

# Agenda

## Planning and Regulatory Committee

**Tuesday, 1 November 2016, 10.00 am**  
**County Hall, Worcester**

### Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda will be available for inspection in the Member Support Unit 3 days before the Committee and in the meeting room from 9.30am on the day of the meeting

Planning Officers are available for up to 30 minutes prior to the start of the meeting to enable Councillors and the public to ask questions about the applications to be considered. This is not a part of the meeting itself but is an informal opportunity for anyone present on the day to clarify factual details about the applications, examine background documents and view plans that are on display

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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, 1 November 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 20 September 2016. (previously circulated – pink pages)	
5	<b>Proposed construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility accepting 120,000 tonnes per annum along with ancillary/welfare facilities and operation of mobile equipment at Sandy Lane, Wildmoor, Bromsgrove, Worcestershire</b>	1 - 64

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All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Friday, 21 October 2016

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**PLANNING AND REGULATORY COMMITTEE  
1 NOVEMBER 2016****PROPOSED CONSTRUCTION AND OPERATION OF AN  
INCINERATOR BOTTOM ASH (IBA) RECYCLING FACILITY  
ACCEPTING 120,000 TONNES PER ANNUM ALONG WITH  
ANCILLARY / WELFARE FACILITIES AND OPERATION OF  
MOBILE EQUIPMENT AT SANDY LANE QUARRY,  
WILDMOOR, BROMSGROVE, WORCESTERSHIRE**

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**Applicant**

Veolia Environmental Services Ltd

**Local Member**

Mrs S L Blagg

**Purpose of Report**

1. To consider a County Matter planning application for the proposed construction and operation of an Incinerator Bottom Ash (IBA) recycling facility accepting 120,000 tonnes per annum along with ancillary / welfare facilities and operation of mobile equipment at Sandy Lane Quarry, Wildmoor, Bromsgrove, Worcestershire.

**Background**

2. The Veolia site at Sandy Lane, and much of the area surrounding it, has historically been used for sand extraction, the site was previously owned by Stanley N Evans Ltd who operated the site for sand extraction since approximately 1928. In 1993, part of the site was granted Planning Permission on appeal for a landfill site (Appeal Ref: T/APP/F1800/A/92/216272/P6). The current application site is located to the west of this landfill site, which is undergoing restoration. The site continues to operate as a sand quarry under a Review of Mineral Planning Permissions (ROMP) decision approved by the County Planning Authority in 2000 (Ref: 107110, Minute 118 refers). This ROMP is due for renewal, but has been postponed until 20 March 2017, pending the determination of this planning application for the IBA Facility at the Sandy Lane Landfill and Quarry site.

3. On 13 September 2007, the Planning and Regulatory Committee granted planning permission for a wood chip and windrow composting facility on land adjacent to the Sandy Lane Landfill Site (land part of the IBA Facility application site) (Ref: 407646, Minute 554 refers). This permission was not implemented and expired on 13 September 2010. Before the application expired, Veolia submitted an application to extend the time limit in which to implement the permission (Ref: 10/000064/CM). Progress on the determination of this application stalled due to the Environment Agency objecting on the ground of insufficient information. The applicant has subsequently not submitted the requested additional information. Whilst the deadline

in which to implement the permission has now expired it is noted that *"the courts have recognised that a local planning authority retains jurisdiction to determine an application even if the original permission has expired after the application was made but before determination"*. Consequently, the application remains live, however, it is noted that Conditions 3 and 4 of the permission tied the life of the wood chip and composting facility to the life of the operations of the landfill, which is now being restored. As a result, should the applicant still wish to apply for a wood chip and composting facility at this site they would have to make a new full planning application.

4. IBA is the incombustible element of waste (predominantly from municipal waste) remaining once waste materials have been combusted within an Energy Recovery Facilities (ERF) or Energy from Waste (EfW) plants. The output of IBA from these facilities accounts for approximately 20 to 25% of the tonnage of waste entering the ERF and EFW. IBA is granular in structure and is composed of a concrete, ceramics, glass, brick, and some metals.

5. The proposed recovery process would remove large particles and metals for recycling elsewhere and produce aggregates, known as IBA aggregate. IBA aggregate is used in the construction industry as a substitute for primary natural aggregates. The material can be used in road sub-base, bulk fill, asphalts, foamed concrete, and cement bound materials.

## **The Proposal**

6. The applicant is seeking planning permission for a proposed Incinerator Bottom Ash (IBA) recycling facility along with ancillary / welfare facilities and operation of mobile equipment on site at Sandy Lane Quarry, Wildmoor, Bromsgrove. The facility would process IBA from Veolia's Staffordshire Energy Recovery Facility (ERF) and Shropshire Energy from Waste Facility (EfW). The proposed development would have a maximum throughput of 120,000 tonnes per annum.

7. The applicant states that the proposed development would process IBA arising from Veolia's ERF at Four Ashes Industrial Estate, Wolverhampton, Staffordshire (Staffordshire County Council Ref: SS.10/16/636 W) and the EfW facility at Battlefield Enterprise Park, Shropshire (Appeal Ref: APP/L3245/A/11/2146219). Both Veolia's facilities combined are likely to produce approximately 78,000 tonnes per annum of IBA. The applicant also states that about a further 40,000 tonnes per annum of IBA would be generated from the EfW facility under construction at Hartlebury, Worcestershire (Ref: APP/E1855/V/11/2153273), and which is due to be fully operational by February 2017.

8. The IBA recycling facility would be located at the base of the sand quarry adjacent to the existing landfill site, which is undergoing restoration and operated by the applicant. The base of the quarry reaches about 15 to 20 metres below the surrounding land levels. The proposed development includes the following:

- Construction of a concrete hardstanding (constructed from dense asphaltic concrete)
- Construction of a building to house the processing machinery for recycling the IBA

- Weighbridge
- Site Office and welfare facilities
- Skips / containers required for the storage of materials
- An onsite diesel electricity generator
- Surface water lagoon, measuring about 1,500 square metres in area, with a holding capacity of about 6,600 cubic metres of water (about 4.4 metres deep), to be sited on the western side of the proposed area of concrete hardstanding.

9. The IBA would arrive at the site in covered Heavy Goods Vehicles (HGVs) and the operation would generate approximately 65 to 70 HGV movements per day (about 32 to 35 entering the site and 32 to 35 exiting the site per day). IBA is expected to be imported to and IBA aggregate exported from the site in 25 tonne loads. As a result of the quenching process undertaken at the ERF and EfW's to cool and damp down the IBA, the incoming IBA would have a relatively high moisture content when it arrives at the proposed IBA processing facility. The IBA would be tipped and stockpiled to a maximum height of 15 metres in designated external bays on a concrete pad, situated in the north-eastern part of the site. The IBA would be left to 'mature' for approximately 2 to 4 weeks. The IBA needs to be stockpiled outside as maximum air exposure is required to enhance the maturation process. The maturation process allows carbonation, oxidation and hydration reactions to occur increasing the moisture level and allows the ash to be more stable and easier to handle. During hot and dry weather, water would be sprayed onto the stockpiles to promote the maturation process and also mitigate any potential dust nuisance. As the IBA conditions, the top layer of the IBA stockpiles hardens and forms a crust.

10. After the maturation process, the IBA would be transported by a wheeled loading shovel into the proposed adjacent building to be processed. The IBA processing plant, which would be housed within a building, would include various components such as hoppers, conveyor belts, screens, over band magnets and eddy current separators to screen, separate and grade the recyclable material. The processing plant would sort and grade the IBA into the following components 0 to 10mm aggregate, 10 to 40mm aggregate, ferrous metals and non-ferrous metals, which would be deposited in the 7 external bays to be located on the southern elevation of the IBA processing building. The output bays would measure from 25 square metres to 95 square metres in area. A rejects bay would be located on the north-east elevation of the building. Any material sized 40 to 150mm would either be crushed and fed back through the processing plant or sold as a product. The IBA aggregate would then be transported by a wheeled loading shovel to the product stockpile area, situated in the south-eastern part of the site. The IBA aggregate would be stockpiled to a maximum height of 15 metres and would be stored outside to mature for about 4 weeks before distribution in covered vehicles to the construction markets.

11. The proposed steel framed building which would be located centrally within the site would measure about 12 metres to the eaves of the roof (lowest point of roof), and about 14 metres to the apex (highest point of the roof), by 41.1 metres long by 26.4 metres wide, equating to about 1,085 square metres in area. The height of the building would be several metres below the level of the adjacent A491 (Sandy Lane) as the base of the sand quarry on which this development is proposed is approximately 15 to 20 metres below the level of the adjacent A491 (Sandy Lane). The applicant has confirmed that the construction of the building would not involve any piling and is likely that the building would be founded on concrete pad foundations with a geomembrane below the internal floor slab. The building would be

clad in merlin grey, or similar grey colour profiled steel cladding. A mezzanine floor is proposed within the building, which would contain the site manager's office and control room and would measure approximately 8 metres long by 4 metres wide, equating to about 32 square metres.

12. A concrete pad would form the main base of the proposed development site which the facility would be constructed and operated on. The concrete pad would measure about 180 metres long by 80 metres wide and be constructed from dense asphaltic concrete.

13. The proposed development would employ up to 10 full-time members of staff on site. The proposed hours of operation are between 07:00 to 18:00 hours Mondays to Fridays, inclusive and 07:00 to 13:00 hours on Saturdays, with no operations on Sundays or Bank Holidays. Lighting would be installed at the facility for use during winter months and for maintenance purposes. The applicant states that lights would be installed locally to the building such as over doorways and adjacent to conveyor outputs.

14. The proposed development would be accessed off Sandy Lane (A491). The access from the A491 is via a priority junction with a Ghost Island for traffic turning right towards the application site. The main access for the site is located on its southern boundary. An existing internal concrete access road would provide access from this main access direct to the application site on the existing quarry floor. The internal access road would require improvement for the proposed development. 10 car parking spaces would be allocated, immediately to the north of the site office and welfare facilities in the western part of the site.

15. The proposed facility would require a source of electricity; consequently, an onsite diesel generator is proposed to be used.

16. The applicant anticipates that the proposal would take approximately 6 months to construct.

17. The application is accompanied by an Environmental Statement which addresses the following matters: air quality; ecology; noise; hydrogeology, hydrology and flood risk; and landscape and visual impact.

## **The Site**

18. The application site, which measures approximately 2.4 hectares in area, is situated within Veolia's wider Sandy Lane site, to the west of the landfill site which is undergoing restoration, within a sand quarry. The Sandy Lane site, which is about 17 hectares in area, is made up three separate areas: a sand quarry to the west, a landfill in the centre of the site, which is undergoing restoration and the landfilling of waste has now ceased and a non-operational inert landfill to the east. The application site and wider Sandy Lane site are situated within north Worcestershire, approximately 1.7 kilometres west of junction 4 of the M5 Motorway. Bromsgrove is situated approximately 4 kilometres south of the site; Rubery is about 3 kilometres east, the village of Belbroughton is located about 2.4 kilometres north-west of the proposal and Fairfield, which is the nearest village, lies approximately 890 metres away to the south.



19. The site is within the West Midlands Green Belt and also the Landscape Protection Area that is designated in the adopted Bromsgrove District Local Plan. The site is accessed and located to the north of Sandy Lane (A491), which forms part of the strategic lorry network, connecting to the M5 Motorway to the east.

20. The site is located within a rural setting in Wildmoor in the open countryside, which is mainly pastoral with small fields which are used for grazing, and hay and silage production. There is a roundabout west of the site which joins the B4091, and Madeley Road which runs along the western boundary of the site. Fronting onto Madeley Road is a small number of residential properties, beyond which are further agricultural fields. A Severn Trent Water Limited sewage pumping station is located approximately 195 metres west of the proposed development. To the north of the proposal are agricultural fields, beyond which is the restored quarry of Chadwich Lane (Ref: 13/000061/CM, Minute 882 refers). To the east of the wider Sandy Lane site are commercial business units, beyond which are residential properties accessed from Sandy Lane (A491) and agricultural fields. To the south is Sandy Lane (A491), beyond which is Wildmoor Quarry (Ref: 107104 and 407219, Minute 67 refers).

21. The proposed IBA facility would be located on the base of an operational sand quarry, which is set approximately 15 to 20 metres below the surrounding ground levels, about 150 metres Above Ordnance Datum (AOD). The proposal would be located on the eastern side of the sand quarry, which has been fully extracted; the western part of the sand quarry has reserves of sand remaining. Established trees and hedgerows border the sand quarry to the north, west and south. A Public Right of Way (Footpath BB-680) runs along the northern and western boundaries of the sand quarry site, adjoining Footpath BB-597, adjacent to the north-east corner of the sand quarry site. Footpath BB-675 is located on the southern side of Sandy Lane (A491) adjacent to the Stourbridge Road / Madeley Road roundabout, about 95 metres south-west of the application site.

22. A number of listed buildings are located within the context of the application site, which includes the Grade II Listed Buildings of The Old Toll House, Lower Madeley Farmhouse, and Castle Bourne with attached folly and adjoining wall are situated about 240 metres west, 430 metres north, and 800 metres north-west of the proposal, respectively. The Grade II\* Listed Building of Fairfield Court and associated Schedule Ancient Monument of the moated site at Fairfield Court is located approximately 420 metres south-west of the proposal. Further Grade II Listed Buildings are located within the village of Fairford to the south of the proposal.

23. The geological Site of Special Scientific Interest (SSSI) of Madeley Heath Pit is located about 790 metres north-east of the application site and is covered by previous landfilling of Chadwich Lane Quarry. Feckenham Forest SSSI and Hurst Farm Pasture SSSI are located about 1.2 kilometres and 1.8 kilometres south-west of the proposal, respectively. Sling Gravel Pits SSSI is located about 1.8 kilometres north-west of the proposal. The Hadley, Elmley & Hockley Brooks Local Wildlife Site (LWS) is situated approximately 970 metres south-west of the application site. Sling Pool and Marsh LWS and Great Farley and Dale Woods LWS are located about 1.2 kilometres north-west and 1.4 kilometres north of the proposal, respectively. Waseley Hills Country Park LWS is situated about 2 kilometres north-east of the proposal.

24. The Ancient Woodland of Pepper Wood, Cross Coppice, Poolhouse Dingle are situated about 930 metres, 1.2 kilometres and 1.6 kilometres south-west of the

proposal. Great Farley Wood Ancient Woodland is located approximately 1.5 kilometres north of the proposed development.

25. An overhead powerline is located about 135 metres north-west of the proposed development, and National Grid's high pressure gas pipeline is located about 340 metres west and south of the proposal, with the associated Health and Safety Executive's Major Accident Hazard Pipeline zone that buffers this pipeline about 185 metres south of application site.

26. The application site is located within Flood Zone 1 (low probability), as identified on the Environment Agency's Indicative Flood Risk Map. The proposal is located upon an aquifer - Groundwater Source Protection Zone (Zone 2 – outer protection zone).

27. The nearest residential properties to the proposal are those located along Madeley Road, about 145 metres west of the application site, beyond which are further residential properties fronting onto Stourbridge Road (A491). To the north of the proposal are a number of isolated dwelling, which includes Fairview, Tripalanda, the Stables located about 315 metres north; Oak Villa situated approximately 380 metres north-east; and Lower Madeley Farm and the Stables are located about 425 metres north of the proposal. In addition, a small number of residential properties front onto Sandy Lane (A491) located about 430 metres east of the application site. The residential property of Dolfor House is located on the southern side of Sandy Lane (A491) located approximately 195 metres from the site access.

## Summary of Issues

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

- The Waste Hierarchy
- Alternatives
- Location of the Development
- Green Belt
- Landscape Character and Appearance
- Residential Amenity (Noise, Dust and Odour)
- Traffic and Highways Safety
- The Water Environment, and
- Ecology and Biodiversity.

## Planning Policy

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

29. 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.

30. 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".

31. 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.

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

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 9: Protecting Green Belt land
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment
- Section 13: Facilitating the sustainable use of minerals

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

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

### **The Development Plan**

34. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy, and the Adopted Bromsgrove District Local Plan.

35. 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.

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

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

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses

Policy WCS 7: Development associated with existing temporary facilities

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

### **Bromsgrove District Local Plan**

Policy DS1 Green Belt Designation

Policy DS2 Green Belt Development Criteria

Policy DS3 Main Locations for Growth

Policy DS9 Protection of Designated Environmental Areas

Policy DS11 Planning Obligation

Policy DS13 Sustainable Development

Policy C1 Designation of Landscape Protection Areas

Policy C4 Criteria for Assessing Development Proposals

Policy C5 Submission of Landscape Schemes

Policy C9 Development affecting SSSI's and NNR's

Policy C10 Development Affecting SWS's and LNR's

Policy C17 Retention of Existing Trees

Policy TR1 The Road Hierarchy

Policy TR11 Access and Off-Street Parking

Policy ES1 Protection of Natural Watercourse Systems

Policy ES4 Groundwater Protection

Policy ES14 Development Near Pollution Sources

Policy ES14A Noise Sensitive Development

### **Draft Bromsgrove District Plan**

37. The Draft Bromsgrove District Plan will outline the strategic planning policy framework for guiding development in Bromsgrove District up to 2030. It will contain a long-term vision and strategic objectives, a development strategy, key policies, strategic site allocations and a monitoring and implementation statement. The Plan will also include a copy of the Redditch Cross Boundary Development Policy (Policy RCBD1), which appears in the Draft Borough of Redditch Local Plan No.4.

38. On 12 March 2014 Bromsgrove District Council submitted the Draft Bromsgrove District Plan to the Secretary of State for independent examination. The Secretary of State has appointed an independent Inspector (Mr Michael J Hetherington) to undertake an independent examination into the soundness of the Bromsgrove District Plan. The Bromsgrove District Plan and the Borough of Redditch Local Plan No.4 examinations are being held concurrently and have included several joint hearing sessions as well as separate hearing sessions relating to each Local Plan. Hearing sessions commenced in June 2014 and ran until March 2016.

39. The Inspector published a list of proposed Main Modifications to the submitted Draft Bromsgrove District Plan which he considers are required to make the plan sound. The Inspector's proposed Main Modifications were published for an eight week consultation from 27 July to 21 September 2016. The Inspector invited comments on the proposed Main Modifications as part of the examination into the Draft Bromsgrove District Plan and BORLP4. The Inspector will take account of all representations relating to the Modifications before publishing his final report to the Councils.

40. The Examination formally remains open until the Inspector issues his binding report and it is possible that further hearings could be held if the Inspector chooses to do so. In the circumstances the Draft Bromsgrove District Plan cannot yet be declared sound and cannot be adopted. It is not yet, therefore, part of the development plan. However, having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Strategic Infrastructure and Economy, that whilst full weight cannot be attached to the Draft Bromsgrove District Plan, significant weight should be attached to the Draft Bromsgrove District Plan in the determination of this application. The Draft Bromsgrove District Plan policies that are relevant to the proposal are listed below:-

- Policy BDP1 Sustainable Development Principles
- Policy BDP4 Green Belt
- Policy BDP13 New Employment Development
- Policy BDP16 Sustainable Transport
- Policy BDP19 High Quality Design
- Policy BDP20 Managing the Historic Environment
- Policy BDP21 Natural Environment
- Policy BDP22 Climate Change
- Policy BDP23 Water Management
- Policy BDP24 Green Infrastructure

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

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

42. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

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

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

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

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

### **Consultations**

46. Following the Environmental Permit for the facility being issued by the Environment Agency in November 2015, the applicant wrote to Worcestershire County Council in March 2016 submitting additional information in respect of the Environmental Statement in relation to the water environment, air quality, noise, and IBA material. 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 environmental information (between April and May 2016 and which was extended until July 2016). The comments below summarise the latest comments from consultees; and the totals the number of letters of representations received on the two planning consultations combined.

47. **County Councillor Sheila Blagg** objects to the proposal on the following grounds:

- The applicant has not demonstrated very special circumstance to be located within the Green Belt
- The development would be on an aquifer in a source protection zone (providing drinking water for about 19,000 residents in Bromsgrove area) and the risk mitigation measures are untested as there are no other IBA aggregate facilities located on an aquifer
- Recent flooding may not be recorded. The Environment Agency recognises their flooding records are not comprehensive

- The proposed facility is unrelated to existing waste permissions operating at this location, it has no compatibility with existing permissions and is in direct opposition to Policy WCS 6 of the Worcestershire Waste Core Strategy; and would adversely affect the restoration plans for the extant mineral permission
- The site relationship with the Bottom Ash markets has not been proven. A plant located in Staffordshire would be strategically placed for Shropshire and Staffordshire EFW residual waste disposal/processing
- The Alternative Site Assessment scoring is incorrect and misses out a key score at one site and using invalid scores for Sandy Lane
- The location is not at the highest appropriate level of the Worcestershire Waste Core Strategy geographic hierarchy
- With regards to visual amenity, the application site location is an important section of land that separates Worcestershire from the West Midlands. It is part of a hill line in the Green Belt. The landscape character would be permanently destroyed by the IBA facility and would encourage boundary drift
- The cumulative developments of previous waste disposal facilities have and are continuing to have severe adverse impact upon local people
- Sandy Lane is not close to the production of the waste to be managed. The most suitable location for an IBA aggregate facility is next to an EFW plant where the arising's occur and are being treated
- When the M6 and M5 are congested the alternative route would be through an Air Quality Management Area (AQMA) at Hagley. This would not be a suitable alternative route for lorry movements
- The case is given by the applicant to limit transport miles to 60 from the EFW site of recovery. The 60 mile zone is not conclusive or absolutely necessary.

48. **Bromsgrove District Councillor Steve Colella** objects to the proposal stating that there is no condition that says HGVs must only use the motorway at junction 4 and no HGVs are to use the A456 and A491 at Hagley. There are grave implications for highways issues, not least the traffic generated going to and from the site across the wider road network, but there would be stacked traffic waiting to enter and leave the site. Councillor Colella also has grave concerns not only for traffic travelling on the main highways, but for slow turning HGVs on the major junctions along the A456 and A491 but also coming off the site trying to merge with traffic. The A491 and A456 are within an Air Quality Management Area. To increase HGVs through an Air Quality Management Area would severally affected any success the Action Plan would have in reducing air pollutants in Hagley.

49. **Belbroughton and Fairford Parish Council** object to the proposal for the following reasons:

Green Belt

- The applicant has not demonstrated very special circumstances, to justify an exception to Green Belt policy

### Restoration

- There is an expectation from local residents that the western quarry (application site) is restored in accordance with the approved restorations scheme. The proposal is contrary to Policy WCS 5 of the Waste Core Strategy
- The applicant indicates that they would be willing to give up the extant planning permission to infill the eastern quarry. The Parish Council consider that this is contrary to planning legislation, which requires each application to be considered on its own merits
- The 25 year timescale stated by the applicant cannot be considered a temporary use

### Alternative Sites

- The Parish Council consider that the applicant has been negligent in not updating the Alternative Site Assessment, as part of the further information submission, given that it is now 3 years old
- The applicant's Alternative Site Assessment ignores the requirements and objectives of the Waste Core Strategy, and consequently is contrary to Policies WCS 4 and WCS 6 of the Waste Core Strategy
- The applicant should have sought the County Planning Authority's agreement in the Alternative Site Assessment scoring and matrix
- Questions the detailed scoring of the applicant's Alternative Site Assessment

### Location of the development

- Greenfield land is not a compatible land use according to Policy WCS 6 of the Waste Core Strategy
- Waste arisings. The council objects to the facility accepting waste from 2 other counties on the grounds that waste should be dealt with as close to source as possible

### Traffic and highway safety

- Out of the 120,000 tonnes per annum in total of IBA to be processed at the facility, about 65% of the IBA would be imported to the site, rather than processed at a location nearer its source. This would result in an additional 70 HGV movements per day. This importation and exportation of IBA is considered to be unnecessary and against Policies WCS 1 and WCS 8 of the Waste Core Strategy, BDP 1 of the Draft Bromsgrove District Local Plan and the NPPF
- There is concern about mud and debris falling from HGVs
- Traffic for the facility would be likely to come via the Hagley traffic island. The Parish Council understands this is an Air Quality Management Area. HGVs should, therefore, be routed away from this sensitive residential area

### Water environment

- The Parish Council does not accept the conclusions of the submitted Flood Risk Assessment, which considers that the flood risk posed to the development proposals is assessed as negligible
- The Flood Risk Assessment states that mitigation measures should include monthly groundwater monitoring and if a significant groundwater trend is identified then site operations should cease. The applicants have not defined 'groundwater trend' and have not included a risk assessment as to their timescale for such an operation, believing the risk to be too low for consideration



- The application is considered to be contrary to the NPPF and Policy WCS 10 of the Waste Core Strategy
- The lack of superficial deposit means that the aquifer in this location is highly vulnerable to pollution
- The potentially hazardous nature of IBA. It is necessary to test the IBA before it leaves the incinerator where it is produced to ensure it is non-hazardous. The council is particularly concerned that the IBA may contaminate the aquifer supplying drinking water to Parish residents
- Exothermic reaction. The council is concerned that the IBA will not be given sufficient time to mature to a stable state and pH. They believe this would constitute a further risk to the aquifer
- Impact on local businesses. The council is concerned that local businesses would be affected by dust and contaminated water, in particular 3 plant nurseries and several farms, which depend on clean water and a healthy environment

#### Dust, noise and odour

- Would have an adverse dust impact to local residents
- The IBA has a PH 11 and results in a strong alkaline odour, consequently large open stockpiles of IBA would have an adverse odour impact
- Adverse noise and vibration impacts, in particular as a result of HGV movements on the public highway
- Would have adverse impacts on users of the adjacent Public Rights of Way

#### Biodiversity

- The Parish Council objects to the lack of a full pond survey for Great Crested Newts and questions the validity of the applicant's surveys. Without clear and accurate surveys, permission cannot be granted

#### Consultation

- The Parish Council also notes the lack of meaningful public consultation by the applicant according to the requirements of the Statement of Community Involvement

#### Conditions

- Should permission be granted, the most stringent conditions should be imposed and should include: independent testing of the IBA at the sites producing it, and for the results to be publicly available; noise levels at nearby residences should not increase above background levels; no vehicles should be routed through Fairfield, Belbroughton, or Bell Heath; traffic should turn in to the nearest lane and not cut across traffic when exiting the site; traffic flows should not exceed those stated and vehicle size should be conditioned to ensure no extra vehicles; hours of working should be as per the existing minerals site; water quality should be regularly tested; the lagoon to have an alarm system to ensure the removal of water in the event of heavy rain or flooding; the maturation period for the IBA should be a minimum of 4 weeks to ensure stabilisation of metals; and a monitoring group for liaison with the applicant should be conditioned.

50. **Bournheath Parish Council (Neighbouring Parish Council)** object to the proposal on the following grounds:

### Green Belt

- The proposed development is inappropriate development in the Green Belt, and there are no very special circumstances that warrant exemption in this case. The proposal is, therefore, contrary to the policies of the NPPF, Waste Core Strategy and the Bromsgrove District Local Plan

### Location of the development

- The development is located in Zone 5 (lowest zone) of the geographic hierarchy as set out in the Waste Core Strategy. There are no special circumstances which justify its location at this level, including the lack of a clear operational relationship to other land uses and, therefore, the proposal conflicts with the Policies WCS 3 and WCS 6 of the Waste Core Strategy

### Flooding

- The application submission has not properly addressed the impact of flood risk, in particular as a result of developments in areas such as Bournheath

### Environment

- The proposed development would have an unacceptable impact upon the environment and residential amenity
- Adverse visual impact to users of the adjacent Public Rights of Way.
- Adverse impact upon the designated Landscape Area

### Alternatives

- The Environmental Assessment fails to properly consider all reasonable alternatives, and therefore, is not a valid assessment. In particular, the Parish Council commissioned an assessment of the Carbon Dioxide emissions from transport related to each of the shortlisted alternative sites. They state that the emissions from travelling to the Sandy Lane site is significantly in excess of the alternative sites. The Parish Council consider that this is a key omission from the Alternative Site Assessment, and one which would fundamentally change the outcome of the assessment.

51. **Dodford and Grafton Parish Council (Neighbouring Parish Council)** raises concerns regarding the potential damage to the aquifer and contamination of drinking water; the potential increase in traffic, noise and dust pollution, and the Green Belt location.

52. **Hagley Parish Council (Neighbouring Parish Council)** objects to the proposal on the following grounds:

- Inappropriate development in the Green Belt contrary to the NPPF. The proposal does not fall within the exceptions for development in the Green Belt under paragraphs 89 and 90
- There is no reason why the facility could not be located in an area allocated for industrial uses
- The proposal would be likely to increase traffic on the routes to and from Hagley. The HGVs would severely impact on congestion and pollution

- The junction of the A491 and A456 is an Air Quality Management Area. The increase in HGVs would hinder the action plan to improve the air quality and health of residents located along this route should be protected.

53. Should planning permission be granted, the Parish Council state that the following conditions should be imposed:

- Traffic to and from the site should not use any part of the A491 or A456 to the west of the site
- Wheel washing facilities should be installed and used.

54. **Bromsgrove District Council** objects to the proposal for the following reasons:

#### Green Belt

- The applicant has not demonstrated very special circumstances that outweigh the harm to the Green Belt, nor has the applicant demonstrated that such a development could not be provided elsewhere
- The requirement to restore the site as imposed by the extant planning permission for the quarry should be adhered too

#### Traffic and highways safety

- The Waste Core Strategy states that all developments should minimise the need for waste transport. The District Council consider that the proposed transportation of 120,000 tonnes of waste material does not accord with the Waste Core Strategy and national guidance
- The estimated additional 70 vehicle movements per day would have a detrimental impact on already busy highway networks

#### Residential amenity

- The proposal would have a detrimental impact on the amenity of residents in terms of noise, odour, air pollution and traffic generation
- The application indicates that IBA material was neither hazardous nor harmful, but this has not been proven. The District Council consider any minimal risk is too high, and that there should be no risk.

55. **Bromsgrove District Council (Conservation Officer)** wishes to make no comments.

56. **The Environment Agency** has no objections, but wishes to make the following comments:

- The proposal would require a bespoke Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010. The Environmental Permit was granted by the Environment Agency on 9 November 2015 and controls the day to day general management of the facility, including operations, maintenance and pollution incidents, and emissions to land, air and water
- The Environment Agency were originally concerned that the operation of the IBA facility could pose an unacceptable risk to groundwater resources, on the basis that the site is located on a Principle Aquifer and within Source Protection Zone

(SPZ) 3 of the Wildmoor public water supply borehole. However, these risks have now been adequately addressed by the proposal and through the Environmental Permit. The groundwater impacts are proposed to be mitigated for through the provision of effective site engineering infrastructure, operational precautions and a comprehensive groundwater monitoring regime. These would be controlled by the Environmental Permit

- They recommend that the County Planning Authority seek the view of Worcestershire Regulatory Services in respect to public nuisance.

57. **Worcestershire Regulatory Services (Air Quality)** has no objections or adverse comments in respect to air quality impacts.

58. **Worcestershire Regulatory Services (Noise and Dust)** has no objections and notes that any noise and dust emissions would be controlled and regulated by the Environment Agency's Environmental Permit for the site.

59. **Public Health England** has no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed development, subject to the applicant taking all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

60. **Lead Local Flood Authority** wishes to defer to the opinion of North Worcestershire Water Management.

61. **North Worcestershire Water Management** has no objections, subject to the imposition of conditions regarding a scheme for foul and surface water drainage and water level monitoring of the proposed lagoon.

62. The officer also comments that the site falls entirely within Flood Zone 1 (less than 0.01% chance of flooding in any year), but has some areas which are shown to be susceptible to surface water flooding. These areas, however, are mainly located where there are currently depressions in the land resulting from the excavation of material.

63. Despite the apparent low risk of flooding at the site itself, it is important to note that the site is located on the watershed boundary between two catchments – the Fenn Brook, leading to the River Stour; and the Elmbridge Brook, leading to the River Salwarpe. Both recently and historically severe flooding has been reported downstream on both watercourses, and in particular the flooding through the village of Bournheath (which overlies the Elmbridge Brook) is known to suffer due to the under-capacity of the sewer network, which also takes leachate from the Veolia site. It is imperative that any changes to the site do not increase the risk of flooding elsewhere.

64. **Severn Trent Water Limited** has raised no objections to the proposal, as the applicant is proposing to discharge surface water to an onsite proposed lagoon.

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

66. **The County Footpath Officer** has no objections, stating that the proposal is adjacent to Footpaths BB0680 and BB-597. They note that the application site does not contain any Public Rights of Way and subject to the proposal remaining within the

quarry void as proposed, would have no detrimental impacts on the surrounding footpaths, as the proposal is separated from the Public Rights of Way by a hedgerow. They request that the applicant is made aware of their obligations to the Public Rights of Way.

67. **The Ramblers Association** object to the proposal and urge the County Council to seek restoration of the site in due course. They acknowledge that the proposal would not have any physical impact upon the integrity of the nearest Public Rights of Way which are BB-680 and BB-697 and the unclassified road 20230. They consider that the impact of the proposal on the enjoyment of walkers using these Public Rights of Way would be limited, and any minor impact could be addressed by relevant conditions relating to noise, dust, emissions and landscaping, particularly along the north edge of the quarry.

68. However, they note that the site is located within the Green Belt and is also in an area that is particularly beautiful. They are concerned that to grant permission for the proposal would lead to the quarry not being restored. They consider that the County Council should, therefore, consider this application as if quarrying had either not taken place or alternatively as if restoration had been completed. Under those circumstances they do not consider that permission would be forthcoming at this site. It would be wrong to grant this permission on the basis that the development would do very little harm when compared to the existing use, knowing that quarrying had to take place here and that steps were negotiated to restore the land. They, therefore, object to the proposal as harmful to the long-term future of the Green Belt and the open countryside.

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

70. **The Campaign to Protect Rural England (CPRE)** objects to the proposal for the following reasons:

Green Belt and location of the proposal

- The applicant has not demonstrated very special circumstances to be located within the Green Belt. Just relying on the need for the development would drive a coach and horses through Green Belt policy of the NPPF and Policy WCS 13 of the Waste Core Strategy
- The proposal does not appear to have any locational need to make it necessary that the development should be located at the proposed site, rather than elsewhere
- Economic considerations related to where material for processing will come from may well point to it needing to be somewhere within the general area, but that may well be a radius of 20-30 miles of the site, or rather at the source
- The proposed plant would process material imported from incinerators elsewhere to produce an aggregate which will be exported for use elsewhere. Accordingly, there is no direct link either with the sand quarry or the landfill operation, contrary to Policy WCS 6 of the Waste Coe Strategy

Air Quality

- The obvious routes to the site pass through two Air Quality Management Areas, one at Lydiate Ash and the other in Hagley. The additional traffic generated by the site will inevitably aggravate air quality issues at both junctions

#### Water Environment

- Potential risk of pollution to the aquifer, due to the heavy metals contained within IBA

#### Traffic and highway safety

- The number of highway movements proposed per day is excessive and unacceptable, and would worsen traffic, highway safety and associated noise impacts
- Should planning permission granted, the County Council should seek funding for highway improvements on Sandy Lane, or restrict the hours when HGVs can enter or leave the site
- CPRE also suggest measures in which the County Council could improve traffic on Sandy Lane (A491).

#### Conditions

- Should planning permission be granted CPRE recommend an number of conditions regarding:
  - Funding for highways alterations, as outlined above
  - Development to cease when the remainder of the quarry is worked out and the resultant quarry void has been infilled
  - Development to be limited to the bottom of the quarry, as indicated within the application
  - Measures to control dust
  - Installation of wheel washing facilities
  - Limitations on the hours of operation, to exclude vehicle movements to or from the site at night or during peak periods.

71. **The County Archaeologist** has no objections, stating that they have consulted the Historic Environment Record and can confirm that the proposal is unlikely to affect any heritage assets or impact upon the historic landscape.

72. **The County Landscape Officer** has no objections to the proposal, but raises the following concerns:

- The officer disagrees with the assessment of Viewpoint 1 from the public footpath around the northern boundary of the quarry in the Visual impact Assessment. The magnitude of change would be beyond slight to negligible as stated by the applicant because the area would be transformed from a tranquil rural character, as befits its location in the Green Belt to a small industrial area, with the addition of a large building, with the roof at more or less the rim of the quarry, and associated urban clutter. The officer considers that the magnitude of change would more likely be moderate to substantial. However, this is not sufficient grounds for an objection, however, owing to the limited use of the footpath and the lack of adverse visual impact from elsewhere
- The officer recommends the building be painted dark grey and that the roof be constructed from a material that would weather, such as corrugated cement fibreboard in order to support lichen growth and mitigate the adverse visual impact on Viewpoint 1. The applicant should submit samples of material for approval from the County Planning Authority.

73. **Historic England** has no objections, recommending that the application be determined in accordance with national and local policy guidance and on the basis of the District Council's specialist Conservation advice.

74. **Scheduled Ancient Monuments Society** has made no comments.

75. **Herefordshire and Worcestershire Earth Heritage Trust** has no objections, noting that there is a Local Geological Site just over 1 kilometre from the proposal at Madeley Heath, however, the proposal would not impact upon this feature, and it is understood that the Local Geological Site has been largely lost due to landfilling operations.

76. **Hereford and Worcester Fire and Rescue** wishes to make no comments on the planning application, noting that full consultation would take place under Building Regulations should planning permission be granted.

77. **Natural England** has no objections to the proposal. They note that whilst the proposal is in close proximity to a number of Sites of Special Scientific Interest (SSSIs), including Feckenham Forest SSSI and Madeley Heath SSSI they are satisfied that the proposal would not have an adverse impact upon these SSSIs; and they advise that these SSSIs do not represent a constraint in the determination of this application. They comment that the application may provide opportunities for incorporating features in to the design which are beneficial to wildlife, for example roosting opportunities for bats and birds and that the County Planning Authority should consider securing measures to enhance biodiversity in this regard.

78. **Worcestershire Wildlife Trust** has no objections to the proposal, subject to conditions regarding a Construction and Environmental Management Plan (CEMP), and long-term habitat management plan, and wishes to defer to the County Ecologist for all on site detailed matters relating to biodiversity.

79. They note that the submitted Environmental Statement makes clear that the development should have no impact on the nearby sites of ecological interest, either directly or through alterations to their hydrology, and that matters relating to on-site species and features of interest have been addressed.

80. **The County Ecologist** has no objections, subject to the imposition of conditions regarding a Construction Environmental Management Plan (CEMP); precautionary working measures for badgers and other protected species; a lighting scheme; woodland management scheme; and site management / wildlife monitoring scheme.

81. The County Ecologist notes that the applicant is proposing to revise the restoration scheme of the adjacent eastern quarry with an aspiration to deliver biodiversity benefit and additional public amenity resource. The County Ecologist supports both the aspiration for net-biodiversity gain in this strategically beneficial location (noting there are opportunities to link similar grassland habitats in the local landscape) and the proposal to secure appropriate detail and timescales through a Section 196 Agreement.

82. **The Health and Safety Executive (HSE)** state that they cannot usefully comment on the application and contents of the Environmental Statement, but that the

application should not conflict with the requirements of the Health and Safety at Work etc. Act 1974 and its relevant statutory provisions.

83. **The National Grid** has no objections stating they that a National Grid Intermediate Pressure Pipeline is located in the vicinity of the proposal which operates at a pressure of 70 bar; however it would not be affected by the proposed development.

84. **West Mercia Police** has no objections, stating that the existing site has not been the source of any notable crime and disorder issues and they do not expect the proposal to significantly change this.

85. **Worcestershire Local Economic Partnership (LEP)** has made no comments.

## **Other Representations**

86. Prior to the submission of the planning application, the applicant undertook public consultation on the proposal, holding a drop-in-event at Sandy Land Landfill Site on the 30 January 2013. The drop-in-event was attended by about 40 individuals, concerns were raised regarding the restoration of the eastern quarry within this Green Belt location; impact upon the aquifer; traffic; and noise and dust impacts. The applicant states that on 14 February 2013 members of Bournheath Parish Council and Wildmoor Residents' Association visited the Castle Bromwich, Birmingham IBA Facility and on 1 March 2013 County Councillors Antony and Sheila Blagg and Worcestershire County Council's Planning Officers visited the Sheffield IBA facility.

87. The application and the accompanying Environmental Statement have been advertised in the press, on site, and by neighbour notification. To date 302 letters of representation have been received objecting to the proposal, including objections from Wildmoor Residents' Association and Fairfield Village Community Association. 1 letter of representation commenting on the proposal and 1 letters of representation in support of the proposed development have been received. 4 letters have also been received from Sajid Javid MP forwarding letters of representation / outlining concerns from members of the public objecting to the proposal. The letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

### **Letters of representation objecting to the proposal**

#### Green Belt

- Adverse impact upon the Green Belt
- Not demonstrated very special circumstances
- The proposal disregards the five key purposes of the Green Belt, as outlined within the NPPF
- Not in accordance with the NPPF relating to Green Belt
- Not in accordance with the Bromsgrove District Local Plan relating to Green Belt.
- This particular Green Belt area has special significance. It is the green buffer between North Worcestershire and the urban conurbation to the north. Its integrity is crucially important not just local residents but to the county



- The applicant claims the proposal has similarities to mineral extraction, which is considered acceptable in the Green Belt. Residents consider that this is not the case, and is not considered to be associated or ancillary development

#### Countryside

- Adverse impact upon the open countryside
- Reduce general enjoyment of the countryside

#### Amenity

- Adverse impact upon residential amenity of local residents
- Significant numbers of households are situated within 200 metres of the site

#### Businesses

- Adverse impact to local businesses

#### Public Rights of Way

- Adverse impact upon the adjacent Public Rights of Way

#### Best and most versatile agricultural land

- The adjacent land is Grade 3a Best and Most Versatile Agricultural Land, and due to the alkaline nature of the IBA may be adversely effected by the proposal

#### Landscape character and visual impact

- The proposal would be an eyesore
- Adverse visual impact upon the character and appearance of the local and wider landscape

#### Historic Environment

- Adverse impact on Listed Buildings

#### Climate change

- Adverse impact upon climate change

#### Light pollution

- Further light pollution within the Green Belt

#### Air quality / dust emissions

- Adverse impact upon air quality
- Adverse dust impacts
- There should be studies of natural indicators e.g. lichen, to flag up added pollution the proposal would cause
- The pollution from the proposal would have an adverse impact upon local farms and nurseries
- Adverse impact upon surrounding agricultural land and health of livestock.
- There is the risk of sulphur dioxide, carbon monoxide and hydrogen dioxide levels increasing, having an adverse effect on people, wildlife and grazing livestock in the area, including horses
- What dust monitoring measures would be put in place to ensure the dust mitigation measures are working?
- HGVs would exacerbate the Air Quality Management Areas (AQMA) at Hagley, about 5 miles from the site

- The standard conditions for this type of facility require the facility to be at least 250 metres from dwellings. The proposal is only 150 metres away from dwellings in Madeley Road. The proposal must, therefore, fail

#### Noise emissions

- Adverse noise impact on the surrounding area
- Adverse noise impact from additional traffic

#### Odour emissions

- Adverse odour impact
- Alkaline odour from stockpiles of IBA would have an adverse impact upon the surrounding area

#### Vibration

- Adverse vibration impacts

#### Pests

- Increased seagulls at the site
- Residential property overrun by rats due to the existing landfill site, the applicant is unwilling to enter into a dialogue regarding this matter

#### Hazardous substances

- The IBA is a toxic material
- The applicant would not comment on the exothermic reactions of the IBA to local residents
- The actual composition of IBA can vary from day to day and also from plant to plant. It will not be known if it is non-hazardous unless it has been tested. Testing of the IBA before it leaves the site on which it has been produced is essential, but this has not been guaranteed by the applicant
- Lack of scientific chemical integrity of IBA

#### Water environment

- Adverse impact and contamination of the water table
- Leachate from the Veolia landfill is pumped into the Severn Trent Water Limited sewer, which is not fit for purpose, and was damaged which led to flooding and contamination of the surrounding area
- A lagoon needs to be constructed on site, should this overflow in period of heavy rainfall this would contaminate the aquifer and consequently drinking water (which supplies about 19,500 homes in Bromsgrove area and the Princess of Wales Hospital)
- The membrane under the lagoon has a life expectancy of 30 years. This does not mean it would last 30 years. If the membrane tears then this would cause harm to the water environment
- Adverse impact upon the aquifer
- Adverse impact upon flooding
- What mitigation measures are in place to ensure earth tremors would not cause a leak in the lagoon, which would pollute the aquifer
- Obtaining tankers to take away the additional water in the lagoon would be an issue, as these tankers would be required by other companies during periods of heavy rainfall
- Questions the adequacy of the proposal for tankers to take excess water off site.

- The proposal is the first site that would be built in the Green Belt over an aquifer, therefore, a "*guinea pig*". If any of the safeguards fail to work as anticipated it would cause harm to water supply
- Risk as not connected to main sewer
- Potential for traffic accident with tanker carrying leachate, causing pollution

#### Biodiversity and ecology

- Adverse impact upon wildlife
- Adverse impact upon endangered species, including bats, newts and orchids
- Questions if an appropriate survey for Great Crested Newts has been carried out.
- Lack of wildlife survey major omission
- Adverse impact upon nearby Sites of Special Scientific Interest
- Adverse impact upon Pepper Wood, Great Farley Wood and Chadwick Wood
- The trees surrounding one IBA plant are reported to be dead

#### Traffic and highway safety

- Increase local road damage
- Adverse traffic impact
- Adverse traffic impact upon the village of Fairfield
- Potential deposit of IBA on the public highway
- Result in mud on the public highway
- Unsuitable local roads for HGVs
- Adverse impact upon highway safety due to the increase in vehicle numbers.
- Unacceptable traffic and air pollution from vehicles travelling from / to Staffordshire and Shropshire; and unnecessary use of fuel
- What measures would be put in place to ensure all HGVs enter and leave the site via the M5 Motorway?
- Madeley Road, sometimes used by the HGVs from the site, is not suitable for such traffic, and in fact there is a warning sign advising of its unsuitability, often ignored.
- Concerns for the safety of horses and riders using the public highway if this proposal is granted planning permission

#### Health impact

- Young children with the local area have atopic eczema that is triggered by environmental factors, which would be exacerbated by the proposal
- Adverse odour and dust impacts would have an adverse impact upon the health of local residents
- Adverse health impacts due to vehicle emissions
- Adverse health impact due to dust emissions from IBA, either being breathed in or from eating foods produced locally that are contaminated by air pollution from the facility
- Adverse psychological impact for local residents living near to proposed development

#### Precedent

- Would set an undesirable precedent

#### Alternative sites

- Should be located on an industrial estate
- Alternative sites have been suggested which appear to have received very little consideration
- The Alternative Site Assessment is now outdated (at least 3 years old)

- The other shortlisted sites within the submitted Alternative Site Assessment are more suitable for the development than the application site
- The submitted Alternative Site Assessment ignores the objectives and policies of the Worcestershire Waste Core Strategy
- The Alternative Site Assessment is flawed because it lacks objectivity and impartiality
- The application site should be sited on Hartlebury Trading Estate, close to the Energy from Waste (EfW) plant
- It is highly likely that one or more 'brownfield' sites are available and suitable within the Midlands
- Alternative brownfield sites in Worcester, Redditch or Droitwich Spa.
- Alternative sites in Shropshire or Staffordshire
- Only reason the application site is preferable to the applicant is because they own it
- The proposal should be located on brownfield land rather than greenfield land, such as the application site
- Veolia has planning permission for a similar facility near Rugby and there is already a similar facility at Castle Bromwich

#### Schools

- Adverse impact upon Fairfield Community Primary School
- Adverse impact upon play groups, nursery, first and middle schools in Fairfield, Catshill, Bournheath, Clent, Hagley and Romsley

#### Health and safety

- The applicant has been unable to demonstrate the process is entirely safe.
- IBA is potentially explosive if it contains aluminium
- Potential for fires, citing the example of the former Lawrence's Recycling Facility in Kidderminster
- Concerns regarding the stockpiles of IBA and its stability, citing Aberfan disaster - a catastrophic collapse of a colliery spoil tip

#### Restoration

- The land should be restored in accordance with the approved restoration scheme
- The County Planning Authority should not consider any future plans until the applicant has committed to restoring the site

#### Site operations

- The applicant makes scant reference to the need to mix the treated IBA with sand excavated locally. However, no details of where this source of sand exists. This would increase traffic to and from the site. There would also be a need for facilities to store the sand onsite and to mix the sand and treated IBA. No information regarding these operations is included in the application

#### Cumulative impacts

- Cumulative impacts due to four quarries within the surrounding area, and only two partly restored
- Cumulative impacts (traffic) due to construction of residential development in Hagley

#### House prices

- Adverse impact upon house prices

#### Planning Policy / Legislation

- Not in accordance with the Worcestershire Waste Core Strategy
- Located in the lowest level of the geographic hierarchy of the Waste Core Strategy, which is not acceptable for a waste 'recovery' facility, such as this
- Not in accordance with the NPPF and is not sustainable development
- Not in accordance with Bromsgrove District Local Plan
- Not in accordance with the Wildlife and Countryside Act

#### Misrepresentation

- Consider that the processing of IBA is not one of 'recycling' but one of 'secondary recovery'
- The reference to the building by the applicant as 'temporary' and linking it to the possible life of the incinerators and suggesting 25 years is misleading. Many buildings are built to last 25 years, but are expected and actually do last much longer i.e. 'permanently'. If there is no commitment to remove such buildings at a specified time they are effectively permanent

#### Errors with submission

- Figure 9.1 Hydrological features does not show a stream which runs from the land on the southern side of the A491 and is culverted under the A491 but appears as an open small brook on the curtilage of Pear Tree Farm. This watercourse is key for drainage from farm land

#### Community Liaison

- Liaison with the applicant raises concerns for local residents

#### Conditions

- Should planning permission be granted conditions are recommended regarding:
  - Restricting the throughput
  - Working hours
  - Storing material inside a building to reduce odour impact
  - Air quality monitoring
  - Routing scheme of HGVs
  - Use of road sweeper
  - Time limit the permission for 20 years
  - A fine / penalty for breaching conditions.

88. **Wildmoor Residents' Association** objects to the proposal on the following grounds:

- Location – Restoration Scheme. Veolia are referring to the proposed plant as a temporary facility, yet also indicating that in their view it would provide 'significant benefit compared to the approved restoration'. Veolia also appear to be offering a bargaining ploy by indicating that they would be prepared to give up the rights to land fill the Eastern Quarry, for which they have an existing permission. This is surely against planning legislation

- Location – Restoration Scheme. The local community expects the site to be restored in accordance with the existing restoration plans. The application seeks to place a permanent industrial plant in Wildmoor, contrary to the restoration plan
- Green Belt - This part of Worcestershire provides important value in terms of the environment, natural landscape, and farmland for the public benefit. With regard to WCS 13 of the Waste Core Strategy and Policy DS2 of the Bromsgrove District Local Plan, this application would constitute inappropriate development in the Green Belt and does not meet any of the exceptions identified in the NPPF
- Green Belt - Not demonstrated very special circumstances to be located within the Green Belt
- Alternative sites - The applicant's argument that the site is the best location for IBA recycling is contradicted by their Alternative Site Assessment. The Assessment identifies that a site in the West Midlands would best meet their source travel distances, market conditions and transport obligations
- Alternative sites - The 60 mile criteria as set out in Appendix A of the Alternative Site Assessment is not a requirement and should not have been considered necessary in the applicant's Alternative Site Assessment, as the Inspector at the Shropshire EfW appeal stated that *"requiring reasonable endeavours to transport IBA to a reprocessing/recycling facility within 60 miles of the appeal site, would be necessary to overcome planning objections to the proposed development or to make it acceptable in planning terms. These obligations do not meet the test set out in CIL Regulation 122, and therefore I am unable to take them into account in determining this appeal"*
- Alternative sites - The applicant's Alternative Site Assessment ignores the objectives of the Waste Core Strategy
- Alternative sites - Questions the scoring of the Alternative Site Assessment
- Geographic hierarchy - The site is located in level 5 (the lowest level) of the Waste Core Strategy's geographic hierarchy. The IBA facility should be considered as an 'other recovery' facility, and should, therefore, be located as close to the source of arisings as possible for economic and transportation reasons. The applicant has not demonstrated that the IBA facility cannot be located in levels 1 or 2 of the geographic hierarchy meaning that the proposal contravenes Policy WCS 4 of the Waste Core Strategy
- Transport - The importation of IBA should be considered as unnecessary and in contravention of Policy WCS 8 of the Waste Core Strategy, which states that all developments should aim to minimise the impact of the development by reducing the need to transport waste
- Transport - Wildmoor Residents' Association has undertaken a separate haulage study of the mileage, costings and emissions from the EfW locations to the six shortlisted sites. This is based on the standard haulage delivery of 252 days per year. Two versions have been prepared. Version 1 includes the 3 EfW sites, Four Ashes, Shrewsbury and Hartlebury. Version 2 includes just the 2 EfW sites at

Four Ashes and Shrewsbury. From this analysis the Sandy Lane site is shown to have the highest costs and emissions of all the six sites

- Water environment - The aquifer provides a water supply for about 19,500 homes in the Bromsgrove area. The flow of groundwater is directed towards the aquifer. In this regard, the conclusion of negligible flood risk as part of the applicant's Flood Risk Assessment is not accepted. Heavy rain in 2012 and in March 2016 illustrated the effects of flooding in the area
- Water environment - The applicant indicates ground water levels are between 140 and 144 metres Above Ordnance Datum (AOD). However, groundwater levels could surge higher during period of heavy rainfall. To mitigate against this, the applicant states that they will undertake monthly groundwater monitoring. However, the applicant has not included a risk assessment as to their timescales for such an operation, considering that the risk to be too low for consideration
- Air quality - The IBA stockpiles would have adverse air quality impacts (dust and bioaerosols) and odour impacts (alkaline odour) on the surrounding area. These impacts would be unacceptable in terms of amenity
- Noise and Vibration - Considerable disturbance locally as a result of adverse noise and vibration impacts.

89. **Fairfield Village Community Association** objects to the proposal on the following grounds:

- Water environment - Adverse impact upon the aquifer, which supplies drinking water to about 19,500 residents within the Bromsgrove area, due to toxic leachates and traces of heavy metals within the IBA
- Water environment - Any leachate from the site could block the public drains in Stoneybridge and Fairfield. These drains are known to cause flooding to local homes
- Water environment - Dust that settles off the site would leach into the aquifer during heavy rainfall
- Water environment - The membrane under the lagoon has a life expectancy of 30 years. This does not mean it would last 30 years. If the membrane tears then this would cause harm to the water environment
- Water environment - The proposal is the first site that would be built in the Green Belt over an aquifer, therefore, a "*guinea pig*". If any of the safeguards fail to work as anticipated it would cause harm to water supply
- Pollution - There is insufficient evidence that the leaching of dioxins and heavy metals from IBA can be adequately monitored or controlled, especially when rain, snow, ice and wind come into contact with the IBA
- Pollution - There is no verification procedure to determine that the IBA received is non-hazardous and it is doubtful that contaminants such as batteries, paints, old

medicines and non-ferrous metals would be removed effectively at the originating incineration plant

- Air Quality - An adverse impact upon air quality due to vehicle emissions
- Environmental Permit - A bespoke Environmental Permit is required for the facility, but if the standard rules applied, the facility could not be sited within 250 metres of the nearest residential receptor
- Health. A Health Impact Assessment by NHS Devon, Plymouth and Torbay Care Trust concluded that an IBA Facility would have a negative impact upon local health.
- Proximity Principle - No agreement is in place to accept IBA from Hartlebury EfW, planning policy dictates that waste facilities should be near to the source of arisings
- Green Belt - Would be inappropriate development within the Green Belt
- Human Rights - Request that their Human Rights are respected.

#### **One letter of representation commenting on the proposal**

- A letter / public leaflet from Fairfield Village Community Association, which encouraged local residents to object to the proposal, giving a variety of reasons why residents may wish to object. The local resident comments that all letters of objection should be disregarded as they were produced by coercion.

#### **One letter of representation supporting the proposal**

- Supports the proposal as they consider it is an ideal site and would bring employment to the area. They complain that Fairfield Parish Council has used tax payers' money to commission a planning consultant to comment on their behalf objecting to this proposal. Considers the odour from the proposal would not be as bad local agricultural operations. Cannot see Severn Trent Water Limited allowing residents to drink contaminated drinking water. Acknowledges that the HGVs would enter the site via the M5 Motorway, which is in close proximity to the application site.

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

90. 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.

#### **Waste Hierarchy**

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

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy



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

92. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013). The Worcestershire Waste Core Strategy sets out a number of objectives. Objective WO3 of the Waste Core Strategy seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire.

93. In relation to IBA treatment, it is noted that the Environment Agency's Environmental Permit Decision Document states that its purpose *"is to generate a material which is inert, does not negatively affect water bodies, and has the potential for safe recovery, e.g. as a soil substitute or in road construction. It is important to recognise that these recovered materials will continue to be considered as a waste material including for the purpose of any subsequent re-use."*

94. *The Environment Agency is currently engaged in work to establish 'product specifications' for treated IBA. The purpose of such a product specification would be to provide a test for treated IBA to cease to be considered a waste material.*

95. *In the interim, the Environment Agency has published a position statement on the status of these materials and how the requirements of waste regulation will be applied to them".*

96. Notwithstanding these comments, the Head of Strategic Infrastructure and Economy considers that as the proposed development would enable waste that would otherwise be landfilled to be put to a beneficial use as a secondary aggregate, it would comply with the objectives of the waste hierarchy in that the proposal would recover IBA for the purpose of re-use.

### **Alternatives**

97. The Government's Planning Practice Guidance at Paragraph Reference ID: 4-041-20140306 states 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.

98. In this case the applicant considered two main alternatives involving either the 'Do Nothing Scenario' and alternative sites. The consideration of alternative waste management technologies was not considered to be a relevant factor as in the

applicant's view the range of options would only relate to minor considerations of plant choice and not a fundamentally different technological approach.

99. The 'Do Nothing' scenario would result in a lack of capacity available to meet the Regional need for the recycling of IBA and could result in the landfilling of IBA as a waste that has value as a resource.

100. The Alternative Site Assessment assessed 139 sites within 60 miles (97 kilometres) of Veolia's Staffordshire ERF and Shropshire EfW, but did not look at sites to the north or west of these facilities, due to the need to be located in close proximity to the market for recycled IBA aggregate, namely the West Midlands conurbation. The applicant's area of search, therefore, focused on Staffordshire, the Black Country, Birmingham and Worcestershire. The applicant shortlisted 6 sites and states that the Sandy Lane site scored the highest on the ranking and whilst the ranking indicates that the sites at Middlemore Road, Smethwick and Bentley Mill Way, Walsall were below Sandy Lane the actual scores were fairly similar. The assessment of positive and negatives attributes ultimately formed the basis of whether to pursue or bring forward a particular site.

101. The applicant states that "*Bentley Mill Way was ultimately considered to be unsuitable due to a number of factors including the nature of the uses immediately adjacent to the site including restaurant / leisure and the cemetery. In addition the site was known to have potential contamination issues and was assessed as not to be commercially viable. It was also uncertain as to whether the site was actually available due to the existing uses on the site.*

102. *Middlemore Road was also ultimately considered to be unsuitable because although the site is within a mixed industrial area, most of the other industrial uses are relatively small scale and in keeping with the mixed residential and commercial / industrial land uses that characterise the local area. The nature of the proposed use and in particular the size and number of HGVs that would need to access the site made the immediate access to the site less than suitable and incompatible with the neighbouring uses. This view was confirmed in an initial consultation with the Local Planning Authority".*

103. Local residents and County Councillor Sheila Blagg raise concerns regarding the Alternative Site Assessment, stating that the scoring is incorrect and misses out a key score at one site and using invalid scores for Sandy Lane, which would alter the overall site scores.

104. Whilst the Head of Strategic Infrastructure and Economy acknowledges the concerns of objectors, it is noted that the applicant accepts that the overall scoring of the Sandy Lane was very close to at least two other sites and they state their reasons and rationale for pursuing this application site, as outlined above. However, it is considered that the Alternative Site Assessment is subjective, and is not clear why "*existing or on previously used waste / mineral or sui generis sites*", has been selected as a criteria, as there appears to be no or very little interrelationship between the proposal and mineral extraction and landfilling. It is further noted that the definition of previously developed land within the NPPF does not include: "*land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures*",

such as is the case for the application site. Therefore, the application site is greenfield land.

105. Notwithstanding this, it is considered that the Alternative Site Assessment is adequate for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 (as amended).

### **Location of the Development**

106. The application site is located within an existing operational quarry.

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

108. Objections have been received from local residents stating that the proposal is not a 'recycling' facility but an 'other recovery' operation. The Head of Strategic Infrastructure and Economy notes that 'Appendix 1: Acronyms, abbreviations and glossary of terms' of the Waste Core Strategy defines using the following definition of 'recovery':

109. *"Article 3 (15) of the Revised Waste Framework Directive defines recovery as "any operation the principle result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, in the plant or in the wider economy".*

110. *For the purpose of the Waste Core Strategy this is split into*

- *recycling and*
- *'other recovery'".*

111. Therefore, for the purposes of the Waste Core Strategy the proposal is considered to be a recovery facility, as both recycling and 'other recovery' fall within this definition. It is noted that footnote 67 of the Waste Core Strategy states that recycling includes "physical and chemical treatment processes" and footnote 72 of the Waste Core Strategy states that "other recovery includes thermal treatment and any recovery facilities that do not fall into the category of 're-use', 'recycling' or 'disposal'. Consequently, as the proposal would involve physical treatment, it is considered to fall under the definition of recycling for the purposes of the Waste Core Strategy.

112. Policy WCS 3 of the Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste, including treatment, storage, sorting and transfer facilities, to be permitted within all levels of the geographic hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy. The proposed development would be located within Level 5: 'All other areas', the lowest level of the hierarchy.

113. The applicant states that:

114. *"They undertook an Alternative Site Assessment before committing to the proposal at the Sandy Lane site. The Alternative Site Assessment demonstrates that Veolia's Sandy Lane site is the most suitable site in which to locate an IBA facility. As well as Staffordshire and the Black Country area, the Alternative Site Assessment considered many sites within areas of Worcestershire. It became apparent that many of the sites put forward in the Waste Core Strategy listed in Table 16, Annex A: Areas of Search, as locations suitable for waste management operations were not suitable for an IBA facility due to various constraints. The Alternative Site Assessment study suggested most of the sites identified in Areas of Search were within areas where light industrial waste management operations such as Material Recovery Facilities and Waste Transfer Stations would be more suitably located at these locations as opposed to an IBA Facility which has different operational characteristics and site requirements.*

115. *The requirements of Policy WCS 3 of the Waste Core Strategy to demonstrate that proposals for re-use and recycling facilities should be located at the highest possible level of the geographic hierarchy is driven by factors such as the patterns of current and future waste arisings specific to Worcestershire and considering onward treatment facilities are not all entirely relevant to the proposed development as they primarily relate to waste arisings in Worcestershire. The proposed IBA recycling facility is to meet part of the regional need for this waste stream including the IBA from Worcestershire (Hartlebury EfW) IBA.*

116. *The application site is close to the major urban area of Birmingham as well as the rest of the West Midlands including the Black Country area, which would be the main potential market areas for IBA aggregate. The site, therefore, lies within close proximity to resource demand. The application site lies approximately within 2 kilometres east of the Motorway link (M5 junction 4) considered as one of the key strategic highway networks to connect onto to ensure easy accessibility to the markets. This therefore complies with Policy WCS 3 factoring in connection to the strategic highway".*

117. The supporting text to Policy WCS 3 of the Waste Core Strategy states that justifications for proposals to be located in lower levels of the geographic hierarchy would need to reflect the following considerations, which the Head of Strategic Infrastructure and Economy will now consider in turn:-

Proximity to the producers of the waste to be managed

118. The Head of Strategic Infrastructure and Economy does not consider that the proposal is in close proximity to the producers of the IBA, noting that IBA would come from Staffordshire ERF and Shropshire EfW, which are located approximately 30 kilometres and 59 kilometres, respectively from the facility in a straight line, and about 46 kilometres and 88 kilometres, respectively by roads (utilising the Motorways). Whilst the applicant suggests that the proposal has to be sited within 60 miles (97 kilometres) of the Staffordshire ERF and Shropshire EfW, it is noted that the Section 106 Agreements for each of these facilities requires the applicant to "make best endeavours" to recycle all of the IBA and metals arising from the facilities within a maximum radius of 60 miles (97 kilometres).

119. With regard to Hartlebury EfW, a potential future source of IBA to supply this proposal. It is noted that the operators of the EfW have submitted an Environmental Impact Assessment (EIA) Screening Opinion request to the County Planning Authority to process the IBA originating from the Hartlebury EfW at the Hill and Moor Landfill Site. Therefore, there is a great degree of uncertainty as to whether the proposed Sandy Lane IBA Facility would process IBA from the Hartlebury EfW. Furthermore, it is not considered that the Sandy Lane site is situated in close proximity to the Hartlebury EfW, being situated about 11 kilometres from the site in a straight line and about 19 kilometres by road.

#### Proximity to end users

120. The applicant's justification focuses heavily on the fact the site is located close to the West Midlands conurbation and to the M5 Motorway. The applicant suggests that the Waste Core Strategy focussed on Worcestershire rather than the surrounding urban areas in creating the geographic hierarchy. This is not the case; indeed regional market considerations informed the geographic hierarchy. This is noted in the Waste Core Strategy at paragraph 2.71 which confirms that the West Midlands Landfill Diversion Strategy (AWM) 2009 informed the development of the geographic hierarchy, in particular the 'proximity to the producers of the waste to be managed' and 'proximity to end users'. Furthermore, it is noted that the County Council and in turn the Inspector when examining the Waste Core Strategy did not choose to allocate this area at a higher level of the geographic hierarchy.

#### Proximity to other waste management facilities in the same treatment chain

121. The applicant has not submitted any substantive evidence to demonstrate that the proposal would be located in close proximity to other waste management facilities in the same treatment chain.

#### Proximity to synergistic development, enabling bulking, transfer and the use of reverse logistics for the movement of material

122. The applicant has not submitted any substantive evidence to demonstrate that the proposal would be located in close proximity to synergistic development, enabling bulking, transfer and the use of reverse logistics for the movement of material.

#### Where heat or energy is produced, proximity to end users, heat distribution networks or grid connections

123. This is not applicable in this instance.

#### Or lack of suitable sites at higher levels of the geographic hierarchy

124. The applicant has submitted an Alternative Site Assessment to demonstrate the lack of suitable sites. However, the Head of Strategic Infrastructure and Economy notes that the assessment is over 3 years old, and questions why "existing or on previously used waste / mineral or sui generis sites", has been selected as a criteria, as their appears to be no or very little interrelationship between the proposal and mineral extraction and landfilling. It is further noted that the definition of previously developed land within the NPPF does not include: "*land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures*", such as is the case for the application site. Therefore, the application site is greenfield land.

125. In view of the above, the Head of Strategic Infrastructure and Economy does not consider that the proposed facility is located at the highest appropriate level of the geographic hierarchy.

126. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs re-use and recycling facilities, such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes as long as they are enclosed. It also directs enclosed re-use and recycling sites to active mineral workings or landfill sites; land within or adjoining a waste water treatment works; or co-location with producers, end users or other complementary activities, where a clear operational relationship is demonstrated. Greenfield land is stated as not being a compatible land use.

127. The applicant states that *"the application site is an active sand quarry that currently carries out mineral extraction operations and as Policy WSC 6 indicates, active mineral working sites are compatible for locating re-use and recycling waste management operations where a clear operational relationship is demonstrated. Whilst IBA recycling facilities can operate by just processing the IBA to produce suitable secondary aggregates, there can be significant benefits where the material can be used in conjunction with other materials to produce a wider range of products. There could be potential for the remaining sand material on the site to be used in conjunction with the IBA aggregate"*.

128. The Head of Strategic Infrastructure and Economy considers that the applicant has not demonstrated a clear operational relationship. The applicant has not submitted any substantive evidence regarding the need to mix sand originating from the site with the IBA aggregate. Whilst the applicant suggests that planning permission is required for a temporary period of time in line with the operational life expectancy of the Staffordshire ERF and Shropshire EfW, it is noted the applicant has not applied for planning permission for a temporary period of time within the description of the application on the submitted application form, and it is noted that both the Staffordshire ERF and Shropshire EfW are permanent permissions, albeit on the cessation of the ERF the site is required to be restored. Furthermore, no specific timescale is requested, albeit the applicant notes that *"over the expected 25 year life of the ERFs the facility would serve, the site could process the equivalent of 3 Million tonnes of IBA"*. It is also not clear if this timescale is complementary with the life of the operational quarry. Consequently, it is considered that the proposal would not be in accordance with Policy WCS 6, as *"a clear operational relationship has not been demonstrated"*. Whilst the application site may be an operational quarry, it is also considered to be open countryside and greenfield land. Annex 2 of the NPPF specifically excludes sites for mineral extraction from the definition of previously developed land, stating: *"previously developed land: This excludes: ...land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures"*. It is noted the site has an approved restoration scheme to agricultural at a lower level with tree planting around the site margins and an open water body, approved under the extant planning permission Ref: 107110 / DC5060/5, Minute 118 refers (Condition 12), and therefore, would comply with the above criteria.

129. It is noted that Policy WCS 7 states that where waste management proposals are operationally related to or located on a mineral working...permission will only be granted for a temporary period commensurate with the permitted use on site; and where they do not have an adverse impact on the restoration of the site. As outlined above, the applicant has not submitted any substantive evidence to suggest an operational link between the proposal and the active quarry. As a result, the proposed development is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy.

### **Green Belt**

130. The NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking, which means approving proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or
- specific policies in the NPPF indicate development should be restricted.

131. In this case the proposal is wholly located within the West Midlands Green Belt; footnote 9 to the NPPF indicates that policies related to this designation restrict development; and therefore, by virtue of footnote 9, the presumption in favour of sustainable development does not apply within Green Belt areas.

132. Letters of representation have been received which object to the proposal on the grounds that it is located in the Green Belt and the applicant has not demonstrated very special circumstances. A number of consultees have also objected on these grounds including Bromsgrove District Council, Councillor Blagg, Parish Councils Ramblers Association and CPRE.

133. The introduction to Section 9 of the NPPF states that "*the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

134. The NPPF considers that the construction of new buildings is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, there are a number of exceptions in paragraphs 89 and 90 of the NPPF, which are considered to be appropriate forms of development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

135. The proposal does not fall within the categories of development set out in Paragraphs 89 and 90 of the NPPF, Policy DS2 of the adopted Bromsgrove District Local Plan and Policy BDP4 of the Draft Bromsgrove District Local Plan. Consequently, the proposed development would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

136. The NPPF goes on to state that *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*. As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission.

137. The Head of Economy and Infrastructure will now assess the applicant's assessment of Green Belt and the very special circumstances.

138. The applicant acknowledges that the proposal is inappropriate development within the Green Belt, but notes that mineral extraction is not inappropriate development within the Green Belt. The applicant then suggests that the proposal has many similarities to mineral extraction. The Head of Strategic Infrastructure and Economy notes that paragraph Reference ID: 27-001-20140306 of the Government's Planning Practice Guidance (PPG) states that *planning for the supply of minerals has a number of special characteristics that are not present in other development, including minerals can only be worked where they naturally occur; working is a temporary use of land; requirement to carryout periodic reviews and following working, land should be restored to make it suitable for beneficial after-use*. These characteristics do not apply to the proposed development. Furthermore, it is noted that buildings associated with mineral extraction also need to demonstrate very special circumstances.

139. The applicant then considers the proposal against the 5 main purposes of Green Belt, concluding that it would not conflict with these purposes. The Head of Economy and Infrastructure considers that the proposal would conflict with three of the five main purposes of Green Belt, namely: 'to prevent neighbouring towns merging into one another', 'to assist in safeguarding the countryside from encroachment' and 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'. The proposal is located within countryside, and whilst within the base of an active quarry it has an approved restoration scheme, therefore, the application site is considered to be greenfield land. The proposal includes the provision of buildings which would reduce the openness of the Green Belt. Furthermore, as the Green Belt in this location restricts towns within Worcestershire merging with one another and with Birmingham and the West Midlands conurbation, the proposal would represent further encroachment into the Green Belt, the countryside and greenfield land.

140. The applicant then states that *"Veolia has indicated it would be willing to relinquish rights to infill the eastern quarry and to provide measures to enhance the restoration of this area to provide greater public access, improved landscape restoration and increase biodiversity"*. The Head of Economy and Infrastructure



considers that to achieve this the applicant would have to enter into a Section 106 Agreement, however, it is considered that this would not meet the tests for planning obligations set out at paragraph 204 of the NPPF, in particular it would not be "*directly related to the development*" proposed. Furthermore, whilst it is noted that this is welcomed by the County Ecologist, the County Planning Authority as the Waste Planning Authority would not wish to lose this important and strategic resource.

141. The applicant in their assessment of very special circumstances acknowledges that Planning Policy Statement (PPS) 10: 'Planning for Sustainable Waste Management', now superseded by National Planning Policy for Waste. Recognised "*the particular locational needs of some types of waste management facilities when defining detailed Green Belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission*". The applicant notes that the need to give significant weight to the locational, environmental and economic benefits of waste management facilities has now been removed. However, the National Planning Policy for Waste does state that "*local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan*". The applicant then states that as the Waste Core Strategy predated the National Planning Policy for Waste it has not given any consideration to the locational needs of this type of development.

142. The Head of Economy and Infrastructure notes that Section 4 of the National Planning Policy for waste identifies possible suitable sites for waste management, this includes industrial sites, opportunities for co-location, re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages. These are all listed within Policy WCS 6 of the Waste Core Strategy and it is noted that the application site is not located on any of these possible suitable sites for waste management developments, as defined in the National Planning Policy for Waste. The Head of Economy and Infrastructure, therefore, consider that the Waste Core Strategy broadly accords with the National Planning Policy for Waste.

143. With regard to locational factors, the application was accompanied by an Alternative Site Assessment. The applicant suggests the lack of preferable alternative sites is considered to amount a very special circumstance and makes reference to the proximity to the source of IBA, proximity to markets and suitable transport infrastructure.

144. The Head of Strategic Infrastructure and Economy notes that the Alternative Site Assessment is over 3 years old, and questions why "*existing or on previously used waste / mineral or sui generis sites*", has been selected as a criteria, as there appears to be no or very little interrelationship between the proposal and mineral extraction and landfilling. Furthermore, the Head of Strategic Infrastructure and Economy does not consider that the proposal is in close proximity to the producers of the IBA, noting that IBA would come from Staffordshire ERF and Shropshire EfW, which are located approximately 46 kilometres and 88 kilometres, respectively by roads (utilising the Motorways).

145. With regard to Hartlebury EfW, a potential future source of IBA to supply this proposal. It is noted that the operators of the EfW have submitted an EIA Screening Opinion request to the County Planning Authority to process the IBA originating from the Hartlebury EfW at Hill and Moor Landfill Site. Therefore, there is a great degree of uncertainty as to whether the proposed Sandy Lane IBA Facility would process IBA from the Hartlebury EfW.

146. The applicant states that the application site's availability was one of the key factors in the Alternative Site Assessment; and as the site is in the freehold ownership of Veolia it is available and not subject to any competing interests. The Head of Economy and Infrastructure does not consider that ownership of the site demonstrates very special circumstances.

147. With regards to environmental benefits, the applicant suggests the benefits of recycling IBA include reduction in the amount of waste (IBA) going to landfill; production of secondary aggregates that replace primary aggregates; and IBA aggregates has a lower weight to volume than primary aggregate resulting in less Carbon Dioxide in transportation. With specific regard to the application site, the applicant states that the proximity of the site to the potential markets would reduce mileage for HGVs and Carbon Dioxide emissions; little or no impact upon residential amenity due to traffic movements due to good access to the strategic road network, and the site could be operated without any significant impact on identified constraints or on local amenity.

148. The Head of Strategic Infrastructure and Economy acknowledges that the proposed development gains policy support in terms of its contribution to diverting waste away from landfill and pushing waste management up the waste hierarchy. However, the Head of Strategic Infrastructure and Economy is not convinced that the proposal would reduce Carbon Dioxide emissions relating to transport, noting that the sources of IBA are located about 46 kilometres and 88 kilometres away by road.

149. With regard to economic benefits, the applicant states that the benefits of recycling IBA include the reduced cost from the landfilling of waste; and the value gained from the production and sale of IBA aggregate. With specific regard to the proposed development, the applicant states that there would be reduced fuel cost associated with the delivery of IBA and export of the IBA aggregate to the principle markets in the urban areas of the West Midlands; economy of scale resulting from a Regional facility serving the three ERFs; reduced site and associated costs from using a single site within Veolia's control; provides employment; no need for ancillary costs such as upgrading highways; and support to the local economy and businesses.

150. It is noted that the NPPF at paragraph 19 states that "*significant weight should be placed on the need to support economic growth through the planning system*". Whilst the creation of about 10 full-time jobs and the creation of indirect employment are to be welcomed, it is not considered to be so significant as to justify outweighing the harm caused to the openness of the Green Belt.

151. The proposed development is inappropriate development, resulting in harm to the openness of the Green Belt. It is considered that the proposal would significantly reduce the openness of the Green Belt in as much as development would be present where it did not exist before, conflicting with the fundamental aim of Green Belts,

which is to prevent urban sprawl by keeping land permanently open. It would encroach into the countryside, develop greenfield land and further erode the Green Belt and therefore, would conflict with three of the five main purposes of including land within the Green Belt. The Head of Economy and Infrastructure considers that the reasons set out above, when considered individually or as a whole do not amount to very special circumstances, which outweigh the harm to the Green Belt caused by the inappropriate development itself. As such, the proposed development is contrary to the NPPF Section 9, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policies DS1, DS2 and DS13 of the Bromsgrove District Local Plan, and Policy BDP4 of the Draft Bromsgrove District Local Plan.

152. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. As the proposed buildings would create about 1,230 square metres of floorspace (including the internal mezzanine floor) and the application site measures about 2.4 hectares area, which is considered to result in harm to the openness of the Green Belt, if this Committee is minded to approve the application, this Council must first consult the Secretary of State for Communities and Local Government. The Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call in the application for his own determination.

### **Landscape Character and Visual Impacts**

153. The proposed development would be located on the floor of an operational sand quarry, located about 15 to 20 metres below the surrounding land. The application site has been levelled and comprises a largely bare quarry floor. There are occasional scattered birch trees around the edge of the application site, together with some semi-improved grassland and vegetation in the base of the quarry, within the site. The ground level within the remaining part of the operational quarry, to the west, varies and contains stockpiles of materials and areas that have been colonised by vegetation. To the south and west the quarry is surrounded by linear areas of trees and shrubs (mix of broad-leaved and coniferous vegetation) that provide screening and restrict views into the quarry. To the north the site is bound by a mature hedgerow; and to the east is a landfill site, which is undergoing restoration.

154. The site lies within, and on the southern edge of a Landscape Protection Area designated in the adopted Bromsgrove District Local Plan. The NPPF is a material consideration. Its core planning principles includes taking account of the different roles and characters of different areas, protecting the Green Belts and recognising and taking into account the intrinsic character and beauty of the countryside.

155. The applicant notes that the proposal would occupy part of the quarry to be restored and while in place it would prevent restoration of the eastern part of the quarry. It would not prevent the restoration of the western part of the quarry, should the quarrying operations cease whilst the proposal is in operation; and following decommissioning all elements of the proposal would be broken up and / or removed and the footprint incorporated into the wider restoration of the site.

156. The submitted Environmental Statement considered landscape character and visual impacts. The location of the proposal, situated within an active quarry void, together with the height of the proposed structures and screening afforded by mature vegetation and bunds, would result in very little visibility from the surrounding area, with glimpsed views of the proposal available from the Public Right of Way BB-680, situated immediately to the north of the quarry, where users would be able to look down on to the proposal. The nearest residential properties to the proposal are those located at Stoneybridge, on the western side of Madeley Road, situated about 145 metres west of the application site. The established vegetation between Madeley Road and the western edge of the quarry substantially screens views of the proposal, even during winter months, although it is anticipated that there would be filtered views of the proposed development.

157. The access to the proposal from Sandy Lane (A491) would be visible and prominent from a short section of this road. However, this would be consistent with the existing access to the quarry and landfill, which is undergoing restoration (required for maintenance purposes e.g. gas monitoring) and no changes are proposed as part of this proposal.

158. The proposal does not include landscape planting proposals. The applicant states that this is primarily due to its location within the quarry. The location severely restricts potential visibility meaning that additional planting would offer little, if any, additional visual screening. The quarry and adjacent landfill would both be subject to restoration schemes and short term planting around the IBA Recycling Facility would compromise the quarrying operations for limited benefit.

159. The Environmental Statement concludes that overall the impacts upon landscape character and visual amenity would be limited and are not predicted to be significant.

160. The County Landscape Officer raises no objections, subject to the imposition of appropriate conditions regarding the colour and type of materials of the building and roof.

161. Notwithstanding the significant level of screening offered by the quarry void and established vegetation, the proposed development of the 2.3 hectare site would significantly encroach into the open countryside, resulting in the loss of greenfield land, given that the proposal is not related to the operational life of the active sand quarry. The area of hardstanding would be extensive measuring approximately 1.44 hectares in area. The proposed new building would measure about 41.1 metres long by 26.4 metres wide by a maximum of 14 metres high (to the apex), equating to about 1,085 square metres in area. The applicant also proposes cabins to provide welfare and office facilities for staff, mobile equipment, dust control units (consisting of fixed and mobile sprinklers), skips, a generator facility, surface water management elements, a weighbridge and car park. Furthermore, the raw and processed IBA aggregate would be stockpiled externally to a maximum height of 15 metres in designated areas, measuring about 2,138 square metres and 3,900 square metres respectively, therefore, it is considered that the proposal represents an undesirable intrusion of development into the open countryside, contrary to a core principle of the NPPF as set out at paragraph 17 bullet point 5 and Policy WCS 12 of the Worcestershire Waste Core Strategy. Furthermore, the lack of visibility does not mean that the openness of the Green Belt would be preserved.

### **Residential Amenity (Noise, Dust and Odour)**

162. The nearest residential properties to the proposal are those located along Madeley Road, about 145 metres west of the application site, beyond which are further residential properties fronting onto Stourbridge Road (A491). To the north of the proposal are a number of isolated dwelling, which includes Fairview, Tripalanda, the Stables located about 315 metres north; Oak Villa situated approximately 380 metres north-east; and Lower Madeley Farm and the Stables are located about 425 metres north of the proposal. In addition, a small number of residential properties front onto Sandy Lane (A491) located about 430 metres east of the application site. The residential property of Dolfor House is located on the southern side of Sandy Lane (A491) located approximately 195 metres from the site access.

163. Letters of representation have been received from local residents, and a number of consultees including Councillor Sheila Blagg, Parish Councils and Bromsgrove District Council objecting to the proposal. Particular concern is expressed regarding noise, dust, odour, vibration, air pollution, health impacts, hazardous substance, and adverse impacts upon nearby schools and nurseries.

164. The proposed hours of operation, including the operation of plant and equipment are between 07:00 18:00 hours Mondays to Fridays, inclusive and 07:00 to 13:00 hours on Saturdays, with no operations on Sundays or Bank Holidays. These operating hours would match the permitted operating hours of the adjacent landfill site now undergoing restoration.

165. The submitted Environmental Statement considered impacts upon noise and air quality. The Noise Assessment chapter of the Environmental Statement was supported by a Noise Assessment and concludes that *"the worst case operational noise at Madeley Road, which are the nearest residential properties to the proposal, is considered of 'minor significance' overall, and complaints are unlikely"*. It goes on to state that *"at Madeley Road there is predicted to be a minor increase of 1.5 dB in the ambient noise level, which is lower than the perceptible threshold of 3 dB for 'long-term' noise changes. It is therefore likely that local residents would not perceive this change in noise level."* It also considered the noise impact along Sandy Lane and considered that there would be no increase in the ambient noise level, and therefore, it is unlikely that the site operation would be audible at Sandy Lane. There is also predicted to be no noise impact as a result of road traffic increases; and an assessment of construction noise indicates that there would be no significant adverse impact at local receptors.

166. Four Air Quality Management Areas (AQMAs) are within the administrative areas of Bromsgrove District Council. These areas are designated due to their exceedance of annual mean nitrogen dioxide concentrations. The four areas are:

- Lickey End, the area surrounding Junction 1 of the M42 Motorway, located approximately 4 kilometres north of the application site
- Along a section of Redditch Road in Stoke Heath, located approximately 8 kilometres south of the application site
- The intersection between the A456 and the A491, Kidderminster Road in Hagley, located approximately 5 kilometres north-west of the application site

- Along a section of Worcester Road in Bromsgrove, located approximately 6 kilometres south of the application site.

167. The Air Quality chapter of the Environmental Statement concludes that *"the results indicate that the annual mean and short-term air quality objectives for Nitrogen Dioxide and Particulate Matter (PM10) are forecast to be complied with at all assessed locations and the impact of the development is concluded to be negligible"*.

168. Subject to the inclusion of mitigation measures such as sheeting of loaded vehicles, using dust suppressant such as bowsers, restricting site speed limits, hard surfacing haul roads and regular cleaning of haul roads, it is considered that any dust generated during the construction phase would be reduced to acceptable levels. With regard to operational impacts, it is considered that dust and odour emissions giving rise to nuisance complaints at the closest residential property is assessed to be insignificant. This is due to the following proposed mitigation measures:

- The IBA is inherently moist as it is quenched at the respective ERFs and EfWs to cool down the ash
- The IBA would be delivered to the site in covered vehicles to prevent the release of emissions during the delivery
- Speed limit of on-site vehicles would be 10mph to reduce the risk of dust being released during the transport of IBA and re-suspension of any loose material on the site road
- External operational areas would be wetted down during periods of dry weather
- Site roads will be formed of concrete to facilitate easier cleaning and coupled with routine damping down of trafficked surfaces to reduce the risk of dust emissions
- During periods of hot and dry weather, water would be sprayed onto the IBA stockpiles to minimise potential dust emissions. The crust that forms on the top of the stockpile due to the exothermic reactions reduces the risk of dust being raised from stockpiles
- Suitable road cleaning equipment, such as a tractor brush would be available to ensure that the areas are kept clear and tidy and damped down by sprinkling water to reduce the risk of dust emissions in areas which are being trafficked by mobile plant and delivery vehicles
- All storage areas are on hardstanding to facilitate easier cleaning
- The IBA recycling facility would be housed within a building and be fully enclosed with all doors and shutters closed apart from for access, to minimise the release of dust emissions
- Wheel washing facilities would be used on vehicles leaving the site (where appropriate).

169. IBA is not an inherently odorous material, producing a faint "earthy" odour. The low level of odour associated with IBA is not considered to be offensive and would be

classed as a neutral odour. Any odours emitted from the stockpiles would remain localised to the stockpile area and are not likely to be detected outside of the application site boundary. The application concludes that the proposed development would not result in any adverse odour impact affecting local residents. Neither Worcestershire Regulatory Services nor the Environment Agency have raised concerns in this respect.

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

171. It is noted that the Environment Agency has raised no objections and that a bespoke Environmental Permit has been issued for the site by the Environment Agency, which controls emissions and contains an air quality impact assessment, noise assessment and dust management plan would be a requirement of the Environmental Permit. Worcestershire Regulatory Services also raises no objections to the proposal.

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

173. With regard to concerns that the IBA could be categorised as a hazardous substance, the applicant has confirmed that IBA is a non-hazardous material. It is the residue of the general waste materials that are incinerated at Veolia's ERFs and EfWs which consists of an input of non-hazardous waste materials including general household, commercial and industrial waste. The IBA material is tested in accordance with the Environmental Services Association (ESA) sampling and testing protocol for the assessment of hazard status of IBA, which is also the standard the Environment Agency adopt. The testing of IBA for hazardous content would follow a robust testing regime at the source and at the application site for verification. It is further noted that the Environment Agency in their Environmental Permit Decision Document states that *"the waste is categorised as non-hazardous in the European Waste Catalogue and is capable of being safely processed at the installation"*.

174. Objections have also been received from local residents raising concerns regarding the potential increase of seagulls at the site, due to the proposal. The Head of Strategic Infrastructure and Economy considers that as the proposal would process IBA rather than putrescible waste, that the proposal would not have an unacceptable

adverse impact on residential amenity in terms of unduly increasing vermin or bird populations in the local area.

175. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions relating to operating hours, requiring a detailed lighting scheme and implementation of the mitigation measures outlined in the submitted Air Quality and Noise Assessment chapters of the Environmental Statement that there would be no adverse air pollution, noise or dust impacts on residential amenity or that of human health.

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

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

177. Objections have been raised by local residents and the Parish Councils regarding traffic and highway safety, and impacts upon Public Rights of Way.

178. The existing vehicle access into Veolia's Sandy Lane site is located approximately 380 metres to the east of the Stourbridge Road / Madeley Road roundabout and is approximately 1.7 kilometres to the east of Junction 4 of the M5 Motorway. This established vehicular access from Sandy Lane (A491), has served the sand extraction and landfill operations. The A491 is subject to the national speed limit of 60 miles per hour.

179. From the main access into the Sandy Lane site, the application site is accessed via the existing established internal concrete access road. The internal access road leads directly into the application site sloping downwards to the quarry floor. The infrastructure of the internal access road whilst suitable for current quarry operations would require to be extended to connect to the proposed facility. Due to the relatively steep gradient to the base of the quarry, the internal access road would be constructed as a single lane, with passing bays and potentially traffic lights to control HGVs.

180. Paragraph 32 of the NPPF states that:

181. *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..".*

182. 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*".



183. Whilst the application is not supported by a standalone Traffic Assessment or Transport Statement, it is noted that the Planning Application Supporting Statement contained a detailed assessment of traffic movements.

184. The applicant states that historically, vehicle movements peaked when the Sandy Lane landfill site accepted 140,000 tonnes in 2009, which resulted in an average of 80 HGV movements per day (40 HGVs entering the landfill site and 40 HGVs exiting the site per day). IBA is expected to be imported to and IBA aggregate exported from the site in 25 tonne loads. Furthermore, separate vehicles would be required for IBA imports and exports of IBA aggregate. Therefore, each 25 tonnes of IBA imported would result in 2 HGVs in and 2 HGVs out. When the IBA facility is fully operational and accepting 120,000 tonnes per annum, it would generate approximately 64 to 70 HGV movements per day (about 32 to 35 HGVs entering the site and 32 to 35 HGVs exiting the site), which is less than the 80 HGVs that occurred in 2009 at the peak of the adjacent landfill operations. The proposal would result in approximately 19,200 HGV movements per annum (about 9,600 HGVs entering the site and 9,600 HGVs exiting the site per year).

185. The proposed onsite storage lagoon has been designed to accommodate about 6,600 cubic metres of water. If onsite water volumes exceed 2,500 cubic metres tanker operations would be commenced at 4 tanker (15 cubic metres) movements per day (2 tankers entering the site and 2 tankers exiting the site). If onsite water storage increased above 5,000 cubic metres this would be increased to 14 tanker movements per day (7 tankers entering the site and 7 tankers exiting the site). The applicant states that based on a model of historic rainfall data, this would have been triggered on 9 occasions from 1946 through to 2012. Assuming that on each occasion this occurs, tanker movements (15 cubic metres each) are started at a frequency of 4 per day and that this runs for a minimum of one month, then the analysis suggests that for each of these 9 wet events there would have been sufficient to bring water volumes back below the threshold.

186. The County Highways Officer has been consulted and has raised no objections. Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety.

187. 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*".

188. A number of Public Rights of Way are located within the vicinity of the application site, notably Footpath BB-680, which runs along the northern and western boundaries of the sand quarry site, adjoining Footpath BB-597, which is located adjacent to the north-east corner of the sand quarry site.

189. Glimpsed views of the proposal would be available from the Public Right of Way BB-680, situated immediately to the north of the quarry, where users would be able to look down on to the proposal. However, in the short-term views of the proposal would be seen in the context of the existing quarry, however, in the long-term the quarry would be restored to agriculture at a lower level, therefore, transforming the character

of the area to a small industrial area, adversely impacting on views from this footpath. Notwithstanding this, it is noted that the County Landscape Officer considers that this impact is not sufficient grounds for an objection, owing to the limited use of this footpath and the lack of adverse visual impact from elsewhere within the locality.

190. The County Footpath Officer has no objections, stating that the application site does not contain any Public Rights of Way and would have no detrimental impacts on the surrounding footpaths, as the proposal is separated from the Public Rights of Way by a hedgerow. They request that the applicant is made aware of their obligations to the Public Rights of Way. Whilst the Ramblers Association object to the proposal, it is acknowledged that is not on the grounds of impact to the Public Rights of Way network, noting that they consider the proposal would not have any physical impact upon the integrity of the nearest Public Rights of Way and the impact to enjoyment of users along the adjacent Public Rights of Way would be limited, and any minor impact could be addressed by relevant conditions.

191. Based on the advice of the County Landscape Officer, the County Footpath Officer and the Ramblers Association, 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 surrounding the application site, subject to the imposition of appropriate conditions.

### **Water Environment**

192. The submitted Environmental Statement considered impacts upon Hydrogeology, Hydrology and Flood Risk.

193. The proposed development is located upon an aquifer - Groundwater Source Protection Zone (Zone 3 – Outer Zone) of the Wildmoor public groundwater abstraction, a highly sensitive receptor and strategically important water supply. A number of major water abstractions, including for public water supply, are sourced from this aquifer. This includes a public water supply borehole located approximately 1 kilometre to the south-east of the application site (Wildmoor pumping station) and Beechcroft Nurseries abstraction is located 800 metres north of the application site. Contamination of this aquifer is of principal concern to objectors.

194. During the operational phase, IBA would be stored on a concrete pad, constructed from a dense asphaltic concrete, and would be uncovered to allow rainfall to percolate through the IBA, generating a leachate. The applicant states that leachate tests have been performed on similar materials; and IBA leachate is typically alkaline and contains significant (i.e. exceeding the drinking water standards) concentrations of metals including chloride, iron, antimony, chromium, copper, lead, mercury and selenium.

195. The applicant states that the mitigation philosophy for the proposed facility is total containment of water within the operational area of the site. It is proposed to line the entire quarry floor to protect the highly sensitive groundwater resource. This would result in an area of 1.5 hectares covered in an impermeable hardstanding. This design has been chosen to prevent the discharge of contaminated surface water to ground. Water used within the operations of the site would be continuously re-circulated.

196. There is no sewer capacity so all surface water would need to be managed within the facility. A surface water catchment-pit and lagoon would be constructed, designed to store surface water run-off from a 100 year storm event. The lagoon would be designed to store water to be reused within the site for dust suppression and to store excess water during periods of heavy rain. Excess water stored in the lagoon would be taken off site by a tanker as required. The proposed lagoon would be constructed and designed to hold a maximum of 6,600 cubic square metres of water and would be contained within a concrete bunded area. The lagoon would be excavated to about 4.4 metres below the quarry floor. The applicant states that this would be between 2 and 7 metres above the water table in the underlying Wildmoor Sandstone.

197. Non-operational areas comprising the access road would manage surface water run-off through roadside drainage and a cut-off drain prior to entry into the operational area of the site. Intercepted surface water would be directed to the adjacent quarry to the west of the application site. Prior to discharge the water will pass through an oil/fuel interceptor, and water drain away through infiltration and evaporation.

198. The Environmental Statement considers that the presence of the concrete and impermeable liner covering the operational areas of the proposed development would prevent recharge to the underlying Wildmoor Sandstone aquifer. The liner would have a total area of about 1.5 hectares. In the context of the regional aquifer this represents a negligible loss of permeable surface area and is unlikely to result in any significant changes in groundwater volumes.

199. The applicant states that with regard to impacts to the abstraction from changes in groundwater quality, the total containment philosophy within operational areas of the site means that there is a very low risk of potentially contaminating substances getting into the aquifer and subsequently the abstraction water. The magnitude of any deterioration in water quality at the abstraction is likely to be lower than that on the aquifer directly beneath the site. This is due to the likely effects of dilution and dispersion within the aquifer that would reduce the concentrations of any contamination before it is abstracted.

200. With regard to the potential for contamination from spills of fuel and oil that may infiltrate into the unsaturated zone and eventually reach the aquifer, the applicant states that an Emergency Response Plan, Construction Method Statement (CMS), Construction Environmental Management Plan (CEMP) and Site Environmental Management Plan (SEMP) would be developed and the use of impervious storage bunds and an impermeable liner are likely to prevent leakage of potential contaminants to the underlying aquifer. However, given the sensitivity of the underlying aquifer, the applicant states that groundwater monitoring would be required to demonstrate no leakage of leachate or other contaminating substances has occurred. The Head of Strategic Infrastructure and Economy notes that a Groundwater Monitoring Plan forms part of the approved bespoke Environmental Permit for the proposed facility.

201. With regard to impacts upon Beechcroft Nurseries abstraction, due to the distance from the abstraction point it is considered that the site is likely to be outside of its radius of influence.

202. The applicant assessed the impact upon Groundwater Dependent Terrestrial Ecosystems within a 5 kilometre radius of the application site. Sites included: Oakland Pasture SSSI, Little Royal Farm Pastures SSSI, Hurst Farm Pasture SSSI, Romsley Hill SSSI, Feckenham Forest SSSI, Romsley Manor Farm SSSI and Penorcharde & Spring Farm Pastures SSSI. The assessment concluded that there are no surface or groundwater connections between these sites and the application site. Because there is no pathway, there can be no risk to these sites from changes to the water environment.

203. The Environmental Statement concludes that *"overall the potential impacts of the proposed development on the water environment following the implementation of design and mitigation measures are considered low, with the impacts being limited to low short term changes in groundwater quality, surface water quality and runoff, increased sediment loading to runoff, a higher potential for pollution from spillages of substances during construction and decommissioning and changes to groundwater recharge. With the adoption of a comprehensive CEMP and SEMP, the incorporation of good practice techniques and with the avoidance measures already taken into account in the design of the proposed development, the changes to the water environment are not predicted to be significant"*.

204. The proposed development is located within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. Due to size of the application site (over 1 hectare) the application was accompanied by a Flood Risk Assessment.

205. 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. The application was accompanied by a Flood Risk Assessment, which states that *"as the proposed development is located in Flood Zone 1 it is assumed that the Sequential Test is passed and, with regards to flooding, no consideration of alternative sites is required"*.

206. The proposed development is classed as 'less vulnerable', as identified by Table 2: 'Flood risk vulnerability classification' of the Government's PPG. Table 3: 'Flood risk vulnerability and flood zone 'compatibility' of the PPG identified that less vulnerable uses of land are considered appropriate in this zone.

207. The Flood Risk Assessment confirms that the risk associated with overland flows flooding into the proposed development is very low. Due to the sunken nature of the site there is no potential for surface run-off from the development area to discharge from the site in an uncontrolled way. The proposals would, therefore, not exacerbate the risk of flooding downstream of the site. The risk of groundwater rising and flooding the proposed development due to severe and prolonged wet conditions is assessed to be low.

208. The Environment Agency has been consulted and has raised no objections, stating that the risk to groundwater resources has now been adequately addressed by the applicant and through the granting of the Environmental Permit. The groundwater impacts are proposed to be mitigated by the provision of effective site engineering infrastructure, operational precautions and a comprehensive groundwater monitoring regime, which would be regulated and controlled by the Environmental Permit.

209. The Lead Local Flood Authority has been consulted and defers to the opinion of North Worcestershire Water Management. North Worcestershire Water Management has raised no objections, subject to the imposition of conditions regarding a scheme for foul and surface water drainage and water level monitoring of the proposed lagoon. Severn Trent Water Limited has also raised no objections to the proposal, as is not proposing to connect to the public sewerage system.

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

### **Ecology and Biodiversity**

211. Objections have been received raising concerns regarding the impacts upon protected species, Sites of Special Scientific Interest (SSSI) and Local Wildlife Sites (LWSs).

212. 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".*

213. 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 "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".*

214. There are a number of statutory wildlife designated sites within 2 kilometre of the proposal. This includes the destroyed geological SSSI of Madeley Heath Pit located about 790 metres north-east of the application site, which was covered by previous landfilling of Chadwich Lane Quarry; and Feckenham Forest SSSI and Hurst Farm Pasture SSSI which are both located about 1.2 kilometres and 1.8 kilometres south-west of the proposal, respectively. There are also a number of non-statutory wildlife designated sites within 2 kilometre of the proposal, notably the Sling Pool and Marsh LWS and Great Farley and Dale Woods LWS are located about 1.2 kilometres north-west and 1.4 kilometres north of the proposal, respectively.

215. The submitted Environmental Statement assessed the impact upon ecology and biodiversity. The assessment considered that the proposal would not impact upon any designated conservation sites during the construction, operation or decommissioning phases. Stating that *"given the nature and location of the scheme and its distance to these sites, no impacts are predicted through loss of habitat, species disturbance, injuries or mortalities or hydrological changes".* It also recommends a number of

mitigation measures during the construction phase, this includes: the timing of vegetation clearance to avoid impacts to reptiles and nesting birds; a pre-construction check to ensure no new badger setts have been established within or close to the application site; and covering of excavations at night-time or the provision of escape ramps for badgers. The Environmental Statement concludes that no protected species or habitats would be adversely affected by the proposed operational development, subject to a carefully designed lighting scheme to avoid any disturbance to bats; annual badger activity monitoring; invertebrate monitoring; and selective clearance of hawthorn on the wider Sandy lane site.

216. Natural England and Worcestershire Wildlife Trust have been consulted due to the proximity of the proposal to SSSI's and LWSs, respectively. Natural England is satisfied that subject to the proposal being carried out in accordance with the submitted application it would not damage or destroy the interest features for which the sites have been notified. Worcestershire Wildlife Trust also has no objections, subject to the imposition of appropriate conditions and defers to the opinion of the County Ecologist for all on site detailed matters relating to biodiversity. The County Ecologist also has no objections, subject to the imposition of appropriate conditions. It is further noted that the Environment Agency in the granting of the Environmental Permit considered the impact of the proposal upon SSSIs and LWSs within 2 kilometres of the site, and the Decision Document concludes that *"they are satisfied that the operation of the IBA facility would not compromise the integrity or damage the interest features of these ecological sites"*.

217. With regard to objections that an Ecology Survey was not submitted and the applicant did not consider the impact upon Great Crested Newts. The Head of Strategic Infrastructure and Economy confirms that the impact upon Great Crested Newts was considered and results indicated that the water body within 100 metres of the application site suggests that potential for Great Crested Newts was poor; and the application and Environmental Statement were accompanied by an Extended Phase 1 Habitat Survey.

218. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by the County Ecologist, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

### **Other Matters**

#### Economic Impact including provision of secondary aggregates

219. 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"*.

220. 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"*.

221. Paragraph 143 of the NPPF (bullet point 2) states that *"so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously"*. Paragraph 142 of the NPPF also 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"*. IBA aggregate is used in the construction industry as a substitute for crushed hard rock for which Worcestershire now has no remaining permitted reserves. The material can be used in road sub-base, bulk fill, asphalts, foamed concrete, and cement bound materials.

222. The applicant states that the proposal would generate about 10 new full-time jobs. There would be some economic benefits to the local economy in terms of direct and indirect jobs, as well as contributing to the wider growth aspirations for the county through the supply of secondary aggregates to the construction market. Therefore, it is considered that the proposal would provide economic growth benefits to the local economy and make a positive contribution to the provision of secondary aggregates in accordance with the NPPF.

223. There is local concern that the proposal would have a negative effect on local businesses. Given the findings about the likely effects of the proposal on residential amenity (noise, dust and odour), the Head of Strategic Infrastructure and Economy does not consider that the proposal would unduly impact upon local businesses.

#### Heritage Impacts

224. A number of heritage assets are located within the context of the application site, as outlined in paragraph 22.

225. 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"*.

226. 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"*.

227. 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...".*

228. 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*".

229. The submitted Environmental Statement within the landscape and visual impact considered the impacts upon heritage assets stating "*the positioning of the proposal within the quarry void, together with the scale of the proposed structures and relative positions of the heritage assets, severely limits the potential for any adverse impacts. Overall, it is anticipated that the proposed development would not have an adverse impact on the heritage assets*".

230. Historic England has been consulted due to the proximity of the proposal to the Scheduled Monument of the moated site at Fairfield Court and a number of Listed Buildings within the context of the application site. Historic England has no objections, recommending that the application be determined in accordance with national and local policy guidance and on the basis of the District Council's specialist Conservation advice. Bromsgrove District Conservation Officer raises no adverse comments in respect to impacts upon heritage assets; and the Scheduled Ancient Monuments Society has made no comments. The County Archaeologist has also been consulted and has raised no objections, stating that they have consulted the Historic Environment Record and can confirm that the proposal is unlikely to affect any heritage assets or impact upon the historic landscape.

231. The Head of Strategic Infrastructure and Economy considers that based on the advice of Historic England, Bromsgrove District Conservation Officer and the County Archaeologist that the proposed development would have no adverse effects on heritage assets.

#### Public Consultation

232. Local residents and Belbroughton Parish Council have raised objections and concerns regarding the adequacy of the pre-application consultation carried out by the applicant. The Head of Strategic Infrastructure and Economy notes that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised in the NPPF (paragraphs 188 and 189) and in the County Council's Statement of Community Involvement (February 2015).

233. It is noted that prior to the submission of the planning application, the applicant held a drop-in-event at the Sandy Lane Landfill Site on the 30 January 2013. Due to severe weather the original drop-in-event scheduled for 19 January 2013 was postponed and re-arranged. The applicant states that they invited local residents living within the locality of the application site, Parish Council members, Worcestershire County Council (County Councillor and Planning Authority) and local community groups. Due to the need to re-arrange the event due to weather conditions, the applicant notified the local community by a leaflet drop to 85 properties surrounding the application site.



234. The Head of Strategic Infrastructure and Economy acknowledges that the applicant undertook pre-application consultation and considers that it is ultimately a decision for the applicant on how to undertake pre-application public consultation, the extent to which it is advertised, and if and how comments received are taken into account in the preparation of their planning application.

#### Cumulative Effects

235. Objections have been raised by local residents and Councillor Sheila Blagg regarding cumulative impacts, in particular in relation to the combined effect of multiple minerals and waste management developments within the area and traffic impacts.

236. 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.

237. With regard to combined impacts, it is noted that Chadwich Lane Quarry (Ref: 13/000061/CM, Minute 882 refers) located about 690 metres north-east of the application site is now restored. Pinches Quarry (Ref: 08/000055/CM, Minute 640 refers) is located about 1.3 kilometres east of the proposal. Wildmoor Quarry Ref: 107104 and 407219, Minute 67 refers) is located on the southern side of Sandy Lane (A491) about 55 metres south of the proposed development. Landfilling of waste at the adjacent Veolia landfill site (Ref: 407292, Minute 262) has now ceased and the site is undergoing restoration. The Veolia eastern former quarry (Ref: 407292, Minute 262) has planning permission for infilling, but is currently inactive. The wider Veolia western quarry (Ref: 107110, Minute 118 refers) in which the proposal would be situated has planning permission for mineral extraction and restoration at a lower level. The Sandy Lane Quarry, Pinches Quarry and Wildmoor Quarry sites are all operational and were considered in the baseline data for the submitted Environmental Statement. Furthermore, at the time of the Environmental Statement the adjacent Sandy Lane landfill site was also operational and considered in the baseline data. Consequently, the Head of Strategic Infrastructure and Economy considers that no combined impacts would, therefore, result from the proposed development and developments at other sites.

238. 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.

239. 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

240. Fairfield Village Community Association raise objections to the proposal and request that their Human Rights are respected.

241. 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.

242. 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.

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

## Conclusion

244. The applicant is seeking planning permission for a proposed Incinerator Bottom Ash (IBA) recycling facility along with ancillary / welfare facilities and operation of mobile equipment on site at Sandy Lane Quarry, Wildmoor, Bromsgrove. The facility would recycle IBA from Veolia's Staffordshire Energy Recovery Facility (ERF) and Shropshire Energy from Waste Facility (EfW); and would have spare capacity to process IBA from the EfW at Hartlebury, Worcestershire should a commercial arrangement be agreed. The proposed development would have a maximum throughput of 120,000 tonnes per annum.

245. 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 secondary 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, which states that "*significant weight should be placed on the need to support economic growth through the planning system*". The proposed development would also enable waste that would otherwise be landfilled to be recycled and put to a beneficial use as a secondary aggregate; therefore, it would comply with the objectives of the waste hierarchy. The Head of Strategic Infrastructure and Economy recognises the positive contribution the proposed facility would make to the provision of secondary aggregates should it be granted planning permission.

246. The application site is located within the West Midlands Green Belt. The proposal would be inappropriate development within the Green Belt and therefore, very special circumstances need to be demonstrated, which justify an exception to Green Belt policy. It is considered that the proposal would significantly reduce the openness of the Green Belt in as much as development would be present where it did not exist before, conflicting with the fundamental aim of Green Belts, which is to prevent urban sprawl by keeping land permanently open. It would encroach into the countryside, develop greenfield land and further erode the Green Belt and therefore, would conflict with three of the five main purposes of including land within the Green Belt. The Head of Economy and Infrastructure considers that the reasons set out above, when considered individually or as a whole do not amount to very special

circumstances, which outweigh the harm to the Green Belt caused by the inappropriate development itself. As such, the proposed development is contrary to the NPPF Section 9, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policies DS1, DS2 and DS13 of the Bromsgrove District Local Plan, and Policy BDP4 of the Draft Bromsgrove District Local Plan.

247. The proposed development would be located on the floor of an operational sand quarry. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Active mineral workings or landfill sites are considered acceptable by the Policy where a clear operational relationship is demonstrated. Greenfield land is identified as not a compatible land use. The applicant has not submitted any substantive evidence to demonstrate an operational link between the proposal and the active quarry. The NPPF confirms that quarries with an approved restoration scheme, such as this application site, constitute greenfield land. As a result, the proposed development is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy.

248. With regard to the consideration of alternatives, the applicant considered two main alternatives involving either the 'Do Nothing Scenario' and alternative sites. The Alternative Site Assessment assessed 139 sites within 60 miles (97 kilometres) of Veolia's Staffordshire ERF and Shropshire EfW, focussing on Staffordshire, the Black Country, Birmingham and Worcestershire. Whilst local residents, County Councillor Blagg and the Head of Strategic Infrastructure and Economy raise some questions regarding the matrix and weighting of the Alternative Site Assessment, overall it is considered adequate for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 (as amended).

249. The location of the proposal situated within an active quarry void, together with the height of the proposed structures and screening afforded by mature vegetation and bunds would result in very little visibility from the surrounding area, with glimpsed views of the proposal available from the Public Right of Way BB-680, situated immediately to the north of the proposal. The County Landscape Officer also raises no objections, subject to the imposition of appropriate conditions.

250. Notwithstanding the above and the significant level of screening offered by the quarry void and established vegetation, the proposed development of the 2.3 hectare site would significantly encroach in to the open countryside, resulting in the loss of greenfield land. The area of hardstanding would be extensive measuring approximately 1.5 hectares in area. The proposed new building would measure about 41.1 metres long by 26.4 metres wide by a maximum of 14 metres high (to the apex), equating to about 1,085 square metres in area. The applicant also proposes cabins to provide welfare and office facilities for staff, mobile equipment, dust control units (consisting of fixed and mobile sprinklers), skips, a generator facility, surface water management elements, a weighbridge and car park. Furthermore, the raw and processed IBA aggregate would be stockpiled externally to a maximum height of 15 metres, therefore, it is considered that the proposal represents an undesirable intrusion of development into the open countryside, contrary to a core principle of the NPPF as set out at paragraph 17 bullet point 5 and Policy WCS 12 of the Worcestershire Waste Core Strategy. Additionally, the lack of visibility does not mean that the openness of the Green Belt would be preserved.

251. With regard to air pollution, noise or dust impacts, it is acknowledged that paragraph 122 of the NPPF states that *"local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively"*.

252. It is noted that the Environment Agency has raised no objections and that a bespoke Environmental Permit has been issued for the site by the Environment Agency, which controls emissions and contains an air quality impact assessment, noise assessment and dust management plan would be a requirement of the Environmental Permit. In view of this, it is considered that subject to the imposition of appropriate conditions relating to operating hours, requiring a detailed lighting scheme and implementation of the mitigation measures outlined in the submitted Air Quality and Noise Assessment chapters of the Environmental Statement that there would be no adverse air pollution, noise or dust impacts on residential amenity or that of human health.

253. With regard to traffic and highway safety and impacts upon adjacent Public Rights of Way, based on the advice of the County Highways Officer, County Footpath Officer, Ramblers Association and County Landscape Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety and users of the surrounding Public Rights of Way, subject to the imposition of appropriate conditions.

254. A key concern to local residents and objectors is that of the impacts upon the aquifer which underlays the site. Based on the advice of North Worcestershire Water Management, the Environment Agency and Severn Trent Water Limited, the Head of Strategic Infrastructure and Economy considers there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

255. With regard to impacts upon ecology and biodiversity and the historic environment, based on the advice of Natural England, County Ecologist, Historic England, Bromsgrove District Conservation Officer and the County Archaeologist, it is considered that subject to the imposition of appropriate conditions, the proposed development would not have any adverse effects upon heritage assets, ecology and biodiversity at the site and surrounding area.

256. 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.

257. On balance, it is considered that permitting the proposed development of an IBA recycling facility at Sandy Lane, Wildmoor, Bromsgrove would be unacceptable in the proposed Green Belt location contrary to Section 9 of the National Planning Policy Framework, Policies WCS 6, WCS 12 and WCS 13 of the adopted Worcestershire Waste Core Strategy and Policies DS1, DS2 and DS13 of the adopted Bromsgrove District Local Plan, and Policy BDP4 of the Draft Bromsgrove District Local Plan.

## Recommendation

258. The Head of Strategic Infrastructure and Economy recommends that, having taken the environmental information into account, planning permission be refused for the proposed construction and operation of an Incinerator Bottom Ash (IBA) recycling facility accepting 120,000 tonnes per annum along with ancillary / welfare facilities and operation of mobile equipment at Sandy Lane Quarry, Wildmoor, Bromsgrove, Worcestershire, for the following reasons:

- a) The proposal is considered to be inappropriate and accordingly harmful to the Green Belt contrary to Section 9 ("Protecting Green Belt land") of the National Planning Policy Framework, Policy WCS 13 of the adopted Worcestershire Waste Core Strategy, Policies DS1, DS2 and DS13 of the adopted Bromsgrove District Local Plan and Policy BDP4 of the draft Bromsgrove District Local Plan in relation to development within the Green Belt;
- b) The proposal is considered to be in an unacceptable location contrary to Policy WCS 6 of the adopted Worcestershire Waste Core Strategy; and
- c) The proposal is considered to have an unacceptable impact upon the open countryside contrary to a core principle of the National Planning Policy Framework as set out at paragraph 17 bullet point 5 and Policy WCS 12 of the adopted Worcestershire Waste Core Strategy.

## Contact Points

### County Council Contact Points

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Worcestershire Hub: 01905 765765

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

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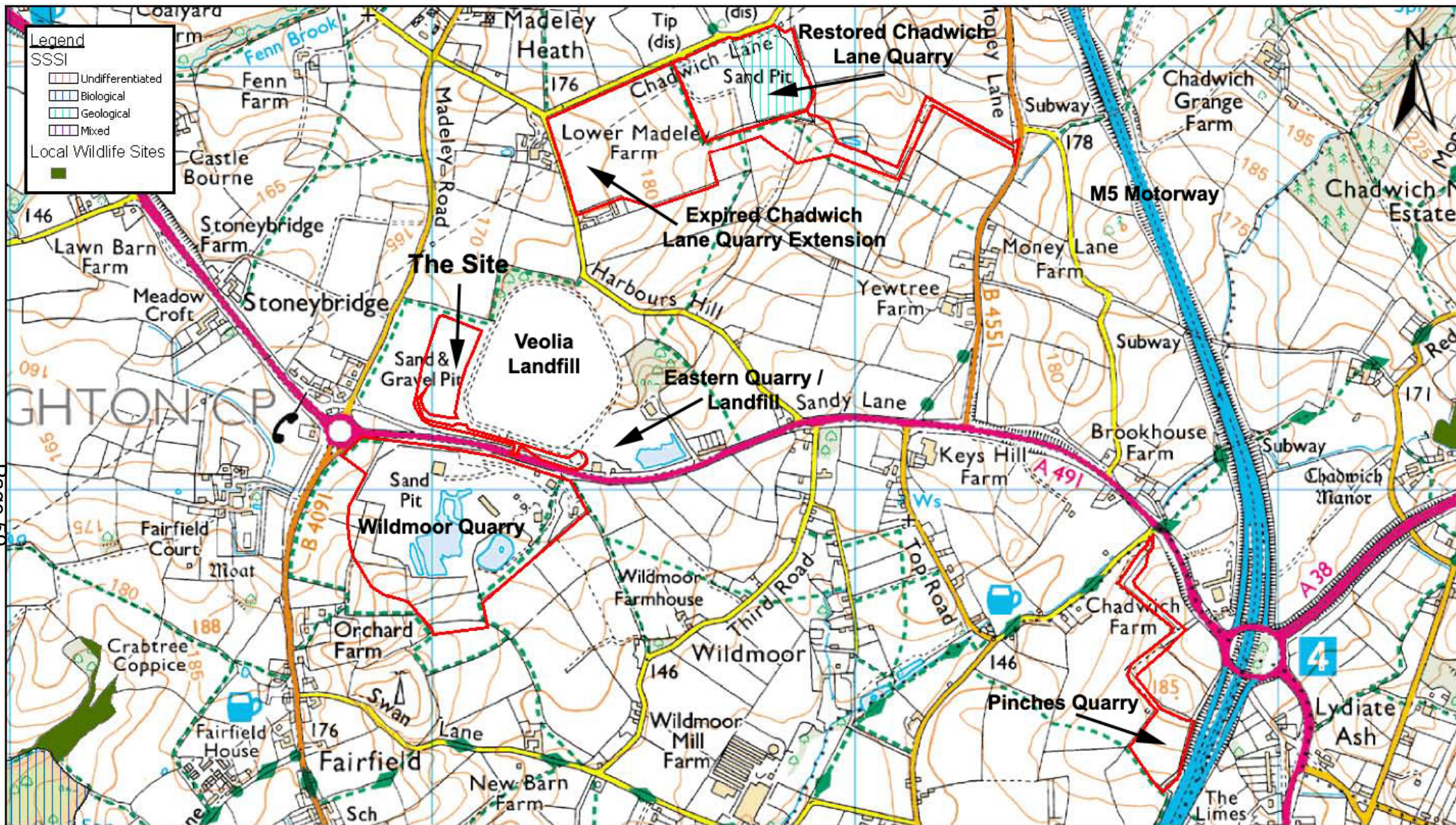
Tel: 01905 844463

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: 13/000027/CM.

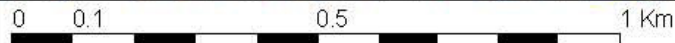
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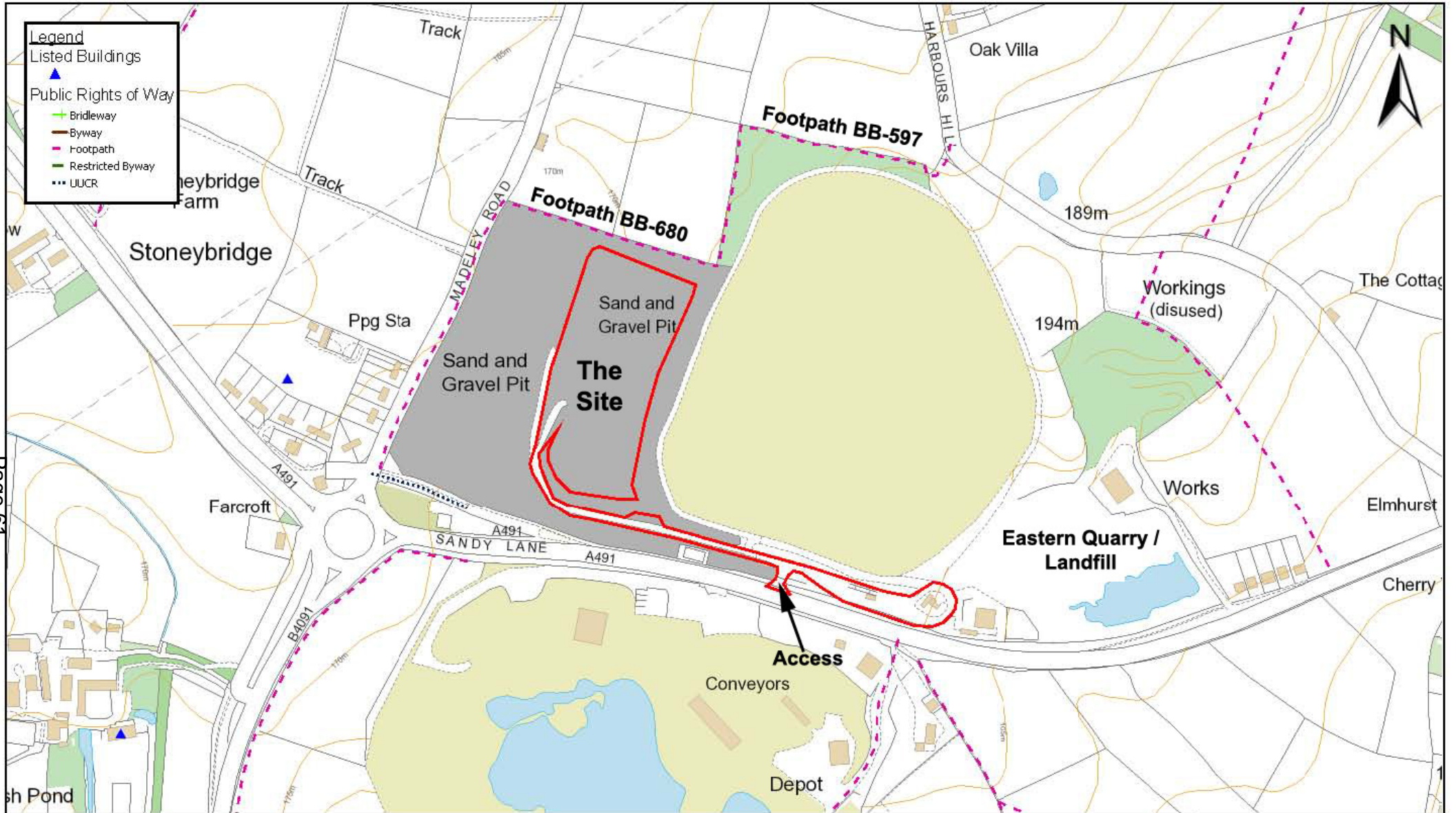
Proposed construction and operation of an Incinerator Bottom Ash (IBA) recycling facility accepting 120,000 tonnes per annum along with ancillary / welfare facilities and operation of mobile equipment at Sandy Lane, Wildmoor, Bromsgrove, Worcestershire  
 Re: 13/000027/CM



Countryside Service  
 Worcester Woods Country Park  
 Wildwood Drive  
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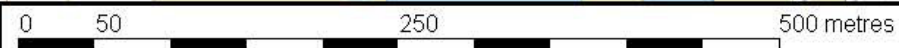




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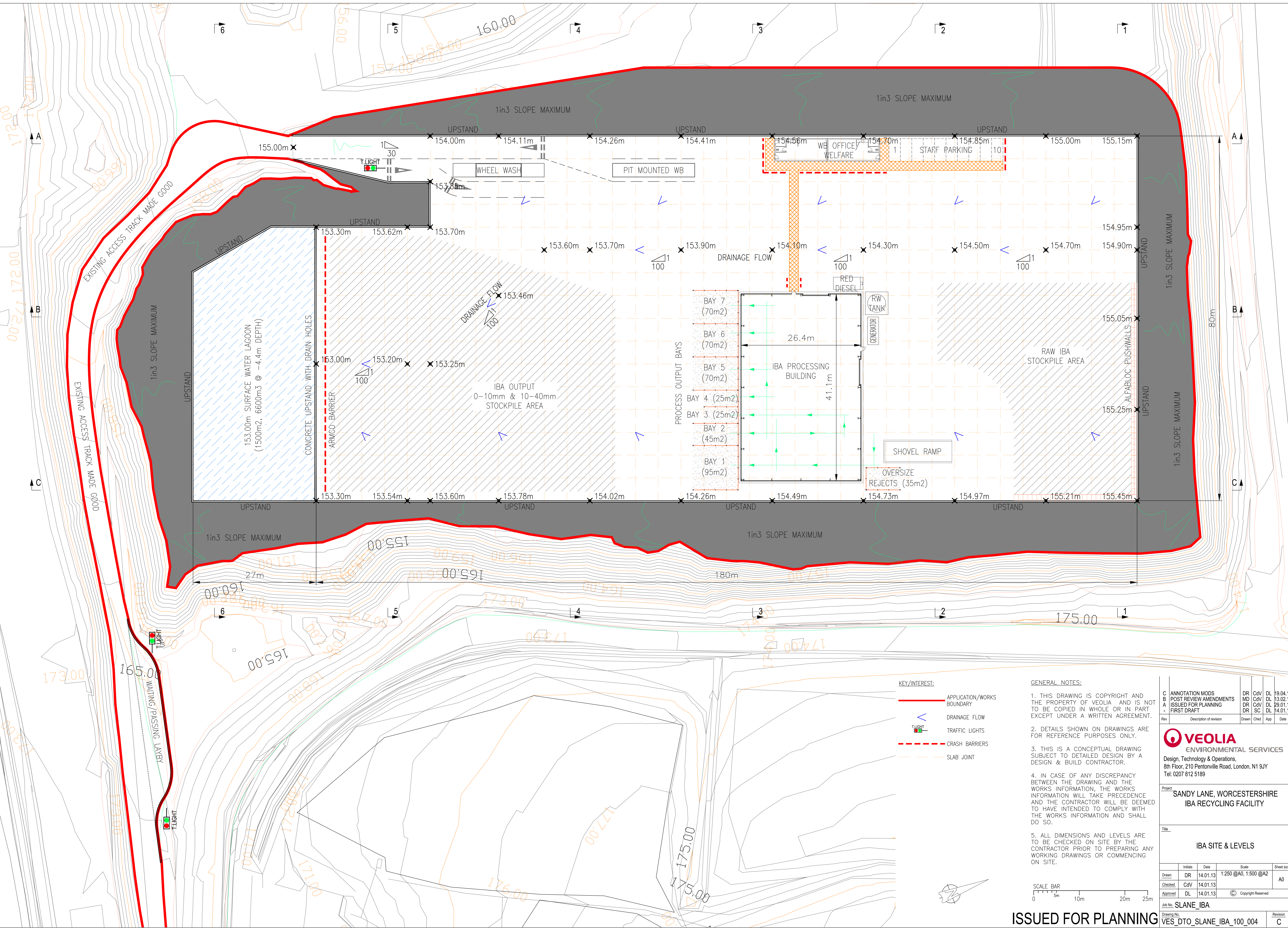


**Proposed construction and operation of an Incinerator Bottom Ash (IBA) recycling facility accepting 120,000 tonnes per annum along with ancillary / welfare facilities and operation of mobile equipment at Sandy Lane, Wildmoor, Bromsgrove, Worcestershire**  
Re: 13/000027/CM



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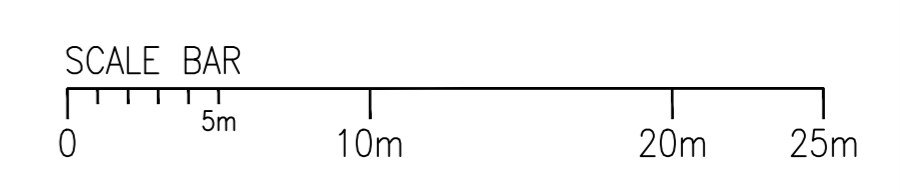


**KEY/INTEREST:**

- Application/works boundary
- Drainage flow
- Traffic lights
- Crash barriers
- Slab joint

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Rev	Description of revision	Drawn	Chkd	App	Date
C	ANNOTATION MODS	DR	CdV	DL	19.04.13
B	POST REVIEW AMENDMENTS	DR	CdV	DL	13.02.13
A	ISSUED FOR PLANNING FIRST DRAFT	DR	SC	DL	14.01.13

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Project: SANDY LANE, WORCESTERSHIRE  
IBA RECYCLING FACILITY

Title: IBA SITE & LEVELS

Drawn	Initials	Date	Scale	Sheet size
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Revision: C

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