

**PLANNING AND REGULATORY COMMITTEE
17 MAY 2016****COUNTY MATTER APPLICATION TO VARY CONDITION 15
OF PLANNING PERMISSION 407501, DATED 18 JUNE 2001
TO ENABLE THE CONTINUED TEMPORARY RETENTION
OF AGGREGATE WHARF, AGGREGATES PROCESSING
PLANT, ANCILLARY USES AND STRUCTURES, ACCESS
AND FRESH WATER LAGOONS AT RYALL HOUSE FARM
QUARRY, TEWKESBURY ROAD, RYALL, UPTON-UPON-
SEVERN, WORCESTERSHIRE**

Applicant

CEMEX UK Materials Limited

Local Member(s)

Mr R J Sutton

Purpose of Report

1. To consider a County Matter planning application to vary Condition 15 of planning permission 407501, dated 18 June 2001 to enable the continued temporary retention of an aggregate wharf, aggregates processing plant, ancillary uses and structures, access and fresh water lagoons at Ryall House Farm Quarry, Tewkesbury Road, Ryall, Upton-upon-Severn, Worcestershire.

Background

Background to Variation of Condition Applications (under Section 73 of the Town and Country Planning Act 1990)

2. The Government's Planning Practice Guidance (PPG) provides some useful guidance to local planning authorities when considering Section 73 applications:-
3. Paragraph Reference ID: 21a-031-20140306 states that *"following the decision of a local planning authority to grant planning permission subject to conditions, a developer may consider taking the following actions if they do not wish to be subject to a condition: Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.*

4. *It should be noted that the original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission".*

Background to the proposal

5. There is a long history of mineral extraction and processing at and on land surrounding this application site, with planning permission for sand and gravel extraction first being granted by Members of Hereford and Worcester County Council at Ryall House Farm in 1989 (Application Ref: 407225. Minute No. 1548 refers). This included erection of a processing plant and improvements of an existing access to the A38. There was to be no importation of filling material and it was proposed the land would be restored to agriculture use and a lake, at a lower level, with extraction ceasing in 1997. Subsequently, the permission was amended to allow some infilling north of the access road, soil storage on adjacent land and to extend the period of operation (Application Refs: 407418, 407368 and 407420 and Minutes No. 781, 539 and 715 refers).

6. Later in July 1998, planning permission was granted by Members of Worcestershire County Council to extend the site southwards into Saxon's Lode Farm (Application Ref: 407421, Minute No. 22 refers) and in April 2010 under delegated powers, an alternative restoration scheme involving infilling the quarry void with waste (silt) and imported material to restore the land to agricultural use at approximately ground levels was approved (Application Ref: 07/000053/CM).

7. In June 2001 planning permission was granted by Members of Worcestershire County Council for the "*proposed construction of new riverside wharf and continued use of existing mineral processing facility, ancillary uses, structures and access for material obtained from Ripple Quarry; use of land for silting to enable restoration to former ground level at Ryall House Farm Quarry, Ryall, Upton-upon-Severn, Worcestershire*", (Application Ref: 407501, Minutes No. 67 and 92 refers); and at the same time planning permission was granted for an application under Section 73 of the Town and Country Planning Act 1990 "*to carry out development comprising the extraction of sand and gravel and erection of barge loading facilities without complying with Conditions 4, 10, 17 and 23 subject to which planning permission was granted on 10 March 1988 under application reference 407171 (MH 1367/87) to enable removal of the processing plant, use of dump trucks and amendments to phasing and restoration scheme at Ripple Quarry, near Tewkesbury*" (Application Ref: 407502, Minutes No. 67 and 92 refers).

8. A separate application has also been submitted to the Mineral Planning Authority for sand and gravel extraction north of Upton-upon-Severn on land at Ryall's Court, Ryall's Court Lane, Ryall, Upton-upon-Severn, Worcestershire (Application Ref: 15/000013/CM, see Agenda Item 5). The applicant is proposing to transport as raised sand and gravel from the proposed Ryall's Court Quarry by barge using the River Severn to the Ryall House Farm Quarry for processing.

9. Whilst both applications are inextricably linked, and neither would proceed without the other, they are independent applications, and different considerations apply to the two sites, therefore, two separate reports to committee have been prepared.

The Proposal

10. The applicant is seeking planning permission to vary Condition 15 of planning permission 407501, dated 18 June 2001 to enable the continued temporary retention of aggregate wharf, aggregates processing plant, ancillary uses and structures, access and fresh water lagoons at Ryall House Farm Quarry, Tewkesbury Road, Ryall, Upton-upon-Severn, Worcestershire.

11. Condition 15 of planning permission 407501 states the following:-

"Proposals for the decommissioning and restoration of the wharf and plant area as shown on Drawing Numbered: RYA 3 / 6 shall be submitted to the Mineral Planning Authority for their approval by 1 January 2012, unless a later date is agreed with the Mineral Planning Authority in writing in advance or unless the extraction operations at the associated Ripple Quarry cease permanently prior to that date in which case decommissioning and restoration proposals shall be submitted within 3 months of the date of permanent cessation of working".

12. The applicant states that the CEMEX UK Materials Limited sought to retain Ryall House Farm processing facility to 1 January 2016 in writing via its letter to the Mineral Planning Authority dated 16 November 2011 in order to allow it to continue to receive and process sand and gravel from Ripple Quarry.

13. Reserves within Ripple Quarry are due to run out in September 2016. As a result, the applicant is seeking, in parallel with this Section 73 planning application, planning permission to extract approximately 1.4 million tonnes of sand and gravel in five phases from an area of agricultural land approximately 50.3 hectares in area, on land at Ryall's Court, Ryall's Court Lane, Ryall, Upton-upon-Severn, Worcestershire. It is proposed, that the sand and gravel, once extracted, would be transported by barge using the River Severn to the applicant's existing site at Ryall House Farm Quarry for processing and dispatched for onward sale to local concrete and construction markets via the A38. The land is proposed to be progressively restored primarily to a landscaped lake with adjoining areas restored to agricultural use (Application Ref: 15/000013/CM) (see Agenda Item 5). The applicant is proposing to replace the source of the as raised sand and gravel for the Ryall House Farm Facility from that of Ripple Quarry to that of the proposed Ryall's Court Quarry. Therefore, the applicant is seeking planning permission to continue to operate and implement planning permission 407501, without compliance with Condition 15.

14. The applicant estimates that the sand and gravel reserves within the proposed Ryall's Court Quarry is sufficient for approximately seven years of sales at current rates, therefore, the applicant is seeking to retain the Ryall House Farm processing plant facility until 2022. The applicant suggests varying Condition 15 of planning permission 407501, so that it reads:

"Proposals for the decommissioning and restoration of the wharf and plant area as shown on Drawing: RYA 3 / 6 shall be submitted to the Mineral Planning Authority for their approval by 1st January 2022, unless a later date is agreed with the Mineral Planning Authority in writing in advance or unless the extraction operations at the associated Ryall's Court Lane Quarry cease permanently prior to that date in which case decommissioning and restoration proposals shall be submitted within 3 months of the date of permanent cessation of working".

The Site

15. The application site, which is 1.7 hectares in area, is located in the open countryside of south Worcestershire, approximately 1.3 kilometres south-east of Upton-upon-Severn town centre, about 610 metres and 550 metres south of Ryall and Holly Green, respectively and about 1.2 kilometres north and 1.6 metres north-west of Uckinghall and Ripple, respectively. The application site is bounded to the west by the River Severn, Ryall Quarry, which is pending final restoration to the north, the A38 (Tewkesbury Road) to the east and Saxon's Lode Quarry, which is currently undergoing restoration to the south. Access to the site is gained via the main entrance to the quarry from the A38 (Tewkesbury Road).

16. The site consists of the existing wharf, bulk material batching plant, aggregates processing plant, and a series of ancillary structures, a soil storage area and uses such as silt lagoons, car parking, administrative and mess buildings.

17. The Upton Ham Site of Special Scientific Interest (SSSI) is located approximately 30 metres west of the proposal on the west bank of the River Severn. The adjacent River Severn is also designated as a Local Wildlife Site (LWS). The Smithmoor Common & Meadows LWS is located approximately 830 metres north-east of the application site.

18. The Grade II Listed buildings of The Cottage, Ryall Hill and Ryall Farm House are located about 315 metres, 500 metres and 700 metres north of the proposal, respectively. The Grade II Listed Buildings of 'Saxon's Lode Farmhouse' and 'Barn at Saxon's Lode Farm' are located about 690 metres south-west of the application site. The Rifle Range and Targets (Grade II Listed) is located on the western bank of the River Severn approximately 430 metres west of the proposal. Further Grade II Listed Buildings are located within Naunton about 700 metres east of the application site. There are a number of Public Rights of Way within the vicinity of the application site. Footpath RP-522 runs along the northern side of the access road and forms the northern boundary of the application site. Footpath RP-528 runs north to south through the application site, adjoining Footpath RP-524 to the north and Footpaths RP-529 and RP-530 to the south. Footpath UU-553, which forms part of the long distance footpath of the Severn Way, runs along the western bank of the River Severn. A Water Works is situated adjacent to the River Severn, about 75 metres north-west of the application site.

19. The nearest residential property is that of Field House situated approximately 210 metres north-east of the application site, beyond which are further dwellings of New Barn Buildings and The Cottage. Further properties (1 to 12 Tewkesbury Road) are located about 350 metres to the south-east of the proposal. The residential properties associated with the southern edge of the Ryall village and Holly Green village are

located about 610 metres and 550 metres north of the site. Further residential properties are located in Saxon's Lode, approximately 500 metres south of the site.

Summary of Issues

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

- Landscape character and appearance of the local area
- Residential amenity
- The protection of the water environment
- Ecology and biodiversity
- Traffic, highway safety and impact upon Public Rights of Way, and
- Restoration of the site.

Planning Policy

National Planning Policy Framework (NPPF)

21. 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.

22. 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".

23. 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.

24. 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

25. 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

26. 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 Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan, Adopted Worcestershire Waste Core Strategy and the Adopted South Worcestershire Development Plan.

27. 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.

28. 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).

County of Hereford and Worcester Minerals Local Plan (Saved Policies)

29. The Adopted Minerals Local does not contain any saved polices relevant to the consideration and determination of this planning application.

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 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

South Worcestershire Development Plan

30. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016. The SWDP policies that are of relevance to the proposal are set out 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 6 Historic Environment
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 31 Pollution and Land Instability
Policy SWDP 32 Minerals

Emerging Minerals Local Plan

31. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

32. The first stage consultation on Emerging Minerals Local Plan ran from 9 October 2012 to 11 January 2013. The second formal stage of consultation began on 11 November 2013 and ran until 31 January 2014. This consultation included: a portrait of Worcestershire; draft vision and objectives; spatial strategy diagram which set out very broadly what type of development the County Council would like where; details of how much of each mineral is required and when; ideas about how minerals should be worked, where minerals should be worked, and how minerals should be safeguarded for future use.

33. In summer 2014, the County Council made a call for proposed locations for aggregate extraction that should be considered in the development of the Minerals Local Plan. In summer 2015 the County Council undertook a further call for non-

aggregate and aggregate sites (non-aggregate minerals including clay, building stone, silica sand, salt and brine, coal and a further call for sites for aggregate minerals) and call for resources and infrastructure that should be safeguarded, as well as seeking comments on a suite of background documents. This consultation ran until 25 September 2015.

34. The next full consultation on the Emerging Minerals Local Plan is scheduled to take place in Spring 2016. This is anticipated to set out draft plan and policy wording and outline specific locations where mineral development should be focused. The next stage would then be a consultation on the soundness of the Emerging Mineral Local Plan in Spring 2017 and submission of the plan to Secretary of State for public examination in Summer 2017.

35. It has not, therefore, been tested at examination or adopted by the County Council. Indeed, there will be further stages of consultation on the document prior to submission in Summer 2017. Having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging Minerals Local Plan is insufficiently progressed for any weight to be attached to it in the determination of this application.

Consultations

36. **Ripple Parish Council** has no objections in principle, but make the following comments:

General Issues

37. Site security is poor and there have been a number of reported thefts. The attraction of the site encourages potential opportunistic theft to neighbouring local residents' premises. Conditions should be imposed requiring CCTV to be installed on the site; warning signs referencing CCTV surveillance should be installed. They also state that litter collection and fly tipping on site should be better managed; fencing should be installed to prevent access to the silt ponds to deter children and other trespassing; the public footpath running through the site should be kept open at all times, as water ingress onto the footpath can make this impassable. Traffic movements onto the A38 should not exceed the current traffic levels. A clear statement on average number of movements per working day should be included in the application and a conditions should be imposed restrict traffic movements. An audit of plant and machinery on site should be submitted with an undertaking that over the next seven years aging plant would be maintained and replaced. The existing plant should be enclosed to reduce noise and dust impacts.

Restoration

38. Saxon's Lode Quarry, which is located adjacent to the application site, has not been completed and it is understood that mineral reserves were exhausted in 2005. Now that a Licence from Natural England has been granted (in 2013) restoration of the site should be expedited. It is noted that silt from the proposed quarry off Ryall Court Lane would be used in the restoration of Saxon's Lode Quarry. A timetable for the restoration of Saxon's Lode should be submitted and a condition imposed requiring a final completion deadline. The applicant should also state how they intend to complete the restoration of Saxon's Lode Quarry should the proposed quarry off Ryall Court Lane not be granted planning permission. There is no clear statement on how the land comprising the footprint of the processing plant would be restored.

39. **Upton Town Council (Neighbouring Town Council)** has no objections, recommending approval of the application.

40. **Earls Croome Parish Council (Neighbouring Parish Council)** considers that the proposal is acceptable, subject to the facility being upgraded as appropriate and modern plant and equipment being used, commenting that the excavator used for loading barges should be a modern machine and not one that is several years old. They also comment that the original application submission estimated a life expectancy of the processing plant of 13 years. This life expectancy has already been extended by two years and now this application seeks to a further five year extension.

41. The expectations of the nearest residents are that the impact of this facility, in particular noise and dust impacts upon their lives would have gone by 2012; this inconvenience is now being extended far beyond their expectations.

42. The application should include a new supporting statement as the one provided as part of the original application is now out of date. In addition the facility should be upgraded to minimise the impact upon local residents and the local environment. Noise and dust mitigation measures should be re-assessed and improvements made in line with accordance with current best practice methods. An Environmental Statement should also be provided after the necessary surveys are conducted and the applicant should carryout public consultation with the nearest residents.

43. **Hanley Castle Parish Council (Neighbouring Parish Council)** has no comments.

44. **Malvern Hills District Council** supports the proposal in principle, recognising the economic benefits that arise from mineral extraction, subject to the imposition of conditions regarding landscaping mitigation and enhancement; minimising the impact upon residential amenity (noise, dust, hours of operation) highway mitigation / construction management plan; biodiversity mitigation and enhancement; flooding, surface water drainage and pollution mitigation / enhancement; and Public Rights of Way protection / enhancement, in particular from excess surface water flooding.

45. **Historic England** wishes to make no comments on the application, as they consider that it is not necessary to consult them under the statutory provisions.

46. **The County Archaeologist** has no objections, stating the proposal is unlikely to affect heritage assets or impact upon the historic landscape.

47. **Commercial Boat Operators Association (CBOA)** represents operators of freight carrying vessels in the UK's inland and estuarial waterways and is accepted by the Government as the representative industry body. The Commercial Boat Operators Association (CBOA) strongly supports this proposal. Continued use of this processing facility, which is adjacent to the River Severn is important to eliminate the use of the road network for transportation at this stage. River transport has the benefit of not adding to road congestion and not contributing to an increase in its detrimental environmental effects. Cemex have submitted another application (Application Ref: 15/000013/CM) for a new quarry site which CBOA also support. It is also conceivable that the Ryall processing site may also be used for river side quarrying activities elsewhere in the future.

48. **The Canal and Rivers Trust** has no objections, stating that in principle they support the use of the River Severn to carry freight. However, they have considered this proposal against the needs of other users of the waterspace and to ensure that the proposal does not have an adverse impact on navigational safety. The Trust requested that the applicant submit a Freight Risk Assessment to support the proposed quarry at Ryall's Court (Application Ref: 15/000013/CM). They consider that the submitted Freight Risk Assessment is in line with their requirements, and therefore, they have no objections to this proposal. However, prior to the commencement of movement of freight from the proposed quarry at Ryall's Court to the wharf and processing facility at Ryall House Farm, the Trust recommend that the applicant carries out a series of trial runs, particularly to include approaching and turning at the proposed wharf site at Ryall's Court, to test the risk assessment scenarios and assumptions. The Trust should oversee these trials to ensure that the new freight operations are safe and not detrimental to the navigation or to other users.

49. **The Inland Waterways Association** has no objections, stating that the proposal is required and it is necessary to process sand and gravel proposed to be extracted from Ryall Court Lane (Application Ref: 15/000013/CM).

50. **The Environment Agency** has no objections, and comments that the current activities (aggregate processing) are regulated under an extractive waste permit for quarrying operations. The applicant has recently varied the permit condition and the Agency has no current issues with the operation or any cause for concern. The Agency has confirmed that the permit controls the discharge of trade effluent, noise, vibration and dusts emissions. The Agency also confirms that they have not received any dust complaints (substantiated or otherwise).

51. With regards to flood risk, whilst part of the site is located within Flood Zone 2 and 3 of the River Severn, the Agency has no objections of the proposal, as this seeks to retain the existing infrastructure, and contains mitigation measures, such as limiting the amount of fixed plant within the floodplain and berthing of barges away from the wharf during flood events.

52. **Public Health England** has no objections to the proposal.

53. **Worcestershire Regulatory Services** has no objections and states that given the distance to the nearest residential properties they do not consider that the proposals would give rise to nuisance complaints.

54. **South Worcestershire Land Drainage Partnership** has no objections.

55. **Lead Local Flood Authority** has no objections to the proposal.

56. **Severn Trent Water Limited** has no objections to the proposal.

57. **The County Footpath Officer** has no objections, and considers that the proposal should have no detrimental effect on the Public Rights of Way, subject to the applicant being made aware of their obligations to the Public Rights of Way.

58. **The Ramblers Association** has no objections to the proposal, stating that Footpaths RP-522, RP524 and RP-528 cross the quarry site. Footpaths RP-522 and RP-524 will not be affected by this application and will benefit from the restoration

works to be carried out as the quarry reaches the end of its extraction period. Footpaths RP- 528 will continue to suffer from its proximity to the processing plant and from lorries crossing it to collect sand and gravel and this will be extended for a further 8 years.

59. They request that the Mineral Planning Authority examine the existing arrangements to see if improvements could be made to Footpath RP-528. The Ramblers Association suggest a temporary diversion further from the plant area once restoration work of the quarry itself is complete might be appropriate. The Ramblers Association also question whether this would be an appropriate time to revisit the restoration plans for the site to see whether modifications should be sought in the light of current thinking about water based and open space recreation in the countryside and nature conservation.

60. **The Open Space Society** has no objections to the proposal

61. **The British Horse Society** has no objections, noting the proposal would not impact upon any bridleways.

62. **The Campaign to Protect Rural England** has no objections.

63. **The County Highways Officer** has no objections to the proposal.

64. **The County Landscape Officer** has no objections to the proposal.

65. **The County Ecologist** has no objections, subject to the imposition of conditions requiring a detailed decommissioning and restoration scheme; a review of the lighting scheme; and restricting operating hours.

66. **The Worcestershire Wildlife Trust** has no objections to the proposal.

67. **Natural England** has no objections to the proposal, stating that the proposal is located on the opposite bank of the River Severn from the Upton Ham SSSI. Natural England is satisfied that the proposal being carried out in strict accordance with the submitted application would not damage or destroy the interest features of this SSSI.

68. They note that as the nature of the works in this location would not be significantly different to those previously approved, therefore, they consider that there would not be any additional impacts from the proposal.

69. They comment that they would expect the Mineral Planning Authority to assess and consider the impacts of the proposal upon local biodiversity and geodiversity sites, local landscape character and local or national biodiversity priority habitats and species.

70. **Earth Heritage Trust** has no objections, as there are no significant geological sites in the area.

71. **West Mercia Police** has no objections to the proposal.

72. **Hereford & Worcester Fire & Rescue Service** has made no comments.

73. **The Health & Safety Executive** has made no comments.

74. **Western Power Distribution** has made no comments.

75. **The Worcestershire Local Enterprise Partnership (WLEP)** has made no comments.

76. **Government Pipeline and Storage System** has no objections, as the application is for the continued retention of structures.

Other Representations

77. The application has been advertised in the press, on site and by neighbour notification. To date 5 letters of representation have been received commenting in support of the proposal. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:

- A small company operating in Gloucestershire, who employs 22 local employees with 8 employees (lorry drivers/ machine operators) working directly for Cemex at Ryall House Farm and associated quarries, comments that if planning permission is not granted, then this would result in the loss of jobs for this company who have built up their business in this area around the Cemex operations
- Minimises the distance travelled for local businesses within the area requiring mineral products
- Economic benefits - The proposal supplies materials to many local traders, as well as larger companies who in turn supply material for the construction of local schools, hospitals and leisure centres, and
- The proposal would allow for the continued retention of existing jobs.

The Head of Strategic Infrastructure and Economy's Comments

78. 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.

Landscape character and appearance of the local area and residential amenity

79. The applicant wishes to retain the existing structures, equipment for a further 7 year period, and therefore, no changes are proposed to the existing situation which would change or alter the landscape character or visual impact of the facility. The Head of Strategic Infrastructure and Economy considers that the existing facility is relatively inconspicuous within the wider landscape due to the existing mature boundary trees and hedgerows, is over 210 metres from the nearest residential property and access is direct onto the A38, where HGVs are not out of place.

80. Concerns have been raised by Ripple Parish Council and Earls Croome Parish Council regarding the impacts upon local residents in terms of noise and dust emissions. The applicant states that all laden HGV's leaving the site are sheeted as a matter of Company policy. The site has a water bowser which is used as required to damp down dust from the yard, haul roads and stockpiles. The concrete plant is subject to an Environmental Permit, and the aggregate processing plant is the subject of a mining waste permit which also includes restrictions relating to noise. The

applicant has also confirmed that all mobile plant are fitting with 'smart' white noise reversing alarms to minimise the propagation of noise beyond the site boundary. The Head of Strategic Infrastructure and Economy notes that no complaints have been received by the Mineral Planning Authority in respect of noise and dust impacts at the site, and the Environment Agency and Worcestershire Regulatory Services have both raised no objections to the proposal.

81. 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"*.

82. In view of the above guidance, it is noted that the Environment Agency has confirmed that the existing facility is regulated under an extractive waste permit for quarrying operations, which controls the discharge of trade effluent, noise, vibration and dusts emissions, and that the Environment Agency has no current issues with the operation or any cause for concern.

83. With regard to litter and fly tipping the applicant has confirmed that the Company litter pick every Saturday and all drivers have been warned that if they are caught littering they will be suspended from the site. More generally the quarry is not the type of development which is likely to generate litter. With regards to fly tipping the applicant has no record of any taking place on the land they occupy.

84. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions carried forward from the extant planning permission that proposal would be acceptable in terms of its noise and dust impacts and would not cause any unacceptable overbearing, overshadowing or overlooking implications that detract from residential amenity due to its design, size and location and would have no adverse or detrimental impact upon the character and appearance of the local area.

The Water Environment

85. The proposal is located within Flood Zone 1 (low probability), as identified on the Environment Agency's Indicative Flood Risk Map, with the exception of the existing wharf, which is located within the adjacent River Severn (Flood Zone 2 and 3).

86. The impact of the proposal, in particular the impact of the wharf on floodwater displacement, floodwater impedance and accidental spillages were considered to be acceptable when the original application reference: 407501 was granted planning permission.

87. The applicant has submitted a Freight Risk Assessment for application 15/000013/CM, which considered the navigational risk of barges travelling along the River Severn between the proposed Ryall's Court Quarry site and that of Ryall House Farm. Therefore, the Ryall's Court proposal and this application are inescapably interlinked in terms of navigational safety. Based on the submitted Risk Assessment, the Canal and Rivers Trust has raised no objections to this proposal.

88. The Environment Agency, Lead Local Flood Authority, South Worcestershire Land Drainage Partnership and Severn Trent Water Limited all raise no objections to the proposal. The proposal would not alter the existing wharf arrangements, drainage arrangements, or working practices at the site, therefore, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment.

Ecology and biodiversity

89. The adjacent River Severn is designated as a LWS and the Upton Ham SSSI is located approximately 30 metres west of the proposal on the western bank of the River Severn.

90. The proposed development is to retain the existing wharf, aggregate processing facility and associated structures and uses on the site. No changes are proposed to the existing operations.

91. Natural England and Worcestershire Wildlife Trust have been consulted due to the proximity of the SSSI and LWS, respectively, and have raised no objections. The County Ecologist has also raised no objections to the proposal, subject to the imposition of conditions regarding working hours; reviewing the lighting scheme and a detailed decommissioning and restoration scheme.

92. With regards to lighting of the wharf and impact on wildlife, in particular bats, the applicant has confirmed that the wharf is illuminated by LED spotlights when hours of darkness overlap with its operating hours for health and safety reasons. These spotlights are subject to mechanical timers such that they are only illuminated for the time taken to unload a barge; otherwise they turn themselves off automatically. In the event that the proposed Ryall Court Quarry is granted planning permission, the applicant has confirmed that they are willing to undertake a review of the wharf lighting arrangements, and recommend that this could be imposed as a condition should planning permission be granted.

93. Based on the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate condition carried forward from the extant planning permission and the imposition of conditions recommended by the County Ecologist, that the proposal would not have any adverse impacts on ecology and biodiversity at the site or on the surrounding area.

Traffic, highway safety and impact upon Public Rights of Way

94. The application site has the benefit of a direct access to the A38 (Tewkesbury Road), which is approximately 2.8 kilometres north of the M50 Motorway (Junction 1) and subsequent access to the M5 Motorway (Junction 8), at the same time as having a river frontage onto the River Severn, a navigable river. Although this proposal to retain the existing wharf, processing plant and ancillary structures and uses is

required to process as raised sand and gravel from the proposed Ryall's Court Quarry, some 3 kilometres upstream, rather than minerals on the Ryall House Farm site, it would however, have the advantage that if used in connection with the proposed Ryall's Court Lane Quarry site it would obviate the need for a processing plant to be erected there.

95. The applicant is proposing to retain and use the existing concrete haul road and the existing wheel washing facility, which would continue to help mitigate mud and detritus being deposited on the public highway, a condition is attached to this effect, as well as all loaded HGVs are sheeted.

96. Concerns have been raised by Ripple Parish Council regarding traffic, stating that traffic movements onto the A38 should not exceed the current traffic levels. A clear statement on average number of movements per working day should be included in the application and a condition should be imposed to restrict traffic movements.

97. The applicant has confirmed that the proposal would generate approximately 64 HGV movements per day (about 32 HGVs entering the site and 32 HGVs exiting the site per day), based upon 275 workings days and average loads of about 20 tonnes, which is approximately the same levels as the existing traffic levels from the site, with exports of about 180,000 tonnes of sand and gravel per annum. The County Highways Officer has been consulted and has raised no objections.

98. 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.

99. A number of Public Rights of Way are located in the vicinity of the application site, notably Footpaths RP-528 runs north to south through the application site, Footpath RP-522, which runs along the northern side of the access road, and the long distance footpath of the Severn Way (Footpath UU-553) which is located along the western bank of the River Severn.

100. Ripple Parish Council comment that the public footpath running through the site should be kept open at all times, as water ingress onto the footpath can make this impassable. In the response to the Parish Council's comments, the applicant has confirmed that this flooding issue was the result of a specific incident, a pipe coupling failed on the pipeline transferring silt to the Saxon's Lode lagoons. The applicant has confirmed that this has now been repaired, and that new pipes have been ordered to minimise the risk of a further failure. The Head of Strategic Infrastructure and Economy notes the Parish Council's comments, and notes that the applicant has carried out works to ensure the access road and adjacent Public Right of Way remain free from flooding.

101. The Ramblers Association has no objections and request that the Mineral Planning Authority examine the existing arrangements to see if improvements could be made to Footpath RP-528. The length of Footpath RP-528 within the application site itself is significantly constrained by car parking to the west, beyond which is the main site haul road and silt lagoons beyond; to the east is the processing plant. Given these constraints the Head of Strategic Infrastructure and Economy considers there are limited options for improvements of this Public Rights of Way. Furthermore, it is noted that the County Footpath Officer has raised no objections to this proposal.

102. Based on the advice of the County Footpath Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have a detrimental impact upon Public Rights of Way on the site and in the wider area.

Restoration and aftercare

103. The extant planning permission approved restoration of the site to original ground levels, using the importation of silt from Ripple Quarry, with a small area of open water in the north of the site. Conditions 15 and 18 of the extant planning permission requires the submission of a detailed restoration and an outline agricultural aftercare scheme to be submitted for the written approval of the Mineral Planning Authority. It is considered that should planning permission be granted, Condition 15 and 18 should be carried forward and imposed on any new permission

104. Saxon's Lode Quarry, which is the quarry undergoing restoration to the south of the site, has planning permission to infill the void with waste (silt) and imported waste material to the original ground levels. The silts (approximately 50,000 cubic metres) would be extracted from silt lagoons at Ryall House Farm, and which was envisaged to create further capacity that would have been used to store the silts arising from the processing of sand and gravel from the applicant's quarry at Ripple. The applicant has confirmed that there is sufficient capacity about 185,000 cubic metres of void at Saxon's Lode Quarry, which would accommodate the silt from the proposed Ryall Court Quarry should it be granted planning permission. It is anticipated that the Ryall Court Quarry site would generate approximately 165,000 cubic metres of silt. The applicant has confirmed that this would be in accordance with the Saxon's Lode Quarry approved restoration scheme, albeit it would be below the approved level. The applicant considers that the 10% variance between the fill material and void is not significant given the large site area, resulting in less than 0.25 metres level difference. Should planning permission not be granted for Ryall Court Quarry, the applicant considers that they would either apply to vary the approved Saxon's Lode restoration scheme to lower levels or the site would be filled with inert waste materials, although this would require a separate planning permission to do so.

105. Concerns have been raised by Ripple Parish Council regarding the restoration of the adjacent Saxon's Lode Quarry site; and query how the land comprising the footprint of the aggregate processing plant is to be restored.

106. The adjacent Saxon's Lode Quarry site is covered by a separate planning permission to that of the extant Ryall House Farm planning permission, and is indeed outside the boundary of the scope of this application. However, the Mineral Planning Authority concurs with the Parish Council, that now the delay due to the presence of Great Crested Newts has been resolved with Natural England, the Mineral Planning Authority encourages the applicant to expedite the restoration of this site. With regards to the original Ryall Quarry site, to the north of the application site. Again this is outside the scope of the application, lying on land outside of the application site (red line boundary), but the Mineral Planning Authority strongly encourages the applicant to complete the final restoration of this site, and considers that the restoration of this site is long overdue, and that the present condition of the land is substandard and in need of significant improvement. The Mineral Planning Authority will seek to work with the applicant to facilitate this site's final restoration.

107. With regards to comments regarding the restoration of the processing plant, the applicant has confirmed that planning permission 407501 requires that the Ryall House Farm Quarry and Wharf be restored in accordance with approved drawing no. RYA3/6 (Condition no. 15). The applicant does not propose to deviate from this requirement and has confirmed that significant stockpiles of soils remain within the site for eventual use in the restoration of the plant site and wharf. A condition is recommended to require the restoration of the plant and wharf area.

108. The Ramblers Association question whether this would be an appropriate time to revisit the restoration plans for the site to see whether modifications should be sought in the light of current thinking about water based and open space recreation in the countryside and nature conservation. The Head of Strategic Infrastructure and Economy notes their comments, but considers the application site distinctively different to characters of the proposed Ryall's Court Quarry site, and considers that the outline restoration scheme to agricultural use with a small area of open water to be acceptable in this location. The final details of which should be secured by the imposition of an appropriate condition.

109. The applicant is seeking the retention of aggregate wharf, aggregates processing plant, ancillary uses and structures, access and fresh water lagoons for a about a further 7 year period and quotes retaining the plant, uses and structures until 1 January 2022. Due to the applicant submitting additional environmental information in respect of planning application reference 15/000013/CM, which has been subject to re-consultations, in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, this has delayed the consideration of both this application (Application Ref: 15/000012/CM) and the proposed Ryall Court Quarry (Application Ref: 15/000013/CM), as they are explicitly linked. Due to the passage of time and as it would take approximately 7 years to work the Ryall Court Quarry site, should planning permission be granted. The Head of Strategic Infrastructure and Economy considers that the time limit in which to retain the plant and a restoration scheme should be varied to 31 December 2023.

Other matters

Economic Impact

110. 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"*.

111. 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"*.

112. The applicant states that *"Ryall House Quarry has been in operation since 1990, and has become a strategically important source of sand and gravel and associated aggregates to the local economy for some 24 years. It has consistently supplied an average of some 180,000 tonnes of high quality sand and gravel products each year to meet a variety of uses."*

113. *The location is an important strategic location for CEMEX, with the quarry producing a wide range of construction materials, notably sands and gravels for concrete which thus feeds concrete batching plants in the county and sub region operated both by CEMEX and other concrete producers".*

114. Should planning permission be granted for the "*proposed extraction of sand and gravel and erection of temporary wharf with progressive restoration to a landscape lake on land at Ryall's Court Lane, Ryall, Upton-upon-Severn*" (Application Ref: 15/000013/CM) (see Agenda Item 5), the existing wharf and processing plant proposed to be retained at Ryall House Farm Quarry would process sand and gravel extracted from the Ryall's Court Lane site. Therefore, this proposal would facilitate the extraction of some 1.4 million tonnes of sand and gravel, together with the employment of 13 people during the extraction phase, with 2 permanent on site personnel, associated with the proposed ongoing barge loading operation of the Ryall's Court Lane site. In addition, this proposal would ensure the continuation of employment opportunities for the existing 13 people employed directly at Ryall House Farm Quarry and the 4 hauliers, together with ongoing support to many local businesses as part of the supply chain. It would also contribute to the economy through taxes, business rates and aggregates levy contributions.

115. The applicant goes on to state that "*more generally the South Worcestershire Development Plan sets out important plans and aspirations for growth, including the building of 28,370 new houses, the development of 280 hectares of land for employment, and an additional 50,000 square feet of retail floor space (reference Policy SWDP 3). These developments will require aggregate raw material to allow the various development projects to proceed, and Ryall House Farm Quarry, as a local source of aggregate supply, is both well placed and a vital component of continuity of aggregate supplies to such local projects".*

116. The Head of Strategic Infrastructure and Economy acknowledges that the NPPF affords significant weight to sustainable economic growth and notes that paragraph 142 of the NPPF states that "*minerals are essential to support sustainable economic growth and our quality of life. It is, therefore, important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs*". Paragraph 144 of the NPPF also states that "*when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy*". It is considered that the proposal would secure the existing jobs and continued operation of processing sand and gravel at Ryall House Farm Quarry, and contribute to the wider growth aspirations for the county through the supply of local aggregates to the market. Therefore, the Head of Strategic Infrastructure and Economy considers that the proposal would provide substantial sustainable economic development benefits to the local economy in accordance with the NPPF.

Historic Environment

117. Historic England has been consulted due to the proximity of the proposal to the Grade II Listed Buildings of The Cottage, Ryall Hill and Ryall Farm House, which are located about 315 metres, 500 metres and 700 metres north of the proposal, respectively. Further Grade II Listed Buildings of 'Saxon's Lode Farmhouse' and 'Barn at Saxon's Lode Farm' are located approximately 690 metres south-west of the application site. Historic England has made no comments on this application. Malvern

Hills District Council has raised no adverse comments in respect to the historic environment. The County Archaeologist has also raised no objections, stating the proposal is unlikely to affect heritage assets or impact upon the historic landscape.

118. The Head of Strategic Infrastructure and Economy considers that based on the advice of Historic England, Malvern Hills District Council and the County Archaeologist that the proposed development would have no adverse effects on heritage assets.

Crime and security

119. Ripple Parish Council raise concerns regarding site security and crime within the surrounding area, stating that site security is poor and there have been a number of reported thefts. The attraction of the site encourages potential opportunistic theft to neighbouring local residents' premises. Conditions should be imposed requiring CCTV to be installed on the site; warning signs referencing CCTV surveillance should be installed. They also raise concerns regarding health and safety stating that fencing should be installed to prevent access to the silt ponds to deter children and other trespassing. The applicant has considered the comments of Ripple Parish Council and has confirmed that the site does have CCTV installed, although it is not currently linked to an external monitoring service, the applicant has confirmed that in the event that planning permission is granted for the proposed Ryall Court Quarry and this application then this will be given consideration by the Company. With regards to fencing, the applicant has confirmed that all the lagoons within Ryall House Farm are fenced as are the external boundaries within Saxon's Lode Quarry. The applicant also intends to internally fence off the lagoons within Saxon's Lode Quarry in the near future. West Mercia Police have been consulted on the proposal, stating that they have no concerns or objections to the proposal. Based on the advice of West Mercia Police it is considered that the existing security measures are adequate and that the proposal is acceptable in terms of its impacts upon crime and disorder.

Conclusion

120. The Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions carried forward from the extant planning permission, the proposal would be acceptable in terms of its noise and dust impacts and would not cause any unacceptable overbearing, overshadowing or overlooking implications that detract from residential amenity due to its design, size and location and would have no adverse or detrimental impact upon the character and appearance of the local area.

121. The Environment Agency, Lead Local Flood Authority, South Worcestershire Land Drainage Partnership and Severn Trent Water Limited all raise no objections to the proposal. The proposal would not alter the existing wharf arrangements, drainage arrangements, or working practices at the site, therefore, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment.

122. Based on the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate condition carried forward from the extant planning permission and the imposition of conditions recommended by the County

Ecologist, that the proposal would not have any adverse impacts on ecology and biodiversity at the site or on the surrounding area.

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

124. With regards to the restoration of the processing plant, the applicant has confirmed that extant planning permission (Application Ref: 407501) requires Ryall House Farm Quarry and Wharf to be restored in accordance with approved drawing no. RYA3/6 (Condition no. 15). The applicant does not propose to deviate from this requirement and has confirmed that significant stockpiles of soils remain within the site for eventual use in the restoration of the plant site and wharf. A condition is recommended to require the restoration of the plant and wharf area.

125. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 5, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12 and WCS 14 and Policies SWDP1, SWDP 2, SWDP 3, SWDP 4, SWDP 6, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 31 and SWDP 32 of the adopted South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

126. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the carrying-out of development pursuant to planning permission reference 407501, dated 18 June 2001 without complying with Condition 15 of that permission so as, to enable the continued temporary retention of aggregate wharf, aggregates processing plant, ancillary uses and structures, access and fresh water lagoons at Ryall House Farm Quarry, Tewkesbury Road, Ryall, Upton-upon-Severn, Worcestershire, subject to the following conditions:

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers: RYA 3 / 1a, RYA 3 / 2a, RYA 3 / 3, RYA 3 / 4, RYA 3 / 5 and RYA 3 / 6a, except where otherwise stipulated by conditions attached to this permission;**
- b) The surface of the access road to the A38 shall be sealed and wheel cleaning equipment shall be provided and used to prevent mud and detritus from the site being deposited on the adjacent public highway;**
- c) The height of the plant and any stockpiles of processed or unprocessed materials shall not exceed 12 metres;**
- d) The planting area as shown on Drawing Number RYA 3 / 3 shall be maintained, with failures replaced as necessary for the duration of operations at the site;**

- e) **Best practicable means shall be used to control dust and noise from the site including suspension of barge unloading in the event of high winds causing dust emissions;**
- f) **Any stockpile of materials shall be sited more than 10 metres from any watercourse (including ditches) and land drains;**
- g) **Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund;**
- h) **The planting on the sides of the proposed pond shall be carried out in the next available planting season following the replacement of soil and shall thereafter be maintained for the duration of operations at this site and any plants which die are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species unless otherwise agreed in advance in writing with the Mineral Planning Authority;**
- i) **All operations and uses on the site including barge unloading shall only take place between 7am and 7pm Monday-Friday, 7am-12 noon on Saturdays and not at all on Sundays or Public Holidays;**
- j) **The access to the trunk road and visibility splay as shown on drawings. RYA3/7 and 3/8 respectively dated February 2001 shall be provided and maintained, with the access surfaced to a minimum depth of 150mm in either concrete or bituminous materials for a distance of 10m from the kerbline of the trunk road, for the duration of the operations hereby permitted;**
- k) **No work involving the movement of soil, other than that on the bankside connected with the construction of the wharf and associated facilities, shall commence before a phased scheme for the handling and respreading of previously stripped and stored soils and overburden has been submitted to and approved in writing by the Mineral Planning Authority. Soils and overburden shall not be handled other than strictly in accordance with the approved scheme unless the Mineral Planning Authority agree otherwise in writing;**
- l) **Proposals for the decommissioning and restoration of the wharf and plant area as shown on Drawing Numbered: RYA 3 / 6a shall be submitted to the Mineral Planning Authority for their approval by 31 December 2023, unless**

the extraction operations at the associated Ryall's Court Quarry (Application Ref: 15/000013/CM) cease permanently prior to that date in which case decommissioning and restoration proposals shall be submitted within 3 months of the date of permanent cessation of working;

- m) Prior to resspreading of soil making materials, subsoil or topsoil, the upper 600mm of the surface shall be:**
- i. Prepared so that it does not contain material injurious to plant growth;**
 - ii. Ripped at a spacing of 500mm or closer to remove rock, stone, boulder, other foreign objects or compacted layers capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling;**
 - iii. Stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours;**
- n) Any part of the site which is significantly affected by differential settlement that occurs during the restoration and aftercare period, and would interfere with agricultural operations, shall be filled. The operator shall fill the depression to the final settlement contours specified with suitable imported soils to the specification to be agreed in writing by the Mineral Planning Authority. Topsoil, subsoil and other overburden moved in the course of the work shall not be mixed and shall not be handled and replaced in accordance with the above conditions;**
- o) An agricultural aftercare scheme outline strategy shall be submitted for the written approval of the Mineral Planning Authority at least 3 months before spreading of subsoil commences. This strategy shall outline the steps to be taken, and the period during which they are to be taken, and who will be responsible for taking those steps, to bring the land to the required standard so that the physical characteristics are restored, as far as it is practicable to do so, to what they were when the land was last used for agriculture i.e. the standard that satisfies the requirements of Paragraph 3(1) of Schedule 5 of the 1990 Act. The aftercare scheme shall include provision for a field drainage system and an annual meeting;**
- p) Within 9 months of the date of this permission, details of the review of the wharf lighting shall be submitted to and approved in writing by the Mineral Planning Authority. The wharf lighting review shall include details of the existing and any proposed lighting, and shall include:**
- i. Height of the lighting posts**
 - ii. Intensity of the lights**
 - iii. Spread of light (in metres)**
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;**
 - v. Any measures to minimise the impact of lighting upon protected species and habitats, in particular bats; and**
 - vi. Times when the lighting would be illuminated;**

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

Contact Points

County Council Contact Points

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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 15/000012/CM.