where they do not have an adverse impact on the restoration of the site. The applicant has not submitted any evidence to suggest an operational link between the proposal and the now completed minerals workings. Furthermore, as outlined above, it is considered that mineral extraction has now ceased and the site is undergoing restoration.

128. As a result, the proposed development is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy.

129. The applicant also states that *"on 2nd May 2002 planning permission 407540 was granted for the use of part of this application site for 'aggregates recycling facility and associated agricultural improvements'. The permission was conditioned to conjoin the recycling use with the gravel and mineral extraction use. This application proposes a very similar operation. Clearly the fact that a planning permission was granted for aggregate recycling suggests that the County Council deemed the site suitable for such purposes having considered such factors as location, residential amenity, landscape and ecology"*.

130. Planning permission 407540 was commenced, but it is understood that it closed due to lack of construction and demolition waste materials. Condition 3 of this permission required the approved aggregates recycling facility to be removed from site when the adjacent sand and gravel processing plant ceased processing material obtained from the approved extraction areas at Church Farm East. Church Farm East has ceased extraction and was restored in 2010/11. Consequently, planning permission 407540 has now expired. The applicant suggests that the fact that the County Planning Authority granted planning permission for an aggregates recycling facility on this site has set a precedent.

131. However, it is considered that the proposed development is substantially different from that of planning permission 407540, in that the approved scheme was operationally related to an associated agricultural improvement scheme (part of the previously restored quarry), was time limited to the operational life of the mineral workings (Condition 3); related to a much smaller parcel of land measuring approximately 2.4 hectares in area (compared to this application site of approximately 6.5 hectares). Furthermore, the development plan has changed since the determination of the approved scheme and the Head of Strategic Infrastructure and Economy advises Members that applications should be determined on their own merits and in accordance with the Development Plan. It is not considered planning permission reference 407540 has set a precedent for an aggregate recycling facility in this location.

### **Landscape character and appearance of the local area**

132. The application site is situated within a predominantly rural setting interspersed by small villages and settlements.

133. The application site currently contains site offices (raised portakabins), staff and visitor car parking, a weighbridge, machine store, shipping containers, electricity sub-station, aggregate stockpiles, and plant all associated with the mineral extraction/processing activities, which ceased in November 2014, and are required to be removed and the land restored in accordance with the restoration scheme approved under Condition 40 of that planning permission APP/E1855/A/09/2105051. The approved restoration scheme for the application site requires the site to be restored to predominantly broadleaf woodland (approximately 4 hectares) together with species rich grassland (approximately 2 hectares) and open water (retention of the southern lagoon/pond area).

134. The Head of Strategic Infrastructure and Economy considers that in considering the impact upon character and appearance of the local area, it is critical to establish the baseline. Given that mineral extraction at Church Farm South has now ceased and the site is currently undergoing restoration, as required by condition, it is considered that the fall-back position and the baseline is that of a restored site of broadleaf woodland, together with species rich grassland and open water.

135. The application was accompanied by a Landscape Character and Visual Impact Assessment, which concludes that *"at face value it would appear that a fully restored scheme with approximately three times as much dry woodland planting and no recycling facility present would be of great benefit. But it should be noted that:*

- *If this recycling facility is no longer operational at this location (which has been identified as a suitable site) it will still need to be relocated elsewhere within the County such that it may have a more or less detrimental effect there*
- *The increase in dry woodland would entail the loss of a small area of standing water, swamp, and scrub*
- *A significant proportion of the proposed species rich grassland would require the infilling of the north pool and the felling of a large area of existing, mature wet woodland adjacent to Grimley Brook*
- *Significantly less new native hedgerows would be established*
- *No mention is made of any control measures in terms of the invasive plant species*

- *Additional habitats such as bird and bat boxes would be installed as part of the proposed scheme which do not appear to form part of the Lafarge Tarmac proposals*
- *As a result of these drawbacks (loss of habitats, lower ecological diversity) it concludes that, based purely on the landscape and amenity effects at the site itself, the applicant's scheme would only have a moderate adverse effect in comparison to the full restoration proposals".*

136. With regards to visual effects, the submitted Landscape Character and Visual Impact Assessment concludes that *"a comparison between the Proposed Scheme and the Fully Restored Scheme identified that due largely to the fact that the Proposed Scheme would not require the large mature wet woodland block to be felled, the anticipated visual effect of the Proposed Scheme is likely to be low adverse to low beneficial depending on where one views the site from"*.

137. Objections have been received from local residents regarding the impact upon the character and appearance of the local area and encroachment into the open countryside. Grimley and Holt Parish Councils also object to the proposal and raise concerns regarding the submitted Landscape Character and Visual Impact Assessment methodology. The Ramblers Association also objects to the proposal, as they consider it is harmful to the countryside.

138. The County Landscape Officer has been consulted and has raised in principle objections to the proposed development, and considers that the proposals are not sympathetic to the rural and tranquil character of the landscape.

139. The NPPF is a material consideration. Its core planning principles includes recognising and taking into account the intrinsic character and beauty of the countryside.

140. The proposed development of the 6.5 hectare site would significantly encroach in to the open countryside, resulting in the loss of greenfield land. The area of hardstanding would be extensive measuring approximately 2.5 hectares in area. The proposed new building would measure about 30 metres long by 18 metres wide by 8 metres high, equating to about 540 square metres. The applicant also proposes new plant and equipment, the proposed retention of further buildings and structures and outside storage of materials. An earth bund also is proposed measuring approximately 178 metres long by 2.5 metres wide by 7 metres high. The Head of Strategic Infrastructure and Economy is concerned that the creation of this earth bund would require a substantial importation of materials onto the site, equating to approximately 1,558 cubic metres, which equates to approximately 2,492 tonnes of soils, and would result in a permanent adverse change to the landscape.

141. Notwithstanding the applicant states that *"as the Landscape and Visual Impact Assessment photos show the proposed bund would not be positioned out in the open but would be largely hidden from view behind existing semi-mature tree and shrub planting. We acknowledge that in the early years when seen at close quarters it will be a tall green mass but that is preferable to it not being there such that the quarried material / plant / lorries would be visible and far more incongruous. Longer-term once the planting has been established then the visible bulk of the bund will be significantly reduced and we do not believe that it would be*

*incongruous. This feature also has a significant benefit with regards reducing and deflecting noise so its benefits in respect of visual screening and noise reduction outweigh any short-term negative visual impact".*

142. On the advice of the County Landscape Officer, it is considered that such a feature would not necessarily provide a visual screening feature because slopes of 1:1 are potentially unstable and may be subject to localised erosion; and the creation of such a large bund so close to existing trees may also compromise their wellbeing through ground compaction and changes to available light, water and nutrients.

143. Furthermore, the County Landscape Officer considers that the application site is generally a flat landscape where an artificial engineered bund would inevitably be a visual intrusion and incongruous in the landscape. The fact that it would partially screen buildings, lorry movement and plant which is even more incongruous in the landscape is irrelevant as neither is acceptable.

144. In view of this, it is considered that the proposed bund would in itself be an alien feature and would appear incongruous within the local landscape.

145. It is also noted that whilst the applicant proposes porous crushed stone hardstanding, the Environment Agency comment that the Environmental Permit would require waste to be stored on an impermeable hardstanding with a sealed drainage system. This would require large impermeable hardstanding areas to be constructed, which would also be a significant encroachment into the open countryside, which would otherwise be a site restored to broadleaf woodland, together with species rich grassland and open water.

146. The Malvern Hills District Local Plan recognises *"there is a need to avoid sporadic development in the countryside and support the provision of limited development to meet local needs arising from within the rural areas in sustainable rural settlements where opportunities exist to support and possibly enhance services and facilities available to rural communities"*. Consequently, the Malvern Hills District Local Plan establishes a hierarchy of settlements (from Category 1 Settlements, such as Kempsey, Tenbury and Upton to Category 4 Settlements, such as Abberley Village, Bayton and Tunnel Hill). This settlement hierarchy reflects the sustainability credentials of the District's rural settlements, directing new development to Category 1 and then Category 2 settlements. Grimley is identified as a Category 3 Settlement. Category 3 Settlements are locations where limited development to address local affordable housing needs in the form of exceptions schemes may be acceptable and settlements that have few services and facilities and low levels of public transport provision.

147. Policy DS15: 'Employment Development in Category 3 Settlements and Open Countryside' of the Malvern Hills District Local Plan states that:

*"New employment development in Category 3 Settlements and in the open countryside will only be permitted where the proposed development consists of:*

- *The re-use or conversion of existing rural buildings; or,*
- *the extension of an existing employment building; or;*
- *a farm diversification scheme;*

148. *And where:*

- *the proposal will not generate trips by heavy goods vehicles using unsuitable rural roads; and,*
- *the level of development can be clearly related to the employment needs of the local economy and local workforce".*

149. Whilst the proposed development proposes to re-use the existing weighbridge and portacabins on site, these are temporary structures, and as set out earlier in this report are required by condition to be removed and the land restored. Furthermore, the applicant proposes the construction a significant standalone new workshop building, and associated compound and significant areas of outside processing and storage. In view of this, it is considered that the proposal would not meet the criteria outlined in Policy DS15 of the Malvern Hills District Local Plan.

150. The Head of Strategic Infrastructure and Economy considers that the proposal would result in substantial encroachment into open countryside and would have an unacceptable impact upon the landscape character and quality of the local area contrary to a core principle of the NPPF as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies DS3 and DS15 of the Malvern Hills District Local Plan.

#### **Residential Amenities (noise and dust impacts)**

151. The nearest residential property is that of 'Lyndhurst' on the west side of the A443, situated about 185 metres south of the application site and about 290 metres from the proposed facility. Further residential properties associated with the northern end of the village of Grimley are located about 330 metres south-east of the application site. Grimley and Holt CE Primary School is located approximately 430 metres south-east of the proposal.

152. Letters of representation have been received from local residents and Parish Councils objecting to the proposal. Particular concern is expressed regarding noise, extent of operating hours, dust, air pollution, health impacts, and adverse impacts upon the nearby school.

153. A Noise Report and Air Quality & Dust Assessment accompanied the planning application.

154. The Air Quality and Dust Assessment concludes that the construction phase would have the potential to generate dust. It would, therefore, be necessary to implement mitigation measures to minimise dust emissions. The mitigation measures proposed include the production of a Dust Management Plan, which outlines measures such as ensuring vehicles switch off their engines when stationary, erect solid screens or barriers around dusty activities, avoid the use of diesel or petrol powered generators, minimise drop heights from loading shovels, and ensure an adequate water supply for dampening down stockpiles. Subject to these mitigation measures being implemented, the Air Quality & Dust Assessment considers that any residual effects would be insignificant. Due to the distances to dust sensitive receptors and the proposed mitigation measures, the operational dust impacts are considered to be insignificant. Proposed operational mitigation measures include the construction of an earth bund, crushing plant equipped with

water suppression, water sprinkler system on site to damp down dust, wheel washing facilities, covering of loaded vehicles, and restricting speed limits on site.

155. The Noise Report concludes that for all local receptors the characteristics of the site noise will blend in with the observed background noise on even the most quiet day, and therefore, would be below the World Health Organisations and BS8233 guidelines. The Noise Report recommends the construction of an earth bund measuring approximately 7 metres in height to further lower any noise impacts. The proposed bund would also help to remove any impulsivity (sharp sounds) of the noise, softening any characteristics.

156. The Head of Strategic Infrastructure and Economy notes that the Noise Report concludes that the proposal without the bund would still be well below ambient and background noise levels, which are less than the LOAEL and well below the WHO and BS8233 guidelines. Further noting that the bund is proposed only to further reduce any noise impact. It is also noted that Worcestershire Regulatory Services comment that the bund would help minimise background noise creep at the nearby receptor(s), but the Noise Report does state that noise from the operation of the crusher would be no more than the existing background noise level which would suggest that complaints would be unlikely even without the proposed bund.

157. The Head of Strategic Infrastructure and Economy is not clear what useful function the proposed bund would perform, in view of the fact that the submitted Noise Report considers the proposal without the proposed bund would be acceptable. Therefore, it would appear that such a feature is only being proposed as a means of achieving waste disposal on the site, contrary to Policy WCS 5: landfill and disposal of the Waste Core Strategy.

158. The supporting text to Policy WCS 5 of the Waste Core Strategy states that *"excavation activities, a normal part of the construction process, can result in considerable arisings of subsoils. In some cases, this type of waste can usefully be re-used for purposes such as flood management schemes, landscaping, levelling of sites, the construction of bunds, embankments or features for noise attenuation. However, to prevent inappropriate development, these kinds of proposals will be considered against Policy WCS 5: Landfill and disposal. The decision on whether proposals are a form of disposal will be guided by the Environment Agency's advice"*. This is contained within the document: RGN13: Defining waste recovery: permanent deposit of waste on land.

159. Appendix 1 of RGN13 gives examples of when the Environment Agency considers a particular activity could be considered a recovery operation rather than disposal operation. Appendix 1 states that *"bunds can be created for a number of purposes. Evidence must be presented that shows the bund is needed. This would include setting out the benefits that would be derived when the work is complete, and justifying that there was a genuine need for the bund...if a very large bund is proposed, but the benefits derived from installing it are marginal, this would point more towards a disposal operation"*.

160. The Head of Strategic Infrastructure and Economy is not satisfied that there would be a clear benefit derived from the construction of an earth bund, and



therefore, will consider the proposed bund against Policy WCS 5 of the Waste Core Strategy.

161. WCS 5 states that *"no capacity gap has been identified for the landfill or disposal of waste. Planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated that:*

- i. re-use, recycling, or energy or resource recovery are not practicable for waste type to be managed and no landfill or disposal capacity exists in the county for that type of waste; or*
- ii. there will be a shortfall in landfill or disposal capacity necessary to achieve the aims and purpose of the strategy; or*
- iii. the proposal is essential for operational or safety reasons or is the most appropriate option".*

162. It is considered that the applicant has not demonstrated that the proposed bund would meet any of the criteria listed above in Policy WCS 5, and would therefore appear to be a waste disposal operation contrary to Policy WCS 5 of the Waste Core Strategy.

163. Following objections raised by local residents that the Noise Report did not take into account the crushing plant noise in operation when processing material (i.e. only considered in operation with an empty machine). The applicant submitted an addendum to the Noise Report, which concluded that the findings in the original submitted Noise Report remained unchanged. A further response was provided by the applicant in response to the objections raised by Grimley and Holt Parish Councils, which concluded that the submitted Noise Report and Addendum were adequate and covered all noise matters and potential scenarios. In response to the Parish Councils' concerns regarding traffic noise, the applicant has confirmed that the predicted increase in HGV traffic would produce a 0.61dBA increase in noise, which would not be discernible to the human ear. Worcestershire Regulatory Services has been consulted and has no objections and has made no adverse comments in relation to the proposed operating hours.

164. Paragraph 122 of the NPPF states that *"local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively".* Paragraph Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that *"there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body".*

165. It is noted that the Environment Agency has raised no adverse comments, and that an Environmental Permit would be required from the Environment Agency,

which would control emissions and that a detailed noise assessment and dust management plan would be a requirement of the Environmental Permit.

166. With regards to impacts to human health, Public Health England has raised no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

167. Finally, concerns have been raised by local residents that if the proposal is granted planning permission then it would have a detrimental impact on property values in the immediate area. The Head of Strategic Infrastructure and Economy notes their concerns, but advises Members that property values are not a relevant material consideration in the determination of this planning application.

168. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions relating to operating hours, requiring a detailed lighting scheme and implementation of the mitigation measures outlined in the submitted Air Quality and Dust Assessment that there would be no adverse air pollution, noise or dust impacts on residential amenity or that of human health. The Head of Strategic Infrastructure and Economy is, however, not satisfied that there would be a clear benefit for the construction of an earth bund at this location, and therefore, it would appear to be a waste disposal operation, contrary to Policy WCS 5 of the Waste Core Strategy.

### **The Water Environment**

169. The proposed development is located within Flood Zone 1 (low probability), as identified on the Environment Agency's Indicative Flood Risk Map. The nearest watercourse is that of Grimley Brook which flows south-west to north-east towards the River Severn and forms the northern boundary of the site, flowing underneath the site access road. Consequently, a small part of the application site, in particular part of the access road is located within the Flood Zone 3 (high probability).

170. The proposed development is classed as 'less vulnerable', as identified by Table 2: 'Flood risk vulnerability classification' of the Government's PPG. Table 3: 'Flood risk vulnerability and flood zone 'compatibility' of the PPG identified that less vulnerable uses of land are considered appropriate in this zone. The NPPF states that "*when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, following the Sequential Test*".

171. With regards to the Sequential Test, the aim of which is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The application was accompanied by a Flood Risk Assessment, which states that "*as this site is in Flood Zone 1 there will be no such sites at a lower flood risk and the requirements of the Sequential Test can be met*".

172. The Flood Risk Assessment confirms that the extent of hardstanding would not be increased. The Flood Risk Assessment also considers that a review of

Sustainable Drainage Systems (SuDS) option indicates that the only option on this impermeable site is to use the existing storage and attenuation facilities. Such a system would include a connection and overflow to the same local drainage network as the existing site with a control to restrict off site flows to the existing rate. It also recommends raising the ground floor slab levels of the buildings to ensure they are not flooded in the event of a local drainage failure.

173. The Flood Risk Assessment concludes that there would be no loss of flood plain storage, no displaced water, no change in the flooding potential for adjacent sites and hence no requirement for compensatory storage. The risk of fluvial flooding of the site is low and with the ground floor level raised above local ground and road levels, no part of the building or the site is below the 100 year plus climate change flood level.

174. The Environment Agency has confirmed that the Environmental Permit would require waste to be stored on an impermeable hard standing with a sealed drainage system. The only direct discharges to controlled waters should be clean surface water from the roofs of any buildings or from areas not used for storage of waste. Moreover, a silt trap will ordinarily be required to enable suspended solids to be removed prior to discharging surface water into the Grimley Brook. An effective drainage scheme to control water quality will be secured as part of the Environmental Permit. They recommend that the Lead Local Flood Authority is consulted with regards to flood risk.

175. South Worcestershire Land Drainage Partnership has raised no objections and also recommends that the Lead Local Flood Authority is consulted. The Lead Local Flood Authority has no objections, subject to the imposition of conditions requiring the submission of a detailed foul and surface water drainage scheme and the submission of a SuDS management plan, which shall include maintenance schedules for all SuDS features. Finally, Severn Trent Water Limited has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

176. In view of this, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions that there would be no adverse effects on the water environment and considers that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy.

### **Ecology and biodiversity**

177. The planning application was accompanied by a Preliminary Ecological Appraisal, Great Crested Newt Survey Report and an Ecological Construction Method Statement.

178. The Grimley Brick Pits SSSI is located approximately 575 metres east and 590 metres south-east of the application site. The Grimley Brook LWS forms the northern boundary of the application site. The River Severn LWS is located about 725 metres east of the proposal.

179. Objections have been raised by local residents that the proposal would have an adverse effect on the environment, including wildlife and that any reference to ecological enhancement or restoration is irrelevant as the site is due to be restored

under the extant planning permissions. Concerns have also been raised regarding the proximity of the proposal to a SSSI.

180. Natural England has been consulted due to the proximity to the SSSI and has raised no objections, subject to the imposition of appropriate conditions. They confirm that they are satisfied the proposal would not have an unacceptable impact on the SSSI. Notwithstanding this, they would prefer the site to be restored, as they consider this would have a positive impact on the SSSI, rather than the further proposed development of this site.

181. The County Ecologist objects to the proposal as they consider whilst there may be a number of laudable compensation measures proposed to address some of the anticipated biodiversity losses, they consider the proposal would not achieve a net gain for biodiversity, in comparison to the approved Restoration Strategy for the site. The proposals would result in a net loss of approximately 2.8 hectares of native broadleaved woodland, and a loss of around 0.44 hectares of species rich grassland.

182. Based on the advice of the County Ecologist, the Head of Strategic Infrastructure and Economy considers that the proposal would have an adverse impact upon biodiversity, not achieving an overall net gain for biodiversity contrary to Section 11 of the NPPF, Policy WCS 9 of the Waste Core Strategy and Policies DS3 and QL19 of the Malvern Hills District Local Plan.

#### **Traffic, highway safety and impact upon the Public Rights of Way**

183. Objections have been raised by local residents, Grimley Parish Council, Holt Parish Council and Hallow Parish Council regarding traffic and highway safety, and impacts upon Public Rights of Way.

184. Vehicular access to the site is provided by means of an existing private tarmac road that leads directly from the A443, measuring about 450 metres long. This access was used by the quarry operator as the main vehicular access serving the mineral processing plant. It is considered that the access has good visibility splays in both directions. The applicant states that the proposal would generate an average of 30 to 40 vehicular movements per day (15 to 20 vehicles entering the site and 15 to 20 vehicles exiting the site per day), associated with the transportation of about 600 tonnes of material per day. The applicant has confirmed that that they operate a total of 12 lorries, with a load of 20 tonnes. Stating it is quite common, if a contract is located further afield for the vehicles to leave in the morning and not return until the evening, equating to 24 vehicles moments per day.

185. The applicant states that the proposal would result in a reduction of vehicle movements when compared to the previous quarry operations. Stating that "*Tarmac Lafarge confirmed that the quarry was exporting an average of 20,000 tonnes of sand and gravel per month*".

186. Prior to mineral extraction the combined mineral reserves of Church Farm South and West amounted to approximately 1.33 million tonnes. It was intended that this would be worked at a rate of around 250,000 tonnes per annum. This equates to approximately 92 vehicle movements per day (about 46 HGV's entering the site and 46 HGV's exiting the site per day) based on the site being operational 275 working days per year and for an average load of 20 tonnes per vehicle.

187. The Head of Strategic Infrastructure and Economy notes that the applicant is proposing that the facility would process a maximum of 151,800 tonnes per annum of construction and demolition wastes. If it was assumed the facility would be operational for about 275 working days per year, and the average load was of 20 tonnes per vehicle, this would equate to approximately 27 to 28 vehicles entering the site and about 27 to 28 vehicles exiting the site per day. Whilst this is more vehicle movements than the applicant has predicted, it is noted that this would be based on the maximum throughput, which the site may not reach initially, and in any event this is less than that of the previous mineral extraction activities at the site, and the County Highways Officer has been consulted on the proposal and has raised no objections.

188. Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety.

189. A number of Public Rights of Way are located in the vicinity of the application site, notably Footpath GM-600, which runs through the centre of the application site, and the long distance footpath of the Severn Way which is located along the northern boundary of the application site and runs along adjacent field boundaries to the east and south of the proposal. A permissive footpath which follows part of the Severn Way also runs around the northern, eastern and southern boundaries of the site.

190. Objections have been raised by the Ramblers Association who considers the proposal is harmful to the countryside and to an important national recreational trail of the Severn Way. The Ramblers Association and Malvern Hills District Footpath Society both raise concerns regarding the route of the existing permissive path, which is partly outside the application site, as the permissive path could be withdrawn at any time by the landowner. They consider it would be a benefit to the applicant if they could control the availability of the permissive path and thus minimise usage of the legal Footpath GM-600 through the application site. The Ramblers Association recommend that a condition should be imposed requiring the applicant to provide the permissive path on land within their control and for the County Council to enter into a Creation Agreement with the landowner/applicant under Section 25 of the Highways Act 1980 to dedicate it as a Public Right of Way.

191. The County Footpath Officer has been consulted and has considered the proposed Creation Agreement suggested by the Ramblers Association. The County Footpath Officer has raised no objections, subject to the applicant adhering to their obligations to the Public Rights of Way; and considers that whilst there may be some benefits of the proposed Creation Agreement, they consider it does not need to be imposed as a condition, should planning permission be granted.

192. Furthermore, the Head of Strategic Infrastructure and Economy notes paragraph 206 of the NPPF which states *"planning conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects"*. In this respect, it is considered it would not be necessary or reasonable, given that adequate provision is proposed for the legal line of Footpath GM-600 through the site.

193. The Head of Strategic Infrastructure and Economy considers that users of the Public Right of Way (Footpath GM-600) would experience a detriment and an adverse impact on their amenity and enjoyment of the Public Right of Way in the countryside, compared to the implemented restoration scheme, but acknowledges that the proposed arrangements would cater for the legal line of the Public Right of Way (Footpath GM-600).

### **Other matters**

#### Economic Impact

194. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three dimensions of economic, social and environmental. In particular the NPPF sees the economic role of planning as *"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating the development requirements, including provision of infrastructure"*.

195. In addition, the NPPF at Paragraph 19 states that the *"Government is committed to ensuring that the planning system does everything it can to support economic growth, and therefore, significant weight should be placed on the need to support economic growth through the planning system"*.

196. The applicant states that the company operate throughout Worcestershire and Herefordshire and that they currently employ a total of 22 full-time employees, should this planning application be granted a further 10 employees (full-time equivalent) would be required. By securing existing jobs and creating new opportunities, the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

#### Historic Environment

197. Historic England has been consulted due to the proximity of the proposal to Scheduled Monuments, in particular that of the 'Enclosure north of St. Bartholomew's Church', located about 160 metres south-east of the proposed development. Historic England has no objections, stating that while the setting of this monument is difficult to define it seems clear that the proposal would not have an adverse impact upon its setting. They recommend that the specialist conservation advice of the District Council is sought. Malvern Hills District Council has been consulted and wishes to make no comments on this application.

198. The County Archaeologist has also raised no objections, stating they do not believe that there would be an impact on the Historic Environment due to the proposal being carried out in an already worked out area.

199. The Head of Strategic Infrastructure and Economy considers that based on the advice of Historic England and the County Archaeologist that the proposed development would have no adverse effects on heritage assets.

### Planning Consultation

200. Concerns have been raised regarding pre-application consultation by the applicant and the consultation on the planning application, in particular with the type of consultation and its extent and length of time.

201. The statutory requirements for consultation on County Matter planning applications by local planning authorities is outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. The statutory requirement is for a site display in at least one place on or near the land to which the application relates for not less than 21 days; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

202. Six Public Notices were erected on and in the vicinity of the application site; and a Press Notice was published in the Malvern Gazette and Ledbury Reporter, giving 21 days notice. Paper copies of the submitted planning application documents were also made available at Malvern Library and County Hall Reception. An electronic copy of the submission was also made available on Worcestershire County Council's website.

203. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the County Planning Authority has complied with the publicity of planning applications requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

204. Objections have also been raised that the applicant did not undertake pre-application public consultation. The Head of Strategic Infrastructure and Economy notes their concerns, and considers that it is considered best practice for applicants and is advisable to undertake public consultation on all application proposals at the pre-application stage. Noting that Policy WCS 15 of the Waste Core Strategy expects that developers would consult with local communities and other stakeholders on all proposals for waste management development before planning applications are submitted. The Head of Strategic Infrastructure and Economy comments that notwithstanding this, there is no statutory requirement for applicants to undertake pre-application public consultation on such applications.

### Environmental Impact Assessment (EIA)

205. Objections have been raised by Grimley and Holt Parish Councils that an Environmental Impact Assessment (EIA) Screening Opinion has not been undertaken.

206. The Head of Strategic Infrastructure and Economy confirms that the applicant did not formally request the County Planning Authority to adopt a Screening Opinion for the proposed development, under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Notwithstanding this, it is usual practice and procedure for the County Planning Authority to screen all planning applications on receipt, regardless of whether the applicant has requested a formally Screening Opinion or not. The County Planning Authority adopted a Screening Opinion for the proposal on 29 May 2015, which concluded that *"proposed development is not unusually complex, large or of greater than local significance and, therefore, would not create any significant effects on the*

*environment by virtue of its nature, size and location. It is, therefore, considered that the proposal is not one for which an EIA is required".*

## **Conclusion**

207. The application site is located on the site of an existing minerals processing plant area, which is due to be removed and the land restored following the cessation of mineral workings.

208. The Head of Strategic Infrastructure and Economy considers that as the proposed aggregates material recycling facility would involve recycling and reusing construction and demolition wastes that it would comply with the objectives of the waste hierarchy. Furthermore, it is considered that the proposal would make a significant contribution to conserving primary aggregates, through the substitution of recycled aggregates and recycled soils into the market, in accordance with paragraph 143 of the NPPF relating to facilitating the sustainable use of minerals. However, the Head of Strategic Infrastructure and Economy is not satisfied that there would be a clear benefit for the construction of an earth bund at this location, concluding that the construction of this feature would appear to be a waste disposal operation, contrary to Policy WCS 5 of the Waste Core Strategy.

209. It is noted that the NPPF affords significant weight to economic growth. By securing existing jobs and creating new opportunities, the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, it is considered that the proposal would accord with the aims of the NPPF.

210. The application site is situated within a predominantly rural setting interspersed by small villages and settlements. The proposed development of the 6.5 hectare site would significantly encroach into the open countryside, resulting in the loss of greenfield land. The area of hardstanding would be extensive measuring approximately 2.5 hectares in area. The proposed new building would measure some 540 square metres in area. The applicant also proposes new plant and equipment and the proposed retention of further buildings and structures. An earth bund also is proposed measuring approximately 178 metres long by 2.5 metres wide by 7 metres high. It is considered that this in itself would be an alien feature and would appear incongruous within the local landscape.

211. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses and identifies greenfield land as not being a compatible land use. Annex 2 of the NPPF specifically excludes sites for mineral extraction from the definition of previously developed land. In view of this, it is considered that the application site constitutes greenfield land, because it is awaiting restoration under an implemented restoration scheme, which will restore the site to broadleaf woodland, together with species rich grassland and open water. There is no evidence submitted with the application as to why the proposal has to be sited on greenfield land and to whether the applicant has considered siting the proposed development on land set out as compatible in Policy WCS 6.



212. The Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions that there would be no adverse air pollution, noise or dust impacts on residential amenity or on that of human health. Based on the advice of the Environment Agency, South Worcestershire Land Drainage Partnership, Lead Local Flood Authority and Severn Trent Water Limited, it is considered that subject to appropriate conditions that there would be no adverse effects on the water environment and it is considered that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy.

213. Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety. It is considered that users of the Public Right of Way (Footpath GM-600) would experience a detriment and an adverse impact on their amenity and enjoyment of the Public Right of Way in the countryside, compared to the implemented restoration scheme, but it is acknowledged that the proposed arrangements would cater for the legal line of the Public Right of Way (Footpath GM-600).

214. On balance, it is considered that permitting the proposed aggregates material recycling facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire, would be unacceptable in the proposed location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy; would have an unacceptable impact upon the open countryside and that of the landscape character and appearance of the local area contrary to a core principle of the National Planning Policy Framework as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies DS3 and DS15 of the Malvern Hills District Local Plan; and is considered to have an unacceptable biodiversity impact, as it would not result in a net gain for biodiversity contrary to Section 11 of the National Planning Policy Framework, Policy WCS 9 of the Worcestershire Waste Core Strategy and Policies DS3 and QL19 of the Malvern Hills District Local Plan.

## **Recommendation**

**215. The Head of Strategic Infrastructure and Economy recommends that planning permission be refused for a proposed aggregates material recycling facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire, for the following reasons:-**

- a) The proposal is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy;**
- b) The proposal is considered to have an unacceptable impact upon the open countryside and the landscape character and appearance of the local area contrary to a core principle of the National Planning Policy Framework as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies DS3 and DS15 of the Malvern Hills District Local Plan; and**
- c) The proposal is considered to have an unacceptable impact upon biodiversity and would not result in a net gain for biodiversity contrary to Section 11 of the National Planning Policy Framework, Policy WCS 9 of the**

## **Worcestershire Waste Core Strategy and Policies DS3 and QL19 of the Malvern Hills District Local Plan.**

### **Contact Points**

#### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

#### Specific Contact Points for this report

Case Officer: Steven Aldridge, Principal Planner:

Tel: 01905 728507

Email: [saldridge@worcestershire.gov.uk](mailto:saldridge@worcestershire.gov.uk)

Mark Bishop, Development Control Manager:

Tel: 01905 766709

Email: [mbishop@worcestershire.gov.uk](mailto:mbishop@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 15/000016/CM.