

# Agenda

## Planning and Regulatory Committee

**Tuesday, 12 July 2016, 10.00 am**  
**County Hall, Worcester**

### Notes:

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# DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

## WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

## WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

## WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

## WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

## DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

## DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

**Planning and Regulatory Committee**  
**Tuesday, 12 July 2016, 10.00 am, County Hall, Worcester**

**Councillors:** Mr R C Adams (Chairman), Ms P Agar, Mr A T Amos, Mrs S Askin, Mr P J Bridle, Mr S J M Clee, Mr P Denham (Vice Chairman), Mrs A T Hingley, Mr I Hopwood, Mr A P Miller, Mr D W Prodger MBE, Mr R J Sutton and Vacancy

**Agenda**

<b>Item No</b>	<b>Subject</b>	<b>Page No</b>
1	<b>Named Substitutes</b>	
2	<b>Apologies/Declarations of Interest</b>	
3	<b>Public Participation</b> The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application.	
4	<b>Confirmation of Minutes</b> To confirm the Minutes of the meeting held on 17 May 2016. (previously circulated – pink pages)	
5	<b>Proposed minerals extraction of about 2.2 million tonnes of sand and gravel by the phased extension to an existing sand and gravel quarry, a new concrete batching plant, consolidation of existing sand and gravel extraction to agriculture, nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire</b>	1 - 94

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Date of Issue: Friday, 1 July 2016

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**PLANNING AND REGULATORY COMMITTEE  
12 JULY 2016****PROPOSED MINERALS EXTRACTION OF ABOUT 2.2 MILLION TONNES OF SAND AND GRAVEL BY THE PHASED EXTENSION TO AN EXISTING SAND AND GRAVEL QUARRY, A NEW CONCRETE BATCHING PLANT, CONSOLIDATION OF EXISTING SAND AND GRAVEL EXTRACTION AND RESTORATION TO AGRICULTURE, NATURE CONSERVATION USES AND LAKES AT CLIFTON QUARRY, CLIFTON ARLES WOOD, SEVERN STOKE, WORCESTERSHIRE**

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**Applicant**

Lafarge Tarmac Trading

**Local Member(s)**

Mr R J Sutton

**Purpose of Report**

1. To consider a County Matter planning application for the proposed minerals extraction of about 2.2 million tonnes of sand and gravel by the phased extension to an existing sand and gravel quarry, a new concrete batching plant, consolidation of existing sand and gravel extraction and restoration to agriculture, nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire.

**Background**

2. Planning Permission was first granted at Clifton for the winning, working and processing of sand and gravel and the production of ready-mixed concrete and mortar at this site on appeal in 1990 (Application Ref: 407183, Appeal Ref. T/APP/F1800/A/88/107854/P8). However, as the demand for sand and gravel did not materialise because of the economic recession in the early 1990s, Tarmac Limited did not develop the site based on the development programme proposed at that time. The applicant subsequently applied for planning permission to extend that date when development must be begun as imposed on the above permission, which was granted by the Mineral Planning Authority in 1994 (Application Ref: 407343, Minute No. 430 refers).

3. In August 2002, Tarmac Limited sought planning permission to extend the quarry and to replenish reserves by applying for three proposed new phases to the north and east of the existing quarry. Several objections had been received with regards to the proposal which related to potential disturbance to the archaeological remains located in the application area, the amount of agricultural land that would have been permanently

lost, the effects of the development on flood storage and the loss of rush pasture and wet grassland.

4. Therefore, in December 2004, Tarmac Limited submitted revised proposals for a smaller extension which took account of the objections raised. The proposals also took account of the company's reassessment of the potential to process and sell the significant quantities of fine sand that overlay the central and western parts of the northern extension area for which there was no demand when the application was submitted in 2002.

5. Subsequently, Tarmac Limited undertook a further reassessment of the development proposals because the company identified a demand in the market for the fine sands and in July 2005, the company submitted a further revision to the development scheme that reintroduced part of a phase that was included in the original submission. Members of the Planning and Regulatory Committee granted planning permission for this on 27 January 2006 at their meeting on 13 December 2005 (Application Ref: 407531, Minute No. 437 refers).

6. The existing planning permission at Clifton Quarry allows for approximately 400,000 tonnes of remaining mineral to be extracted from the site. The applicant estimates this will be exhausted by August 2016 and restoration of the final phases of the most recently approved scheme is currently taking place within Phases 9, 10 East and 10 West together with the north eastern batter of Phase 11.

7. Lafarge Tarmac Limited has now submitted this planning application to extend the quarry and to replenish reserves by applying for a phased extension to the south and the east of the existing quarry operation.

## **The Proposal**

8. The proposed extension to the existing quarry is separated into two extension areas, one located to the south of the existing quarry site and the other beyond the A38 to the east. The southern extension area measures approximately 26.4 hectares and the eastern extension area measures approximately 50.3 hectares.

9. A sequence of seven phases across the two extensions areas are proposed; three within the proposed southern extension (Phases A-C) and four within the proposed eastern extension (Phases D, E, F (split into north and south) and G), as shown on the plan attached to this report. The proposed phasing would allow for progressive restoration to take place. The planning application is accompanied by a restoration scheme that makes provision for the progressive reinstatement of agricultural land with wetland areas together with complementary planting and habitat creation.

10. Across these seven phases, a total of about 2.2 million saleable tonnes of sand and gravel would be extracted over a course of about 11 years. The extracted mineral would be transported via a conveyor to be processed at the existing Clifton Quarry plant site, which is located to the west of the A38, within the Clifton Arles woodland.

11. The deposit of sand and gravel overlies bedrock of Basal Mercia Mudstone. The thickness of the sand and gravel deposits varies between 0 metres and 7.4 metres, with an average thickness of 3.6 metres. The southern area also contains a finer fluvial sand

deposit above the sand and gravel with a thickness measuring between 0 metres and 7.2 metres, with an average thickness of 2.5 metres. Overburden consisting of soils and clays blankets the site with a thickness measuring between 0.1 metres and 1.9 metres, with an average thickness of 0.6 metres. In terms of grading, the southern extraction area is more gravel rich than the eastern area. The southern area has a composition of about 55% sand, 45% gravel composition compared to the eastern area's composition of about 65% sand, 35% gravel.

12. The depth of the quarry floor would vary as the base of deposit undulates; however, extraction is anticipated to be typically between about 6 metres AOD to 7 metres AOD in the southern extension area and about 10 metres AOD to about 12 metres AOD in the eastern extension area.

13. The phased extraction of sand and gravel would take place from both above and below the natural water table. The groundwater encountered in Phases A, B, C, D, E and the southern extent of Phase F would be pumped from the active areas of the quarry to create dry working areas and the northern extent of Phase F and Phase G would be worked wet.

14. The proposed structures within the proposed extension areas would include the proposed conveyor, together with machinery. One loading shovel would be used to dig/move materials within the site and to load the conveyors.

15. It is not proposed that any processing plant would need to be located within the proposed extension areas because the proposed development would use the existing processing plant and ancillary infrastructure, located on the existing quarry site. A new concrete batching plant which would combine on site materials with cement to produce ready mixed concrete would be sited within the existing plant site. The concrete batching plant would measure approximately 21.4 metres long by 14 metres wide by 17 metres high.

16. A proportion of the sand and gravel extracted from the site would be used in the production of concrete at the proposed concrete batching plant. The concrete batching plant would consist of aggregate storage bins, storage silos, the main mixer tower and a control cabin. The concrete batching plant would be clad or painted green.

17. The process would involve mixing aggregate from the quarry with a proportion of cement, water and admixes in order to achieve the desired concrete specification. The aggregate to be used would be fed into the production process by a quarry loading shovel into the aggregate storage bins. The cement and admixes would be brought to the plant site by road, via the existing quarry access. The cement would be brought by sealed tankers and pumped to the storage silos.

18. Proportions of aggregate would be fed from the aggregate storage bins onto an underlying enclosed conveyor which transfers the aggregates to the top of the mixing tower. The aggregate would be weighed within the mixing tower with cement and admixtures (to obtain fluidity and to accelerate or decelerate the concrete setting time) which would be released from the silos and transferred into the mixing tower by way of conveyors. Water would then be mixed with the feed stock. The mixing operation uses rotation or stirring to coat the surface of the aggregate with cement paste and to blend the other ingredients uniformly. The operation of the plant and duration of the mixing process would be managed from within the proposed cabin office.

19. From the mixing tower the combined aggregates and other constituent materials, which now form ready mixed concrete, would be dispatched directly into mixer trucks positioned beneath the mixer tower. The aggregates and concrete products would be dispatched from the site by lorries and light commercial vehicles. Un-laden vehicles arriving at the quarry for loading would be weighed in at the weighbridge upon arrival, before progressing to the stocking area where they are loaded by a wheel shovel loader and then weighed back out at the weighbridge passing through a wheel wash and then being sheeted before leaving the quarry.

20. The applicant states that the concrete batching plant would generally require three types of aggregates: fine sand (0-2mm), coarse sand (0-4mm) and gravel (4-20mm). All of these grades of sand and gravel would be available from the Clifton Quarry extension area, therefore, the applicant does not anticipate the need to import sand and gravel to the site, but would require the flexibility to import sand and gravel should the need arise due to the composition of sand and gravel in any phase (some areas of the extension area are more gravel rich whilst other parts of the extension area are more sand rich).

21. It is estimated the annual output of the concrete batching plant would be about 20,000 cubic metres of concrete, therefore, it would require about 40,000 to 50,000 tonnes of sand and gravel per annum. The applicant estimates they would need to import approximately 60 tonnes per week of cement, resulting in about 4 additional vehicles movements (2 tankers entering the site and 2 tankers exiting the site per week). The admixture would be in liquid form and the applicant has confirmed that no more than 1 tanker would be required per week, resulting in 2 vehicle movements per week (1 tanker entering the site and 1 tanker exiting the site per week).

22. The proposal would provide for the continuation of 8 existing full-time jobs at Clifton Quarry and the creation of an additional 2 full-time jobs associated with the concrete batching plant, with the creation of 20 plus employment opportunities provided in connection with transportation and the employment of local trades at the existing Clifton Quarry site.

23. It is proposed that the operations at the extension would be the same as the existing quarry, which would be between the hours of 07:00 and 19:00 Mondays to Fridays, inclusive and between the hours of 07:00 and 13:00 on Saturdays, with no working on Sundays or Bank Holidays.

24. The applicant estimates that the typical rate of extraction would result in an average of between 72 and 92 HGV movements per day on the local road network (about 36 to 46 HGVs entering the site and 36 to 46 HGVs exiting the site per day). With regards to the concrete batching plant the applicant estimates that the imports to the site (cement and admixtures) would result in approximately 6 additional vehicle movements per week (3 tankers entering the site and 3 tankers exiting the site per week). In terms of exports associated with the concrete batching plant the applicant estimates that this would result in 4 additional vehicle movements per day (2 tankers entering the site and 2 tankers exiting the site per day).

#### The southern extension area

25. The northern extent of the proposed southern area extension follows an existing field boundary adjoining the existing site with the eastern boundary following the alignment of the Clifton Arles Woodland and the plant site. The southern boundary follows the alignment of an existing field boundary and an existing footpath (Reference



FP 529(b)). An existing residential property, Sheepcote Farm, is situated towards the central western section of the southern extension area and is not included within the extraction area. Sheepcote Lane, which provides access to Sheepcote Farm, bisects the southern area and is also not included within the proposed extraction site.

26. Sheepcote Lane provides a geographical and topographical distinction between the northern and southern parts of the southern extension area. The land in the northern part of the area generally falls from beside Sheepcote Lane towards Clifton Arles Woodland and the plant site; however the southern area contains a number of mounded features, which are approximately four metres above the level of the field boundaries

27. The proposed southern extraction area is delineated into five fields which are predominately under arable production. The applicant states that the agricultural land quality of the proposed extension area has been assessed. The proposed southern extension area is dominated by grade 3b land with a band of Grade 3a and 2 on the south and eastern sides of Sheepcote Farm.

28. Sheepcote Farm and Sheepcote Lane will remain in situ throughout the proposed extraction activities. An oil pipeline crosses the proposed southern area across Phases B, A and C respectively from the north to south. This application seeks to extract all mineral from the proposed extension area including the route of the existing pipeline.

#### The eastern extension area

29. The extent of the eastern Area is broadly defined by the A38 road and the Ashmoor Common Site of Special Scientific Interest (SSSI). It is proposed that there would be a 200 metre standoff from Clifton Village. The western extent of the proposed eastern extraction area is defined by the A38 and follows the existing field boundary of the Ashmoor Common Watercourse to the east. The eastern boundary is adjacent to an existing residential property, 1 Lower Sandford, which is a Grade II Listed Building. This property is aligned with a west to east bridleway directly opposite the existing Clifton Quarry access road.

30. The topography of the proposed eastern extraction area is relatively level with the land generally falling away to the Ashmoor Common Watercourse on the eastern boundary. The proposed eastern extension area is predominantly under arable production with limited sections of existing hedgerow, local access tracks, footpaths and a bridleway. The applicant states that the agricultural land quality of the proposed extension area has been assessed and considered. The proposed eastern extension area comprises land in agriculture use, Grades 2 and 3a. The Grade 3a land is alongside the Ashmoor Common watercourse and smaller areas in the northern and southern parts of the proposed eastern extension area. The arable farmland, most of which is intensively managed, is bordered by various field boundaries including hedgerows, fencing and narrow margins of improved grassland. There is also a ditch along the north-eastern boundary of the proposed eastern area where it borders Ashmoor Common SSSI.

31. Two footpaths and a bridleway currently cross the proposed eastern extension area, generally leading from the A38 (and Clifton Village) to Kerswell Green. Public Right of Way SS-537 links the A38 in the vicinity of the quarry access road to Lower Sandford and then Naunton Farm. The bridleway is located along the Lower Sandford access road and between Phase D and E and, therefore, would remain in place throughout the proposed extraction activities. Footpath SS-525 links the A38 to the immediate east of

Clifton Village along the Phase F and G boundary towards a network of paths to the west of Kerswell Green. Finally, Footpath SS-530 skirts the north-western edge of Phase E and then doglegs to the south-east to join Bridleway SS-537. Both footpaths would be subject to minor diversions during the proposed development.

32. The applicant states that the proposed temporary diversions to the Public Rights of Way network within the eastern extension area (namely Footpaths FP-530 and FP-525) have been designed to ensure the following:

- *"That there will always be a route along either the original path alignment or a temporary diversion to protect the legal right to walk;*
- *The protection of walkers will be paramount with fencing along either side of the footpath to protect walkers from quarrying activities;*
- *The proposed mineral extraction activities will be temporary in nature and will restore land to a mixture of agricultural land, a lake and wetland features".*

33. The proposed development includes the construction of an underground conveyor crossing and silt pipeline within a tunnel. The tunnel construction would take the form of a concrete pipe, which would have an internal diameter of approximately 2.1 metres. The conveyor would facilitate the transportation of sand and gravel from the eastern side of the A38 to be processed by the existing plant on the western side. The pipeline would also enable the movement of silting water from the plant site to the lagoons within Phase E. The tunnel construction would be located on a west–east axis underneath the A38, immediately north of the existing quarry entrance.

34. The application is accompanied by an Environmental Statement which addresses the following matters: landscape and visual impact, ecology, agricultural and soil resources, hydrology and hydrogeology, transport, cultural heritage, noise, air quality and cumulative impacts.

## **The Site**

35. The application site is located in the Severn Valley of the River Severn in the south of Worcestershire, south of Kempsey. The site is approximately 10 kilometres south of Worcester City centre, 1.5 kilometres south of Kempsey, and 250 metres west of Clifton village.

36. The application site is located adjacent to the existing quarry at Clifton. The existing quarry measures approximately 99.1 hectares in area and is located on land west of the A38, and east of the River Severn. The access to the existing quarry is located at its southern end approximately 600 metres south of Clifton village. The access is directly from the A38. A concrete haul road measuring approximately 300 metres in length runs from the access towards the centre of Clifton Arles Woodland.

37. The processing plant, offices, weighbridge, and wheel washing facilities associated with the existing quarry are located in the centre of Clifton Arles Woodland. The existing silt lagoons associated with the washing process to prepare the aggregate for sale are located on land to the north-west of Clifton Arles Woodland.

38. The existing quarry has been worked in phases from south to north. The worked areas are being restored to agricultural use and a number of landscaped lakes for biodiversity and fishing in accordance with the submitted restoration scheme. Extraction is currently being undertaken on the northern face of Phase 10 west. Final extraction would then take place on Phase 11 by working the haul road as the remaining part of Phase 11. These phases will be restored according to the submitted restoration scheme.

39. The application site is comprised of two extension areas; a proposed southern area, and a proposed eastern area. The southern area measures approximately 26.4 hectares, whilst the eastern site measures approximately 50.3 hectares.

40. The southern area is located roughly south of the existing extraction area. The southern area is bounded to the west by a Public Right of Way (Footpath SS-529); to the south by arable fields and a hedgerow; and to the north-east by the rough pathway of an intermittent water course before reaching the existing area of plant. Sheepcote Lane bisects the southern area. The southern area is divided into 5 arable fields interspersed with a limited number of isolated trees. An oil pipeline cuts through the approximate centre of the area on a north-west to south west axis.

41. The eastern area is broadly located between the A38 and the Ashmoor Common SSSI. The A38 forms the western boundary of the area, whilst the Ashmoor Common SSSI forms the majority of the eastern boundary. The eastern extension area would feature a 200 metre standoff zone around Clifton village. The proposed eastern extension area is currently used largely for arable farmland. Two Public Rights of Way and a bridleway run through the eastern extension site. Footpath SS-525 runs through the area at its northern half, whilst Footpath SS-530 runs across the area in its southern half. Bridleway SS-537 runs across the area in its southern half and reaches the A38 boundary at a point directly opposite the access for the existing Clifton Quarry.

42. A number of Public Rights of Way are also located within the application site's immediate and wider setting, including Footpaths SS-517, 518 and 528 which run along the western boundary of Clifton village joining the A38 and Footpath SS-529; Footpaths SS-581 and SS-582 (the Severn Way long distance footpath) situated about 485 metres west of the site; Footpath SS-536 which runs diagonally between the Severn Way and Footpath SS-529. Footpaths SS-578 and SS-520 run through the northern part of the existing site. Footpaths SS-500 and KP-722 adjoin the northern boundary of the existing site. On the eastern side of the A38, Footpaths SS-540, 541 and 542 run parallel with the proposed eastern extension, located about 140 metres south and east of the proposal; and Bridleways SS-538 and 539 run between the proposed eastern extension and Birch Green Road.

43. There are a number of settlements within the vicinity of the application site. A number of small settlements and isolated properties are located along the A38. Several villages are also in the vicinity of the site. Kempsey is located approximately 1.5 kilometres north of the site; Kerswell Green is located approximately 600 metres to the east of Clifton; Severn Stoke is located approximately 900 metres to the south; Hanley Castle is located approximately 3 kilometres to the south-west; and Guarlford is located approximately 3 kilometres to the west. The main land use surrounding the site is agriculture.

44. The application site is in close proximity to a number of residential properties. The nearest residential property is 1 Lower Sandford Cottage, which is located immediately

adjacent to the eastern extension area on its south eastern side. Sheepcote Farm is the closest property to the proposed southern extension area and is surrounded to the north, east and south by proposed mineral working. Further residential properties are located within Clifton Village. The closest are 'The Maltings' and 'The Tything' numbers 1-8. These properties are located approximately 220 metres west of the eastern extraction area beyond the A38. Further residential properties are located within Clifton Village, the closest are 'The Maltings' and numbers 1 - 8 along The Tything, which are located on the eastern edge of Clifton Village adjacent to the A38, about 20 metres west of the application site and approximately 200 metres from the proposed mineral extraction operations within Phases F and G of the proposed eastern extension area. Hunters Lodge is located approximately 260 metres north of the eastern extension area application site. Baynhall Farm is located approximately 315 metres to the north-east of the application site for the eastern extension area. The residential properties of Stanford Villa Farm, Sandford Cottages and the neighbouring The Lodge are located approximately 140 metres south-east and 220 metres south of the proposed eastern extension area, respectively.

45. There are 6 Grade II Listed Buildings located within Clifton Village, which is a deserted or shrunken medieval village (Clifton Ham, Clifton Court, The Maltings, Wayside Cottage, Clifton Lower Farmhouse and Cleeve Cottage). The nearest Listed Building to the proposal is that of The Cottage (1 Lower Sandford), a Grade II Listed Building located within the application site, situated immediately adjacent to the eastern extraction area. The Grade II Listed Buildings of Baynall Farmhouse and the Nash are situated about 425 metres north and 1 kilometre north-east of the application site, respectively. Further Grade II Listed Buildings are located about 685 metres east of the proposal in Kerswell Green (Milestone, Kerswell Green Farmhouse and Cedar Cottage) and in Birch Green (The Cottage and No.11 - Spring Cottage) located approximately 815 metres east of the proposal. Birch Farmhouse and the Barn to the West of Birch Farmhouse are both Grade II Listed Buildings situated about 1.2 kilometres south-east of the application site. Further Grade II Listed Buildings are located on the western bank of the River Severn, with Milestone, Basket Weaver Cottage, 119 -120 Clevelode being the closest, situated about 860 metres west and 590 metres north-west of the site, respectively. A number of Listed Buildings are also located within Severn Stoke, notably the Grade II\* Church of St Denys located about 1.1 kilometres south of the proposal.

46. A Grade I Listed Building 'The Panorama', is located approximately 1.4 kilometres south-east of the proposed eastern extraction area. Further significant historic assets beyond a 2 kilometre radius of the application site include the registered Grade II Historic Park and Gardens of the Grade I Listed Croome Court; Grade II Listed Pirton Park and associated Grade II Listed Buildings of Pirton Tower, Park Farmhouse and Granary; and the Grade II\* Listed Madresfield Park. A number of local designated Historic Park and Gardens are located within the context of the application site and include The Nash located about 760 metres north-east of the proposal and Rhydd Court located about 700 metres south-west of the application site.

47. The Ashmoor Common SSSI which abuts the eastern boundary of the proposed eastern extension area is designated for its biological (northern part) and geological (geomorphological) interest (southern part); part of the site is registered as common land. The description and reasons for notification of the Ashmoor Common SSSI are as follows:

- *"Ashmoor Common lies in the flood plain of the River Severn, a few miles south of Worcester City. The site is an important one for studies of river landforms and*

of the history and evolution of the River Severn. In addition, the northern half of the site is of biological interest.

#### Biology

- *The marshy grassland, which supports plant communities associated with neutral to acidic soils, represents one of the few examples of this type of habitat surviving in Worcestershire. The dominant species are tufted hair-grass *Deschampsia cespitosa*, soft rush *Juncus effusus* and sedges such as hairy sedge *Carex hirta*. The wetter areas support a number of plants which are uncommon in the county, e.g. golden dock *Rumex maritimus*, tubular water-dropwort *Oenanthe fistulosa* and the nationally scarce narrow leaved waterdropwort *O. silaifolia*. An abundance of marsh pennywort *Hydrocotyle vulgaris* is a particular feature of the site.*
- *A pond and several ditches contribute to the nature conservation interest of the site. Their margins support the nationally scarce orange foxtail *Alopecurus aequalis* and the locally uncommon pink water-speedwell *Veronica catenata* and many-stalked spike-rush *Eleocharis multicaulis*.*
- *The site is also of local ornithological importance, providing one of the few breeding areas in this part of Worcestershire for wetland species such as snipe *Gallinago gallinago* and curlew *Numenius arquata*.*

#### Geology

- *This site is important for interpreting aspects of the palaeohydrology of the River Severn. It includes a type example of an underfit palaeochannel representing an earlier course of the Severn above the level of the present floodplain. It is also important in providing detailed information on floodplain sedimentary environments and an absolute chronology for floodplain development. Deposits in the palaeochannel include reworked terrace sediments with channel sands on top. A radiocarbon date from organic deposits indicates that the channel was abandoned around 6,000 years BP".*

48. There are a number of Local Wildlife Sites (LWS) within the context of the application site. This includes the Clifton Arles LWS and Ancient Woodland, which is located within the application site, surrounding the existing processing plant area. The Bogs LWS abuts the northern boundary of the application site; the Brickpits Plantation and Sandford Pits and Cliffey Wood & Cliffs LWS's are located approximately 85 metres south and 340 metres south-west of the application site, respectively. The River Severn LWS is also located to the west of the southern extraction area with the nearest point being approximately 210 metres from the application site. Birch Arles LWS and Ancient Woodland is situated about 620 metres east of the proposed eastern extension area. Madresfield Brook LWS and Clevelode Meadow LWS are situated about 280 metres and 605 metres north-west of the application site, respectively. The Dripshill Wood LWS and Ancient Woodland and Guarlford Green & Rhydd Green LWS are located approximately 940 metres west of the site, on the western bank of the River Severn. The Pool & Mere Brooks LWS is situated about 1.5 kilometres south-west of the proposal. Normoor Common LWS is located about 1 kilometre north-east of the proposal and the Kempsey Lower Ham LWS is located approximately 885 metres north of the application site.

49. The River Severn is the main hydrological feature within the vicinity of the site, together with its surface catchment drains and ditches. Large areas of the application

site, particularly in the proposed southern extraction area, are located in Flood Zone 2 (medium probability - land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding), as identified on the Environment Agency's Indicative Flood Risk Map

50. The Ashmoor Common Regionally Important Geological and Geomorphological Site (RIGS) is located adjacent to the eastern boundary of the proposed eastern extraction area. The Ashmoor Common Peat site is located approximately 300 metres east of the proposed eastern extraction area; and the Clifton Quarry Peat site is located immediately north of the proposed southern extraction area.

51. Malvern Hills Area of Outstanding Natural beauty (AONB) is situated about 5.5 kilometres west of the application site, and Bredon Hill AONB is situated approximately 8.5 kilometres south-east of the proposal.

### **Summary of Issues**

52. The main issues to be considered in the determination of this application by the County Council in its role as the Mineral Planning Authority are:

- Alternatives
- Worcestershire's Landbank of Sand and Gravel Reserves
- Whether the proposal meets the site selection criteria set out in the adopted Hereford and Worcester Minerals Local Plan
- Best and Most Versatile Agricultural Land
- Landscape character and appearance of the local area
- Residential amenity (including noise and dust)
- Historic environment
- The protection of the water environment
- Ecology and biodiversity
- Traffic, highway safety and impact upon Public Rights of Way, and
- Restoration and aftercare of the site.

### **Planning Policy**

#### **National Planning Policy Framework (NPPF)**

53. 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.

54. 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".

55. 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.

56. 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

### **The Development Plan**

57. 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 and Adopted South Worcestershire Development Plan.

58. 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.

59. 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)**

Policy 2 Other Sand and Gravel Deposits

### **Adopted South Worcestershire Development Plan**

60. 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 5: Green Infrastructure  
Policy SWDP 6: Historic Environment  
Policy SWDP 12: Rural Employment  
Policy SWDP 21: Design  
Policy SWDP 22: Biodiversity and Geodiversity  
Policy SWDP 23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)  
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  
Policy SWDP 62: Implementation

### **Emerging Minerals Local Plan**

61. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. 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 adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

62. 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.

63. 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.



64. 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.

65. 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.

### **Worcestershire Green Infrastructure (GI) Strategy (2013 – 2018)**

66. The Worcestershire Green Infrastructure Strategy, produced by the Worcestershire Green Infrastructure Partnership, describes the need for Green Infrastructure in the county and sets a vision for the delivery of Green Infrastructure. It highlights how this can be delivered through housing, employment, infrastructure development and land management. The Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in Worcestershire; and inform relevant strategies and plans of partner organisations.

67. The Strategy identifies mineral extraction and restoration as a main opportunity to deliver green infrastructure. The Strategy notes that Green Infrastructure closely reflects the principles of sustainable development identified in the NPPF. The delivery of Green Infrastructure is, therefore, likely to be an increasingly important consideration when assessing the extent to which proposals such as mineral workings constitute sustainable development.

68. The Strategy considers the key to planning and managing green infrastructure in minerals extraction and restoration is to consider the site in its context. This includes considering the features of the site and the networks of habitats, sustainable transport routes and water courses that surround it. It notes that the robust mechanism for delivering Green Infrastructure through mineral extraction and restoration is still to be established, but modern planning permissions for mineral workings require a restoration and aftercare scheme. The Strategy also notes that many operators are sympathetic to environmental enhancement, which is supported by the Minerals Products Association. It, therefore, considers that it is likely that there is significant potential to incorporate Green Infrastructure concepts within a wide range of restoration schemes.

### **Consultations**

69. Worcestershire County Council carried out public consultation of the planning application in March 2015. Following the consideration of the comments that were received on it, the applicant wrote to the County Council in August 2015 submitting additional information in respect of the Environmental Statement, in relation to hydrology and Ashmoor Common SSSI; heritage setting assessment; landscape/restoration planting and 5 year aftercare programme; highways; archaeology; bunds and Public Rights of Way. In accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the Mineral Planning Authority

carried out public consultation on this additional information (between September and October 2015).

70. Following the consideration of the comments that were received on the additional information, the applicant wrote to Worcestershire County Council in January 2016 submitting further additional information in respect of the Environmental Statement, relating to proposed tunnel connection underneath the A38; ecology and landscape. The Mineral Planning Authority carried out a further public consultation exercise, also in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 between February and March 2016. The comments below summarise the latest comments from consultees; and the totals the number of letters of representations received on all three consultations combined.

71. **Severn Stoke & Croome d'Abitot Parish Council** raise the following concerns:

- Inaccuracies within the public exhibition material submitted as an appendix to the Environmental Statement
- None of the electricity power lines which supply Clifton, Kerswell Green, Cevalode (across the river), Sandford, Sheepcote Farm and Lafarge Tarmac Quarry are shown on any of the submitted drawings
- The delay and lack of restoration of historical workings on the site does not give the Parish Council any faith that this scheme would be any different. The current restoration is, in some areas, 15 years behind. The Parish Council request that the outstanding restoration should be imposed as a condition of any planning permission
- The Parish Council are concerned regarding the phasing of the proposed eastern extension, in particular phases E, F and G, and request that extraction commences in the north, with Phase G working southwards, as it is considered that this would limit the disturbance to Clifton Village and would create a large water body in Phase D rather than Phase G
- The Parish Council consider that the applicant has missed two of the main sources of water which feed Ashmoor Common SSSI, this being a spring which feeds from all of the fields on the east of Ashmoor Common SSSI and a secondary spring which is in the south-east corner of Ashmoor Common SSSI. This would negate the need for a lake to be left in Phase G
- The Parish Council has been informed that the occupier of 1 Lower Sandford does not want bunds 22 and 23 to be constructed. These bunds would be located immediately to the west of the property
- Inaccuracies with the planning application and supporting statement regarding the contours and angle of the proposed soil bunds
- The Parish Council consider that all the soil bunds in the southern extension are unacceptable due to being too steep, close to properties or under existing power lines. The critical bund which protects the village of Clifton and the Quarry site itself from flooding is missing from the western boundary of Phase B
- Public Right of Way SS-530 should be permanently diverted, rather than continually moved
- The operating hours until 19:00 hours is considered too late. The Parish Council request that all operations should cease at 17:00 hours
- The proposed development uses the existing working practises of large areas of soil stripping which have proved totally unacceptable at the existing Clifton Quarry due to long-term lack of restoration. A satisfactory alternative would be to

limit a maximum area of exposed sand and gravel to 1 hectare. This would also limit the impact of de-watering operations should a flood event occur

- With regard to the stockpiles awaiting removal to quarry from phasing areas should be limited to no more than two days production to reduce the visual affect, dust and the risk of wind erosion
- The Parish council consider there is inadequate information as to how the water levels in Phase A would be managed when the river is in a potential flooding situation, as this closes all the natural land drainage flaps. The applicant has not submitted information regarding the permeability of the soil whilst extraction is taking place. This would leave the village of Clifton particularly vulnerable. They feel that detailed mitigation of the risk should be included in this application and a condition of planning prior to commencement
- They state that in order to protect the workings in Phase A, Phase B should be completed first as a number of springs drain into Phase A as a result of the higher land in Phase B
- A new drainage outlet should be installed to maintain water levels, with a discharge point to the west of Phase B into the large agricultural ditch (currently one of the licensed discharge points for Tarmac's current quarrying activities is into the same ditch), and
- With regards to the eastern extension are, they raise concerns regarding wet digging in Phase G and part of F. Wet digging is reported to leave approximately 30% of the produce behind and surely this is not an environmentally acceptable outcome for such a limited resource within the County. They consider that a solution to this would be a narrow trench against Ashmoor Common SSSI which would have a puddled clay fill put in it which would allow dewatering of the rest of the site.

72. **Guarlford Parish Council (Neighbouring Parish Council)** has no objections to the proposal in principle, but in relation to the oil pipeline they strongly object to Option 1, which proposes the "permanent disconnection and stopping up of the oil pipeline", because the pipeline preserves the integrity and continuation of oil supplies in the UK and there may be a requirement for this pipeline in the future. The Parish Council support the proposal for the applicant to agree with the oil pipe company for a mineral sterilisation claim to retain the pipe in its current position.

73. **Kempsey Parish Council (Neighbour Parish Council)** comments that Kempsey Village would be subjected to noise and pollution caused by HGVs travelling to the application site. They request the applicant makes a donation to the Parish Council Community Centre Development Fund, as a means of compensating the villagers for the extra noise and disturbance that the increased traffic would cause. The application site abuts Ashmore Common SSSI, therefore, the views of Natural England should be sought and imposed as conditions, where appropriate.

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

75. **Powick Parish Council (Neighbouring Parish Council)** has made no comments.

76. **Malvern Hills District Council (Planning)** has concerns regarding the acceptability of the proposal and comments the following:

#### Proposed Eastern Extension Area

77. Whilst not within Flood Zone 2 or 3 the proposed eastern extension area is surrounded by Flood Zone 2, therefore, there are concerns that mineral extraction has the potential to increase surface water run-off and increase vulnerability to flooding for the neighbouring area and residential properties.

78. There are priority species and habitats within the proposed extension area. Records indicate that there are vascular plant, cinnabar moth, yellow wagtail, noctule bat and brown long-eared bat.

79. The proposed eastern extension area is only about 200 metres from Clifton Village and less than 50 metres from about 10 residential properties. It is noted that the applicant proposes "*other quarry operational land*" rather than mineral extraction to the west of the proposed extension, which would provide a slight buffer between the nearest residential properties. Nevertheless, the proposed area of mineral extraction would still be no more than 200 metres from residential properties, which could give rise to concerns regarding pollution (air quality and noise impacts).

80. The proposed eastern extension area is immediately adjacent to Ashmoor Common SSSI. The proposed extension appears to be adjacent to a Grade II Listed Building, '1 Lower Sandford' and in close proximity to additional Grade II Listed Buildings, including 'The Maltings' (around 50 metres away), Clifton Court and Wayside Cottage (both around 150 metres away). The proposed eastern extension area includes 3 public footpaths/bridleways.

#### Proposed Southern Extension Area

81. The proposed southern extension area is within Flood Zone 2. There would be concern if mineral extraction had the potential to increase surface water run-off and increase vulnerability to flooding for the neighbouring area and residential properties.

82. There are priority species and habitats within the proposed extension area. Records indicate yellow wagtails and polecats.

83. The proposed southern extension area is immediately adjacent to Clifton Arles LWS, valued for its grassland, marshland and swamp wet woodland. A further LWS (Brickpits plantation and Sandford pits) lies less than 100 metres south of the proposed southern extension area.

84. It is noted that the proposed extension area includes Sheepcote Farm. Part of the north-eastern boundary of the proposed southern extension area is adjacent to ancient woodland. They note that there is an existing pipeline which runs through most of the proposed southern extension area where mineral extraction is proposed. A public footpath runs alongside/is adjacent to the western boundary of the proposed southern extension area.

85. They state that whilst the above issues will need to be considered individually, they should also be considered in terms of possible cumulative environmental impact arising from the proposed quarry extensions.

86. They state that if approved, the proposed eastern extension area, together with the existing site, would effectively surround Clifton village with quarries. They are also aware that further sites – at 'Sandford' and 'Madge Hill' have been submitted for consideration as

part of preparation for the Minerals Local Plan. The 'Sandford' site would only be around 120 metres from the proposed extension areas, whilst the 'Madge Hill' site would only be 1 kilometre from both the proposed extensions. The existing quarry, proposed extensions and the 'Sandford' and 'Madge Hill' sites would all access the A38.

87. They state that whilst mineral extraction is necessary for the supply of aggregates, it is clearly important to safeguard the natural environment and the built heritage of an area and protect residents from unacceptable impacts.

88. **Malvern Hills District Council (Conservation Officer)** has made no comments.

89. **Malvern Hills District Councillor Adam Rea** recommends the following conditions which should be imposed should planning permission be granted:

- Only a minimal amount of area should be extracted at any one time. One hectare of land should be extracted whilst remediation work is undertaken to return the previously extracted hectare
- The operating hours should be limited to between 07:00 to 17:00 hours Mondays to Fridays, and between 09:00 to 13:00 hours on Saturdays, with no operations on Sundays
- Dust suppression should be undertaken on the proposed site and its ancillary workings. The amount of stockpiled sand and gravel should also be restricted
- Extraction work should begin closest to the most densely inhabited areas and then move away as the work progresses
- The effect on the flood plain caused by any remediation works of the existing site should be considered
- The discharge of water generated by the extraction to the River Severn may not be possible during flood conditions. This needs to be considered in further detail, and
- The impacts upon the Ashmoor Common SSSI should be considered.

90. He states that it would be beneficial for the applicant to complete the remediation works on the existing site as soon as possible.

91. **Malvern Hills District Councillor David Harrison** states that it is only recently that the restoration of the existing quarry has begun; and considers that progressive restoration of the proposed extension areas are key to the acceptability of this scheme. He recommends that conditions are imposed restricting the area of mineral extraction taking place at any one time; requiring progressive restoration, and restricting operating hours between 07:30 and 17:00 hours Mondays to Fridays, with no working on Saturdays, Sundays or Bank Holidays.

92. He understands that a condition was imposed on the existing quarry site that required all vehicles to turn right out of the site. He considers that this would not be practical for this planning application. He considers that the proposed quarry should accept the inert waste arisings from the housing developments within the locality. He

considers that there are a number of inconsistencies within the submitted plans, particularly in relation to the final levels. He notes the proposal is situated in close proximity to Sheepcote Farm and requests assurance that the proposal would not cause subsidence to this property or the access.

93. With regard to the oils pipeline that runs through the site he notes that in the past a buffer exclusion zone has been provided, this does not appear to form part of this development proposal. He notes that there is no bund shown around the village of Clifton in the submitted drawings. He assumes that this is an error; as if it was proposed to be removed it would leave the village and existing mineral processing plant liable to flooding. He raises concerns about the potential noise arising from the proposed conveyor to be installed underneath the A38; and raises concerns that there would be vehicle movements across the access road to the existing properties at Lower Sandford.

94. He assumes that while they are working Phase D, a temporary access would be provided for the properties at Lower Sandford to avoid the vehicles crossing the bridleway. He states that all extractions from Phases E and F would have to cross already restored land; and questions whether it would not be better to work Phase D, and then Phase F, as this would negate the need to cross the access road/bridleway.

95. A number of Public Rights of Way would be affected by the proposal, and whilst these can be diverted he considered that machinery crossing these Public Rights of Way should be strictly controlled on health and safety grounds. He questions whether the proposal would impact upon the swans that regularly nest in the fields. He also questions whether there are electricity lines and gas and water pipelines within or adjacent to the site (along the A38).

96. He states that any works on the eastern side of the A38 must not exasperate the flooding of the residential properties located in this area. He also raises significant concerns, should water be pumped into the brook situated to the east of the proposal during flood events. He considers that provisions must be made for removal of excess water direct to the River Severn.

97. He requests that safeguards are put in place to protect Ashmoor Common SSSI and any water monitoring should be at the expense of the application via a Section 106 Agreement.

98. He considers that the access track to the properties at Lower Sandford should be reinstated in a better condition than it presently is; and a Section 106 Agreement contribution should be made from the applicant due to the disturbance to Clifton, Severn Stoke and Kempsey.

99. **County Minerals and Waste Management Planning Policy Officer** comments that the two areas that form part of this application were submitted to the Council as part of the "Call for Sites" undertaken as part of the "Second Consultation" on the emerging Minerals Local Plan for Worcestershire.

100. The Plan is currently under development and the "Deliverability Methodology" has not yet been finalised in order to assess, whether or not, proposals could be deliverable, let alone a further assessment should they be delivered. Therefore, the Planning Policy Officer is not able to comment on the application in any meaningful way with regard to the emerging Minerals Local Plan.

101. At this stage in the development of the emerging Minerals Local Plan, the adopted Hereford and Worcester Minerals Local Plan is the most relevant part of the Development Plan against which this application should be assessed.

102. The application areas are shown as "Identified Sand and Gravel Deposit" on the Proposals Map in the adopted Minerals Local Plan. The purpose of such designations is to identify Minerals Safeguarding and consultation areas, the purpose of these designations is to require assessments to ensure that the resource should not be accidentally sterilised, the proposal would be in accordance with these designations. At present "saved" policies in the Plan include Policy 2 which sets out the constraints against which the application should be assessed.

103. **The Environment Agency** has no objections, subject to the imposition of conditions and/or a Section 106 Agreement regarding a water monitoring and mitigation strategy.

104. With regard to water monitoring, they agree with the proposed installation of additional water monitoring points, and request the installation of a further monitoring point within the Ashmoor Common SSSI. The Agency also welcomes a review of trigger levels.

105. With regards to flood risk, the Agency state that they have reviewed the application and additional information and raise no objections to the details as submitted. They note that controlling run-off from the site would be essential in terms of protecting downstream areas from increased flood risk. The submitted Flood Risk Assessment proposes a mechanism to how this would be controlled. They note the Lead Local Flood Authority should be consulted to review surface water flood risks to and from the development.

106. In response to comments from a local resident regarding flooding of the Village of Clifton. The Environment Agency comment that residents suggest that the 15 metre contour should remain in place to protect the Village of Clifton; however, this is not referenced in the submitted Flood Risk Assessment, the submitted plans, or from topography that the Environment Agency have been able to review. They state they have therefore not found evidence that a 15 metre continuous contour currently offers protection to the village in this area (Phase B). Submitted plans would suggest there is at least a 14 metre contour on the eastern boundary which they would expect to be maintained. They consider there may be an opportunity to further reduce the risk of flood water from the west coming into the site if a 15 metre bund was offered along this boundary. Wider flood risk betterment is something they would support and have advocated to date.

107. The submitted Flood Risk Assessment has made a commitment to retain high ground of 15 metres to protect the site from flood water from the south (Phases A and C).

108. The Environment Agency also confirmed that the existing water monitoring is fit for purpose for the proposed southern extension area and it is the eastern extension area, especially where it is adjacent to Ashmoor Common SSSI, where the new network of boreholes for water monitoring is required.

109. **Public Health England** has no objections stating that they have no significant concerns in relation to risk to health of local population, providing that the applicant takes all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

110. **Worcestershire Regulatory Services (Contaminated Land & Air Quality)** has no objections.

111. **Worcestershire Regulatory Services (Noise)** has no objections, stating that the Noise Assessment concludes that as long as the noise mitigation bunds are constructed and the standoff distances are adhered to (including the 200 metre standoff from The Maltings) then noise levels should not exceed those stated in the Planning Practice Guidance for Minerals, which is considered to be acceptable.

112. **The Lead Local Flood Authority (LLFA)** has no objections, subject to the imposition of a condition requiring the mitigation measures as set out in the submitted Flood Risk Assessment.

113. They note that the submitted additional environmental information relating to flood risk and drainage states that the tunnel construction underneath the A38 should not cause flooding to be exasperated elsewhere and ground levels of the entrance ramps to the tunnel should be at a sufficient level so as to not allow entry of flood water, except in extreme flood events. In view of this, the LLFA has no objections.

114. **South Worcestershire Land Drainage Partnership** has no objections, subject to the imposition of a condition requiring the applicant to submit the proposed Sustainable Drainage System (SuDS) scheme for approval. They state that their remit is limited to the effects of the proposal upon the existing ordinary watercourse. The submitted Flood Risk Assessment, Drainage Strategy and hydrogeological information is comprehensive and is acceptable in principle. They advise that the Environment Agency should be consulted on the proposal.

115. **Natural England** has no objections to the proposal, subject to the imposition of conditions and or a Section 106 Agreement relating to a water monitoring regime and appropriate trigger levels; not to de-water the land within a 150 metre buffer from the northern area of the Ashmoor Common SSSI (i.e. wet working of the northern part of the eastern extension); and the water that is pumped out of the southern part of the eastern extension being pumped into the adjacent Ashmoor Common watercourse. Subject to the imposition of appropriate conditions the adjacent Ashmoor Common SSSI does not represent a constraint in the determination of this planning application.

116. With regard to soils and Best and Most Versatile (BMV) agricultural land, Natural England comments that although they are generally satisfied that much of the BMV agricultural land should be capable of being reclaimed without loss of quality, the submitted soil handling, restoration and aftercare proposals do not meet the requirements for sustainable minerals development as set out in the NPPF and the Governments PPG. They raise concerns regarding the feasibility of restoring the silt lagoons to BMV quality as proposed; soils should also not be handled between October to March inclusively when soil conditions are unlikely to be suitable; if there is an excess of topsoil, over-deepening topsoil to depths in excess of 40cm should not be considered good practice; there is insufficient information to indicate the final restoration levels in the agricultural areas, or to confirm that gradient of the restored landform is sufficient to



allow a degree of surface water movement whilst avoiding a risk of soil erosion; they note that where overburden is to be used as subsoil substitute its suitability should be agreed with the Mineral Planning Authority in advance of its placement; a detailed soils movement scheme and monitoring programme to audit soil resources is crucial to ensure that sufficient soil resources of the correct type and quality are available, a condition to this effect may be required; and a detailed aftercare scheme is required. Natural England advises that any grant of planning permission should be made subject to the imposition of appropriate conditions to address these points.

117. **The County Ecologist** has no objections in principle and welcomes the opportunities available for Biodiversity Habitat Plan (BAP) habitat creation with the aspiration of extending the features of conservation interest within the Ashmoor Common SSSI. Notwithstanding this, there is a risk of impact to the SSSI identified within the Environmental Statement and through correspondence with Natural England which have a bearing on the mitigation and compensation measures which would be required to ensure this is an environmentally acceptable and sustainable development and makes the following comments:

#### Ashmoor Common SSSI

118. Based on Natural England's comments, the County Ecologist is satisfied that it is possible in principle to address concerns of impact to the SSSI if the mitigation is secured through suitably worded condition. The Environmental Statement refers to the pre-treatment of discharge water would be required and controls (such as filtering/turbidity controls) may need to be deployed to protect the SSSI. The County Ecologist considers that this mitigation is most effectively embedded within a Construction Environment Management Plan (CEMP) which should be imposed as a condition.

#### Brickpits Plantation and Sandford Pits LWS

119. In order to protect the Brickpits Plantation and Sandford Pits LWS, the Environmental Statement proposes that the existing program of groundwater and surface monitoring is expanded to include monitoring of water levels within The Sandford Pits LWS. The County Ecologist recommends that this should be secured by the imposition of a condition.

#### Clifton Arles LWS

120. The Environmental Statement recommends a number of mitigation measures to protect the Clifton Arles LWS including a 10 metre buffer and 'sturdy fence' surrounding the plant site, wheel washing and formulation and implementation of a woodland management plan. The applicant has also proposed that there is a 10 metre buffer zone along the southern extent of this LWS. The County Ecologist supports the implementation of all these measures and suggests that they can be secured through imposition of a suitably worded condition. The County Ecologist recommends further consideration of the Restoration Plan so that further woodland planting and woodland ground flora is included within the buffers on cessation of the workings. He also recommends the imposition of a condition regarding lighting details.

#### Ancient Woodland

121. The County Ecologist recommends the re-consideration of the Restoration Plan so that on cessation of the mineral workings the processing plant site is removed and replaced by woodland planting so as to reinstate the ancient woodland habitat lost to the mineral extraction operations. He also recommends the imposition of a Woodland

Management Plan and the provision of additional enhancement measures such as bird, bat and invertebrate boxes to be provided within the woodland.

#### Temporary habitats

122. Opportunities exist to create temporary habitats for invertebrates/pollinators through wild-flower seeding of features such as the temporary soil bunds. Where short-term opportunities such as this are available, the County Ecologist encourages them to be realised and provision identified within the working plans.

#### Agricultural margins

123. The County Ecologist encourages the revision of the Restoration Plan as to include landscape corridors of 'a mix of nectar-bearing flowers and grasses local to the area' to the agricultural fields as to buffer both the existing and created biodiversity habitats.

#### Standing Water

124. The Restoration Strategy allows considerable scope for discretion at the point of restoration for micro-topographic variation on the shoreline of the lake with a general aspiration for bays, promontories and scrapes. It is imperative that these aspirations are realised if waterbodies are to achieve potential as a significant biodiversity asset. To this end, and to ensure appropriate protection of other onsite biodiversity resources, operations during restoration phases should be included within the scope of a conditioned CEMP.

#### Conservation grassland and swales

125. The County Ecologist understands that there has been a graphical error on the Restoration Plan, as the areas along the eastern boundary of the extension area would actually be restored to wet grassland. For the avoidance of doubt the County Ecologist recommends a revision to the Restoration Plan; and would also encourage further consideration of the seed stock for the eastern grassland buffers and scrapes.

#### Hedgerows

126. The County Ecologist supports the proposals for new hedgerow planting, hedgerow gap planting and hedgerow margin creation and recommends submission of details of the hedgerows infill location, species and numbers.

#### Bats

127. The Environmental Statement anticipates no impact to roosting bats, and an overall prediction has been made that the site is of 'local value' to foraging and roosting bats. The mitigation measures proposed, which include ancient woodland LWS stand-off buffers, additional woodland planting and proposed LWS management plan, together with hedgerow creation/infill and standard tree planting proposals, the creation of additional grassland/swale resources and water bodies would have a 'major – positive' impact. These measures should be secured through appropriately worded conditions.

128. If the potential roosting feature identified (tree within Clifton Arles LWS) can be adequately protected from impacts, there would be no need to make any further consideration of the derogation tests set out in the Conservation of Habitats and Species Regulations 2010 in making any planning decision with regards to bats.

#### Badgers

129. Suitable opportunities for badgers have been identified within the application site, particularly the semi-improved grassland margins, and some field signs were recorded

indicating regular passes through the extension area by badger. Given the likelihood of badgers being encountered across the application area it would be prudent to ensure appropriate measures are secured to ensure that badgers are not trapped and harmed on site. This can reasonably be achieved through imposition of a suitably worded condition or specification within the CEMP.

### Reptiles

130. The Restoration proposals include creation of water bodies, retention of boundary hedgerows and the creation of additional hedgerows within the site. A minor positive impact upon local populations of reptiles is predicted. A condition should be imposed regarding vegetation clearance within the CEMP.

### Great Crested Newts

131. The Environmental Statement has assessed the site as being of 'site level' value for amphibians. The County Ecologist recommends the imposition of a water monitoring regime of the Ashmoor Common SSSI to ensure there are no indirect on effects to Great Crested Newts; and woodland and hedgerow protective zone should be implemented using sturdy fencing with appropriate signage, which would help to avoid risk of impact to valuable habitats for amphibians. The applicant proposes that any woody vegetation removed should be stockpiled and re-used to create habitat (log-piles) within protected buffer areas for the benefit of reptiles and amphibians. If these mitigation measures can be secured, then there would be no need to make any further consideration of the derogation tests set out in the Conservation of Habitats and Species Regulations 2010 in making any planning decision with regards to Great Crested Newts.

### Birds

132. The value of the site to wintering birds is considered to be of 'local value'. The County Ecologist recommends conditions regarding vegetation clearance timings; and ongoing monitoring for breeding birds should be secured through the scheme's CEMP. Measures including the creation of water bodies, hedgerow creation and gap-filling, planting of new hedgerow standards, and inclusion of new artificial nesting opportunities, including a barn owl nest box would demonstrate that the scheme achieves a net gain of opportunities for breeding birds on site. These measures should be secured through an appropriately worded condition.

### Invertebrates

133. Invertebrate surveys indicate that the site contains no species considered to hold special rarity or interest at a national or local scale. The Environmental Statement proposes the creation of "permanent habitat corridors, containing a mix of nectar-bearing flowers and grasses local to the area" to be created along field edges and boundaries after extraction. The County Ecologist requires details of the seed-mixes to be used and requests that these habits are identified on the Restoration Plan.

134. **Worcestershire Wildlife Trust** has no objections, subject to the imposition of conditions and wishes to defer to the opinion of the County Ecologist for detailed comments. They recommend the imposition of the following conditions:

- A Construction Environmental Management Plan detailing sensitive working methods and the steps to be taken to avoid harm to ecological receptors from runoff, dust, noise etc during the quarry phases

- A hydrological management plan detailing the steps taken to ensure that pumping from quarry voids cannot cause harm to ecological receptors, notably the Ashmoor Common SSSI, Clifton Arles LWS wet woodland and the River Severn LWS
- A species mitigation plan detailing the relevant procedures for protected species mitigation in line with the law and guidance
- A restoration plan showing the various phased restorations, including details of working methods and aftercare for the first five years so as to ensure that proposed habitat restoration can be secured, and
- A long-term habitat management plan covering the restored habitats. This should be supported by management and monitoring mechanisms as well as appropriate funding so that any restoration can be secured for the future.

135. **The Forestry Commission** has made no comments.

136. **The County Landscape Officer** has no objections to the proposal, subject to the imposition of conditions regarding protection of trees and hedgerows, restoration of the historic water management features, and a longer term aftercare period (at least 10 years).

137. They comment that the proposed wet working of extraction adjacent to Ashmoor Common SSSI should ensure its integrity as a high value wetland site. They also note that the preparation of a restoration management plan for the historic brick sluice, with an accompanying commitment from the applicant to restore the structure, is welcome. Particularly in the context of sensitive restoration and reuse of existing historic drainage ditches to support the supply of water to Ashmoor Common SSSI.

138. With regard to aftercare, the County Landscape Officer requests a longer period than the standard 5 year aftercare period, as this would ensure consistency of management leading to a better outcome.

139. **The National Trust** has no objections, subject to mitigation measures in respect to limiting impacts upon the Grade I Listed Panorama Tower. They acknowledge some visibility of the proposed quarry from the Panorama Tower within Croome Historic Park and from the footpath within the Grade II registered Pirton Park near Pirton Castle, although not from Pirton Castle itself or in any view of the castle. The submitted Heritage Assessment reports a moderate adverse significance of the impact at the Panorama Tower. They request mitigation measures, such as, encouraging growth of existing hedgerows along the south-east side of the site (east of the A38). They also request consideration be given to the restoration proposals, including the form of the proposed water bodies to ensure that they have an irregular natural form.

140. **Historic England** has no objections, stating that they are satisfied that there is sufficient information to fulfil paragraph 128 of the National Planning Policy Framework. There would be some harm to a variety of listed buildings through impact on their settings, though most of this would be during operational phases, but for some it would also extend to the restoration phase. The Mineral Planning Authority will need to balance this harm against the public benefits of the proposal. They also recommend that the Mineral Planning Authority seeks more detailed mitigation with respect to the Grade I Listed

Panorama Tower. They defer to the District Conservation Officer with respect to the settings of the Grade II Listed Buildings.

141. **The County Archaeologist** has no objections, subject to the imposition of conditions requiring a programme of archaeological work and a post-excavation assessment. They acknowledge that the submitted archaeological field evaluation report demonstrates that archaeological remains of local to regional significance survive within the application area, and these remains would be damaged or destroyed by the proposed mineral extraction. This report also highlights the general potential for additional, as yet unknown, archaeological remains that may not have been detected by the geophysical survey to survive within the application site. Consequently, whilst no archaeological remains of such significance as to act as an outright bar on development are known to be present, should the Mineral Planning Authority be minded to grant planning permission, conditions should be imposed requiring a programme of archaeological works to ensure any threatened remains are suitably investigated and recorded prior to damage or destruction.

142. They consider that the submitted field evaluation report, which outlines recommendations for further works likely to be required to mitigate the impact of mineral extraction on the archaeological record, constitutes a reasoned and proportionate mitigation strategy to be adopted.

143. **Herefordshire and Worcestershire Earth Heritage Trust** has no objection, commenting there are no designated geological sites likely to be affected by the proposal. They request to be informed if any geological interest is uncovered during the operations so that they can visit and record the details. They request that any information boards installed include information about the geology of the area.

144. **Highways England** has no objections, stating that they are satisfied that the development proposal would not cause any material impact upon the M5 Motorway.

145. **The County Highways Officer** has no objection to the proposal, noting that the proposed tunnel underneath the A38 would limit vehicle traffic generation. However beyond any planning permission it is likely that a license would be required as the applicant is not a defined statutory undertaker to allow for the presence of the tunnel. Should the boring process or provision of the tunnel result in any damage or distortion of the A38 then the applicant would have to agree an approach to reinstate it with the County Highway Authority.

146. The Highways Officer recommends the imposition of conditions relating to a Construction Environmental Management Plan (CEMP) requiring details of site operative parking; hours of delivery vehicles; details of the proposed tunnel underneath the A38; details of the removal/reinstatement of the tunnel once extraction is completed; and measures to prevent the despot of mud on the public highway; and ensuring that any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway is approved by the Mineral Planning Authority in consultation with the County Highways Authority.

147. **The County Footpath Officer** comments that the proposal affects Public Rights of Way as recorded on the Definitive Map and requires diversion of Public rights of Way. An application should be made to the County Footpath Officer in order to divert/extinguish and create Public Rights of Way in order for the development to take

place. The applicant should also be aware of their obligations towards the Public Rights of Way.

148. **The Rambler's Association** has no objection, noting that the additional environmental information has addressed their concerns, confirming that the Public Rights of Way or an alternative safe route would always be available.

149. They suggest that the restoration proposals should reflect the aspirations in the emerging Minerals Local Plan by providing for the following additional footpaths, which could give access to lake sides and improved access to the River Severn bank:

- The creation of a footpath along the east side of the lake which would occupy the site of Phase G. The footpath to provide a link between Footpath SS-525 at the south-east and the A38 at the north west opposite the access to Footpath SS-517
- The creation of a footpath from the A38 at a point opposite the access to Bridleway SS-537 and following the line of the roadway to the Maintenance Area and then on to link up with Footpath SS-529 to the west, and
- A footpath following the west shore of the lake formed in the areas of Phases 9 and 11 and linking to Footpaths SS-528 and SS-578.

150. They also refer to the proposed continuation of the use of the existing processing plant area. They state that they have no problems with this recognising that it is an essential element of an operational quarry. However, they note that after completion of operations and restoration it is to be retained as a maintenance area. They can understand that such an area may be needed for a limited period, but cannot see that such a large area can be justified on a permanent basis when most of the site will be returned to agriculture and lakes. They consider that the plant area should be restored to form part of the Clifton Arles LWS.

151. **The British Horse Society** object to the proposed development, based on concerns about the proximity of Bridleway SS-537 with the proposed conveyor taking dug minerals underneath the A38.

152. They state that the applicant contends that horse riders and horses who may use this bridleway would be able to hear the consistent low rumble of the conveyor, however, this is not a loud or sudden noise and of lower magnitude than passing traffic using the A38. The British Horse Society consider that the whole point is that the noise of the conveyor would be different and it is also possible that horses may see as well as hear the conveyor as it disappears under the main road.

153. They state that the applicant states that there would be "*temporary disturbance of the access track*" during the installation and removal of the conveyor, which indicates that Tarmac would probably ask for the emergency temporary closure of Bridleway SS-537 on at least one occasion. Temporary closures can remain in force for up to 6 months, which would rob horse riders and cyclists of the only route through the site they can legally use. It is the British Horse Society's policy that public bridleways should remain open during construction and development work of any sort, with routes being

diverted to facilitate this when necessary. As such, the possibility that Bridleway SS-537 might be closed temporarily is additional grounds for objection.

154. The British Horse Society suggested a workable alternative, which is to allow riders and cyclists to use Footpath SS-530 either permanently or on a temporary permissive basis while the quarry is working, which gives riders the opportunity to stay away from the conveyor altogether.

155. They state that in an ideal world, Footpath SS-530 should be permanently upgraded to bridleway by agreement under Section 25 of the Highways Act 1980, which requires consent from the landowner. This would make a lasting improvement to the Public Rights of Way network after the quarry has been worked out. They continue to state, failing that, allowing riders to use Footpath SS-530 and its temporary diversion permissively would help greatly in the short-term. The fact that the applicant indicates that the diverted route of Footpath SS-530 would sit on an earth pillar that gives a minimum of 5 metres of usable width between fences, which makes it eminently suitable for shared use.

156. Notwithstanding the above, the British Horse Society are also encouraged by the applicant's willingness to talk to the landowner regarding the possibility of providing additional equestrian access in the longer term, after the quarry has been worked out.

157. **Open Space Society** has made no comments.

158. **Malvern Hills District Footpath Society** comments that the Public Right of Way arrangements have been comprehensively addressed in the application with only minor Public Rights of Way diversions during individual Phases and a intention that all Public Rights of Way would remain open throughout preparation, extraction and restoration operations. Whilst they welcome these arrangements the Footpath Society are apprehensive that this would not be fully complied with throughout the development. They, therefore request that a condition is imposed requiring the Public Rights of Way that cross the site to be kept open at all times.

159. They request the applicant to clarify if sand and gravel would be extracted from underneath Bridleway SS-537, and request details of the conveyor and tunnel proposed to be constructed underneath this bridleway.

160. **Campaign to Protect Rural England (CPRE)** has made no comments.

161. **Western Power Distribution** comments that the proposal would affect their apparatus (Surf Telecoms, 11kV overhead lines and 11kV underground cables) in both the eastern and southern extension areas. They state that damage to underground cables and contact with overhead lines can cause severe injury or may prove fatal. The applicant must comply with the requirements of the '*Health & Safety Executive guidance HS(G)47, Avoiding Danger from underground services*'. Work taking place in the vicinity of their plant is also regulated under the '*Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 2007*'. They request that the applicant contacts them and note that where diversions to their apparatus is required to allow changes to occur on site, the cost of these alterations may be charged to the applicant.

162. **CLH Pipeline System (CLH-PS)** objects to the proposed development because the extraction would take place within 3 metres of the pipeline, which would restrict access

to the pipeline for both routine maintenance and in an emergency situation. However, they have confirmed that this is not a planning matter but a legal matter between the two parties, and that they are in ongoing discussions with the applicant regarding the best solution to this matter (either to pay compensation to the applicant for the sterilisation of minerals or to 'lift and shift' the pipeline).

163. **Zayo Group (provides fiber-based bandwidth infrastructure services)** has raised no objections.

164. **Health and Safety Executive** has made no comments.

165. **West Mercia Police** has no objections.

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

### **Other Representations**

167. Prior to the submission of the planning application, the applicant undertook public consultation on the proposal, holding a public information exhibition event on 8 July 2014 in Severn Stoke Parish Hall. About 60 people attended this event, which included Parish Councillors from Severn Stoke and Croome d'Abitot Parish Councils, landowners and tenant farmers, and members of the public. About 6 formal comment forms were submitted. The applicant states that generally attendees who opted not to leave comment forms were supportive of the development proposals and did not raise any notable concerns. Comments related to requesting restoration of existing site prior to commencing development; suggesting Footpath FP-530 could be rationalised to follow field boundaries; concerns regarding impact of flooding; noise; and adverse impacts on house prices.

168. The application and accompanying Environmental Statement have been advertised in the press and on site. To date 20 letters of representations have been received objecting to the proposal. The letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

#### Stand-off

- The applicant operates quarries across about 10,000,000 square metres of the UK. This proposal is about 760,000 square metres. However, the applicant is proposing a stand-off from the nationally significant Ashmoor Common SSSI of just 10 metres. The submitted ecological report indicates that on Ashmoor Common SSSI, 15 species of birds classified as of "Conservation Concern" on the Red or Amber List were observed including Lapwing, Redwing, Greylag Goose, Wookcock and Snipe. Ashmoor Common SSSI as well as being home to a range of valuable wetland plants, is one of the few breeding areas in this part of Worcestershire for Snipe, a species in national decline. The company's proposal for a 10 metre stand-off is not acceptable. They state that by simply increasing the stand-off zone and including a bund, Ashmoor Common SSSI could be better protected for the generations to come
- The proposed 200 metres stand-off from Clifton Village is considered to be important to the residents, and they request a definite planning requirement and not a "potential standoff"



- A local resident states that whilst the change to wet working is a matter for the operator, however, the move to a much larger stand-off against Ashmoor Common (some 150 metres), combined with the 200 metre stand-off from Clifton village, leaves approximately 16 metres between the two and only just over one hectare in Phase G available for extraction. The local resident suggests that this small area available for extraction with the addition of the wet working would make this area unviable to work, which would significantly reduce the effect on the village

#### Public Right of Ways

- The proposal would prevent local residents from walking their dogs in the surrounding fields via the Public Rights of Way
- Footpath SS-530 requires a sensible permanent realignment, as the current application continually moves the footpath as extraction takes place. They consider the footpath should be moved along the eastern boundary of the eastern extension area

#### Air pollution

- Despite the proposed mitigation measures, mineral excavation would still result in adverse dust emissions

#### Noise

- Adverse noise impacts upon residential properties
- Currently the quarry has replaced the quiet conveyors with heavy earth moving machines which create greater noise emissions. Objectors are concerned that the proposed extensions would create further noise emissions
- Conveyor belts are listed in the proposal as the preferred method of moving the sand and gravel. They request the application is changed to ensure that conveyor belts are the only method

#### Wildlife

- The proposal would destroy local habitats including hedgerows that would be removed

#### Landscape character and visual impacts

- The village of Clifton and surrounding areas have already had to endure in excess of 15 years of mineral extraction. The existing quarry operations are not aesthetically sensitive and even the restoration process currently being undertaken looks a mess. The proposal would be far more visible to residents, visitors and road users than the existing operations
- Views out of residential properties would be adversely impacted and bunds would not be an adequate alternative, as they would also be an eyesore. The proposed works will dramatically change the character of the landscapes
- Adverse impacts upon the landscape character of the area

### Flooding and drainage

- Several houses in Clifton are below the normal level of flood water and as such are dependent on the integrity of the existing flood defences. A major concern is the proposed area of extraction, which surrounds Sheepcote Farm house. They state that alteration to the natural level in this area may give an open path for flood water to back up into Clifton from the River at Severn Stoke
- De-watering may destroy the natural wetland habitat for wildlife on the Ashmoor Common SSSI
- Concerns that the conveyor proposed underneath the A38 could create a flood risk for Clifton village
- Flood defences are of utmost importance to Clifton Village. A local resident requests that the quarry operator commits to leaving secure flood defences in Phase 11 of the existing Clifton Quarry site
- A local horticultural growing business states that they require a clean un-contaminated continuous supply of irrigation water for their vegetable crops, which is essential for the operation of their business. They request that a contingency plan is put in place for during flood events. The area of land that has historically been allowed to flood from back water would be bunded by the quarry works to allow the site and operations to operate and to be protected from back water flood, which would result in flooding to surrounding properties
- When the River Severn rises and the drain “Flaps” close, the village is at risk of flooding caused by run off surface water if high river levels are sustained. This proposal includes the need to pump out water which will exacerbate the risk of flooding during high river levels. The pump needs to be controlled to meet residents' concerns during flood risk
- Concerns that the pumping of water during Phases E, F and G would cause flooding to the surrounding land and residential properties, and request indemnity from the County Council or the applicant against all costs associated by any such event i.e. re location, repair and restoration
- Adverse impact upon flooding of the local area and residential properties. They consider that the preservation and reinforcement of the 15 metre contour around Clifton village is protected
- It is imperative that the proposed water bodies are linked to the natural drainage system in order that stagnant water is not created and to allow continued farming in the adjacent area
- Raises objections regarding the flood risk that abstraction of minerals from Phases B and C would have on the village of Clifton and Sheepcote Farm, and requests that this is considered in detail, together with the provision of permeability data
- During dewatering of the eastern extraction area there is no indication of where the water is going to go. There is mention that water may be discharged into the

ditch on the eastern side, which flows under the A38. In times of flood this ditch is restricted due to the closure of the flood bolt. There is no mention of who makes the decision when discharge needs to be stopped into the ditch or recommenced during a flood situation. If discharge is recommenced as soon as the flood bolt opens, then this will compromise some of the farmland on the flood plain. Pumping should not recommence until the fields on the flood plain are clear of water

#### Loss of agricultural land

- With the South Worcestershire planned incremental housing to be built at the expense of productive agricultural land, further reduction of Grade 1 Best and Most Versatile (BMV) agricultural land should not be supported

#### Inaccuracies within the planning application

- With reference to the pictures shown in Volume 1 Part C appendices Chapter 4 Public Exhibition Boards, the restoration is nothing like as progressed as this photograph shows
- The photograph within the Exhibition Board Proposed Final Restoration refers to Stanway Quarry, rather than Clifton Quarry

#### Power and water supply

- The mains water supply to Sheepcote Farm runs along the hedge boundary between Phase A and Phase B. This boundary hedge is due to be removed. The owner of Sheepcote Farm objects to this hedge being removed as over the last 20 years they have purposely permitted this hedge to grow taller to protect Sheepcote Farm from the noise from the plant in Clifton Arles. A considerable length of the hedge sits on top of the oil pipeline. As it is unlikely that mineral would be extracted from beneath the pipeline, the hedgerow should remain
- None of the electricity power lines which supply Clifton, Kerswell Green, Cevalode, Sandford, Sheepcote Farm and Clifton Quarry are shown on any of the submitted drawings. There is no indication on how the power supply would be maintained to Sheepcote Farm and the quarry plant

#### Soil bunds

- Local residents are unhappy with the siting, widths, heights and angles of bunds 18a and 18b, suggesting that bund 18a is too close to Sheepcote Farmhouse. It would have detrimental effect on the amount of light into the property. Bund 18b is currently sited immediately beneath an overhead power line and is unnecessary high at 5 metres. It should be constructed with angles no greater than 1 in 4 to allow proper maintenance. If extraction and restoration operations are carried out in a sensible, measured fashion then neither of these bunds would be necessary
- Bund 23, which is in very close proximity to 1 Lower Sandford is proposed to be built at 5 metres high. This is unacceptably high, far higher than the height of the property. Consideration should be made to build this to an acceptable height of no more than 2 to 3 metres
- In all of the documents provided with this application there is a contradiction between the angle and contours of the bunds in all cases depending on the

various reports submitted

- The critical bund which protects the village of Clifton and the Clifton Quarry processing plant site from flooding is missing on the submitted drawings from the western boundary of Phase B (in order to maintain the 15 metre contour). It is critical that this bund is retained to prevent flooding of Clifton village and Clifton Quarry

#### Proposed hours of operation

- Local residents have stated that when they attended the initial consultation for this proposal, they were advised by representatives from Lafarge that the hours of operation would be between 09:00 to 17:00 hours weekdays and 09:00 to 12:00 hours on Saturday. They state that the finish time of 19:00 hours is too late and all operations should cease at 17:00 hours

#### Stockpiles

- The stockpiles awaiting removal from phasing areas should be limited to no more than two days production to reduce the visual affect, the dust and reduces the risk of wind erosion and air pollution

#### Phasing

- In order for the drainage to work successfully, Phase B needs to be extracted first. In the planning application Phase B extraction involves removal of the hedge to the north, thus opening up Sheepcote Farm to excessive noise and dust. We would like to propose that Phase B extraction and reinstatement is carried out in two phases. Firstly, extraction from the farm to the existing hedge, which contains two specimen oak trees. The extraction area would be reinstated and a new hedge could be planted on the reinstated area in front of the current hedge. Extraction would continue on the remainder of the southern area and move to the eastern area. This would allow the new hedge to grow and mature. Finally, extraction could take place on the remaining area in Phase B after removal of the old hedge
- Local residents are concerned about the phasing of the proposed eastern extension area. Phase D is considered acceptable, but local residents then request that extraction commences with Phase G at the extreme northern end of the proposed eastern extension area. The reason for this is the land could be fully restored as extraction takes place, there would be a minimum area exposed to dust and noise at any one time. They consider the timescale of working from Phase G would limit the distribution to the residents of Clifton village; they would be able to see the progression of the extraction and restoration in progress with the works starting closest to the affected properties and then moving further away as each new area is extracted and restored. This would allow the power line to be reinstated instead of hanging in the lake (which is a danger to swans and other bird activity)
- Residents understand that the reason for the order of phasing is due to the restoration lake assisting with the water levels of the Ashmoor Common SSSI. They believe the Hydrologist has missed one of the main sources of water which feeds the Ashmoor Common SSSI, this being a spring which feeds from all of the fields from the east of Ashmoor Common SSSI and a secondary spring

which is in the south-east corner of Ashmoor Common SSSI. This negates the need for the lake to be left in Phase G

- The proposal uses the existing working practises of large areas of soil stripping which has proven to be totally unacceptable at the existing Clifton Quarry due to long-term lack of restoration. A satisfactory alternative would be to limit a maximum area of exposed sand and gravel to 1 hectare; this would reduce the risk of flooding to the whole area and limit the noise and dust impacts upon residents

#### Restoration and afteruse

- At the pre-application public consultation stage a local resident enquired what the intended usage was for the lagoons and ponds once reinstated. They state that they were not given a satisfactory answer, but told it would be down to the landowner. They are, therefore, concerned as to what the ultimate impact would be on the village of Clifton
- Question the commitment of the applicant, as large quarried areas are left exposed, where restoration works have not been fulfilled. The new proposal should not be submitted before the existing Clifton Quarry site has been restored
- Request that before any further mineral extraction in the southern or eastern extension areas takes place that full restoration would be completed on the current site. They recommend that this becomes a condition, should planning be granted
- Concerns about the lack of activity, planning and enforcement of the commitments to restore the existing Clifton Quarry post extraction. Local residents look forward to the proposed restoration, but are worried that the end use would not be for agriculture, nature conservation areas and lakes. They request that this end use is imposed as a condition to ensure that a natural habitat is restored and not given over to commercial leisure pursuits
- Local residents would like to know a fixed end date to the quarry at Clifton, given that the existing Clifton Quarry is still ongoing

#### House Prices

- The proposed mineral operations would have a direct negative impact on local house prices and saleability
- Concerns regarding the possible future expansion of the eastern extension area northwards into an area currently owned by Teal Turf who remove top soils from this land as Turf production requires. Concerned that this potential future extension could have a serious impact on the value of properties and would make it impossible to sell, and

#### Request for compensation

- A local resident states that many residents, particularly those on the Tything are likely to be blighted for possibly 17 years due to the visual, noise, dust and increased heavy traffic. They request compensation on behalf of the owners from the applicant or the Council.

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

169. 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.

### Alternatives

170. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) outlines the information for inclusion within Environmental Statements. Part 1 (2) states *"an outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects"*.

171. The Government's Planning Practice Guidance at Paragraph Reference ID: 4-041-20140306 elaborates on this matter, stating that *"the applicant does not need to consider alternatives, but where alternative approaches to development have been considered, Paragraph 4 of Part II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires the Environmental Statement to include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects"*.

172. The Environmental Statement has considered a no development scenario stating that *"in the no development scenario, the reserves of economic sand and gravel within the extension area would remain in-situ, with the existing land use continuing. It is economically and environmentally preferable to work those minerals as an extension to the existing site at this time, whilst the quarry infrastructure and ancillary structures remain in place. It is uncertain whether the minerals would be economic to work in the future if a new plant and quarry had to be established and so there would be a risk of permanent sterilisation of the sand and gravel"*.

173. The applicant has also considered alternative sites, albeit alternative extents of the proposed Extraction Area stating that *"the rationale of the planning application is to recover remaining sand and gravel reserves from the existing site and to extend that current business using the existing plant site. The consideration of alternative locations for the development is, therefore, restricted to considering alternative extents of the extension area"*. The Environmental Statement considered the following alternative areas:

- An area north of 'Phase 10 West' within the existing site was previously promoted under the 2006 Planning Permission and inclusion of this area within the extension area was considered again. This was, however, discounted due to the unsalable quality of the mineral reserve and the presence of archaeological remains
- The area to the east of Phase A was initially considered, however geological borehole data revealed the lack of a viable reserve in this area and it was excluded from the phasing plans
- The area to the north of Phase C was also examined during the development of this application, but was excluded due to concerns regarding flood capacity and flood risk.

174. The proposed site also went under an interactive process and changed and developed throughout this process. The alternative methods considered were road haulage and the use of a conveyor bridge. Road haulage, across the A38 from the eastern area to the plant site, was discounted due to highway safety considerations and the use of the conveyor bridge was discouraged by Worcestershire County Council on visual amenity grounds.

175. In view of the above, the Head of Strategic Infrastructure and Economy considers that the approach taken to the consideration of alternatives is acceptable.

### **Worcestershire's landbank of sand and gravel reserves**

176. National planning policy for minerals is contained within Section 13 'Facilitating the sustainable use of minerals' of the NPPF. Paragraph 142 of the NPPF states "it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation".

177. Paragraph 145 of the NPPF states "*minerals planning authorities should plan for a steady and adequate supply of aggregates by...making provision for the maintenance of landbanks of at least 7 years for sand and gravel*". As required by the NPPF the County Council has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

178. The LAA (December 2015) adopts a phased approach to calculating future aggregate demand. For the period up to and including 2016, the County Council will continue to follow the agreement between West Midlands Minerals Planning Authorities and industry regarding the provision to be made by each authority. Beyond 2016 annual provision requirements will be calculated from a rolling average of annual sales levels in Worcestershire in the last 10 years. Worcestershire's required provision of sand and gravel per annum is 0.871 million tonnes. On 31 December 2011, the total permitted sand and gravel reserves for Worcestershire was about 3.85 million tonnes, which is equivalent to a landbank of approximately 4.42 years. On the assumption that the sales figures of 0.620 million tonnes of sand and gravel in 2012 (Herefordshire and Worcestershire sales figures combined) continued at the same rate to the end of December 2015 the landbank of permitted reserves at the end of December 2015 was approximately 1.37 million tonnes of sand and gravel, equating to about 1.57 years. Furthermore, planning permission for Chadwich Lane Quarry Extension (Application Ref: 12/000036/CM), which had permitted reserves of about 1.28 million tonnes expired in December 2015, however, on 23 May 2016 planning permission for Ryall Court Quarry, near Upton-upon-Severn was granted planning permission by the Planning and Regulatory Committee (Application Ref: 15/000013/CM, Minute No. 939 refers) to extract about 1.4 million of sand and gravel, thus raising the landbank to less than approximately 1.72 years.

179. Consequently, the County Council currently does not have sufficient reserves of sand and gravel available with planning permissions to meet its share of the sub-regional apportionment and annual provision requirements based on sales in accordance with national planning policy and guidance. Should this planning application be granted, it would increase the landbank by approximately 2.53 years.

180. An application for mineral extraction is pending consideration at Strensham (Application Ref: 09/000085/CM). However, this application is currently stalled due to a Holding Direction issued by the Highways Agency (now Highways England) directing that planning permission is not granted for an indefinite period of time, due to the proposed direct access on to the M5/M50 motorway interchange. However, even if this application were to be permitted it would supply about 430,000 tonnes of sand and gravel, which equates to less than 1 year supply based on current apportionment levels. The County's landbank would still be less than 7 years.

181. The Government's Planning Practice Guidance (Paragraph Reference ID: 27-082-20140306) states "*for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates*". Notwithstanding this, as indicated by the Government's Planning Practice Guidance (Paragraph Reference ID: 27-084-20140306) all applications for minerals extraction must be considered on their own merits regardless of length of the landbank.

### **Sieve test/methodology**

182. The adopted Minerals Local Plan allocates Preferred Areas for the working of sand and gravel in the County. Policy 1 states that planning permission will be granted for Preferred Areas of sand and gravel extraction, subject to an evaluation against other relevant Development Plan policies. This is in order to limit the environmental and blighting effects of proposals for sand and gravel working in the County to a minimum. Whilst the existing Clifton Quarry processing plant and previous permitted extraction areas (prior to the 2006 planning permission extension) are allocated within the adopted Minerals Local Plan ('Committed Area: Clifton'), the proposed eastern and southern extension areas fall outside of the allocated Committed Area. Therefore, the proposal will need to be judged against Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan.

183. Policy 2 and paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan sets out the methodology against which new proposals for sand and gravel extraction, not in an identified preferred area, are to be assessed. If the area is subject to a primary constraint or more than one secondary constraint planning permission will not normally be granted unless there are exceptional circumstances. Using the methodology set out in paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan, it is considered that two primary constraint would be affected by the proposed development, namely:

- '*Ancient semi-natural woodland*' – Whilst no Scheduled Ancient Woodland sites are located within the proposed extension area, the Clifton Arles Schedule Ancient Woodland is located within the existing quarry site (application area). The Environmental Statement considers that whilst there would be some direct impacts to the Clifton Arles woodland this would only be on the margins of the woodland to a small area of young trees. No mature trees would be removed. Mitigation measures, including management and new planting works, wheel washing facilities, dust suppression measures and monitoring of the habitat within the wider Clifton Arles LWS would also help to avoid any direct or indirect impacts which could potentially arise and lead to a degradation of habitat through the processing plant site activities, extraction processes and vehicles entering and leaving the quarry complex. It is also noted that the Forest Commission has been consulted on the application and further Regulation 22 consultations and has made no comments on the application. Worcestershire Wildlife Trust also



raises no objections in respect to the impacts upon the wider Clifton Arles LWS. Consequently, the Head of Strategic Infrastructure and Economy considers that refusal of planning permission on these grounds could not be justified, and

- *'Sites of Special Scientific Interest'* – The Ashmoor Common SSSI abuts the eastern boundary of the proposed eastern extension area. However, subject to mitigation measures proposed, namely working the site wet and water monitoring Natural England has raised no objections to the proposal. Consequently, the Head of Strategic Infrastructure and Economy considers that refusal of planning permission on these grounds could not be justified.

184. The other primary constraints are not considered to be affected by the development:

- *'Best and Most Versatile (BMV) agricultural land where restoration to a high standard seems unlikely'* – whilst BMV land is situated within the extension area, the Environmental Statement demonstrates that restoration to a high standard is achievable. It is also noted that Natural England has made no adverse comments in respect of BMV
- *'Areas of Outstanding Natural Beauty'* – are not present within the application site, with the closest being Malvern Hills AONB being located about 5.5 kilometres west of the application site and Bredon Hill AONB being situated approximately 8.7 kilometres south-east of the proposal
- *'National Nature Reserves'* – are not present within the application site and would not be affected
- *'Scheduled and other Ancient Monuments'* – are not present within the application site and would not be affected, and
- *'A buffer strip of 200 metres from the boundary of a potential working area to the nearest main walls of the nearest property in a settlement group of 6 or more dwellings'* – A buffer of 200 metres is proposed from Clifton Village.

185. It is considered that the proposed extension area would be subject to no secondary constraints; however, the wider application site would be subject to the secondary constraint of 'Special Wildlife Sites'. Notwithstanding this, it is noted that Clifton Arles LWS falls within the boundary of the 'Committed Area' for Clifton, governed by Policy 1 of the adopted Mineral Local Plan, therefore, it is considered that this secondary constraint is satisfied; and in any event, it is noted that Worcestershire Wildlife Trust raise no objections to the proposal.

### **Best and Most Versatile (BMV) agricultural land**

186. Paragraph 112 of the NPPF states that *"local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"*.

187. The NPPF defines best and most versatile (BMV) agricultural land as Grades 1, 2 and 3a of the Agricultural Land Classification. This is land that is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses, such as biomass, fibres and pharmaceuticals.

188. The proposed extension areas cover approximately 76.7 hectares (about 50.3 hectares in the eastern extension area and about 26.4 hectares in the southern extension area) of agricultural land being classified as approximately 28.3 hectares (36.9%) Grade 2, about 29.8 hectares (38.8%) Grade 3a, about 14.5 hectares (18.9%) Grade 3b (non BMV), and about 4.1 (5.4%) not being surveyed. The applicant has confirmed that of the total site area in the southern extension area, only about 16.3 hectares, of which about 5.3 hectares are BMV agricultural land would be disturbed and about 40.6 hectares, of which all is BMV agricultural land, would be disturbed in the eastern extension area.

189. The application site is proposed to be restored to a mix of agricultural and water-based after-uses, with seven fields proposed to be restored to BMV quality agricultural land. This includes all the agricultural land restored in the eastern area and three fields in the existing quarry, where field numbers 1 and 2 have already been restored in compliance with the extant planning permission. The restoration specification of the third field in the quarry would be revised to achieve BMV quality by utilising BMV soils lifted from parts of the southern area Phases A, B and C.

190. The applicant states that "*the working and restoration phase plans have been designed to ensure the maximum area is restored to BMV quality by calculating the total materials balance taking account of the mineral void created, the predicted position of the water table and the soil, overburden, silt and basal material available for restoration*".

191. In the southern area, dominated by Grade 3b soils, the main restoration is to a water-based after-use. The Grade 3b soils, which are mainly sand and loamy sand would be used to create the agricultural batter on the south side of Sheepcote Lane and the better quality Grades 3a and 2 soils would be used for restoration of silt lagoons 1 and 2 in the existing Clifton Quarry in conjunction with other indigenous soils and overburden from the quarry.

192. In the eastern area which is all BMV agricultural land (Grades 2 and 3a), the northern end and a narrow margin on the east and south-east boundaries would be restored as lakes with water level at about 12 metres AOD. As much of the extracted land as possible would be restored to BMV land at approximately 14.5 metres AOD, some 2.5 metres above the water table. The original ground level in the eastern extraction area lies between 14 and 16 metres AOD. The applicant states that contours of the proposed restored landform could be marginally reduced in order to restore a greater area to agriculture, but this would be at the risk of reducing the potential land quality by reducing the freeboard above water table. The Head of Strategic Infrastructure and Economy considers that a balance has to be struck between quality and quantity due to the importance of BMV agricultural land.

193. As a consequence, the applicant is proposing that of the whole application site (including the existing quarry site) about 43.6 hectares of land would be restored to BMV agricultural land (at least Grade 2), which would result in a net loss of about 14.2 hectares of BMV land (Grade 3a). The applicant states that based on the available soil resources, calculations indicate that about 22.4 hectares in the eastern extraction area could be restored to potential Grade 1 BMV agricultural land, but this would rely on a free draining restored profile overlaying a permeable restoration base in continuity with the water table. The net result is that although 14.2 hectares of Grade 3a land is lost, 22.4 hectares of Grade 2 land could be restored to potential Grade 1 quality.

194. Natural England has been consulted in respect to soils and BMV agricultural land, they comment that although they are generally satisfied that much of the BMV agricultural land should be capable of being reclaimed without loss of quality, the submitted soil handling, restoration and aftercare proposals do not meet the requirements for sustainable minerals development as set out in the NPPF and the Governments PPG. They raise a number of concerns which include: the feasibility of restoring the silt lagoons to BMV quality; soils should also not be handled between October to March inclusively; over-deepening topsoil to depths in excess of 40cm is not considered good practice; where overburden is to be used as subsoil substitute its suitability should be agreed with the Mineral Planning Authority; a detailed soils movement scheme and monitoring programme should be conditioned and a detailed aftercare scheme is required. Natural England recommends that that conditions should be imposed addressing their concerns.

195. In response to Natural England's comments the applicant states that "*the silt lagoons are perched above the local ground water levels. The lack of hydrological continuity, together with time would help the lagoons to dry out. It is also proposed that the lagoons are capped with overburden to achieve restoration formation levels onto which a soil profile will be placed. The quality of the soils / soil profile would be suitable for achieving BMV land characteristics. The site needs the flexibility to strip soils throughout the year, as is the case on a lot of sand and gravel sites where progressive restoration is proposed. The soil quality will not be degraded by this approach as it would be governed by only handling soils when they are dry and friable. The alternative to not restoring top soils of depths of 40cm plus is that top soil would simply be 'thrown away' and / or buried at greater depth. Tarmac can demonstrate from other similar sites and in liaison with Natural England officers that successful agricultural land restoration has been achieved to BMV land characteristics utilising top soils greater than 40cm*".

196. On balance, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by Natural England then the objectives of the NPPF in respect of soils and their use in the restoration of BMV agricultural land would be met.

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

197. Letters of representation have been received objecting to the proposal on visual impact grounds and landscape grounds. The submitted Environmental Statement addressed Landscape and Visual Impact matters and was accompanied by a Landscape and Visual Impact Assessment (LVIA).

198. With regards to the visual impact, the visual envelope of the development is restricted to approximately 3 kilometres from the site boundary and the adverse visual effects are assessed by the LVIA as dramatically reducing, as distance from the development increases. Receptors located beyond 500 metres are assessed as receiving a maximum effect of 'slight adverse' from the proposed extraction activities. The effect on visual amenity is considered most adverse for receptors within the immediate surroundings of the southern and eastern extension areas. However, the overall number of receptors is small due to the location of the proposals within a rural area and the nature of the local topography, with the proposals located in the base of the River Severn valley and not affecting local skylines. The most substantial effects would be experienced by the following receptors:

- Sheepcote Farm, which is assessed as receiving substantial adverse effects during Phases A to C and notable effects during Phases D and E. As the proposed development progresses this is reduced to notable and then neutral during Phases F and G. To minimise the visual impact upon residents of Sheepcote Farm a number of soil bunds are proposed. Bund 18 would be constructed about 50 metres to the north (required for about 2 years) and bund 19 would be constructed about 85 metres to the east of the property (required for about 3 to 4 years). These bunds are proposed to be about 5 metres in height and would, therefore, curtail views in these directions. Bund 18a is proposed at a distance of approximately 15 metres to the south of Sheepcote Farm and would screen views towards the Phase C area (required for about 1 year)

Once restoration is complete, the adverse visual effects are much reduced when compared to the permitted scheme, as it represents a permanent change in the view from this property towards new landscape features (a lake with steep northern slopes)

- Users of the Severn Way receive up to moderate-notable adverse effects during Phases A to C. As the phases progress this also reduces to slight / very slight by Phases F and G. Glimpsed views of the operational area of the southern extension (the western areas of Phase B and C) are possible. These views are partially screened by intervening hedgerows and trees and from distances of over 250 metres. Once restoration is complete, the adverse visual effects are much reduced to minimal adverse for users of the Severn Way, due to the proposed tree and hedgerow planting, but counter somewhat by the proposal not to replant the woodland within Clifton Arles Woodland due to the proposed retention of the processing plant area and the steep gradients to water bodies
- Sandford Cottage receptors potentially receive notable effects during Phases D and E. However, upon restoration the effects are considered neutral to the residents of Sandford Cottage

The main effects would generally be associated with initial soil stripping with the bulk of the extraction occurring at a lower level. The direction of working designed to work towards these receptors would also help to mitigate adverse effects. The bunds around the perimeter of Phase D would be removed towards the end of the restoration of Phase D to complete the restoration of this area, by which time the extraction face would be towards the northern end of Phase E, about 900 metres north of Sandford Cottage. In addition hedge planting either side of footpath SS-537 would have been establishing for some 5 years which would also help mitigate effects from the continuation of mineral extraction northwards

- Lower Sandford is assessed as receiving notable-substantial adverse effects during Phases D and E and Phases F and G. The application boundary is immediately adjacent to the property with two 5 metre high bunds proposed to the west (Bunds 22 and 23) located approximately 20 metres from the property boundary (with about a 6 to 7 metres gap in the middle to allow access). These bunds are expected to be in place for about 4 to 5 years. These effects are associated with soil stripping and bund construction / removal in close proximity to the property, views of the development through a gap in the bunds and the presence of two large bunds in proximity to the property for up to 5 years.

However, upon restoration the effects are considered neutral to the residents of Lower Sandford

- Users of the footpath network which traverses the proposed eastern extension area and are proposed to be diverted during the course of the development are assessed as receiving up to notable adverse effects during Phases D to G. However, upon restoration the effects are considered neutral to the users of the Public Rights of Way within the eastern extension area
- Naunton Farm House is assessed as receiving notable adverse effects during Phases D and E and moderate adverse effects from Phases F-G. Views from this property would be partially obscured slightly elevated views through gaps in the tree belts generally towards Phases D and E and possible very oblique and more heavily obscured views towards Phase F, especially from upper floor windows. Views would include the soil stripping activities and bund creation around Lower Sandford as well as operational activities within the latter stages of Phase D and earlier stages of Phase E from a distance of about 420 metres. Once restoration is complete beneficial effects have been assessed for residents of Naunton Farm House as the additional hedgerows and smaller scale field patterns develop.

199. Local residents, businesses and users of the local footpaths and road network have been assessed as potentially receiving adverse temporary visual effects from the proposed development due to open views towards the mineral extraction operations including plant movements, soil stripping, the creation of soil screening bunds, and the extraction process itself. However, none of the receptors would be subjected to full views of the development area. The adverse visual impacts would be partially mitigated through the advance planting proposals and the effect of proposed intervening soil bunds. In addition, as distance increase from the proposed extraction area, the adverse effects reduce considerably due to intervening vegetation, topography and built structures prevent the majority of views towards the application site. Furthermore, the progressive restoration of the site would reduce the area of disturbed land visible at any one time.

200. The proposed structures within the proposed extension areas would include the proposed conveyor, together with machinery. It is not proposed that any processing plant would need to be located within the proposed extension areas because the proposed development would use the existing processing plant and ancillary infrastructure at the existing Clifton Quarry. A new concrete batching would be sited within the existing processing plant site area.

201. The proposed restoration scheme is assessed as generally providing beneficial visual effects to the majority of the receptors with positive long-term effects on Green Infrastructure, with views being primarily of restored agricultural land with a very limited number of receptors capable of viewing the restored water bodies.

202. The main landscape character effects are considered to be associated with the large scale removal of landscape features and elements (such as hedgerows and removed and re-aligned footpaths) and the removal of in situ land. This would create an industrial/working nature to the area which, although temporary, would permanently change the character of parts of the extension areas from agricultural with perimeter hedgerows and trees to areas of open water, wetland and nature conservation. However, the undulating nature of the landform within the locality along with boundary

hedgerows and individual hedgerow trees and the presence of some strong woodland blocks within the surrounding area means that from many locations in proximity to the site only a small portion of the extraction activities would be noticeable, thus reducing the overall effect. The size and scale of the effect is, therefore, considered to be large scale, but these effects are restricted beyond the immediate surroundings.

203. In respect to landscape character the LVIA concludes that the proposed development and restoration scheme is capable of general integration with the surrounding landscape character, in particular given the permitted site restoration to a series of water bodies and conservation grassland. There are beneficial effects associated with the proposed development, however, these are not considered significant enough by the LVIA to change the overall adverse effects. The beneficial effects are associated with an increase in the Best and Most Versatile (BMV) agricultural land within the site. Also the proposal would create a large scale wetland habitat which would have significant advantages to biodiversity. The landscape character of the proposed restored landscape, although at a variance with the existing character, would potentially develop into a distinct character area in itself. This landscape could have associations with long past river processes which varied the fluvial landscape and created locally significant areas such as the Ashmoor Common SSSI.

204. To lessen the landscape character and visual impacts of the proposal, a number of mitigation measures, design measures and enhancement measures are proposed as part of the development. This includes phased programme of working and restoration, which would limit the extent of the disturbance visible at any one time; proposed planting strategy (proposed to be part implemented prior to extraction), including new species rich grassland buffer strips adjacent to agricultural field boundaries; the creation of historic drainage patterns, including new ditches / and Sustainable Drainage Systems (SuDS); and construction of soil screening bunds.

205. The County Landscape Officer has been consulted and has raised no objections to the proposal, subject to the imposition of conditions regarding protection of trees and hedgerows, restoration of the historic water management features, and a longer term aftercare period (at least 10 years).

206. In respect of the objections from local residents regarding the proposed locations and heights of the soil storage, it is considered that the use of bunds is a means of both screening mineral working and to provide a barrier to help contain the noise and dust arising from the associated operations. Their use is an accepted means of helping to mitigate some of the effects of mineral working on the area in which they are located and their use. The Head of Strategic Infrastructure and Economy accepts that the soil storage bunds would introduce an unusual feature in this area, but considers that they would be temporary features and would not be visually intrusive once seeded with an appropriate grass seed mix. Furthermore, it is recommended that conditions controlling this could be imposed should planning permission be granted.

207. The Head of Strategic Infrastructure and Economy considers that, based on the advice of the County Landscape Officer, the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions, in accordance with Policy SWDP 25 of the adopted South Worcestershire Development Plan.

### **Residential amenities (noise and dust emissions)**

208. The closest residential properties are that of 1 Lower Sandford Cottage, which is sited immediately adjacent to the south eastern side of the proposed eastern extension area, with the closest working areas being Phases E and D. Sheepcote Farm is the closest property to the proposed southern extension area. The proposed extension area Phases A, B and C surround the property. A stand-off distance of 50 metres is proposed from the closest working.

209. Further residential properties are located within Clifton Village, the closest are 'The Maltings' and numbers 1 - 8 along The Tything, which are located on the eastern edge of Clifton Village adjacent to the A38 at around 200 metres from the closest approach of operations in Phases F and G of the proposed eastern extension area.

210. Hunters Lodge is located in excess of about 270 metres north from the closest of operations within Phase G of the eastern extension area. Baynhall Farm is located approximately 380 metres to the north-east of Phase G of the eastern extension area of the proposed development. The residential properties of Stanford Villa Farm, Sandford Cottages and the neighbouring The Lodge are located to the south-east and south of the proposed eastern extension area at separation distances from the closest of operations in Phase D of about 200 metres and 210 metres respectively.

211. Letters of representation have been received from local residents objecting to the proposal. The concerns raised include noise impacts, dust emissions, adverse impact upon house prices; order of phasing; power lines; soil bunds; hours of operation and an end date to the quarry workings.

212. With regards to noise, the Planning Practice Guidance (PPG) is the most up to date Government Guidance relating to noise on mineral sites. It recommends that background noise levels (LA90, 1h) should not be more than 10dB(A) at noise sensitive properties during normal working hours (07:00 to 19:00), but where it would be difficult not to exceed background noise levels by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the noise level should be as near that level as practicable. It sets a maximum noise levels for normal daytime operations (55dB)(A) LAeq, 1hr) and a higher limit (70dB(A) LAeq, 1hr) for noisier but temporary operations such as restoration work and the construction of soil storage bunds, but only for up to 8 weeks a year (Paragraph Reference ID: 27-022-20140306).

213. A series of noise predictions, based upon the calculation methodology described within BS 5228 and including a number of worst case assumptions regarding the proposed working of the site have been made to seven noise sensitive locations around the proposed extension areas. A range of noise mitigation measures have been recommended including operating hours, the specification of buffer zones, screening via the use of soil bunds and suggested noise limits for sensitive receptors within the vicinity of the proposed extension areas. Without these mitigation measures the noise criteria recommended within the PPG would likely be exceeded for temporary operations at The Maltings, 1 Lower Sandford and Sheepcote Farm. The PPG criteria would also be exceeded at The Maltings, 1 Lower Sandford, Sandford Cottages and Sheepcote Farm during mineral extraction operations. However, subject to the incorporation of mitigation measures, the assessment demonstrates that without exception, the predicted worst case noise levels from both temporary operations and mineral extraction operations are predicted to remain within the PPG recommended criteria outlined above.

214. Local residents have expressed concerns that the proposed soil screening bunds appear to be inappropriate and unnecessary, and that their profile and height are unacceptable, in particular Bund 23 located north and east of 1 Lower Sandford and Bund 18a located south of Sheepcote Farm. The Head of Strategic Infrastructure and Economy considers that these bunds (and their specified height) are required as part of the noise mitigation measures and are bunds are temporary structures. It is noted the applicant has confirmed that the "*bunds would be constructed and retained for the minimum period required to address statutory noise mitigation guidelines*" Furthermore, it is noted that Worcestershire Regulatory Services (Environmental Health Officer) has no objection, subject to these bunds being constructed, together with the proposed standoff distances being adhered to, including the 200 metre standoff from The Maltings. The Head of Strategic Infrastructure and Economy notes that Bund 18a would be located approximately 12 metres south of Sheepcote Farm, and is satisfied that it would not have an unacceptable impact of the amount light into the property, noting that it would be approximately 3 metres in height and designed to accommodate a 1:5 slope facing Sheepcote Farm and 1:2 gradient facing the extract area and would only be required for about 2 years. In respect of Bund 23 it is noted that this bund would be a maximum of 5 metres high at a distance of about 20 metres from 1 Lower Sandford, and would be required for approximately 5 years. With regards concerns that Bund 18b is sited immediately beneath an overhead power line, Western Power Distribution has been consulted and has made no adverse comments in this respect. The applicant has confirmed that they are in discussions with Western Power Distribution regarding moving the overhead power lines. Notwithstanding the above matters, a condition is recommended to be imposed should planning permission be granted requiring the detailed design of the proposed bunds and soil management.

215. With regards to concerns that the mineral extraction operations may cause subsidence to Sheepcote Farm, the applicant has confirmed that standoffs in respect of geology/geo engineering are proposed within the submitted application (minimum stand-off of 50 metres), and is subject to Quarry Regulations, engineering and health and safety requirements. These aspects would be assessed on a regular basis by the applicant. Furthermore, the Health and Safety Executive has been consulted and has made no comments.

216. With regard to air quality, which for this application primarily relates to dust emissions associated with mineral extraction, storage and handling and traffic exhaust emissions, the Environmental Statement concludes that it is unlikely that any significant decrease in local air quality would occur due to the proposed development. Any dust occurrence event would be limited and of short duration and would be minimised by implementation of the dust control recommendations, in accordance with industry best practice in order to prevent significant adverse impacts on the local environment. Mitigation measures include seeding of soil bunds, minimising drop heights; dampening down of haul roads/stockpiles; vehicle speed restrictions; regular maintenance of plant and equipment use of a wheel wash facility and a road sweeper on the internal site access road. Should planning permission be granted the Head of Strategic Infrastructure and Economy recommends the imposition of conditions controlling dust emissions.

217. Worcestershire Regulatory Services has raised no objections in respect to air quality. The Environment Agency has made no adverse comments in respect to noise, dust and residential amenity. With regard to impacts to human health, Public Health England has no objections, subject to the imposition of conditions to mitigate the impacts of dust emissions.



218. With regard to light impacts, the applicant has confirmed that lighting of the processing plant area would continue as existing. Temporary seasonal lighting would also be required in active working areas, but this would be limited to being in the vicinity of the field hoppers only. The Head of Strategic Infrastructure and Economy considers that should planning permission be granted a condition should be imposed requiring details of the lighting scheme.

219. With regard to concerns that there is no assessment of utility services crossing the application site, other than National Grid infrastructure. The applicant has confirmed that a Service Study was carried out prior to the submission of the planning application and that a full detailed check would be made by the applicant or their contractors prior to any physical work taking place on site. A review of 'Line Search Before U Dig', reveals that Western Power Distribution's apparatus (Surf Telecoms, 11kV overhead lines and 11kV underground cables) crosses both the eastern and southern extension areas. A Zayo duct (broadband) runs along the A38 and an Oil Pipeline crosses the southern extension area. Western Power Distribution has raised no adverse comments in this and it is understood the applicant is in discussions with Western Power Distribution regarding the diversion of their apparatus. The Zayo Group has raised no objections to the proposal. The impact upon the oil pipeline is discussed in detail later in this report, under the header 'Other Matters'.

220. 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 Environmental Statement (Air Quality and Noise Sections) that there would be no adverse air pollution, noise, dust or lights impacts on residential amenity or that of human health.

221. Concerns have been raised by local residents that their house prices would be adversely affected by the proposal. The Head of Strategic Infrastructure and Economy notes these concerns, but advises Members that property values are not a relevant material consideration in the determination of planning applications.

### **The historic environment**

222. A number of designated heritage assets are located within the context of the application site, as outlined in paragraphs 45 to 46. With regard to non-designated heritage assets, the Environmental Statement identifies two monuments (listed on the Worcester Historic Environment Record) in the eastern extension area. The first is a complex of enclosure and field systems in the southernmost field, measuring about 7 hectares in area. Metal detecting across this area has recovered about 213 bronze coins of probable Roman date. The second monument in the eastern extension area is a ring ditch, which is likely to be the remains of a plough damaged Bronze Age barrow, about 17 metres in diameter. In the southern extension area, the Environmental Statement identifies three monuments (listed on the Worcester Historic Environment Record). These are ridge and furrow remains, water meadow ditches both of probable medieval date and a search light battery from the Second World War.

223. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local*

*planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

224. Paragraph 132 of the NPPF states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II Listed Building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments...Grade I and II\* Listed Buildings, Grade I and II\* Registered Parks and Gardens...should be wholly exceptional". Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan also require development to conserve and enhance heritage assets, including their setting.*

225. Paragraph 133 of the NPPF states that "*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...".*

226. Paragraph 134 of the NPPF states that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".*

227. *With regards to impacts in heritage assets, the Head of Strategic Infrastructure and Economy notes the Barnwell Manor v. East Northamptonshire DC and English Heritage and others [2014] EWCA Civ 137; Mordue v Secretary of State for Communities and Local Government & Ors [2015] EWHC 539 (Admin); and the more recent Court of Appeal judgment Mordue v Secretary of State for Communities and Local Government & Ors [2015] EWCA Civ 1243.*

228. The Environmental Statement included a Cultural Heritage Section and a Heritage Setting Assessment addendum was also submitted in support of the application. The Heritage Setting Assessment states that the operational phase of the proposal would affect nine listed buildings (The Malting, Wayside Cottage, Clifton Court, Clifton Ham, Cleeve Cottage, Clifton Lower Farmhouse, Baynhall Farm, Cedar Cottage and Kerswell Green Farmhouse) which would experience minor adverse impacts on their heritage setting due to views being possible towards the extraction area or screening bunds. These effects are temporary and in all cases do not extend over more than a six year period.

229. The Grade II Listed Buildings of The Nash and Pirton Tower are assessed as experiencing minor moderate adverse impacts on their heritage setting. With regards to impacts upon The Nash, the assessment considers that the distance from the proposal and the orientation of the window to the south of the property limit the effect of any adverse views, noise or dust emissions from the proposal on the setting of this heritage asset. However, partial, oblique views would possible towards Phases F and G from the front windows over or through the intervening hedges, and through trees within the

properties grounds towards the eastern extraction area. These impacts have been assessed as having minimal adverse effects on receptors within this property. The effects of noise and dust have been assessed within the Environmental Statement and are considered to be acceptable. The proposals would be temporary, with the operational works within Phases F and G lasting about 3.2 years. The restoration scheme has been assessed as being potentially capable of integration and absorption within the local landscape.

230. With regard to impacts upon Pirton Tower, the assessment considers that the distance from the proposal limits the effect on this heritage asset. Nevertheless due to the elevated location of the Tower, views would be possible over the wider landscape. However, views of the extraction area would be limited with the area seen as a component of the wider landscape. The progressive nature of the restoration proposals also would limit the area of disturbance at any one time. In addition, the intervening M5 Motorway and tree screening belts would also limit any impacts upon this heritage asset. The visual effects to receptors within Old Park are considered to be limited to Neutral – Negligible. This is due to the temporary nature of the extraction activities and the distance from the proposed quarry.

231. One Grade II Listed Building (Lower Sandford Cottage) and one Grade I Listed Structure (The Panorama) have been assessed as experiencing moderate adverse impacts on their heritage setting. This is due to the close proximity of Lower Sandford Cottage to extraction activities and screening bunds. Lower Sandford Cottage would be located about 50 metres from the eastern extraction area and about 20 metres from the nearest screening bund. The presence of the screening bund is required to ensure the residents of the property are not unduly affected by noise and dust emissions. These impacts are assessed as having notable adverse effects on receptors within this property. Due to the proximity of the extraction area and the screening bund it is assessed that the extraction would adversely affect the setting of the Lower Sandford Cottage. The screening bund would screen open views from the Cottage towards the extraction activities within the eastern extension area. Adverse effects/views would be during the bund construction phase and when accessing the property along its access road. However these effects would be temporary, with the operational phase within the eastern extension area lasting for approximately 6 years. Due to this period of operational disturbance, the assessment considers that a screening bund is the most appropriate visual screen as tree planting would not establish sufficiently and noise attenuation fencing would appear more discordant with the agricultural surroundings.

232. The Panorama is also an eyecatcher tower and of national importance. Although views of the extraction area would be possible they would be seen as a component of the wider local landscape and due to the phased nature of the proposed working and restoration proposals the disturbed area of land would be kept to a minimum. The moderate adverse impact reflects the high sensitivity of the asset, being designed to appreciate and take advantage of views over the wider landscape. Therefore, despite only marginal adverse magnitude of impacts on the visual setting this combines with the national importance of the asset to create a moderate significance of effect. It is considered that the proposed restoration would have a slight beneficial visual effect.

233. The proposals would be partially visible as a long distance feature in some panoramic viewpoints from Croome Estate, in proximity to The Panorama and Old Park. These adverse visual effects have been assessed as having insignificant effects on the setting and, indeed, the actual views from these historic parklands. This is due to the

structure of the views where the development would only be a small part of a wider vista. These views are made up many components; including fields, villages, roads and agricultural structures. The proposed development is not significant when viewed from these parkland areas due to the distance.

234. A further five heritage assets (The Cottage Birch Green, Birch Green Farmhouse, Church of St Denys, Milestone, and Park Farmhouse) were assessed as experiencing no effect on their historic setting.

235. The restoration proposals have been assessed as being capable of integration and absorption within the local character area with beneficial biological and ecological effects; in addition the proposed restoration would have associations with former fluvial characteristics of the wider local area.

236. The Heritage Setting Assessment concludes that the proposed extraction and restoration activities at the site would not permanently or significantly affect any heritage assets within the local area.

237. Historic England is satisfied that there is sufficient information to fulfil paragraph 128 of the NPPF. They consider that there would be some harm to a variety of Listed Buildings through impact on their settings, though most of this would be during operational phases, but for some it would also extend to the restoration phase. They recommend that the Mineral Planning Authority seeks more detailed mitigation with respect to the Grade I Listed Panorama Tower. They defer to the Malvern Conservation Officer with respect to the settings of the Grade II listed buildings. The District Council Conservation Officer has been consulted but has made no comments.

238. The National Trust acknowledge some visibility of the proposed quarry from the Panorama Tower (Grade I Listed) within Croome Historic Park and Gardens and from the footpath within the Grade II Registered Pirton Park near Pirton Castle, although not from Pirton Castle itself or in any view of the castle. The submitted assessment reports a moderate adverse significance of the impact at the Panorama Tower. They request mitigation measures, such as, encouraging growth of existing hedgerows along the south-east side of the site. They also request consideration be given to the restoration proposals, including the form of the proposed water bodies to ensure that they have an irregular natural form.

239. In response to the comments made by the National Trust and Historic England, the applicant has confirmed that the existing hedgerows and hedgerow trees would be allowed to grow along the south-eastern site boundary providing additional mitigation. This would allow approximately 4 to 8 years hedgerow growth adjacent to progressively extracted mineral phases within the eastern extension area. The applicant has also confirmed that existing hedgerows would be strengthened with new planting where necessary. The applicant also confirm that the retained water bodies are to be of an organic morphology/natural form and that lake sides are to be shallow in profile to encourage the establishment of aquatic marginal vegetation. These aspects would help ensure the integration of the water bodies into the local setting.

240. The Head of Strategic Infrastructure and Economy has assessed the impact of the proposed development on the nearby heritage assets and gives great weight and special regard to the desirability of preserving the heritage assets and their setting, as cited in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

It is considered that the proposal would result in less than substantial harm. The Head of Strategic Infrastructure and Economy notes paragraph 134 of the NPPF and considers that subject to the imposition of appropriate conditions that on balance, in view of the public benefits of the proposal, namely the provision of a small number of direct employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market, that this outweigh the temporary and less than substantial harm to the designated heritage assets.

241. Paragraph 128 of the NPPF states that *"where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.

242. The application was accompanied by an archaeological desk- based assessment. The assessment demonstrates that the proposed quarry extension areas contain important Bronze Age and Roman archaeological remains and it is probable that Neolithic and Iron Age remains would be present as these have previously been identified on these gravel terraces at the existing Clifton Quarry.

243. The assessment states *"that discrete earlier prehistoric remains are likely to be encountered across the entire proposed extension areas. Bronze Age remains include both settlement and funerary structures and although associated environmental remains appear to be poorly preserved it should be expected that further cremation deposits would be encountered. Bronze Age settlement remains, including roundhouse, pits and burnt mounds should also be expected. The Roman remains appear to be confined to Phase D and appear to reflect a 1st-3rd century farmstead, although outlying associated field systems may be encountered."*

244. *Of particular importance is the identification of an Early Bronze Age enclosure within Phase C, as this has the potential to be associated with occupation deposits. Settlement remains of this period are extremely rare and its identification provides an important research opportunity, of at least regional importance. The other archaeological remains are of more regional and local importance but may provide important archaeological information that could be used to answer many regional research questions. Discrete earlier prehistoric remains are likely to be present across much of the proposed development, but important features have been identified in Phases C, E and F. Roman archaeological remains appear to be confined to Phase D"*.

245. The potential impacts during construction include all of the archaeological remains identified in the evaluation would be destroyed by the proposed quarry extension. The submitted assessment outlines a number of measures in order to mitigate the impacts identified above. This includes a geo-archaeologist or Palaeolithic specialist be allowed to periodically inspect the quarry face during extraction; geophysical surveys of the site; targeted trial trenching; excavation, strip map and sample and/or a watching brief to form part of an approved programme of archaeological investigation to be undertaken prior to their destruction through mineral extraction.

246. The County Archaeologist has no objections, acknowledging that the submitted details demonstrates that archaeological remains of local to regional significance survive within the application site area, and these remains would be damaged or destroyed by the proposed mineral extraction. The submitted details highlight the general potential for

additional, as yet unknown, archaeological remains that may not have been detected by the geophysical survey to survive within the application site. Consequently, while no archaeological remains of such significance as to act as an outright restriction to development are known to be present, should the Mineral Planning Authority be minded to grant planning permission, conditions should be imposed requiring a programme of archaeological works to ensure any threatened remains are suitably investigated and recorded prior to damage or destruction. They consider that the submitted field evaluation report, which outlines recommendations for further works likely to be required to mitigate the impact of mineral extraction on the archaeological record, constitutes a reasoned and proportionate mitigation strategy to be adopted.

247. Having regard to the advice contained at paragraph 135 of the NPPF, which states "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*". In view of this and based on the advice of the County Archaeologist, the Head of Strategic Infrastructure and Economy considers that on balance, subject to the imposition of appropriate conditions, that the impact upon the non-designated archaeological assets is not of such significance as to constitute a refusal reason in this instance.

248. The Head of Strategic Infrastructure and Economy considers that based on the advice of Historic England, National Trust and the County Archaeologist that the proposed development would not have an unacceptable impact upon heritage assets, subject to the imposition of appropriate conditions, in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan.

### **The water environment**

249. The River Severn is the principal watercourse in the locality, flowing from north to south and located about 210 metres from the application site. The area to the west of the processing plant area is prone to flooding and a number of existing measures have been included within the local drainage infrastructure in an attempt to reduce flood effects. These include an embankment along the eastern bank of the River Severn (estimated to be 1 in 5 years return period), informal bunding to the west of Clifton village, bunding between the proposed southern extension area and the A38, and installation of culverts equipped with flap valves on key drainage channels adjacent to the main floodplain.

250. Formal drainage is absent within the proposed eastern extension area, with rainfall primarily percolating to ground or directed to a drainage channel which runs along the western perimeter of Ashmoor Common (known as the Ashmoor Common watercourse). The principal drainage channel in the vicinity of the proposed southern extension area is that of the Clifton watercourse, which flows south from Clifton village through Clifton Arles LWS and is culverted under the access road to Sheepcote Farm and past the eastern boundary of the southern extension area. Flooding controls have been installed on both the culvert under the A38 and the culvert on the Clifton watercourse, to prevent flood waters backing up from the River Severn flood plain to the south.

251. The majority of the existing Quarry and proposed southern extension area are located within Flood Zone 2 as identified on the Environment Agency's Indicative Flood Risk Map. The proposed southern extension area also impinges on Flood Zone 3 at its

southern most limits. A small section in the south-east of the proposed eastern extension area is also located within Flood Zone 2 and 3.

252. The proposed development is classed as 'water-compatible development', 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 water-compatible development uses of land are considered appropriate in Flood Zone 2 and 3a and are considered acceptable in Flood Zone 3b (functional floodplain), subject to it being designed to remain operational and safe for users in times of flood, result in no net loss of floodplain storage, and not impede water flows and not increase flood risk elsewhere.

253. The proposed concrete batching plant would be located within the existing processing plant area, and is classified as 'Less Vulnerable' development and would fall within Flood Zone 2, which is considered to be acceptable by the PPG.

254. 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*".

255. With regard 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.

256. The application was accompanied by a Flood Risk Assessment, which notes paragraph 142 of the NPPF states that "*minerals can only be worked where they are found*". It considers that the most sensitive parts of proposal are the proposed concrete batching plant and the retention of the existing processing plant. These are located within the existing plant site to the west of the A38. The plant site occupies a slightly elevated position above the surrounding ground and as a consequence would be expected to be one of the last places to flood during occurrence of the extreme 1 in 1,000 year flood event. The Assessment considers the risk of the plant site flooding is low and offers the most suitable location for erection of the proposed concrete batching plant.

257. The Assessment notes that the existing offices and sensitive infrastructure within the processing plant site have been constructed taking into account flood resilience principles e.g. offices raised above potential flood levels and the access road maintained as a potential evacuation route from the site. It recommends that the construction of the concrete batching plant also follows similar appropriate flood resilience principles. Consequently, the Assessment considers that the layout for the proposal would meet the requirements of NPPF relating to the Sequential Test.

258. The Flood Risk Assessment concludes that subject to mitigation measures, which include retention of the existing ground levels to a minimum of 15 metres AOD along the southern flank of the access road into Sheepecote Farm, which would require geotechnical assessment for the design (gradient and permeability) as a long-term flood bund structure; discharge of temporary dewatering abstraction to the Ashmore Common watercourse during working of the eastern extension area to be subject to water quality controls; inclusion of swales along the eastern flank of Phases D, E and F; and a

Surface Water Management Plan for the proposed concrete batching plant, that the proposal would not increase flood risk in the locality and would provide increased flood storage capacity for the River Severn (Phase C) and within the catchment for the Ashmoor Common watercourse (Phase G).

259. The proposed development includes the construction of a tunnel to house a conveyor that would transport sand and gravel from the proposed eastern extension area to be processed by the existing plant on the western side of the A38. The ramps down to the base level of the tunnel would need to drop to a level approximately 7 metres from the surface. Due to the base of the ramps being below the water table the walls and floor would have to limit water ingress. The applicant proposes that the sheet pile clutches (sheet pile clutches describes the shape of the sheet pile to 'in effect' overlap and link into an adjacent sheet pile whereby it creates a seal to restrict potential water migration) are sealed and a water proof concrete is used for the base slab. The applicant states that the design would accommodate the effects of buoyancy. Sumps would be provided to collect rain and surface water directly entering the pits and also minor wall and base seepage. This would be pumped away to discharge back into the ground via appropriately located soakaways or onsite lagoons. The applicant acknowledges that the west entrance to the tunnel is close to the River Severn flood water line, and proposes measures to prevent flood water passing from the eastern extension area to Clifton village. Such measures include bunding or concrete lining around the tunnel entrance to prevent flood water entering the tunnel. The applicant states that they do not expect the construction of the tunnel to result in any significant impact in respect of the local groundwater or surface water environment.

260. With regard to the impacts of flooding, the Environment Agency has been consulted and has raised no objections, recommending that the Lead Local Flood Authority is consulted. The Lead Local Flood Authority has no objections, subject to the imposition of a condition requiring the mitigation measures as set out in the submitted Flood Risk Assessment. They are also satisfied with the proposed construction of the tunnel under the A38.

261. Policy SWDP 29 of the adopted South Worcestershire Development Plan requires Sustainable Drainage Systems (SuDS). The proposed development includes a number of SuDS features to allow enhanced control of surface run-off from the site. The restoration landform includes a series of water bodies designed to remain in continuity with groundwater, and swales designed to receive run-off from adjacent areas of agricultural land. The applicant states that *"each of these features would provide for improved attenuation and control of site run-off"*.

262. With regard to surface water impacts, South Worcestershire Land Drainage Partnership has been consulted and has no objections, subject to the imposition of a condition requiring the applicant to submit a SuDS scheme for approval.

263. With regard to concerns that the submitted drawings do not illustrate the existing bund around the village of Clifton and should this be removed it would leave the village and the existing mineral processing plant liable to flooding. The applicant has confirmed that *"works associated with this application would not disturb the minor soil bund located around the western periphery of Clifton village"*. Furthermore, the Environment Agency has confirmed that they have not found evidence that a 15 metre continuous contour currently offers protection to the village in this area (Phase B). Submitted plans would suggest there is at least a 14 metre contour on the eastern boundary which they would



expect to be maintained. The Environment Agency also note that the submitted Flood Risk Assessment has made a commitment to retain high ground of 15 metres to protect the site from flood water from the south (Phases A and C).

264. With regard to comments from local resident stating requesting that the applicant commits to leaving secure flood defences in Phase 11 of the existing Clifton Quarry site. The applicant has confirmed that the restoration of Phase 11 is to be undertaken in accordance with the extant planning permission submitted restoration scheme for the existing site. The applicant does not propose to alter any of the Environment Agency flood defence bunds within the area.

265. With regard to hydrogeological impacts upon the adjacent Ashmore Common SSSI, the applicant is proposing to work the majority of the application dry. However, due to the concerns of Natural England and the Environment Agency, the applicant is proposing to work Phase G and the northern section of Phase F of the eastern extension area wet (i.e. not dewatered). The closest area of dewatering would be located in excess of 150 metres from the biological (northern) section of the SSSI.

266. The effects of dewatering from working parts of the site dry have been assessed in the Environmental Statement and are considered to extend to a maximum of 130 metres and, therefore, are not predicted to result in any drawdown effects beneath the biological SSSI, due to the standoff distance of about 150 metres. The phases worked wet are expected to result in negligible drawdown beyond the phase boundary and as such are considered to have insignificant potential to reduce groundwater levels beneath the SSSI. The Environmental Assessment recommends that a scheme of hydrometric monitoring is undertaken for the duration of the proposed development to ensure there is no impact on the adjacent SSSI.

267. Natural England has been consulted and has raised no objections, subject to conditions and or a Section 106 Agreement relating to a water monitoring regime and appropriate trigger levels; not to de-water the land within a 150 metre buffer from the northern area of the Ashmoor Common SSSI and the water that is pumped out of the southern part of the eastern extension being pumped into the adjacent Ashmoor Common watercourse. The Environment Agency has also raised no objections, subject to conditions as outlined by Natural England and a water monitoring mitigation strategy.

268. Given that the water monitoring regime requested by Natural England and the Environment Agency would be required to take place on land outside of the applicant's control, a Section 106 Agreement is considered to be an appropriate mechanism in which to secure such a scheme. Due to the complexity, strategic importance of this major Environmental Impact Assessment development, which consists of two distinct elements, the southern extension area and the eastern extension area, and given that reserves of sand and gravel are approaching exhaustion at the existing Clifton Quarry and that the proposed new water monitoring scheme is only required in connection with the eastern extension area. It is considered that a 'Grampian' (negatively worded) condition would require the applicant to submit a scheme for water monitoring, which would require the applicant to enter into an obligation under Section 106 of the Town and Country Planning Act 1990 prior to the commencement of the eastern extension area. This would then allow the applicant to work the southern extension area in advance (approximately 4 years) of entering into a Section 106 Agreement to work the eastern extension area. The Head of Strategic Infrastructure and Economy notes that Reference ID: 21a-010-20140306 of the Government's PPG states that "*a negatively*

*worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed....However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk".*

269. It is considered that the required planning obligation would pass the three tests as outlined at paragraph 204 of the NPPF (necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development) and that such a condition in this instance would pass the six tests for conditions (necessary, relevant to planning, to the development to be permitted, enforceable, precise and reasonable in all other respects). It is also noted that the applicant has indicated that they are willing to enter into a Section 106 Agreement to be secured by condition and that this was the procedure utilised for the existing water monitoring scheme secured by a Section 106 Agreement under condition 21 of planning permission 407183 (Appeal Ref. T/APP/F1800/A/88/107854/P8). In effect this would prevent any mineral extraction from the eastern extension area (Phases D, E, F and G) until this agreement was in place to protect the SSSI.

270. With regard to the wet working of Phase G and the northern section of Phase F, the Mineral Planning Authority notes that dry working is most efficient in terms of maximising extraction of sand and gravel, recognising that wet working can result in a maximum of 30% reduction in output compared to dry working. The Severn Stoke & Croome d'Abitot Parish Council consider that this is not an environmentally acceptable outcome for such a limited resource. Whilst the Mineral Planning Authority considers that this is not ideal, it enables the applicant to work an area of mineral deposits which would otherwise be unacceptable due to the potential impacts upon the adjacent biological (northern) section of the Ashmore Common SSSI.

271. A local resident states that the change to wet working is a matter for the operator, however, the move to a much larger stand-off against Ashmoor Common (some 150 metres), combined with the 200 metre stand-off from Clifton village, leaves approximately 16 metres between the two and only just over one hectare in Phase G available for extraction. The local resident suggests that this small area available for extraction with the addition of the wet working would make this area unviable to work. The applicant has confirmed that the stand-off quoted for Ashmoor Common SSSI relates to dewatering rather than extraction, and therefore, it would still be viable for the applicant to work this Phase.

272. With regard to concerns from local residents regarding the water level shown on the Restoration Pan for the lake feature in Phase C would increase flood risk. The applicant has confirmed that *"the restoration pond level for Phase C is shown as 11.2 metres AOD in error. The pond level would be excavated to remain in continuity with groundwater and is more likely to reside between 8.5 and 9.5 metres AOD"*. The applicant has also confirmed that the silt lagoon and restoration pond within Phase A would be connected to the local drainage network (at 10.4 metres AOD level) to ensure

maintenance of the prevailing drainage character and to protect the surrounding land, including Sheepcote Farm from flooding.

273. A local horticultural growing business states that they require a clean uncontaminated continuous supply of irrigation water for their vegetable crops, which is essential for the operation of their business. In response to these concerns the applicant has confirmed that they are required to pump water to the watercourse that runs alongside the Ashmoor Common SSSI should the proposed dewatering operation cause a reduction from the present flow. Any discharge to the watercourse would be regulated by an Environment Agency Discharge Consent. This would include water quality limits set by the Environment Agency, and therefore, the proposal would not result in any deterioration of supply to the pond/abstraction point for the local horticultural growing business. Furthermore, the Discharge Consent would also control the periods when discharge is permitted. Therefore, given the sensitive environment, any consent would likely limit discharge to the watercourse when the valve under the A38 is shut due to the River Severn being in flood.

274. With regards to concerns regarding increased flood risk in the area east of the A38 at Sandford due to soil screening bunds. The applicant has confirmed that "the bunding in this area would be set at a level/configuration to allow water to enter the extraction area during extreme flood events. Therefore, the extraction area would provide an enhanced storage area for the provision of flood water in comparison to the existing landform.

275. In view of the above matters, the Head of Strategic Infrastructure and Economy considers the impacts upon the water environment would be acceptable subject to the imposition of appropriate conditions, including a condition requiring the applicant to submit a Scheme for a water monitoring and trigger levels prior to the commencement of the eastern extension area. This Scheme would take the form of a Section 106 Agreement.

### **Ecology and biodiversity**

276. Paragraph 9 of the NPPF states that *"pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life", which includes "moving from a net loss of biodiversity to achieving net gains for nature". This is reiterated within Section 11 of the NPPF, paragraph 109 states that "the planning system should contribute to and enhance the natural and local environment", and this includes "minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".*

277. Paragraph 118 of the NPPF states that *"when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles", this includes (bullet point 1) "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".*

278. The accompanying Environmental Statement addressed ecology and biodiversity and as part of the application, a range of ecological surveys were undertaken. These included

an Extended Phase 1 Habitat Survey, Hedgerow Survey, Great Crested Newt Habitat Suitability Index Assessment, Wintering Bird Survey, Breeding Bird Survey, Bat Activity Survey, Badger Survey and Invertebrate Survey.

279. A number of statutory and non-statutory wildlife sites are located within the context of the application site, as outlined in paragraphs 47 and 48, notably the Ashmoor Common SSSI located along the eastern boundary of the proposed eastern extension area and the Clifton Arles LWS and Ancient Woodland located within the application site.

280. With regards to the impacts upon the Ashmoor Common SSSI, the Environmental Statement considers that the SSSI would not be directly impacted by the proposals; however, a number of indirect impacts could be possible which include noise, dust and disturbance caused by the works, as well as hydrological impacts. Without mitigation, the proposal has the potential to have major negative impacts upon the SSSI. However, subject to mitigation, which includes a minimum stand-off of 10 metres from the SSSI boundary, phased restoration, water monitoring regime and wet working of Phase G and the northern section of Phase F of the eastern extension area wet (i.e. not dewatered), the proposal is anticipated to have a neutral impact upon the SSSI. Natural England and the Environment Agency have been consulted and has raised no objections, subject to the imposition of appropriation conditions and or a Section 106 Agreement to ensure the integrity of the Ashmoor Common SSSI.

281. With regard to impacts upon the Clifton Arles LWS and Ancient Woodland, the applicant has confirmed that the route of the conveyor does not pass through the LWS and Ancient Woodland and, therefore, no trees would be required to be removed to facilitate the route of the conveyor. Mitigation measures to minimise any indirect impacts include woodland planting, a minimum of a 10 metre stand-off to areas of sand and gravel extraction, a habitat management plan and the retention and use of the existing wheel washing facilities. The Environmental Statement concludes that overall there would be a minor negative to neutral impact upon the Clifton Arles LWS and Ancient Woodland. The Forestry Commission has been consulted and has made no comments and Worcestershire Wildlife Trust has raised no objections, subject to appropriate conditions.

282. The County Ecologist recommends that on restoration of the site, the existing processing plant area is removed and replaced by woodland planting so as to reinstate the ancient woodland habitat lost to the mineral extraction operations. The County Ecologist also recommends the imposition of a Woodland Management Plan, woodland planting, details of any lighting and provision of additional enhancement measures such as bird, bat and invertebrate boxes.

283. The Head of Strategic Infrastructure and Economy notes that paragraph 118 (bullet point 5) of the NPPF states that *"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss"*. Whilst, the original planning permission for Clifton Quarry (Application Ref: 407183, Appeal Ref. T/APP/F1800/A/88/107854/P8) allowed for the processing plant area to be installed within the confines of the Ancient Woodland, the Mineral Planning Authority envisaged this being restored back to woodland, and indeed this was shown on the extant submitted Restoration Scheme. The Head of Strategic Infrastructure and Economy considers that the restoration of the processing plant area to woodland provides a more

cohesive and resilient woodland. In view of this, a condition is recommended requiring the details of the restoration of the processing plant area.

284. With regard to impacts from dewatering on other LWSs within the surrounding area, namely the Brickpits Plantation and Sandford Pits LWS and the River Severn LWS Worcestershire Wildlife Trust and the County Ecologist recommend the extension of the existing water monitoring regime. However, the Environment Agency has confirmed that the existing water monitoring scheme is fit for purpose for the proposed southern extension area and it is the eastern extension area, especially where it is adjacent to Ashmoor Common SSSI, where the new network of boreholes for water monitoring is required. As discussed above, a condition is recommended for the extension of the existing water monitoring regime principally for the purposes of protecting the integrity of the adjacent the Ashmoor Common SSSI prior to commencement of the eastern extension area.

285. With regard to impacts of the proposal on other LWSs within the surrounding area, namely the Brickpits Plantation and Sandford Pits LWS and the River Severn LWS. The Environmental Statement considers that subject to the inclusion of mitigation measures, which include expanding an existing program of groundwater and surface monitoring and ensuring that licences and permits with regards to discharge quality it is considered that the impact of the proposal on these LWSs would be neutral.

286. Species potentially affected by the proposals include badgers, brown hare, invertebrates, bats, and birds. Subject to mitigation measures which includes requiring a CEMP, timing of vegetation clearance, installing of bird boxes, planting and seeding details, the creation of waterbodies, artificial badger sett, phased working and restoration and hedgerow planting, seed mixes, detailed restoration scheme, and the implementation of the mitigation measures outlined within the Environmental Statement (Ecology Section), it is considered there would be a neutral to major positive impact upon these species. Conditions are recommended to this effect.

287. With specific regard to bats, the Environmental Statement considers that the site is of 'local value' to foraging and roosting bats. Trees with potential roosting opportunities are located within the Clifton Arles LWS. The applicant has confirmed that no mature trees with potential roosting features for bats would be removed. The County Ecologist considers that if the potential roosting features can be adequately protected from impacts, there would be no need to make any further consideration of the derogation tests set out in the Conservation of Habitats and Species Regulations 2010 in making any planning decision with regards to bats. The mitigation measures proposed include stand-off buffers to the LWS and Ancient Woodland, additional woodland planting and proposed woodland management plan, together with hedgerow creation/infill and standard tree planting proposals, the creation of additional grassland/swale resources and water bodies would have a 'major positive' impact for bats. Conditions are recommended to this effect and these are considered sufficient to protect the potential bat roosting features from any adverse impacts.

288. With regard to Great Crested Newts, the majority of the site is comprised of arable farmland which does not provide suitable terrestrial habitat for amphibians, however, the field margins and hedgerows offer some suitable foraging and refuge habitat as well as providing connectivity over the landscape. No water bodies within and surrounding the proposed southern extension area were assessed to be unsuitable for Great Crested Newts. Four water bodies surrounding the proposed eastern extension area received

average to good habitat suitability for Great Crested Newts. Although there is a possibility that Great Crested Newts could be present in Ponds 1 and 4 and disperse to the site, it is unlikely that they would occur on the site from Ponds 2 and 3, if present. The County Ecologist recommends the imposition of a water monitoring regime of the Ashmoor Common SSSI to ensure there are no indirect effects to Great Crested Newts; and woodland and hedgerow protective zone should be implemented using sturdy fencing with appropriate signage, which would help to avoid risk of impact to valuable habitats for amphibians. The applicant proposes that any woody vegetation removed should be stockpiled and re-used to create habitat (log-piles) within protected buffer areas for the benefit of reptiles and amphibians. If these mitigation measures can be secured, then there would be no need to make any further consideration of the derogation tests set out in the Conservation of Habitats and Species Regulations 2010 in making any planning decision with regards to Great Crested Newts. Conditions are recommended to this effect.

289. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, including the Clifton Arles LWS and adjacent Ashmoor Common SSSI, subject to the imposition of appropriate conditions, which includes a condition requiring a Section 106 Agreement for water monitoring and trigger levels before commencing development in the eastern extension area, as recommended by the Natural England, Environment Agency, the County Ecologist and Worcestershire Wildlife Trust; and the proposal would result in a net increase in biodiversity, in accordance with Section 11 of the NPPF.

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

290. Paragraph 32 of the NPPF states that:-

*All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development..".*

291. It is noted that the NPPF goes on to state that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*".

292. The proposals would effectively represent a continuation of current activities as the proposed hours of operation (proposed operating hours between 07:00 to 19:00 hours Mondays to Fridays, inclusive and 07:00 to 13:00 hours on Saturdays), processing plant site output (about 200,000 tonnes per annum), method of transport, main site access off the A38 and types of vehicle used would not materially change. The applicant estimates that the typical rate of extraction would result in an average of between 72 and 92 HGV movements per day on the local road network (about 36 to 46 HGVs entering the site and 36 to 46 HGVs exiting the site per day). However, the proposed concrete batching plant would result in additional vehicles to and from the site. The applicant estimates that

the imports to the site (cement and admixtures) would result in approximately 6 additional vehicle movements per week (3 tankers entering the site and 3 tankers exiting the site per week). In terms of exports associated with the concrete batching plant the applicant estimates that this would result in 4 additional vehicle movements per day (2 tankers entering the site and 2 tankers exiting the site per day).

293. The applicant states that the *"traffic survey information confirmed that the A38 currently retains significant levels of reserve capacity during the peak hours of the day and throughout the day overall. As a result, highway capacity is not considered to be a constraint to the proposed Extension and ongoing operations at Clifton Quarry"*.

294. The applicant also states that *"the safety performance of the site accesses and local highway network (which continue to accommodate daily HGV movements) has been reviewed using collision records. The records confirm that there have been no recorded accidents at the existing accesses and no recorded accidents involving HGVs on the neighbouring highway network where the HGV driver was at fault"*.

295. The only variation in terms of traffic activity associated with the proposal when compared with the existing mineral extraction operations is the movement of plant and staff to the proposed eastern extension area. The access serving Lower Sandford would be used to access the proposed eastern extension area. The applicant states *"that in terms of plant delivery, this would only be necessary at the outset, as the plant would remain within the extraction area for the duration of the works. Regular staff movements would be limited to the driver of the loading shovel used to dig/move materials within the site and load the conveyor which would pass under the A38 to transfer sand and gravel to the existing processing plant"*.

296. The applicant states that the proposed extension would provide for eight full-time positions of employment with a further 20 work opportunities provided in connection with transportation and the employment of local trades at the existing Clifton Quarry site

297. In terms of staff movements, these would be limited in number, and depending upon the internal layout within the extraction area, the operative(s) may either park within it or park within the quarry and cross the road at the start and end of each day either on foot or in a site vehicle. Alternatively, they may choose to use the conveyor tunnel to cross the A38.

298. Given this ad-hoc and low level of activity, together with the excellent visibility at the existing access to Naunton House and Farm, the applicant considers that the existing layout would be satisfactory to accommodate the limited additional vehicle movements associated with the proposed development, which fall within the range that would be expected to occur as a result of seasonal variations associated with agricultural activity at the farm and surrounding land. The plant could be delivered directly to the farm access where it is unloaded, or alternatively delivered to the quarry and unloaded, then driven across the road, with banksmen to manage traffic whilst the vehicle crosses the A38 if necessary.

299. In order to mitigate any potential traffic and highway safety impacts, the applicant is proposing a number of mitigation measures which includes all loaded vehicles being sheeted, maintaining the existing wheel washing facilities and maintaining the site access to ensure adequate visibility is provided.

300. The proposed development includes the construction of a tunnel to house a conveyor that would transport sand and gravel from the eastern side of the A38 to be processed by the existing processing plant on the western side of the A38. The tunnel would be located on a west-east axis under the A38, immediately north of the existing quarry entrance.

301. The tunnel construction would take the form of a concrete pipe, with an internal diameter of about 2.1 metres. The tunnel would require a clearance depth below the highway in the order of 4 metres to ensure the settlement at the surface is negligible. A review of the utility records in the highway has found that there is no deep or sensitive apparatus.

302. The ramps down to the invert level of the tunnel would need to drop to a level approximately 7 metres from the surface. The east side would accommodate the level conveyor withdrawal length. These excavations would be formed by steel sheet piling installed around the perimeter. Due to the base of the ramps being below the water table the walls and floor would have to limit water ingress. The applicant proposes that the sheet pile clutches are sealed and a water proof concrete is used for the base slab. The applicant states that the design would accommodate the effects of buoyancy. Sumps would be provided to collect rain and surface water directly entering the pits and also minor wall and base seepage. This would be pumped away to discharge back into the ground via appropriately located soakaways or onsite lagoons.

303. The applicant acknowledges that the west entrance to the tunnel is close to the River Severn flood water line. The submitted Flood Risk Assessment recommends protection is maintained at a minimum level of 14.5 metres AOD, which is above the Environment Agency predicted 1 in 1,000 year flood event for the locality. Therefore, this requirement has been incorporated into the design of the tunnel (it is proposed to leave the ground in situ at 15 metres AOD on the eastern side).

304. The applicant states that there would be no physical disturbance to users of the A38 during the installation or post installation, including through the decommissioning process.

305. The operational life of the tunnel would be in the order of 5 years. It is proposed on completion of the mineral extraction that the tunnel is grouted up and the ramp excavations backfilled. The steel sheet piling will be reduced to below the final ground level and reinstated.

306. The County Highways Officer has no objections to the use of the existing processing plant by the means of construction of the tunnel to the application site as there would be limited vehicle traffic generation. However beyond any planning permission it is likely that a license would be required as the applicant is not a defined statutory undertaker to allow for the presence of the tunnel. Should the boring process or provision of the tunnel result in any damage or distortion of the A38 then the applicant would have to agree an approach to reinstate it with the Highway Authority.

307. The County Highways Officer requests that conditions relating to the submission of a Construction Environmental Management Plan (CEMP) and ensuring that any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway is approved by the Mineral Planning Authority in consultation with the County Highways Authority.



308. With regard to comments from Malvern Hills District Councillor David Harrison stating that he understands that a condition was imposed on the existing quarry site that required all vehicles to turn right out of the site. He considers that this would not be practical for this planning application. The Head of Strategic Infrastructure and Economy can confirm that the extant planning permission does not require HGVs exiting the site to turn right along the A38.

309. In view of the above, the Head of Strategic Infrastructure and Economy considers there would be no material traffic or highway safety impact arising from the development when compared with the prevailing baseline scenario, and is, therefore, satisfied the proposal is acceptable on traffic and highway safety grounds, subject to the imposition of appropriate conditions, in accordance with Policy SWDP 4 of the South Worcestershire Development Plan. Furthermore, Members should be aware that a similar tunnel existed under a road at Grimley to convey sand and gravel under the public highway to the processing plant. This site is currently being restored and the tunnel has been grouted up as part of the restoration works. This work was undertaken under the supervision of the Mineral Planning Authority.

310. Paragraph 75 of the NPPF states that "*planning policies should protect and enhance Public Rights of Way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing Rights of Way networks including National Trails*".

311. A number of Public Rights of Way are located within and in the vicinity of the application site, notably Footpaths SS-525 and SS-530 and Bridleway SS-537, which cross the proposed eastern extension area. Footpath SS-525 links the A38 to the immediate east of Clifton Village along the boundaries of Phases F and G towards a network of footpaths to the west of Kerswell Green. Footpath SS-530 skirts the north-western edge of Phase E and then doglegs to the south-east to join Bridleway SS-537. Both footpaths would be subject to minor diversions during the proposed development. Bridleway SS-537 links the A38 in the vicinity of the existing quarry access road to Lower Sandford and then Naunton Farm. This bridleway is located along the Lower Sandford access road and between Phases D and E, and therefore, remains in place throughout the proposed extraction activities.

312. In response to objections from local residents regarding concerns that Public Rights of Way would be closed during extraction; that the proposal would prevent local residents walking the Public Rights of Way; that Footpath SS-530 requires a sensible permanent realignment as the proposal require this footpath to be continually moved as extraction takes place; and seeking clarification of how sand and gravel would be transported across Bridleway SS-537 from Phase D. The applicant confirmed that the "*proposed temporary diversions to the Public Rights of Way network within the eastern extension area (namely footpaths SS-525 and SS-530) have been designed to ensure the following:*

- *That there would always be a route along either the original footpath alignment or a temporary diversion to protect the legal right to walk;*
- *The protection of walkers would be paramount with fencing along either side of the footpath to protect walkers from quarrying activities; and*

- *The proposed quarry activities would be temporary in nature and would restore land to a mixture of agricultural land, a lake and wetland features.*

313. The methodology for the temporary diversion of footpaths within the eastern extension area is as follows:

- *Diversion of footpaths to temporary route on insitu land prior to extraction of that area. The phased and progressive nature of the proposals allows this process to take place in a time efficient manner.*
- *Users of the Public Right of Way would use the temporary diversion until such a time as the land is fully restored underneath the original alignment of the footpath.*
- *While the footpath is along its temporary route extraction would continue on the northern side of the footpath. However a 'pillar' of insitu mineral, overburden and soil would be left in place to allow users to access the temporary route of the footpath. This pillar would be a minimum of 5 metres in width and fenced along both sides to protect and secure users of the Public Rights of Way.*
- *The Public Right of Way would then be reinstated along its original route at the earliest opportunity once restoration has been achieved.*
- *Following the restoration and reinstatement of the footpath along its original route, the applicant would then extract the remaining mineral left underneath the temporary footpath diversion routes".*

314. During the excavation of Phase D (the southernmost phase in the proposed eastern extension area) sand and gravel would be conveyed beneath Bridleway SS-537 and the access track to Lower Sandford. There would be temporary disturbance to this bridleway and access track during the construction of the minor tunnel and installation of the conveyor and their future removal. The applicant states that full liaison with neighbours and potential users of the Public Right of Way would take place in advance of these periods. Other than this small scale operation/disturbance, Bridleway SS-537 would remain in place throughout the period of extraction and restoration activities and sand and gravel would not be extracted underneath Bridleway SS-537.

315. The British Horse Society objects to the proposal due to the proximity of Bridleway SS-537 to the proposed conveyor. They consider that the noise of the conveyor would be different from the background noise of the road and it is also possible that horses may see as well as hear the conveyor as it disappears under the main road. Furthermore, the applicant states that there would be "*temporary disturbance of the access track*" during the installation and removal of the conveyor, which indicates that Tarmac would probably ask for the emergency temporary closure of Bridleway SS-537 on at least one occasion. Temporary closures can remain in force for up to 6 months, which would remove horse riders and cyclists of the only route through the site they can legally use. The British Horse Society suggested a workable alternative, would be to allow riders and cyclists to use Footpath SS-530 either permanently or on a temporary permissive basis while the quarry is working, which gives riders the opportunity to stay away from the conveyor altogether. Ideally Footpath SS-530 should be permanently upgraded to bridleway by agreement under Section 25 of the Highways Act 1980, which requires consent from the landowner. This would make a lasting improvement to the Public Rights of Way network after the quarry has been worked out.

316. In response to the British Horse Society's objection, the applicant responded stating that horse riders and horses who may use this bridleway would be able to hear the consistent low rumble of the conveyor, however, this is not a loud, or sudden noise and of a lower magnitude than passing traffic using the A38. Tarmac and other mineral operators have numerous sites where new developments, including conveyors, are temporarily introduced into the landscape, adjacent to bridleways. To the applicant's knowledge, these all operate successfully. They, therefore, see no requirement in diverting the bridleway. Access along this track is off the A38. Potential disturbance to the access would only occur during the installation and removal of a minor conveyor run to link Phase D to the main conveyor within Phase E. Installation of this section of conveyor could take half a day to a day with only minor access disturbance, which would be accommodated adjacent to the existing route. When vehicles cross the access track on a temporary basis, appropriate Health and Safety measures would be implemented. The bridleway would, therefore, remain open with a very minor and very temporary diversion. There is, therefore no need to permanently change the current status of footpaths and bridleways within the application site.

317. The Rambler's Association has raised no objections, noting that the Public Rights of Way or an alternative safe route would always be available. The County Footpath Officer comments that the proposal affects Public Rights of Way as recorded on the Definitive Map and requires diversion of Public Rights of Way. An application should be made to the County Footpath Officer in order to divert/extinguish and create Public Rights of Way in order for the development to take place. The applicant should also be aware of their obligations towards the Public Rights of Way.

318. The Head of Strategic Infrastructure and Economy notes that the phased management of public access has been designed in to the proposal in order to maintain the accessibility of Public Rights of Way on a phase by phase basis. The phase boundaries of the scheme have been orientated to minimise temporary diversion requirements with Public Rights of Way restored to their original routes upon restoration. Based on the advice of the County Footpath Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposed development would not have an unacceptable adverse impact on the users of the Public Rights of Ways within and surrounding the application site.

#### **Restoration and aftercare of the site**

319. The restoration strategy for the application site remains broadly consistent with the original restoration strategy for the existing site. The restoration strategy proposes the creation of a mixture of open water, shallow wetland habitat, marginal aquatic areas and areas of productive agricultural land. The restoration proposals would result in the creation of about 48.4 hectares of wet restoration (about 23.6 hectares within the proposed extension areas) to a maximum depth of about 5.2 metres.

320. Where restoration to agriculture is proposed this would be achieved by reusing the soils which are stripped at the first stage of the extraction process, as well as soils from the existing site. A total area of approximately 49.1 hectares of agricultural land is proposed within extracted areas of the site. Of this, there are about 22.4 hectares of BMV land within the proposed eastern extension area and about 25.6 hectares of restored BMV agricultural land within the existing site and a further 1.1 hectares from below bunds and the conveyor (i.e. unextracted land) within the proposed southern extraction area. There are areas within the application boundary which would either

remain under agricultural production throughout the application process or be temporarily disturbed through the presence of bunds. These areas would be returned to productive agricultural land once the bund is removed and topsoil placed on the area of the bund footprint.

321. The final restoration is expected to be completed within about 1 year of the end of the Phase G extraction process. This would include the removal of the field conveyor and all quarry ancillary activities/plant outside of the processing plant site area.

322. The applicant states that *"the fixed and mobile aspects of the processing plant site would be decommissioned and removed from site. The area of the processing plant site would remain as a management and maintenance area for the site"*.

323. It is proposed to extract sand and gravel over a period of about 11 years in 7 phases, with progressive restoration and the site would be subject to a five year programme of aftercare. The County Landscape Officer and Worcestershire Wildlife Trust request a long-term habitat management plan so that the restoration of the site can be secured into the future. In response to these comments, the applicant has agreed to a 10 years aftercare period for the nature conservation areas within the southern and eastern extension areas, which is welcomed by the Head of Strategic Infrastructure and Economy. A 5 year aftercare period would apply to the agricultural areas. A condition is recommended to this effect.

324. The County Ecologist recommends further consideration of the Restoration Scheme so that further woodland planting and woodland ground flora is included within the buffers on cessation of the workings. A condition is recommended to this effect.

325. Objections have been received from local residents regarding the exposure of large areas of disturbed ground and the delay in restoring the existing quarry site. The applicant states that *"the initial phases of the currently permitted Clifton Quarry were restored promptly and in accordance with the submitted Restoration Plan. It is acknowledged, however, that latter Phases including Phase 9 and have been delayed in their restoration. The main reason for this being the inability for Tarmac to restore land until a mineral sterilisation claim was agreed in respect of a pipeline running through the centre of Phase 10, and restoration within Phase 9 being linked to that of Phase 10. This work, along with other restoration aspects is now ongoing and is due to be completed Spring 2016 whereupon they will be agriculturally managed"*. The Head of Strategic Infrastructure and Economy considers that the progressive nature of the phasing schemes ensures that disturbed land is kept to a minimum and each phase of extraction is only temporarily disturbed before work commences to restore the land to the habitats and land uses proposed within the restoration scheme. It is suggested that a condition is imposed to require the progressive restoration of the site.

326. With regard to the proposed retention of the processing plant area within the Clifton Arles Ancient Woodland, the County Ecologist has raised concerns regarding this, and considers it should be restored back to woodland. It is noted that paragraph 118 (bullet point 5) of the NPPF states that *"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss"*. Whilst, the original planning permission for Clifton Quarry (Application Ref: 407183, Appeal Ref. T/APP/F1800/A/88/107854/P8) allowed for the processing plant

area to be installed within the confines of the Ancient Woodland, the Mineral Planning Authority envisaged this being restored back to woodland, and indeed this was shown on the extant submitted Restoration Scheme. The Head of Strategic Infrastructure and Economy considers that the restoration of the processing plant to woodland would help to secure the long-term integrity and resilience of the Ancient Woodland. In view of this, a condition is recommended requiring the details of the restoration of the processing plant area.

327. In response to comments from Severn Stoke & Croome d'Abitot Parish Council regarding the phasing, requesting that extraction commences in the north as it is considered that this would limit the disturbance to Clifton Village and would create a large water body in Phase D rather than Phase G. It is noted that the Environment Agency and Natural England are both content with the phasing proposals ending in Phase G to the north of the site with a water body complementing the Ashmoor Common SSSI in this location.

328. With regard to the suggestion that District Councillor David Harrison raises in relation to disposing of construction and demolition waste from nearby residential developments within the proposed mineral void. The applicant states that *"it is not possible to receive soils from other development sites without an appropriate permit from the Environment Agency, meeting criteria on the importation of waste material. This, combined with Tarmac not requiring additional soils to achieve the proposed restoration scheme together with implications of timing, are the reason for not looking at taking soils from other sites"*. The Head of Strategic Infrastructure and Economy also notes Policy WCS 5: 'Landfill and disposal' of the adopted Worcestershire Waste Core Strategy, which identifies there is no capacity gap for landfill or disposal of waste in Worcestershire and that planning permission will not be granted for such schemes unless the criteria within Policy WCS 5 can be met. None of which are considered to apply in this instance. Furthermore, the application does not propose to import any construction wastes to the site.

## **Other matters**

### Economic Impact

329. 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"*.

330. 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"*.

331. The proposal would provide for the continuation of 8 existing full-time jobs at Clifton Quarry and the creation of an additional 2 full-time jobs associated with concrete batching plant, with the creation of 20 plus employment opportunities provided in connection with transportation and the employment of local trades at the existing Clifton Quarry site. 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.

332. The applicant also states that it is economically and environmentally preferable to work the minerals in the proposed southern and eastern areas as an extension to the existing quarry at this time, while the quarry infrastructure and ancillary structures remain in place.

333. Furthermore, the South Worcestershire Development Plan sets out targets for growth, including the building of 28,400 new houses, the development of 280 hectares of land for employment, and an additional 39,507 square metres of retail floor space. These developments will require aggregate raw material to allow the various development projects to proceed.

334. The Minerals Product Association (MPA) estimates that "the construction of a typical new house uses up to 50 tonnes of aggregates - from the foundations through to the roof tiles". Further aggregates are required for the construction of any supporting infrastructure and in the maintenance and refurbishment of the existing housing stock and other types of development. But broadly, based on this figure of 50 tonnes, the proposed development would provide enough aggregate for the construction of approximately 44,000 homes.

335. 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 provide a small number of direct employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic development benefits to the local economy in accordance with the NPPF and this weighs considerably in its favour and should be given great weight.

#### Oil pipeline

336. The remaining sand and gravel reserves within the existing Clifton Quarry site are principally located in the consented Phase 11, with further reserves being constrained by an oil pipeline, which forms part of the Government Pipelines and Storage System (GPSS) which runs through the quarry operations north to south. The same pipeline continues southwards from the existing site towards Sheepcote Farm, through the proposed southern extension area, crossing Phases B, A and C respectively.

337. The pipeline currently sterilises about 425,000 tonnes of sand and gravel reserves within the existing site where it bisects Phase 10 and runs between the fresh water lagoon and silt lagoons. The applicant is proposing that these reserves of sand and gravel are extracted as part of this application as well as the sand and gravel along the route of the pipeline within the proposed southern extension area. The applicant has confirmed that the "*property agreement which allows for the route of the pipeline through the existing site and the southern extension area allows for the removal of the pipeline*

*upon notice from the landowner*". In order to facilitate the extraction of the sterilised sand and gravel within the existing site and the southern extension area, the submitted Environmental Statement includes three options to demonstrate how this could be achieved:

- **Option 1:** The permanent disconnection and stopping up of the pipeline
- **Option 2:** The establishment of a permanent alternative route immediately west/adjacent to the existing oil pipeline
- **Option 3:** The existing pipeline would be temporarily stopped up. The section of pipeline running through the southern extension area would be removed and mineral extracted. The pipeline would then be reinstated along its original route.

338. The applicant is currently in discussions with CLH Pipeline System regarding the working of the minerals adjacent to a pipeline laid pursuant to powers granted under The Land Powers Defence Act 1958. This Act expressly incorporates the provisions contained in sections 78 to 84 of the Railways Clauses Consolidation Act 1845 which contains provisions allowing CLH Pipeline System to require the pipeline to be left in situ and pay compensation to the applicant.

339. CLH Pipeline System has been consulted and objects to the proposed development because the extraction would take place within 3 metres of the pipeline, which would restrict access to the pipeline for both routine maintenance and in an emergency situation. Notwithstanding this, CLH Pipeline System have confirmed that this is not a planning matter but a legal matter between the two parties, and that they are in ongoing discussions with the applicant regarding the best solution to this matter.

340. Guarlford Parish Council also strongly object to Operations Option 1, which proposes the *"permanent disconnection and stopping up of the oil pipeline"* because the pipeline preserves the integrity and continuation of oil supplies in the UK and there may be a requirement for this pipeline in years to come. They have no objections to the rest of the plan.

341. In response to the concerns raised above by Guarlford Parish Council, the applicant has confirmed that *"the proposed southern extension area would involve the removal of all sand and gravel within the site. This would not, however, necessitate the permanent disconnection of the oil pipeline which runs through the site. Discussions have taken place as to options which manage the release of mineral whilst securing the permanent flow of oil. The options include:*

- *Extracting mineral up to and adjacent to an agreed stand-off from the pipeline, followed by the installation of a new section of pipeline adjacent to the current in-situ section. This would then allow the simple connection of the existing pipeline north and south of the extension area into the new section of restored pipeline. This would require a temporary connection period to allow the recommencement and continued flow of oil.*

342. *A second option is for the oil pipe company to agree with the minerals operator a mineral sterilisation claim to retain the pipe in its current position".*

343. The applicant states that whichever option is agreed, the permanent ability to transfer oil through the site would be maintained.

344. In response to the applicant's above explanation, Guarlford Parish Council state that they support the second option so that the pipe is maintained in its current position.

345. In view of the above, the Head of Strategic Infrastructure and Economy notes that CLH Pipeline System confirmed that this is not a planning matter but a legal matter between the two parties, and is satisfied that there is an acceptable solution (either option 2 or 3) which would allow the extraction of mineral (or compensation to be paid to the applicant) whilst maintaining the integrity of the national oil pipeline.

#### Cumulative Effects

346. Malvern Hills District Council state that whilst the above issues will need to be considered individually, they should also be considered in terms of possible cumulative environmental impact arising from the proposed quarry extensions.

347. They state that if approved, the proposed eastern extension area, together with the existing site, would effectively surround Clifton village with quarries. They are also aware that further sites – at 'Sandford' and 'Madge Hill' have been submitted for consideration as part of preparation for the Minerals Local Plan. The 'Sandford' site would only be around 120 metres from the proposed extension areas, whilst the 'Madge Hill' site would only be 1 kilometre from both the proposed extensions. The existing quarry, proposed extensions and the 'Sandford' and 'Madge Hill' sites would all access the A38. The Head of Strategic Infrastructure and Economy notes the District Council's comments, but considers that these sites have not been granted planning permission and should not be taken into account in relation to making a decision on this planning application.

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

349. The applicant, in their Environmental Statement states that "*the cumulative nature of the proposed development has been considered in respect of both the existing quarry/proposed extension area within its local context and also the continuation of mineral extraction at Clifton Quarry.*

350. *In respect of the proposed mineral development and existing developments of a similar nature there is only one other quarry within the area, this is a Cemex Quarry at Ryall. This quarry is located to the south-east of Upton-on-Severn approximately 7 kilometres south of Clifton Quarry. The Ryall Quarry and the proposed development at Clifton do not form the same Zone of Visual Influence for any local receptors who may view either of the individual developments. It is understood that mineral extraction at Ryall is progressively working and restored (as is Clifton Quarry), therefore, limiting the areas of disturbed land associated with sand and gravel extraction locally/within the county.*

351. *No other existing developments have been identified which could be considered as adding to cumulative impact within the local area".* The Environmental Statement concludes that no cumulative impacts (combined impacts) would therefore result from the proposed development and developments at other sites.



352. In respect of the potential cumulative impact associated with an extension to the existing Clifton Quarry, it is considered that there is the potential for adverse impacts resulting from an increase in temporarily disturbed land. However, the Head of Strategic Infrastructure and Economy considers that due to the proposed progressive restoration and subject to the imposition of conditions requiring detailed restoration and aftercare scheme that this potential impact would not occur. The Environmental Statement also considers that there is the potential for cumulative degradation of land through long-term land use change. However, it concludes that this has been considered in respect of all environmental topics including amenity and it is considered that no cumulative impact would result from the proposed scheme.

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

354. On balance, the Head of Strategic Infrastructure and Economy does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

#### Human Rights Act 1998

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

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

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

#### **Conclusion**

358. The proposal seeks extend the existing Clifton Quarry southwards and eastwards beyond the A38 to extract approximately 2.2 million tonnes of sand and gravel over a period of about 11 years. The extracted mineral would be transported via a conveyor to be processed at the existing Clifton Quarry plant site, which is located to the west of the A38, within the Clifton Arles woodland A sequence of seven phases across the two extensions areas are proposed with progressive restoration to agricultural land with wetland areas together with complementary planting and habitat creation.

359. Paragraph 145 of the NPPF states "*minerals planning authorities should plan for a steady and adequate supply of aggregates by...making provision for the maintenance of landbanks of at least 7 years for sand and gravel*". As required by the NPPF the County Council has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

360. Although planning permission being granted in May 2016 by the Planning and Regulatory Committee for the extraction of about 1.4 million tonnes of sand and gravel at Ryall Court Quarry, near Upton-upon-Severn (Application Ref: 15/000013/CM, Minute No. 939 refers). The landbank for Worcestershire is likely to be less than approximately 1.72 years. Consequently, the County Council currently does not have sufficient reserves of sand and gravel available with planning permissions to meet its share of the sub-regional apportionment and annual provision requirements based on sales in accordance with the NPPF and PPG. Should this planning application be granted, it would increase the landbank by only approximately 2.53 years.

361. The adopted Minerals Local Plan allocates Preferred Areas for the working of sand and gravel in the County. Whilst the existing Clifton Quarry processing plant and previous permitted extraction areas (prior to the 2006 planning permission extension) are allocated within the adopted Minerals Local Plan ('Committed Area: Clifton'), the proposed eastern and southern extension areas fall outside of the allocated Committed Area. Therefore, the proposal needs to be judged against Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan. It is considered that on balance the proposal would comply with Policy 2 of the adopted Minerals Local Plan.

362. With regards to the consideration of alternatives, the applicant considered a no development scenario as well as alternative extents of the proposed Extraction Area stating that *"the rationale of the planning application is to recover remaining sand and gravel reserves from the existing site and to extend that current business using the existing plant site. The consideration of alternative locations for the development is, therefore, restricted to considering alternative extents of the extension area"*. The Head of Strategic Infrastructure and Economy considers that the approach taken to the consideration of alternatives is acceptable.

363. About 43.6 hectares of land would be restored to BMV agricultural land (at least Grade 2), which would result in a net loss of about 14.2 hectares of BMV land (Grade 3a). The applicant states that based on the available soil resources, calculations indicate that about 22.4 hectares in the eastern extraction area could be restored to potential Grade 1 BMV agricultural land, but this would rely on a free draining restored profile overlaying a permeable restoration base in continuity with the water table. The net result is that although 14.2 hectares of Grade 3a land is lost, 22.4 hectares of Grade 2 land could be restored to potential Grade 1 quality. On balance, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions the proposal meets the objectives of the NPPF in respect of soils and Best and Most Versatile (BMV) agricultural land.

364. Based on the advice of the County Landscape Officer, it is considered that the proposal would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions, in accordance with Policy SWDP 25 of the adopted South Worcestershire Development Plan.

365. 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 Environmental Statement (Air Quality and Noise Sections) that there would be no adverse air pollution, noise, dust or lights impacts on residential amenity or that of human health.

366. A number of heritage assets are located within the context of the application site, this includes 6 Grade II Listed Buildings located within Clifton Village; the Grade II Listed Building of The Cottage (1 Lower Sandford) located within the application site, situated immediately adjacent to the eastern extraction area; and the Grade I Listed Building of 'The Panorama', which is located approximately 1.4 kilometres south-east of the proposed eastern extraction area. Based on the advice of Historic England, National Trust and the County Archaeologist it is considered that the proposed development would not have an unacceptable impact upon heritage assets, subject to the imposition of an appropriate conditions, in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan.

367. It is considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, including the Clifton Arles LWS and adjacent Ashmoor Common SSSI, or upon the water environment subject to the imposition of appropriate conditions, which includes a condition requiring a Scheme for water monitoring and trigger levels before commencing development in the eastern extension area, as recommended by the Environment Agency and Natural England. This Scheme would take the form of a Section 106 Agreement. It is also considered the proposal would result in a net increase in biodiversity, in accordance with Section 11 of the NPPF. The Head of Strategic Infrastructure and Economy considers that the integrity of the SSSI would be protected.

368. 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, subject to the imposition of appropriate conditions.

369. The Head of Strategic Infrastructure and Economy acknowledges that the NPPF affords significant weight to the need to support economic growth. It is considered that the proposal would provide a small number of direct employment opportunities, secure the continued operation of processing sand and gravel at Clifton Quarry, thereby securing the existing jobs, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the market. Therefore, it is considered that the proposal would provide substantial sustainable economic development benefits to the local economy in accordance with the NPPF.

370. On balance, taking into account the provisions of the Development Plan and in particular Saved Policy 2 of the adopted County of Hereford and Worcester Minerals Local Plan and Policies SWDP 1, SWDP 2, SWDP 3, SWDP 4, SWDP 5, SWDP 6, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32 and SWDP 62 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**

**371. The Head of Strategic Infrastructure and Economy recommends that, having taken the environmental information into account planning permission be granted for the proposed minerals extraction of about 2.2 million tonnes of sand and gravel by the phased extension to an existing sand and gravel quarry, a new concrete batching plant, consolidation of existing sand and gravel extraction and**

restoration to agriculture, nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire, subject to the following conditions:

**Permission**

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) The operator shall provide written notification to the Mineral Planning Authority at least seven days prior to:
  - i. The commencement of the development hereby permitted;
  - ii. The date of commencement of mineral extraction in any phase;
  - iii. The date of completion of mineral extraction in any phase; and
  - iv. The completion of mineral extraction;
- c) All mineral extraction shall cease and the site shall be restored in accordance with the approved restoration scheme as required by Condition i) before 31 December 2030. Should extraction cease before this date the Mineral Planning Authority shall be notified in writing within 1 month of extraction ceasing;
- d) No extraction of sand and gravel shall take place outside the limit of the extraction boundary shown on the Drawing titled: M11.177(h).D.021A;
- e) This permission does not allow the importation of waste material onto the site;

**Approved Documents and Drawings**

- f) The development hereby permitted shall be carried out in accordance with the following documents and drawings, except where otherwise stipulated by conditions attached to this permission:

**Documents:-**

- Planning Statement, Vol 3, dated Jan 2015

**Drawings:-**

- M11.177(h).D.044 Site Location Plan, ES Drawing No. 2/1, dated Nov 2014
- M11.177(h).D.019 Current Situation, ES Drawing No. 2/2, dated Nov 2014
- M11.177(h).D.045 Local Environmental Receptors (5km Radius), ES Drawing No. 2/3, dated Nov 2014
- M11.177(h).D.046 Local Environmental Receptors (1km Radius), ES Drawing No. 2/4, dated Nov 2014
- M11.177(h).D.048 Borehole & Superficial Geology, ES Drawing No. 2/5, dated Nov 2014
- M11.177(h).D.049 Isopachyte – All Mineral, ES Drawing No. 2/6, dated Nov 2014
- M11.177(h).D.051 Application Area and Land Under the Control of the Applicant, ES Drawing No. 2/7, dated Nov 2014

- M11.177(h).D.021A Block Phasing, ES Drawing No. 3/1, dated Jul 2015
- M11.177(h).D.030 Sections, ES Drawing No. 3/2, dated Nov 2014
- M11.177(h).D.020 Current On-Site Operations, ES Drawing No. 3/3, dated Nov 2014
- M11.177(h).D.022 Phase A - Working & Restoration, ES Drawing No. 3/4, dated Nov 2014
- M11.177(h).D.023 Phase B - Working & Restoration, ES Drawing No. 3/5, dated Nov 2014
- M11.177(h).D.024 Phase C - Working & Restoration, ES Drawing No. 3/6, dated Nov 2014
- M11.177(h).D.025 Phase D - Working & Restoration, ES Drawing No. 3/7, dated Nov 2014
- M11.177(h).D.026 Phase E - Working & Restoration, ES Drawing No. 3/8, dated Nov 2014
- M11.177(h).D.027 Phase F - Working & Restoration, ES Drawing No. 3/9, dated Nov 2014
- M11.177(h).D.028 Phase G - Working & Restoration, ES Drawing 3/10, dated Nov 2014
- M11.177(h).D.029 Restoration Strategy, ES Drawing No. 3/11, dated Nov 2014
- M11.177(h).D.047 Elevations of Concrete Batching Plant, ES Drawing No. 3/12, dated Nov 2014
- M11.177(h).D.050 Conveyor Tunnel Plan & Sections, ES Drawing No. 3/13, dated Nov 2014
- M11.177(h).D.052 Plant Site Layout and Proposed Concrete Batching Plant, ES Drawing No. 3/14, dated Nov 2014
- M11.177(h).D.053 Local Known Services, ES Drawing No. 3/15, dated Nov 2014
- M11.177(t).D.001 Trees and Hedgerows Retained and Removed, dated Aug 2015;
- M11.177(t).D.002 Programme of Progressive Restoration, dated Aug 2015
- M11.177(t).D.003A Restoration to Agricultural Grassland & Riparian Woodland, dated March 2016
- M11.177(t).D.004 Restoration to Damp Woodland & Hedgerow Planting, dated Aug 2015
- M11.177(t).D.005 Restoration Sections A – D, dated Aug 2015
- M11.177(t).D.006 Restorations Sections E – H, dated Aug 2015
- M11.177(t).D.007A Section Location Plan, dated March 2016
- M11.177(t).D.008 Fencing Specification, dated Aug 2015
- M11.177(t).D.009 Listed Building Locations (overlain onto ZTV of Proposed Extraction), dated Aug 2015, and
- M11.177(t).D.011 Aftercare / Management Time Duration, dated Jun 2016.

#### Quarry Progress Plan

- g) At 12 monthly intervals after the date of the permission, the applicant shall submit a quarry progress plan to the Mineral Planning Authority. The quarry progress plan shall:
- i. Provide an up-to-date topographical survey of the site in an appropriate format and appropriate scale;

- ii. Identify areas of the site that have been subject to mineral extraction in the previous 12 months and/or will be subject to mineral extraction in the forthcoming 12 months, including the locations, design and formation of the proposed working areas and any temporary tracks or trafficking routes;
- iii. Identify areas of the site that have been subject to restoration in the previous 12 months and/or will be subject to restoration in the forthcoming 12 months;
- iv. Identify areas where aftercare will have been completed, areas of the site that have been subject to aftercare and/or will be subject to aftercare in the forthcoming 12 months;
- v. Identify areas of the site that have been subject to soil stripping in the previous 12 months and/or will be subject to soil stripping in the forthcoming 12 months;
- vi. Quantify the soils and overburden to be encountered in the forthcoming 12 months and provide details of their intended placement and storage over that period;
- vii. Positioning and formation of any noise attenuation bunds and mineral stockpiles;
- viii. Set out any necessary adjustment to the approved phasing and restoration plans to take account of the site circumstances over the previous 12 months including any necessary diversion or retention of oil pipeline apparatus;
- ix. Positioning and formation of any diverted Public Rights of Way proposal; and
- x. A copy of the quarry progress plans shall be kept on site and made available for inspection by the Mineral Planning Authority during the approved working hours.

#### **Working Hours**

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

#### **Restoration**

- i) Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a detailed restoration scheme for the site, including the processing plant area shall be submitted to and approved in writing by the Mineral Planning Authority. The detailed restoration scheme shall include the form of the proposed water bodies to ensure that they have an irregular and natural form, and shall ensure the land is free from ponding and capable of receiving an effective artificial under-drainage system. Thereafter the development shall be carried out in accordance with the approved scheme;
- j) All plant and buildings, including conveyors shall be removed within 12 months of the completion of mineral extraction at the site;

### Aftercare

- k) The nature conservation area shall undergo aftercare management for a 10-year period as defined on Drawing Numbered: M11.177(t).D.011; all other land within the application site shall undergo aftercare management for a 5-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority;
- l) Within 12 months of the commencement of the development hereby approved, an outline aftercare scheme shall be submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the Restoration Scheme, as required by Condition i). These steps shall include the following:-
- i. Control of invasive species;
  - ii. Timing and pattern of vegetation establishment;
  - iii. Cultivation practices;
  - iv. Management of soil, fertility and weeds;
  - v. Drainage;
  - vi. Irrigation and watering;
  - vii. A timetable for undertaking the aftercare scheme; and
  - viii. The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance.
- m) A Detailed Aftercare Scheme shall be submitted to and approved in writing by the Mineral Planning Authority, not later than three months prior to each of the aftercare working group meetings, as required by Condition l). The scheme shall elaborate on the Outline Aftercare Strategy as required by Condition l), and shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings;

### Phasing

- n) The development hereby approved shall be carried out in accordance with the working programme as shown on Drawing Numbered: M11.177(h).D.021A and progressive restoration as shown on Drawings Numbered: M11.177(t).D.002;

## **Landscape**

- o) Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a detailed planting scheme to include native species, sizes, numbers, spacing, densities; locations; a planting specification, hedgerow infill and an outline of which hedgerows and trees shall be managed to allow them to grow up, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;**
- p) All existing trees, shrubs and hedgerows to be retained shall be protected by suitable fencing in accordance with BS5837:2012, as identified on Drawing Numbered: M11.177(t).D.001. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;**
- q) Within 12 months of the commencement of the development hereby approved, a scheme for the restoration of historic water management features such as sluices shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- r) Notwithstanding the submitted details, prior to the construction of the concrete batching plant hereby approved, the detailed design of the concrete batching plant shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**

## **Soil Handling and Storage**

- s) All soil handling shall be carried out in accordance with the Ministry of Agriculture, Fisheries and Food 'Good Practice Guidance for Handling Soil' (2000) and the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009);**
- t) Soil stripping shall not take place until any standing crop or vegetation has been cut and removed;**
- u) The topsoil and subsoil shall be stripped to the full depth and stored separately. Wherever possible both topsoil and subsoil shall be directly placed as part of restoration following stripping;**
- v) All stripped topsoils and subsoils shall be permanently retained on site for subsequent use in restoration, as detailed in the application;**



- w) For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials;
- x) Prior to the use of any area for the storage of subsoil or overburden that area shall first be stripped of topsoil;
- y) Plant or vehicles shall not cross areas of unstripped topsoil or subsoil except for the express purpose of stripping operations;
- z) Plant and vehicles shall not cross an area of replaced and loosened ground, replaced soil making material, subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines should work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil;
- aa) The Mineral Planning Authority shall be notified in writing at least seven days prior to the following stages:
  - i. Before each phase of soil stripping is due to commence;
  - ii. Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
  - iii. When soil making material or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
  - iv. On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations;
- bb) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in any phase, a scheme for the design location, height, gradient, volume and details of all soil material contained within each soil bund within that phase shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;
- cc) Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition;
- dd) Prior to re-spreading of soil making materials, subsoil or topsoil, the upper 100mm of the surface shall be prepared so that it does not contain material injurious to plant growth. 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;
- ee) Working and restoration schemes shall be designed so that no large areas of subsoil are left without topsoil and crop cover over winter. Subsoils or

soil making material shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition.

- ff) Topsoil shall be re-spread to achieve at least the minimum settled depth of 300mm. Subsoil and any soil making materials shall be levelled to provide an even depth across the re-laid area so that the total thickness of settled subsoil together with the topsoil conforms with the approved landform referred to in Condition i);
- gg) Where wet weather conditions render it impractical to complete topsoil reinstatement and it becomes clear that operations cannot be completed before winter then the surface of the reinstated soil should be temporarily seeded (by hand if necessary) to provide some ground cover and aid drying out the soil in the spring. Details of how the vegetation should be treated the following spring should be agreed in writing by the Mineral Planning Authority before restoration resumes the following season. Necessary precautions shall be undertaken to control surface-water run-off and prevent soil erosion;
- hh) 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 operation shall fill the depression to the final settlement contours specified with suitable soils from within the site to the specification to be submitted to be agreed in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

#### **Access and Highways Safety**

- ii) Prior to the commencement of soil stripping operations, a Construction Environmental Management Plan (CEMP) for Highways shall be submitted to and approved in writing by the Mineral Local Planning Authority. The CEMP for Highways shall include the following:
- i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - ii. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
  - iii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;

Thereafter, the development shall be carried out in accordance with the approved scheme;

- jj) Notwithstanding the requirements of Condition ii) above, the existing site access and the haul road from the A38 to its entrance into Clifton Arles Wood shown on Drawing Numbered: M11.177(h).D.021A, shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare;

- kk) Notwithstanding the requirements of Condition ii) above, the existing wheel washing facility shall be retained and maintained in good working order until the completion of the restoration of the site;
- ll) No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material deposited on the highway;
- mm) No development shall commence of the eastern extension area (Phases D to G), as shown on Drawing Numbered: M11.177(h).D.021A, until a scheme for the detailed design and method of construction of the conveyor tunnel underneath the A38 and its subsequent removal and land reinstatement upon completion of mineral extraction in the eastern extension area shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;
- nn) All sand and gravel shall be transported by field conveyor from the extraction area to the processing plant in Clifton Arles Woodland;
- oo) Notwithstanding the submitted details, prior to the construction of the tunnel underneath Bridleway SS-537, as shown on Drawing Numbered: M11.177(h).D.025 details of its design, construction and land reinstatement upon completion of mineral extraction in Phase D shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

#### Lighting

- pp) Details of any new lighting to be installed at the site shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. These details shall include:-
- i. Height of the lighting posts;
  - ii. Intensity of the lights;
  - iii. Spread of light in metres (Lux plan);
  - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
  - v. Any measures to minimise the impact of lighting upon protected species and habitats, in particular bats; and
  - vi. Times when the lighting would be illuminated;

#### Noise

- qq) Within 6 months of the date of this permission, a detailed Noise Monitoring Scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The Scheme shall include but not be limited to the following details:-
- i. The arrangements for the monitoring of noise emitted from the site;
  - ii. The noise monitoring points;
  - iii. The equipment and methods to be used to monitor noise;

- iv. The monitoring frequency and periods;
- v. The presentation of results to the Mineral Planning Authority;
- vi. The steps to be taken in the event that the measured (or calculated) noise exceeds the permitted limits as defined in Conditions ss) and tt); and,
- vii. The steps to review the Scheme;

Thereafter, noise monitoring shall be carried out in accordance with the approved Scheme.

rr) No site operations with the exception of the topsoil and subsoil stripping and other works in connection with the construction and removal of soil bunds referred to in Condition ss), shall result in the site attributable noise exceeding 55 dB LAeq (1-hour) (free-field) as recorded at any noise sensitive properties;

ss) During the construction and removal of soil bunds, the noise levels at the nearest noise sensitive properties shall not exceed 70 dB LAeq (1-hour) (free-field) and be limited to a period not exceeding 8 weeks in a calendar year at any one property;

tt) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use fully operational silencers;

uu) All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices;

vv) The following measures shall be undertaken to minimise noise emissions within the site arising from all operations including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:

- i. All haul roads are kept clean and maintained in a good state of repair to avoid unwanted rattle and body slap from vehicles;
- ii. All mobile plant and heavy goods vehicles within the site shall move in a manner to minimise, as far as is practical and safe, noise from reverse warning systems;
- iii. The minimisation of drop heights during loading and unloading of sand and gravel;
- iv. All plant engine covers shall be closed whilst the plant is in operation except when undertaking maintenance and repair work;
- v. Plant that is used intermittently, shall be shut down when not in use;
- vi. Any pumps, generators and compressors shall either be electrically powered and fitted with an acoustic cover where necessary; or diesel powered pumps, generators and compressors shall be installed within acoustic enclosures; and
- vii. All field conveyors shall be maintained in accordance with the manufacturer's specifications;

## Dust

- ww) The following measures shall be undertaken to suppress dust emissions within the site arising from all operations, including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
- i. The provision of a water bowser and/or static/mobile spraying units, which shall be used at all times when there is a risk of dust arising from the moving and storage of soil and overburden, mineral extraction, processing and manoeuvring operations;
  - ii. The sweeping of access and haul roads, where necessary;
  - iii. The minimisation of drop heights during loading and unloading of sand and gravel;
  - iv. all plant and vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground;
  - v. there shall be a maximum speed limit of 20 mph within the site;
  - vi. All vehicles leaving the site and transporting aggregate shall be securely sheeted; and
  - vii. the cessation of operations in conditions when dust cannot be controlled;

## Water Environment

- xx) 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 site 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;
- yy) Within the eastern extension area hereby approved, dewatering shall only take place from the mineral workings contained in Phases D to E and the southern section of Phase F. Phase G and the northern section of Phase F shall be worked wet for mineral extraction. No dewatering shall take place within Phase G and the northern section of Phase F, as identified on Drawing Numbered: M11.177(h).D.021A. A scheme for the setting up of a permanent marker that allows operatives and officers from the Mineral Planning Authority a means of visually checking this extent shall be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of the eastern extension area (Phases D to G), as shown on Drawing Numbered: M11.177(h).D.021A. The approved marker shall be erected and maintained on site for the duration of mineral extraction in Phases D, E, F and G;

**zz) There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses and/or 8 metres of any side of an existing culverted watercourse, inside or along the boundary of the site;**

**aaa) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in Phase C as shown on Drawing Numbered: M11.177(h).D.021A, a scheme for the flood risk mitigation measures as outlined within 'Table 3: Summary impact & Mitigation Schedule' on Page 20 of 'Appendix 9/10: Flood Risk Assessment', dated Aug 2014 shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**

**bbb) Within 12 months of the commencement of the development hereby approved, a scheme that sets out how the water level within the restored lakes would be regulated and managed shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**

**ccc) A surface water drainage plan for the operation of the concrete batching plant hereby approved shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall incorporate flood resilience measures and controls for surface water run-off. Thereafter, the development shall be carried out in accordance with the approved details;**

#### **Hydrometric Surface & Groundwater Monitoring**

**ddd) No development shall commence in the eastern extension area (Phases D to G), as shown on Drawing Numbered: M11.177(h).D.021A, until a scheme for surface and groundwater monitoring principally for the purposes of protecting the integrity of the adjacent Ashmoor Common Site of Special Scientific Interest (SSSI) has been approved in writing by the Mineral Planning Authority in consultation with Natural England and the Environment Agency. The scheme shall include:**

- i. Pre (collection of a minimum of 24 months baseline water monitoring), during and post extraction monitoring of the existing onsite monitoring boreholes as shown in the Environmental Statement - Volume 1 - Part C - Appendices Chapter 9 - Hydrology and Hydrogeology, Drawing Numbered: PSL Ref: M11.177(h).R.009;**
- ii. Monitoring locations (surface and groundwater);**
- iii. Method and nature of measurement;**
- iv. Design and method of installation of monitoring boreholes;**
- v. A programme detailing frequency and duration of monitoring along with details of how and when the monitoring data and the Scheme itself shall be reviewed to assess if impacts (if any) are occurring;**
- vi. Trigger levels when action is required to protect a water feature; reporting mechanism; and**

- vii. Details of any contingency and mitigation proposals should a trigger level be breached and an impact apparent on a water feature;

Thereafter, the development shall be carried out in accordance with the approved scheme and the scheme shall continue to be implemented and maintained as required;

eee) The existing hydrometric monitoring equipment that has been installed for the purposes of protecting the Ashmoor Common Site of Special Scientific Interest (SSSI), Clifton Arles Local Wildlife Site (LWS), The Bogs LWS and Brickpits Plantation & Sandford Pits LWS, as shown in the Environmental Statement - Volume 1 - Part C - Appendices Chapter 9 - Hydrology and Hydrogeology, Drawing Numbered: PSL Ref: M11.177(h).R.009 shall be maintained in good working order until the scheme for the proposed extended hydrometric monitoring scheme set out in Condition ddd) has been approved and implemented;

fff) Readings from the existing hydrometric monitoring equipment referred to in Condition eee) shall be taken at least once every calendar month for the duration of soil stripping, mineral extraction and restoration of the southern extension area (Phases A, B and C) as shown on Drawing Numbered: M11.177(h).D.021A and the results of such monitoring shall be submitted to the Mineral Planning Authority once every calendar month, together with at least once every six calendar months, a short commentary of the results until the scheme for the proposed extended hydrometric monitoring scheme set out in Condition ddd) has been approved and implemented;

#### Ecology and biodiversity

ggg) Within 3 months of the commencement of the development hereby approved, a Construction and Environmental Management Plan (CEMP) for Ecology shall be submitted to and approved in writing by the Mineral Planning Authority. The CEMP for Ecology shall include, but not be limited to the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification and appropriate fencing, exclusion barriers and signage of “biodiversity protection zones”;
- iii. Sensitive working methods and the steps to be taken to avoid harm to ecological receptors;
- iv. The times during construction when specialist ecologists need to be present on site to oversee works;
- v. Measures to protect badgers from being trapped in open excavations and/or pipework and culverts; and
- vi. Details of the requirements for ongoing ecological monitoring of the site; and

Thereafter, the development shall be carried out in accordance with the approved scheme;

- hhh) Within 3 months of the development hereby approved, a scheme for the mitigation measures to protect the integrity of the Clifton Arles Local Wildlife Site (LWS) and Ancient Woodland shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the location and details of the fencing to surround the processing plant site to address the risk of encroachment of material stores into the LWS and Ancient Woodland site. Thereafter, the development shall be carried out in accordance with the approved scheme;
- iii) Within 12 months of the commencement of the development hereby approved, a Woodland Management Plan for the Clifton Arles Local Wildlife Site and Ancient Woodland shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- jjj) Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a Habitat Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- kkk) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;
- III) Within 12 months of the commencement of the development hereby approved, a scheme for the provision of invertebrate, bat and bird boxes including at least one artificial barn owl box on the site shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the specification, number, location and timetable for their installation. Thereafter, the development shall be carried out in accordance with the approved details;
- mmm) Within 12 months of the commencement of the development hereby approved, the content, design and location of biodiversity and geodiversity interpretation panels shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

#### **Archaeology**

- nnn) Notwithstanding the submitted details, prior to the commencement of soil stripping operations, a programme of archaeological work, including a Written Scheme of Investigation, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording;



2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision and timetable to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision and timetable to be made for archive deposition of the analysis and records of the site investigation; and
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

Thereafter the development shall be carried out in accordance with the approved scheme;

### Local Liaison

- ooo) Within 6 months of the date of this permission a scheme that sets out measures for liaison arrangements with the local community shall be submitted to, and approved in writing by the Mineral Planning Authority. The approved scheme shall be implemented for the duration of the development;

### In the event of Cessation of Workings

- ppp) In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved restoration and aftercare scheme which in the opinion of the Mineral Planning Authority constitutes a permanent cessation, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval for the Mineral Planning Authority, within 6 months of the cessation of winning and working sand and gravel. The revised scheme shall be implemented within 12 months of its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority;

### **Contact Points**

#### County Council Contact Points

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Worcestershire Hub: 01905 765765

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

#### Specific Contact Points for this report

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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 15/000006/CM.



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Indicative Scale: 1:25,000

Date Printed: 14/4/2016

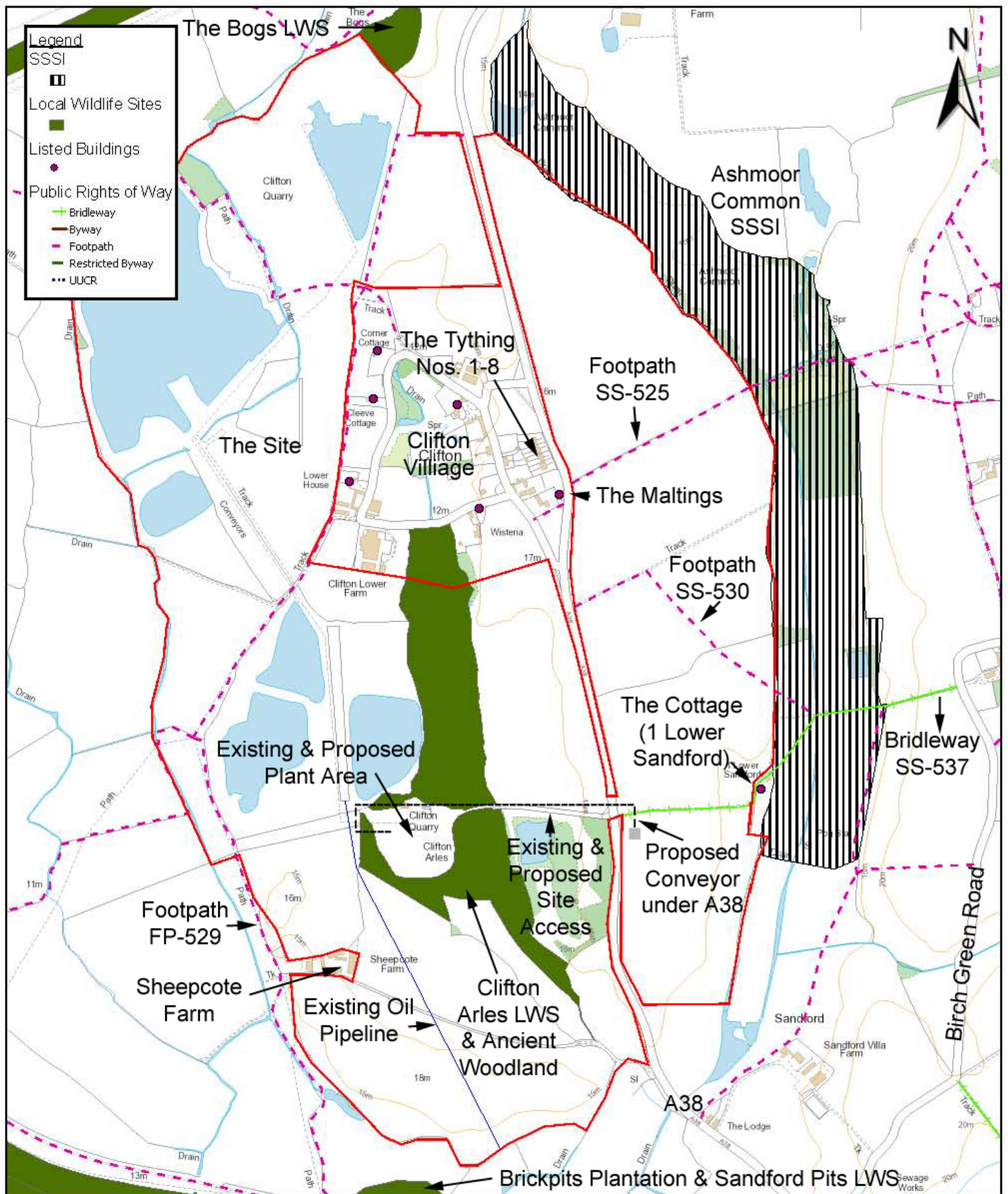
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**Proposed phased extension to existing sand and gravel quarry, consolidation of existing sand and gravel extraction and restoration to agriculture, nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire, WR8 9JE. Ref: 15/000006/CM**

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 county council

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- Legend**
- SSSI
  - Local Wildlife Sites
  - Listed Buildings
  - Public Rights of Way
    - Bridleway
    - Byway
    - Footpath
    - Restricted Byway
    - UUCR

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Indicative Scale: 1:10,000

Date Printed: 14/4/2016

0 50 250 500 metres

**Proposed phased extension to existing sand and gravel quarry, consolidation of existing sand and gravel extraction and restoration to agriculture, nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire, WR8 9JE.**

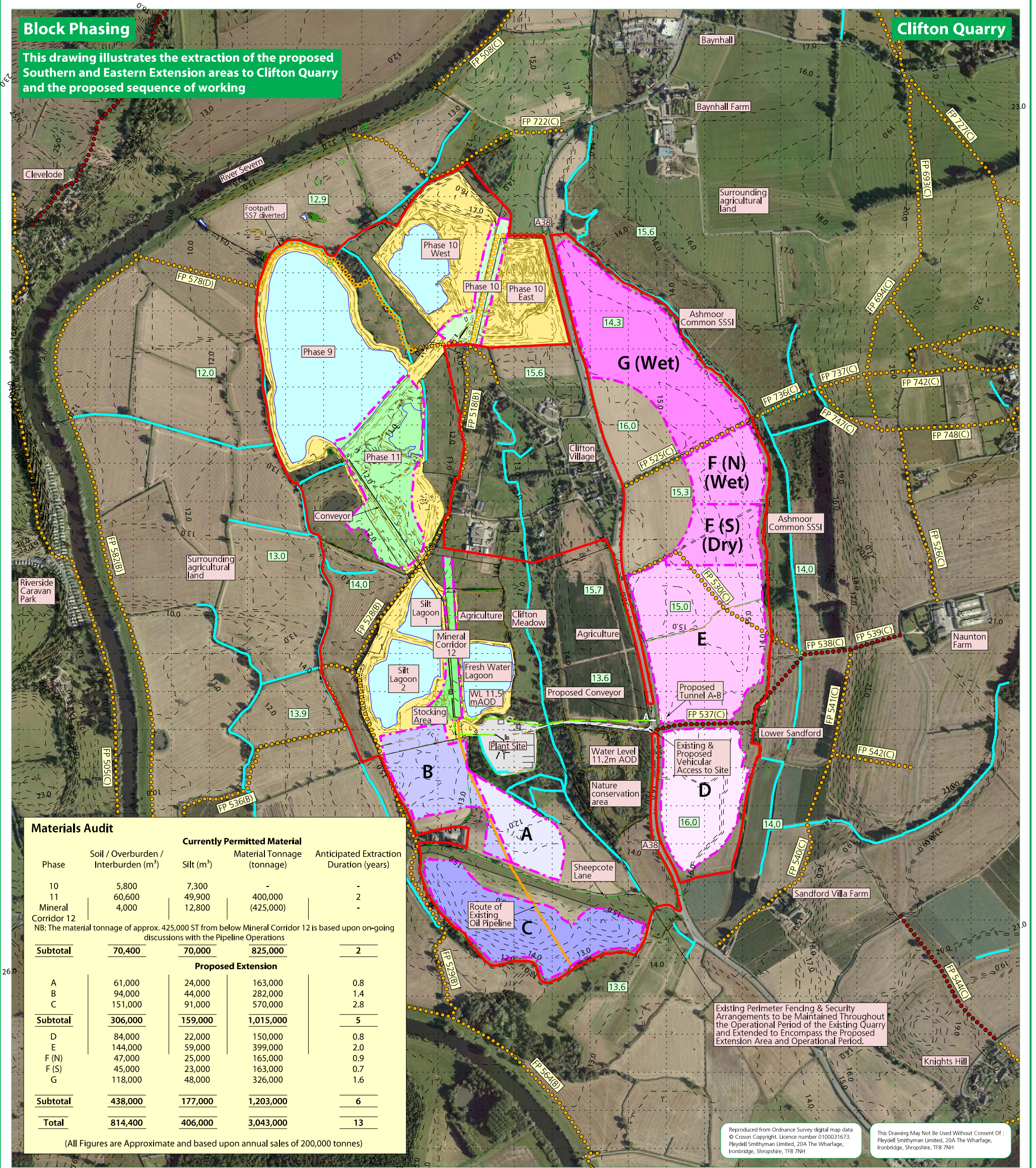
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 county council

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 Worcester  
 WR5 2NP

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## Block Phasing

This drawing illustrates the extraction of the proposed Southern and Eastern Extension areas to Clifton Quarry and the proposed sequence of working



### Materials Audit

Phase	Soil / Overburden / Interburden (m³)	Currently Permitted Material		Anticipated Extraction Duration (years)
		Silt (m³)	Material Tonnage (tonnage)	
10	5,800	7,300	-	-
11	60,600	49,900	400,000	2
Mineral Corridor 12	4,000	12,800	(425,000)	-
<b>Subtotal</b>		<b>70,400</b>	<b>825,000</b>	<b>2</b>
<b>Proposed Extension</b>				
A	61,000	24,000	163,000	0.8
B	94,000	44,000	282,000	1.4
C	151,000	91,000	570,000	2.8
<b>Subtotal</b>		<b>306,000</b>	<b>1,015,000</b>	<b>5</b>
D	84,000	22,000	150,000	0.8
E	144,000	59,000	399,000	2.0
F (N)	47,000	25,000	165,000	0.9
F (S)	45,000	23,000	163,000	0.7
G	118,000	48,000	326,000	1.6
<b>Subtotal</b>		<b>438,000</b>	<b>1,203,000</b>	<b>6</b>
<b>Total</b>		<b>814,400</b>	<b>3,043,000</b>	<b>13</b>

(All Figures are Approximate and based upon annual sales of 200,000 tonnes)

Existing Perimeter Fencing & Security Arrangements to be Maintained Throughout the Operational Period of the Existing Quarry and Extended to Encompass the Proposed Extension Area and Operational Period.

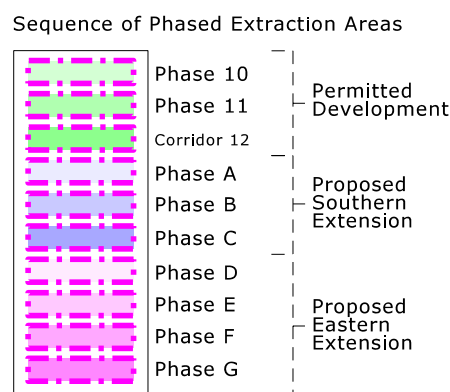
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### Legend

- Application Area
- On-Site Water Bodies
- Existing Contours / Spot Heights (maOD)
- Location for conveyance of mineral to Plant Site
- Public Footpaths
- Route of Existing Oil Pipeline
- Diverted Footpaths
- Existing Water Courses
- Public Bridleways
- Other Quarry Operational Land

### ES Drawing No. 3/1



REV	AM'D	NOTES	DATE
A	LMB	Plan illustrates the proposed boundary within Phase F where mineral extraction will change from working dry to working wet. Note all of Phase G is to be worked wet	23.11.2006

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**LAFARGE TARMAC**  
 Lafarge Tarmac Limited

## Clifton Quarry Environmental Statement

### Block Phasing

Drawn By <b>R.J.S. / L.M.B.</b>	Scale <b>1:10,000 @A3</b>
Date <b>July 2015</b>	Drawing No <b>M11.177(h).D.021A</b>

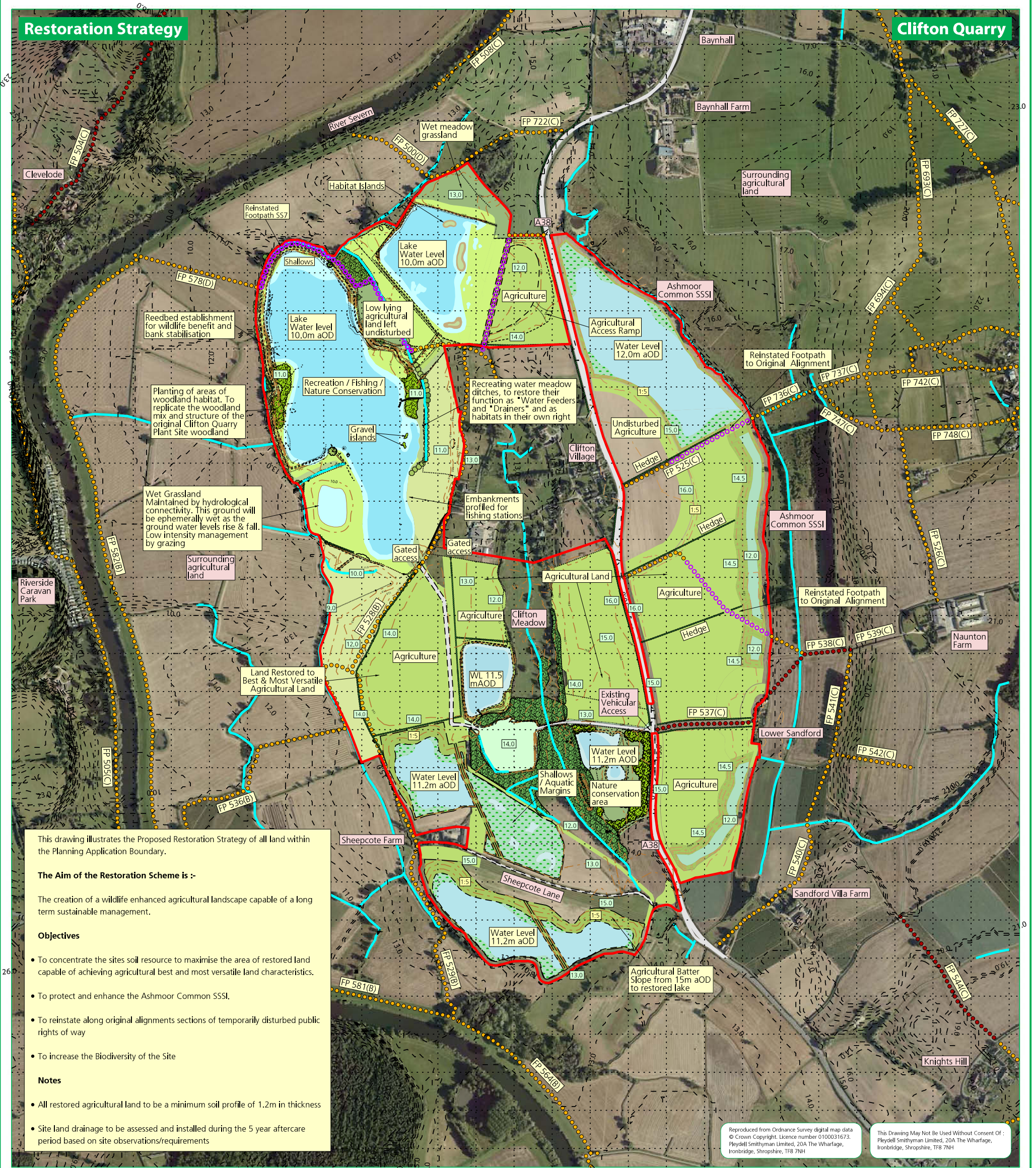


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# Restoration Strategy

# Clifton Quarry



This drawing illustrates the Proposed Restoration Strategy of all land within the Planning Application Boundary.

**The Aim of the Restoration Scheme is :-**

The creation of a wildlife enhanced agricultural landscape capable of a long term sustainable management.

**Objectives**

- To concentrate the sites soil resource to maximise the area of restored land capable of achieving agricultural best and most versatile land characteristics.
- To protect and enhance the Ashmoor Common SSSI.
- To reinstate along original alignments sections of temporarily disturbed public rights of way
- To increase the Biodiversity of the Site

**Notes**

- All restored agricultural land to be a minimum soil profile of 1.2m in thickness
- Site land drainage to be assessed and installed during the 5 year aftercare period based on site observations/requirements

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## Legend

- |  |   |  |                             |  |                           |  |  |
|--|---|--|-----------------------------|--|---------------------------|--|--|
|  | Application Area                                    |  | Damp Woodland               |  | Contours and Spot Heights |  | Site Entrance / Track retained for management purposes |
|  | Agricultural Land                                   |  | Surrounding Footpaths       |  | Surrounding Bridleways    |  | Hedgerows  |
|  | Wildlife Enhanced Agricultural Land / Wet Grassland |  | Reinstated Footpaths        |  | Wildlife Enhanced Lakes   |  | Existing Water Courses                                 |
|  | Wildlife Enhanced Lakes                             |  | Aquatic Marginal Vegetation |  | Maintenance Area          |  |  |
|  | Existing Woodland Tree and Shrub Planting           |  |                             |  |                           |  |  |

## ES Drawing No. 3/11

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## Clifton Quarry Environmental Statement

### Restoration Strategy

Drawn By <b>R.J.S. / L.M.B.</b>	Scale <b>1:10,000 @A3</b>
Date <b>November 2014</b>	Drawing No <b>M11.177(h).D.029</b>



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