

Planning and Regulatory Committee

Tuesday, 7 July 2020, Online only - 10.00 am

		Minutes
Present:		Mr R C Adams (Chairman), Mr R M Bennett, Mr G R Brookes, Mr P Denham, Mr I D Hardiman, Mrs A T Hingley, Dr C Hotham, Mr J A D O'Donnell, Mrs J A Potter, Prof J W Raine, Mr C Rogers and Mr P A Tuthill
Also attended:		Mr P Middlebrough attended as a local councillor for Agenda item 7.
Available papers		The Members had before them: A. The Agenda papers (previously circulated); B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and C. The Minutes of the meeting held on 3 December 2019 (previously circulated).
1040	Named Substitutes (Agenda item 1)	None.
1041	Apologies/ Declarations of Interest (Agenda item 2)	An apology was received from Mr A Fry. Mr P A Tuthill declared an interest in Agenda item 6 as his son had used the services of the applicant, Go Greener to refurbish a derelict farmhouse.
1042	Public Participation (Agenda item 3)	Those presentations made are recorded at the minute to which they relate.
1043	Confirmation of Minutes (Agenda item 4)	RESOLVED that the Minutes of the meeting held on 9 July 2019 be confirmed as a correct record and signed by the Chairman.
1044	Temporary Permission (5 years) for a	The Committee considered a County Matter application seeking planning permission for a temporary period of 5 years for a proposed materials recovery plant to process road sweepings and highway drainage clearance

proposed materials recovery plant to process road sweepings and highway drainage clearance materials on land at Station House, Saltway, Hanbury, Worcestershire (Agenda item 5)

materials on Land at Station House, Saltway, Hanbury, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to the Waste Hierarchy, location of the development, Green Belt, landscape character and visual impact, residential amenities (including noise and dust emissions), traffic and highway safety, water environment, ecology and biodiversity, and other matters – local economy, pollution control and integrity of the railway line.

The Head of Strategic Infrastructure and Economy concluded that as the proposed development would recover waste materials, which would otherwise be disposed of to landfill, it would comply with the objectives of the waste hierarchy. It would also contribute to Worcestershire's equivalent self-sufficiency in waste management capacity in accordance with Policies WCS 2 and WCS 15 of the Waste Core Strategy. It would provide recycled aggregate to the construction industry, which was a substitute for crushed hard rock for which Worcestershire now had no remaining permitted reserves (as referenced in Draft Policy MLP 11: Steady and Adequate Supply of Crushed Rock of the Emerging Worcestershire Minerals Local Plan – Publication Version).

The Head of Strategic Infrastructure and Economy considered that whilst a waste management facility was not explicitly referred to within Policies SWDP 2 and SWDP 12 of the South Worcestershire Development Plan, the proposal was considered broadly to be an employment site and would constitute the retention of an existing employment site and was for the re-use of previously developed land, complying with these policies.

The proposed development was wholly located within the Green Belt. The development applied for was no longer part-retrospective which now did not weigh against the proposal, when compared to the earlier application (CPA Ref: 15/000046/CM) and subsequent appeal. The application was for temporary permission for five years. The applicant had also submitted an assessment of alternative sites (Sequential Test).

The NPPF stated that "when considering any planning

application, local planning authorities should ensure that substantial weight was given to any harm to the Green Belt. 'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, was clearly outweighed by other considerations".

The proposed development was inappropriate development, which was considered to result in moderate harm to the openness of the Green Belt. With regard to the NPPG and paragraph 001 Reference ID: 64-001-20190722 relating to "What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?" it was recognised that the applicant had only sought planning permission for a five year period, and that the land could be returned to its original or equivalent state of openness. Nonetheless, it was considered that the proposal would 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 was to prevent urban sprawl by keeping land permanently open.

The Head of Strategic Infrastructure and Economy considered that the reasons set out above, when considered individually or as a whole, on balance, did not amount to very special circumstances, which outweighed the harm to the Green Belt caused by the inappropriate development itself. As such, the proposed development was contrary to the NPPF Section 13, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policies SWDP 2 of the South Worcestershire Development Plan.

The Head of Strategic Infrastructure and Economy considered that views of the site would be possible from the east along the Saltway given the boundary adjoining the railway line consisted of only a palisade fence. However, such views would be seen in the context of the existing established distribution yard and buildings and would be well screened from views along the southern and western boundaries due to the established landscaping and site levels. The Head of Strategic Infrastructure and Economy considered that the proposed development would not have an unacceptable visual impact or detrimental impact upon the character and appearance of the local area.

Given the separation and established vegetation buffer between the neighbouring residential properties and the

application site, the Head of Strategic Infrastructure and Economy considered that the proposal would have no adverse noise, dust, or odour impacts upon residential amenity or that of human health, subject to the imposition of an appropriate condition restricting the operating hours as recommended by Worcestershire Regulatory Services.

Given the existing access and the proposed vehicle movements, as well as the lack of objection from the County Highways Officer, subject to the imposition of appropriate conditions, the Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have any adverse impact on traffic and highway safety.

Based on the advice from the different consultees, including the Environment Agency and the LLFA, the Head of Strategic Infrastructure and Economy considered that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions, and the proposal would accord with Policy SWDP 29 of the South Worcestershire Development Plan.

Worcestershire Wildlife Trust had been consulted due to the proximity of the proposal to the Local Wildlife Sites and had raised no objections to the proposal and wished to defer to the County Ecologist for all on-site detailed ecological considerations. The County Ecologist had no objection to the scheme subject to the imposition of appropriate conditions. The applicant had confirmed that no alterations to the landform at the site were proposed, no trees would be removed and no additional lighting would be required. In view of the above matters, the Head of Strategic Infrastructure and Economy considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of appropriate conditions.

On balance, it was considered that permitting the proposed development would be unacceptable in this Green Belt location contrary to Section 13 of the NPPF, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

Mr Brian Murphy speaking on behalf of the applicant addressed the Committee. He commented that there was an industry need for this type of facility across the

country. The applicant already had planning consent for an operational depot on the site on a 24 hour basis but this application sought to restrict work to day time hours. There were no major objections from any stakeholders. The land adjacent to the site was of poor quality with an area of contaminated land, a redundant landfill site and railway tracks and therefore it could be concluded that the area was not the greenest.

He added that there had been criticism in the report of the applicant's attempts to find alternative sites. One suggestion was that Throckmorton airfield be used but this site was inappropriate as it had already been allocated for housing development. The applicant was an employer in local area and this application would bring further employment, including the use of apprenticeships which would add social value. The recovered materials could be provided to local authorities at a reduced rate. The recycling of waste had a positive environmental impact and would be cost positive for users. Facilities of a similar nature were limited across the region and this facility would reduce travel time, emissions and costs for customers.

The follows points were raised following the presentation:

- In response to a query, Mr Murphy argued that the yard was already established with planning permission. The surrounding land was of poor quality with a former landfill site, full of contaminates as well as a redundant household refuse site. The applicant was not trying to establish a facility in a prime greenfield site. The site was already in use and visually, there would be no additional impact
- In response to a query about the landfill site being returned to a green field site and the visual impact of the equipment on the site on the openness of the countryside, Mr Murphy commented that the plant would be located in the lower part of the site, down a slope. Although the former landfill site had the appearance of a green field site, it was full of contaminates
- Apart from the site in Wolverhampton, what alternative sites, were available to dispose of waste material? Mr Murphy responded that he was aware of suitable existing sites in Rugby, Sheffield and Dagenham.

In the ensuing debate, the following points were raised:

- It was queried why there were existing operations with permission at this site in the Green Belt and why officers were recommending refusal. John Spurling explained that there was a certificate for lawful use for distribution that was not constrained by planning conditions granted in 2010. Nevertheless, it was reasonable that the frequency, distribution and intensity of outside storage and parking of vehicles within the site could be subject to significant variation, even on a daily basis, given the transient nature of a distribution use. In contrast, although the submitted drawings indicated that the materials recovery plant was mobile there was no indication that it would be removed from the site or stored elsewhere when not in use. The materials recovery plant consisted of a number of different components including an open box bed which would be 8 metres long by 3.5 metres wide. The materials recovery and de-watering plant would be 6.6 metres high. There would also be a conveyor on site which was 16.8 metres long by 4.5 metres in height
- The demand for this type of facility would not diminish and there was nothing comparable available in the area so how was the proposal contrary to the Waste Core Strategy? John Spurling responded that the application had been considered in line with the waste hierarchy and it was recognised that the application would recover waste that would otherwise be disposed of in landfill so in that respect it did comply with the hierarchy but the main reason put forward to justify refusal was the harm to the Green Belt
- In response to a query about the number of jobs created, John Spurling commented that it was recognised that there were economic benefits of this application with the employment of 5 full time workers
- Although a lot of the modern green technologies were not aesthetically pleasing, they were important technologies in terms of their impact on the environment. John Spurling commented that the site was visually contained along its southern and western boundaries so the site was less open in the countryside but the NPPF made no distinction between the importance of openness in different parts of the Green Belt and the key detriment was that the application would materially increase the amount of development on the site
- Although the site was in the Green Belt, there was

very little objection to the applicant and the need for this facility had been well-established. John Spurling recognised the lack of objections but emphasised that the application should be considered in line with the provisions of the development plan unless material planning considerations indicated otherwise. At the planning appeal in 2016 which was dismissed, the inspector did not consider that the other considerations in that case outweighed the substantial harm to the Green Belt

- The application should not be refused because it was a much-needed facility, particularly given the lack of such facilities in Worcestershire. The key issue was the interpretation of moderate harm to the Green Belt. In reality, there would be no harm to the Green Belt. In addition, it was not correct to say there was no movement in the Green Belt given that district councils had to allocate a certain percentage of housing in the Green Belt. John Spurling explained that the inspector at the appeal had made the reference to moderate harm to the Green Belt. Although temporary permission was sought it would still mean development in the Green Belt where it did not exist before and therefore moderate harm would be caused. In relation to general development in the Green Belt, the NPPF stated that you could only alter Green Belt boundaries through the local plan process
- Although there would be a benefit to the County of this facility, the planning process is a plan and policy led regime and the NPPF was the highest level in the process which clearly stated that the Committee had to put great weight on development in the Green Belt and development should not be permitted unless there were very special circumstances. This application was in the wrong place and there were no very special circumstances to override the NPPF and local plans.
- Since the publication of the NPPF, there had been various clarifications and guidance from the Government and when the planning inspector looked at the site in 2016, there was not the same level of focus or interest on the impact on the environment and recycling. This was also an existing operating site and permission was only requested on a temporary basis and therefore a precedent was not being set. The environmental impact outweighed NPPF Green Belt considerations

- The site was well-screened from public view and was impacted by its location next to the railway line and therefore permission should be granted
- Was the site previously used as a railway siding? John Spurling advised that it was formerly used as a railway yard until its closure in 1930 however Network Rail still required access through the site for maintenance purposes
- It was only 4 years since this Committee refused a similar application on this site which was upheld by the planning inspectorate. If the application was refused again, the applicant was afforded the same opportunity to appeal to the planning inspectorate. Just because development had been approved prior to the introduction of the NPPF did not mean it was right now. Once temporary permission had been granted, it would be difficult in 5 years time to find reasons to reject any request to extend permission. The principle to consider was whether it was appropriate development in the Green Belt for whatever length of time
- Despite the outcome of the sequential test provided by the applicant there were sites in Worcestershire that the applicant could use for this facility. If permission was granted, there needed to be some very stringent conditions including working hours to be approved at a later meeting
- The Head of Strategic Infrastructure and Economy's recommendation to refuse permission was moved and seconded. It was then put to the vote and lost
- Steven Aldridge advised that the NPPF had been amended in 2019 but the Green Belt section had remained substantially the same so consistency of decision-making was important. If members were minded to approve the application then he would advise that consideration be deferred to allow officers an opportunity to obtain appropriate advice, possibly from external consultants to determine the reasons and identify appropriate planning conditions. Members had given an indication of the reasons for granting permission on the basis that less weight be placed on the harm to the Green Belt and more weight be placed on the economic benefits and the Waste Hierarchy in terms of identifying very special circumstances.

RESOLVED: that

- a) **the Committee are minded to grant temporary permission (5 years) for a proposed materials recovery plant to process road sweepings and highway drainage clearance materials on land at Station House, Saltway, Hanbury, Worcestershire on the basis that less weight be placed on the harm to the Green Belt and more weight be placed on the economic benefits and the Waste Hierarchy in terms of identifying very special circumstances; and**
- b) **consideration of the application be deferred to enable officers (including possibly consultants) to obtain appropriate advice on the terms of the reasons and for appropriate planning conditions to be identified.**

1045 Proposed extension of building to House 1 No. additional biomass boiler at Go Greener, Guinness Park Farm, A4103, Leigh Sinton, Worcestershire (Agenda item 6)

The Committee considered a County Matter planning application for the proposed extension of building to house 1no. additional biomass boiler at Go Greener, Guinness Park Farm, A4103, Leigh Sinton, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to the waste hierarchy, location of the development, landscape character and visual impacts, residential amenity (including noise, dust, odour and air quality), traffic and highway safety, water environment, and ecology and biodiversity.

The Head of Strategic Infrastructure and Economy concluded that the development of the biomass boiler and associated wood chipping operation would overall move waste up the waste hierarchy from disposal to other recovery and would reduce the waste miles associated with transporting the excess wood off site. It would therefore comply with the objectives of the waste hierarchy, and Policies WCS 2, WCS 4 and WCS 15 of the Worcestershire Waste Core Strategy.

The Head of Strategic Infrastructure and Economy considered the principle of the proposed development in this location was acceptable and accorded with Policies WCS 4 and WCS 6 of the Worcestershire Waste Core

Strategy.

The Head of Strategic Infrastructure and Economy considered that the proposed development would not have an unacceptable impact on landscape character or visual impact, subject to the imposition of appropriate conditions.

The Head of Strategic Infrastructure and Economy considered that the proposal would have no adverse noise, dust, or odour impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

The Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of appropriate conditions.

The Head of Strategic Infrastructure and Economy considered that the proposal would not have an unacceptable impact upon the water environment, subject to the imposition of appropriate conditions.

The Head of Strategic Infrastructure and Economy considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 4, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 3, SWDP 4, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 33 of the Adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

In the ensuing debate, the following principal points were raised:

- The local councillor commented that he was minded to support the application and welcomed the local investment by the applicant. However, a condition granted on the previous application for tree planting remained outstanding. In addition, the approved condition relating to dust and mud

needed strengthening to ensure that the applicant kept a daily record of the issues and actions to suppress dust and mud which then could be discussed with officers and/or the parish council. John Spurling responded that the extant permission required a landscaping scheme, the details of which had now been approved and included additional visual screening/planting on the south-western corner of the site. A condition was proposed to ensure that no mud, dust or debris should be carried onto the public highway and the development should be maintained in accordance with the scheme that had been approved. The Planning Monitoring Officer had received a complaint about mud on the main road back in November 2019. He had reviewed the site during this period and found no evidence of mud on the road. He also confirmed that the wheel-washing equipment was on site and available for use by the applicant and no further complaints had been received since. Steve Aldridge added that proposed condition I) asked for an updated noise and dust management plan

- The application complied with the relevant strategies including the Waste Core Strategy and there were no objections to it. The condition to connect the facility to the National Grid was welcomed but it was a pity that the heat generated from the site could not be used to heat the local school
- It was queried whether a condition could be added to the permission to paint the building green. John Spurling responded that there was a pre-existing building painted dove grey. Painting this building green could actually draw more attention to it and it was not possible to grant permission to paint all the buildings on the site green. In addition, the County Landscape Officer had no objection and Malvern Hills AONB Partnership did not consider that the application would have any significant effect on the AONB and they considered that the dove grey colour was acceptable
- It had previously been agreed by the Committee to leave the colour of the building as the proposed dove grey colour
- Given the history of fires at the site, it was disappointing that Hereford and Worcester Fire and Rescue Service had not commented. Steven Aldridge indicated that the Fire Service were always consulted but it was understood they tended to prefer to comment in detail at later

stages in the development consent process such as on the Building Regulation stage

- There would be 165 fewer vehicle movements as a result of this application
- It was a well-used site and it was appropriate to give it greater capacity
- It was requested that any tree planting should be of diverse tree species and not linear conifer trees so that the site had a more natural appearance. Steven Aldridge confirmed that the approved planting scheme did include native species. The land in question was outside the control of the applicant so to compensate, it was agreed that native trees would be planted on the bund and replaced if the planting failed after 5 years.

RESOLVED that planning permission be granted for the proposed extension of building to house 1 no. additional biomass boiler at Go Greener, Guinness Park Farm, A4103 Leigh Sinton, Worcestershire, subject to the following conditions:

Commencement

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;

Details

- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered 17-374-Loc-001, 17-374-PL-001A, 17-374-PL-002A, 17-374-PL-003A, and 17-374-PL-004A except where otherwise stipulated by conditions attached to this permission;

Throughput

- c) The maximum operational capacity of the additional biomass boiler hereby approved shall not exceed 2,800 tonnes of wood waste per annum. If requested by the County Planning Authority, the operator shall provide evidence in writing of the throughput for the plant over the previous 12 month period, within 10 working days of a request being made;

Waste Acceptance

- d) Only wood waste that has been processed by

the associated wider waste transfer station approved under planning permission ref: 18/000009/CM, dated 11 December 2018, shall be processed by the additional biomass boiler hereby approved;

Drainage

- e) No new gates, walls or other means of enclosures shall be constructed within the area occupied by the surface water flow path as shown on Figure 4.2: 'Flood Risk from Surface Water', of Guinness Park Farm Recycling Centre, Flood Risk Assessment, version 1.1, dated 16 July 2018, as approved under planning permission ref: 18/000009/CM, dated 11 December 2018;
- f) Notwithstanding the submitted details, within 3 months of the date of permission, a Sustainable Drainage System (SuDS) Strategy and associated Management Plan shall be submitted to the County Planning Authority for approval in writing. This shall include details on management responsibilities, maintenance schedules for all SuDS features and associated pipework, and the strategy that shall be followed to facilitate the optimal functionality and performance of the SuDS schemes throughout its lifetime. Thereafter, the SuDS shall be maintained in accordance with the approved details;
- g) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse;
- h) All surface water drainage from the site shall be through an oil interceptor;

Storage

- i) The height of stored skips, and all other stored materials shall not exceed 4 metres in height;
- j) The storage of skips and materials associated with the development hereby approved shall be carried out and maintained in accordance with scheme approved by the County Planning Authority under Condition 14 of planning permission ref 18/000009/CM, dated 11 December 2018 – drawing titled: 'Condition

Release Application – Section of Existing Bund and Planting with Spoil and Skip Details’, Numbered: 17-374-CR-205A, dated 30 August 2019; and drawing titled: ‘Condition Release Application – Plan of Material Stockpile Locations on Site’, Numbered: 17-374-CR-206A, dated 30 August 2019, and approved 10 September 2019;

Pollution / Noise and Dust Emissions

- k) Construction works, including installation of any plant and machinery shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank or Public Holidays;**
- l) Notwithstanding any submitted details, within 3 months of the date of this permission, an updated Noise and Dust Management Scheme for the site shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved scheme;**
- m) Chipping operations associated with the development hereby approved shall only take place between the hours of 09:30 hours and 15:30 hours Mondays to Saturdays inclusive, with no chipping operations on Sundays, Bank or Public Holidays;**
- n) The vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer’s specification at all times, this shall include the fitting and use of effective silencers;**
- o) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works should be undertaken in the areas of suspected contamination, other than that**

work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the County Planning Authority, until requirements i to iv below have been complied with:

- i. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the County Planning Authority prior to any further development taking place;**
- ii. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;**
- iii. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation; and**
- iv. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the County Planning Authority prior to the use of the development hereby approved;**

p) Any facilities for the storage of oils, fuels, or

chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund;

- q) There shall be no burning of waste on the site except for the incineration of wood within the permitted biomass boilers, as shown on drawings numbered: 17-374-PL-001A and 17-374-PL-003A;

Electricity

- r) The additional biomass boiler hereby approved shall not operate until the operator has demonstrated, in writing, to the County Planning Authority that the connection to the district network has been made to enable electricity generated by the facility to be supplied to the district network;

Lighting

- s) Details of any new lighting to be installed at the site, associated with the development hereby approved shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:

- i. Height of the lighting posts;
- ii. Intensity of the lights;
- iii. Spread of light (in metres);
- iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
- v. Any measures to minimise the impact of lighting upon protected
- vi. species and habitats, in particular bats;

- and
vii. Times when the lighting would be illuminated;

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

Biodiversity

- t) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

Highways

- u) No mud, dust or debris shall be carried onto the public highway. To facilitate this, the access road shall be maintained in a clean condition at all times. The development hereby approved shall be carried out and maintained in accordance with the scheme to prevent mud and detritus being deposited on the public highway, approved by the County Planning Authority under Condition 23 of planning permission ref 18/000009/CM, dated 11 December 2018 – ‘*Section titled: Condition 23 of the document titled: Application for Approval of Details Reserved by Condition – 18/000009/CM, dated August 2019, and drawing numbered: 17-374-CR-206A*’, and approved 10 September 2019;

Cessation

- v) In the event of cessation of the wider associated waste transfer operations approved under planning permission ref: 18/000009/CM, dated 11 December 2018, the site shall be restored in accordance with a scheme to be submitted to the County Planning Authority for approval in writing, within 6 months of the cessation of activities.

The approved scheme shall be fully implemented within 2 years of the written approval; and

Planning Permission

- w) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.**

1046 Proposed installation of a new terminal pumping station incorporating a pumped storm overflow to replace the existing pumping station at New Street in Upton-upon-Severn to improve capacity and flood resilience on land to the south of New Street, Upton-upon-Severn, Worcestershire (Agenda item 7)

The Committee considered a County Matter planning application for the proposed installation of a new terminal pumping station incorporating a pumped storm overflow, to replace the existing pumping station at New Street in Upton-upon-Severn, to improve capacity and flood resilience on land to the south of New Street, Upton-upon-Severn, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to the need for the development, location of the development, residential amenity, visual impact and landscape character, historic environment, ecology and biodiversity, water environment, Highways Safety and Public Right of Way, and other matters - Minerals.

The Head of Strategic Infrastructure and Economy concluded that the proposal would accord with the Development Plan in terms of the need for and location of the development, residential amenity and landscape character, traffic, highways safety and Public Right of Ways and minerals, subject to the imposition of relevant conditions. A key consideration related to impact of the development on the Upton-upon-Severn Conservation Area and associated heritage assets. In this regard, the Head of Strategic Infrastructure and Economy considered that the mitigation to the site design provided by the applicant and recommended to be secured by condition, and the substantial public benefits that this development would provide, outweighed the less than substantial harm to the heritage assets. In view of this, it was considered that the proposed development would not have an unacceptable impact upon the historic environment, in

accordance with relevant historic environment legislation and policies.

With regard to impact upon ecology and biodiversity at the site and in the surrounding area, it was noted that the application site was over 34 kilometres upstream of the Severn Estuary SPA and SAC which were European sites. The site was also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI. Due to the nature and location of proposed project, the Head of Strategic Infrastructure and Economy considered that the proposal was hydrologically connected to this European designated site and, therefore, had the potential to affect its interest features. In view of this, it fell to the County Planning Authority, as the competent authority to undertake an HRA screening to determine if this proposed project might affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.

The County Planning Authority had undertaken an HRA screening, which concluded that having taken Natural England's comments into account, the project would not be likely to have a significant effect on any European site, either alone or in combination with any other project or plan (in light of the definition of these terms in the European Court of Justice Case C-127/02 (the 'Waddenzee' judgement)) and, therefore, an appropriate assessment was not required in this instance. In reaching this conclusion, the County Planning Authority took no account of measures intended to avoid or reduce the potentially harmful effects of the project in accordance with the People Over Wind and Sweetman ruling (Case C-323/17). In view of this, and based on the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist, it was considered that, subject to the imposition of appropriate conditions, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

In view of the above, and taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS11, WCS 12, WCS 14 and WCS 15 of the Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 32 of the South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable

harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy commented at the meeting that the Conservation Officer had expressed concern about the concrete hardstanding, the green sheet piling and the nature and type of the railings. In view of this, the applicant had agreed to a grasscrete or similar surface and to paint the hand railings black. The Conservation Officer had been reconsulted but no comments had been received to date.

Caroline Morris and Stephen Hutton, the agents acting on behalf of the applicant were available to answer any technical questions but none were forthcoming from members.

In the ensuing debate, the following points were raised:

- The local councillor commented that he supported the application given the importance of water management in Upton-on-Severn. However, there were concerns about the austere appearance of the application and he requested that the Committee did all it could to mitigate the impact on the landscape and the Conservation Area. Any planting should be properly maintained by the applicant in the long term and should be of a hedge style rather than tree style because of the visual impact. Steven Aldridge responded that condition k) referred to a 5 year planting maintenance period. In relation to the softening of the visual impact, officers had considered other options but all suggestions would have led to an increase in the size of the footprint of the site within the Conservation Area
- Would there be any noise emissions from the pumping station? Steven Aldridge responded that the key elements of the pumping station would be buried below ground and therefore it was not expected to cause a noise issue. In addition, Worcestershire Regulatory Services had been consulted and raised no objections
- It had been necessary to expand housing development into greenfield sites and consequently this application was proposed to be located in a Conservation area. Steven Aldridge commented that the applicant had looked at alternative locations but there were limited options in Upton which did not either take up car parking

spaces or recreation space. It was therefore determined that this was the most appropriate site available. The technology for the pumping station was gravity based and therefore this application needed to be in close proximity to the existing pumping station.

RESOLVED that planning permission be granted for the proposed installation of a new terminal pumping station incorporating a pumped storm overflow, to replace the existing pumping station at New Street in Upton-upon-Severn, to improve capacity and flood resilience on land to the south of New Street, Upton-upon-Severn, Worcestershire, subject to the following conditions:

Commencement

- a) The development must be begun no later than the expiration of three years beginning with the date of this permission;

Details

- b) The development hereby permitted shall be carried out in accordance with the details shown on the following submitted Drawings Numbered: A6S-11881-001, Rev 03; A6S/11881-PA00100, Rev A; A6S/11881-PA00101, Rev B; A6S/11881-PA00102, Rev B; A6S/11881-PA00103, Rev A; A6S/11881-PA00110, Rev D; A6S/11881-PA00111, Rev C; and A6S/11881-PA00112, Rev C, except where otherwise stipulated by conditions attached to this permission;

Construction Hours

- c) Construction works shall only be carried out on the site between hours of 08:30 to 17:30 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank Holidays, or Public Holidays;

Construction Environmental Management Plan (CEMP)

- d) Notwithstanding the submitted details, prior to the commencement of the development thereby approved, a Construction Environmental Management (CEMP), in accordance with Worcestershire Regulatory Services 'Code of Best Practice for Demolition

and Construction Sites' shall be submitted to the County Planning Authority for approval in writing. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall address the following:

Biodiversity

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of "biodiversity protection zones";
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to be provided as a set of Method Statements for Pollution Prevention and Incident Control, Invasive Species, Badgers, Bats, Great Crested Newts and Reptiles;
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. Use of protective fences, exclusion barriers and warning signs;
- viii. Details of all tree and vegetation clearance;
- ix. On completion of the ecological mitigation and enhancement works, a statement of conformity shall be submitted to the County Planning Authority confirming their successful implementation;

Noise, Dust and Vibrations

- x. A scheme to minimise and mitigate the impacts of noise, dust and vibrations;
- xi. A method statement for sheet piling, detailing the proposed times when piling will be undertaken and the noise and vibration mitigation measures that will be implemented;

Lighting

- xii. Details of the proposed construction lighting;

Water Environment

- xiii. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and any surface waterbodies;

Highways

- xiv. The hours that delivery vehicles shall be permitted to arrive and depart, and arrangements for unloading and manoeuvring; and
- xv. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus onto the public highway;

Site Waste Management Plan

- e) Within 1 month of the commencement of the development hereby approved, a Site Waste Management Plan shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Materials

- f) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, a schedule and/or samples of the materials, colours and finishes of the development hereby approved, including the motor control centre kiosk, retaining wall and railings shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall not be carried out other than in accordance with the approved details;

Surfacing

- g) Notwithstanding the submitted details, prior to laying of any hard surfacing, details and a specification of all new and replacement hard surfacing within the application site, including the depth of hard surfacing to be laid shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved details;

Boundary Treatments

- h) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, details of all new boundary fences, walls and other means of enclosure shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved details;

Lighting

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

Ecology and Landscape

- j) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;
- k) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. Thereafter the LEMP shall be implemented in accordance with the approved details. The LEMP shall include the following:
- i. Description and evaluation of ecological features to be created and managed;

- ii. Ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of creation and management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii. Details of the body or organization responsible for implementation of the plan;
- viii. Measures of success, ongoing monitoring, trigger thresholds and remedial measures; and
- ix. Details of any legal and funding implementation of the LEMP will be secured by the applicant with the management body(ies) responsible for its delivery;

Archaeology

- I) Notwithstanding the submitted details, prior to the commencement of the development thereby approved, a Written Scheme of Investigation shall be submitted to the County Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

- m) The development shall not be brought into use until the site investigation and post

investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition I) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;

Unexpected Contamination

- n) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until requirements below have been complied with:

- i. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the County Planning Authority prior to any further development taking place;
- ii. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the

intended use of the land after remediation;

- iii. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation; and
- iv. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the County Planning Authority prior to development hereby approved being brought into use; and

Cessation

- o) On the decommissioning of the facility all the equipment shall be removed from the site and the land restored in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority.

1047 Protocol for Delegation of Decision-making: Proposed amendments (Agenda item 8)

The Committee considered proposed amendments to Protocol for Delegation of Decision-making.

In the ensuing debate, the Chairman commented that under the previous protocol, one objection had been enough to trigger an item being brought for consideration by the Committee. This approach which did not seem sensible, especially in circumstances where an objector lived a considerable distance from the application site.

RESOLVED that the Protocol for Delegation of Decision Making set out in the Appendix 2 of the report be adopted.

The meeting ended at 12.00 Noon.

Chairman