

Agenda

Planning and Regulatory Committee

Tuesday, 7 July 2020, 10.00 am
Online only

Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda are available on request from the case officer and are summarised in the report.

Due to the current Covid-19 pandemic Worcestershire County Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to: Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting, conducting remotely by videoconferencing between invited participants and live streamed for general access via a link on the Council's website to the Council's Youtube [channel](#).

The Agenda papers and background papers can be accessed electronically on the Council's website. Members of the public and press are permitted to report on the proceedings.

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Democratic Services on telephone number 01905 846621 or by emailing democraticservices@worcestershire.gov.uk

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 3rd 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, 7 July 2020, 10.00 am, Online only

Councillors: Mr R C Adams (Chairman), Mr R M Bennett, Mr G R Brookes, Mr P Denham, Mr A Fry, Mr I D Hardiman, Mr P B Harrison, 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

Agenda

Item No	Subject	Page No
1	Named Substitutes	
2	Apologies/Declarations of Interest	
3	Public Participation 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	Confirmation of Minutes To confirm the Minutes of the meeting held on 3 December 2019. (previously circulated)	
5	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	1 - 52
6	Proposed extension of building to House 1 No. additional biomass boiler at Go Greener, Guinness Park Farm, A4103, Leigh Sinton, Worcestershire	53 - 94
7	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	95 - 146

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To obtain further information or a copy of this agenda, contact Simon Lewis, Committee Officer. Telephone Worcester (01905) (846621)
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All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Friday, 26 June 2020

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**PLANNING AND REGULATORY COMMITTEE
7 JULY 2020****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**

Applicant

Green Waste Recycling Services Ltd

Local Member

Mr R P Tomlinson

Purpose of Report

1. To consider 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 materials on Land at Station House, Saltway, Hanbury, Worcestershire.

Background

2. The applicant has stated that they have been providing environmental clean-up services since 1998. This includes dealing with fly-tipping, road-cleaning and unblocking drains and gullies from the strategic and local road network, for example following road traffic accidents for Worcestershire County Council, local construction and other businesses. The applicant has built up a small fleet of 11 road sweepers and other vehicles and equipment, including 'gully suckers' to undertake this work. The applicant has a workforce of 16 local employees.
3. Gully suckers are specialised tankers with suction gear that will take up wet waste, mud and sludge from spaces, including the hollows below drains in street gutters. Specific suction power is required to meet the needs of the job because the material being removed can contain bulky debris, such as tree branches and stones. The road sweepers and gully suckers both use water and collect wet materials during the clean-up operations.
4. Currently, once any clean-up activity has been undertaken, full vehicles would have to either return to base to discharge their loads into a containment vessel or travel to a suitable appropriately licenced waste management facility for direct disposal. The applicant has referenced that in the absence of an available facility process road sweepings and highway drainage clearance within the County, gully suckers and other vehicles deployed to remove this road debris material, have to

travel to the SITA Waste collection serve operation at Neachells Lane Willenhall (WV13 3RG). This is understood to be located approximately 50 kilometres (31 miles) driving distance from land at Station House.

5. The applicant has identified that with appropriate processing a significant proportion of the material collected by their road sweepers and gully suckers could be recycled / re-used, particularly the fine granular material (sand and grit) and the water.

6. The applicant states that the application site is understood to have been part of the Droitwich Road railway station (goods) and associated siding that was closed by 1930. Within the site are remnants of the loading platform from which cattle, local produce, coal and possibly bricks (from the brickworks and clay pit that became the adjacent landfill) were loaded onto trains for export and goods were offloaded for distribution in the local area. Network Rail still have a small facility associated with their infrastructure maintenance activities, to the north of (and accessed through) the site.

7. The applicant understands that the site was bought from Network Rail by the previous owners around 1996 and subsequently purchased from them (including 'Station House') by the applicant in 1998. The applicant has used the site in a number of ways since that time during which a 'Certificate of Lawful Existing Use' District Council reference number: W/10/01282/LUE was granted by Wychavon District Council, which established the use of the site for distribution, dated 28 September 2010:-

"Certificate of Lawful Use Existing for mixed use including storage & distribution, commercial vehicle maintenance & repair, domestic purposes ancillary to Station House, access and equipment storage in connection with railway undertaking".

8. On 29 March 2016, the Planning and Regulatory Committee refused planning permission for *"proposed materials recovery plant to process road sweepings and highway drainage clearance material on land at Station House, Saltway, Hanbury, Worcestershire"* (County Planning Authority (CPA) Ref: 15/000046/CM, Minute No. 932 refers) for the following reason:

"The proposal is considered to be inappropriate development 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 Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan".

9. The decision was appealed and subsequently dismissed by the Planning Inspectorate on 5 October 2016 (Appeal Ref: APP/E1855/W/16/3152598). The Inspector concluded that:

"I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt and the significant weight afforded to the harm having been caused by intentional unauthorised development in the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. I conclude that the proposal, therefore, conflicts with Policy WCS 13 of the WCS, Policy SWDP 2 of the SWDP and the Framework when taken as a whole".

10. In October 2018, the applicant re-submitted the application to the CPA for a materials recovery plant in order to process road sweepings and highway drainage clearance material on land at Station House, Saltway, Hanbury, Worcestershire (CPA Ref: 18/000055/CM). This was accompanied by additional information, including a Sequential Test (Sites Search), and was to be considered by the Planning and Regulatory Committee on 5 February 2019. The Officer recommendation was that the application should be refused planning permission for the following reason:

"The proposal is considered to be inappropriate development and accordingly harmful to the Green Belt contrary to Section 13 ("Protecting Green Belt land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan".

11. Following the publication of the Committee Report, the application was withdrawn on 30 January 2019 at the request of the applicant.

The Proposal

12. The applicant is seeking 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.

13. Road sweepers and gully suckers are operated on construction and building sites, as well as being deployed on behalf of Worcestershire County Council to clear debris and drains from the strategic and local road network. After undertaking clean-up activity, full vehicles have to travel to Willenhall to discharge their loads into a containment vessel (e.g. skips) or travel to a suitable licensed disposal site (landfill).

14. The applicant has identified that with appropriate processing a significant proportion of the material collected by their road sweepers and gully suckers could be recycled / re-used, in particular the fine granular material (sand and grit) and the water.

15. The proposed materials recovery plant comprises a number of components, including an open box bed from a tipper lorry, a conveyor and the materials recovery plant, the latter of which also performs a de-watering function. The open box bed would be approximately 8 metres long by 3.45 metres wide. The conveyor would be approximately 0.95 metres wide by 16.8 metres long and 4.45 metres in height. The dimensions of the materials recovery and dewatering plant would be approximately

5.4 metres long by 3.5 metres wide by 6.6 metres high and it would be coloured yellow / green (RAL: 6018). It would be akin to a processing plant used in a sand and gravel operation.

16. The material brought to site by 'Gulley Suckers' would be put into a holding tank (skip) and then processed through the materials recovery and de-watering plant, which is a self-contained unit powered by a mobile generator. The material is washed with water which splits the useable material (sand and gravel) from the waste material. Any excess water is recycled to be used to top up the supply for the road sweepers. The grit from the dewatering unit would be put onto the conveyor, where it would be transported along the conveyor before falling into the open box bed.

17. The recycled water would be used to top up the supply for the road sweepers. The grit from the dewatering unit would be sand sized material that is suitable for use as a low-grade construction (e.g. fill and pipe bedding) or horticultural sand. The coarser fraction is stored and periodically screened to remove unsuitable materials before it could also be used as a construction fill. The flocculating fines (clay aggregate) would be removed for off-site disposal to an appropriately licenced waste management facility. The processed water from the unit would be sent to a flocculating plant and then into settlement tanks.

18. A small quantity of reject materials, for example, plastic and metals would be stored in skips or other appropriate containers and periodically removed for off-site treatment and recycling, or final disposal at an appropriately licenced waste management facility. Once these skips / containers become full, they would be removed from site.

19. Any paper, fabrics that have been processed through the plant would be sorted by the collection process and the applicant has stated that they are investigating possible avenues for the recycling of these. One potential beneficial alternative is to transfer the materials to a suitable Energy from Waste (EfW) facility. However, currently they would be disposed of to landfill along with any other irrecoverable or otherwise non-recyclable materials.

20. The proposed development would have an annual throughput of approximately 25,000 tonnes. It is proposed that the plant would operate at approximately 15 to 20 tonnes per hour. The operation of the plant would be limited to once every 2 to 3 days depending on the quantities of material discharged. It would operate for up to 5 to 6 hours on each occasion, but this would be dependent on the quantity of materials being processed. The proposed operating hours are between the hours of 07:00 and 17:00 hours Mondays to Fridays, and 08:00 and 13:00 hours on Saturdays with no working on Sundays, Bank or Public Holidays.

21. The applicant has stated that the proposed vehicle movements includes a maximum of 14 road sweeper movements per day (7 road sweepers entering the site and 7 road sweepers exiting the site per day) and 2 tanker movements per day (1 tanker entering the site and 1 tanker exiting the site per day), arriving mid-morning and late afternoon, and a maximum of 4 product / waste export vehicle movements per day (2 product / waste vehicles entering the site and 2 product / waste vehicles

exiting the site per day). There would be a maximum of 10 staff car movements per day (5 staff cars entering the site and 5 staff cars exiting the site per day) when the plant is operating, every 2 to 3 days, arriving first thing and then leaving mid to late afternoon. The applicant states that the above equates to an average of 3 vehicle movements per hour in an 8 hour day. The applicant states that all of the vehicles routinely arriving and departing from the site would be under the direct control of the applicant or would be managed by the applicant through specific contract arrangements.

22. The applicant states that the proposal would employ 5 full-time members of staff.

23. The applicant has confirmed that no alterations to the landform at the site are proposed and no trees would be removed.

24. The applicant would like to offer this facility to Worcestershire County Council's contractor (currently Ringway) for discharging their vehicles. The applicant understands that Ringway currently discharges to bulk tankers, which then travel to a disposal facility in Willenhall. The applicant states that the proposal would allow Ringway to discharge locally, which would have significant financial and sustainability advantages. The facility would not be open to the public or to any form of casual or passing 'trade'.

The Site

25. The application site measures approximately 0.188 hectares in area. The red line boundary was reduced from its original size of 0.23 hectares, following comments from Network Rail. The site is located approximately 1.7 kilometres east of Droitwich Spa. The site is accessed from the Saltway (B4090), located about 100 metres from a road bridge over the railway, via a wide bellmouth shared with the access to Station House and access to four pairs of semi-detached residential properties collectively known as Brickyard Cottages.

26. The access road runs through an existing yard comprising a mix of hardstanding, vehicle parking, containers, skips and open storage that falls outside the application site boundary. The application site is bound, broadly to the west by the County Council's closed landfill site, with the County Council's Household Recycling Centre and Worcester and Birmingham Canal and associated Conservation Area and Local Wildlife Site (LWS) beyond. The railway line (Birmingham to Bristol line) is located immediately to the east and runs parallel to the application site. Beyond the railway line to the east is undulating farmland. Railway infrastructure is located immediately to the north of the proposal. 'Station House' and domestic garden is situated to the south of the proposal (east of the site access), which is owned by the applicant. The site access road gently slopes down from the existing access in a broadly north-easterly direction toward the railway line.

27. The main part of the application site is located between the existing yard to the south and the enclosed railway infrastructure and railway line to the north and east, respectively. The site historically was part of a railway goods operation and other commercial uses and consists of an existing yard with large buildings and containers grouped towards its southern extent. The remainder of the yard comprises of an

expanse of part concrete and part hardcore surfacing with some vehicle parking. There is an existing palisade fence measuring approximately 2.1 metres high along the eastern boundary of the yard, with mature trees along part of the eastern boundary with Network Rail land. The northern boundary is not demarcated although there is a palisade fence measuring about 2.1 metres high just to the north of the revised and reduced red line boundary. The western boundary with the closed landfill includes a hedgerow and trees set at original ground level, approximately some 2 metres above the yard, which is reinforced by a concrete wall. The southern boundary includes 'Station House' and associated trees and vegetation.

28. There are no statutory wildlife designated sites within 2 kilometres of the proposal, with the nearest being Lower Saleway Farm Meadows Site of Scientific Interest (SSSI) situated approximately 2.4 kilometres broadly south of the proposal and Dean Brook Valley Pastures SSSI located approximately 2.6 kilometres broadly south-east of the site. The nearest Local Wildlife Site (LWS) is the Worcester and Birmingham Canal LWS, located about 140 metres broadly north-west of the proposal. Droitwich Canal LWS is located approximately 450 metres, broadly west of the application site, with the Body Brook Marsh LWS situated beyond, sited about 1.1 kilometres, broadly west of the site. Bow, Shell, Swan and Seeley Brooks LWS is located about 470 metres, broadly south-east of the application site, beyond which is Huntingdrop Farm Meadows LWS situated about 1 kilometre, broadly south-east of the proposal. Hanbury Hall Park LWS is located approximately 1 kilometre, broadly north-east of the proposal.

29. No Listed Buildings are located within the immediate setting of the proposal, with the nearest being the 'Granary about 35 yards north-west Huntingdrop Farmhouse', which is Grade II and is situated approximately 390 metres, broadly south-east of the proposal. The Scheduled Monument of 'Moated site 120 metres south-east of Huntingdrop Farm' is located approximately 465 metres, broadly south-east of the application site. The Worcester and Birmingham Canal Conservation Area is situated about 140 metres, broadly north-west of the site and the Droitwich Link Canal Conservation Area is located about 450 metres, broadly west of the proposal. The Registered Garden of Hanbury Hall is located approximately 1.1 kilometres broadly north-east of the site.

30. The site is located with Flood Zone 1, which has a low probability of flooding.

31. The whole of the application site is located within the Green Belt, with the Saltway forming the southern boundary of the Green Belt extant in this location. The application site is located within the Salwarpe Tributaries Strategic Corridor of the Emerging Minerals Local Plan and is within an area of search for brick clay (reference CLAY2).

32. The nearest residential properties are Station House, which is sited approximately 30 metres broadly south of the application site, and 1 to 8 Brickyard Cottages, which are sited approximately 145 metres, broadly west of the proposal. Further residential properties are situated along Saltway, located about 250 metres broadly west of the site access. Huntingdrop Farm bungalow lies approximately 230 metres, broadly south of the site.

Summary of Issues

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

- The waste hierarchy;
- Location of the development;
- Green Belt;
- Landscape character and visual impact;
- Residential amenity;
- Traffic and highway safety;
- The water environment; and
- Ecology and biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

34. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

35. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

36. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

37. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

38. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

39. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

40. The following guidance contained in the NPPF is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places

- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

41. 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

42. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the saved policies of the adopted County of Hereford and Worcester Minerals Local Plan, the adopted Worcestershire Waste Core Strategy Development Plan Document and the adopted South Worcestershire Development Plan.

43. 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.

44. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Worcestershire Waste Core Strategy Development Plan Document (WCS)

45. The Worcestershire Waste Core Strategy policies that are of relevance to the proposal are set out below:

- 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 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

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

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

South Worcestershire Development Plan

47. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:

Policy SWDP 1 Overarching Sustainable Development Principles
Policy SWDP 2 Development Strategy and Settlement Hierarchy
Policy SWDP 3: Employment, Housing and Retail Provision Requirement and Delivery
Policy SWDP 4 Moving Around South Worcestershire
Policy SWDP 6 Historic Environment
Policy SWDP 8 Providing the Right Land and Buildings for Jobs
Policy SWDP 12 Employment in Rural Areas
Policy SWDP 21 Design
Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 24 Management of the Historic Environment
Policy SWDP 25 Landscape Character
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 30 Water Resources Efficiency and Treatment
Policy SWDP 31 Pollution and Land Instability
Policy SWDP 33 Waste

Draft Planning Policies

Emerging South Worcestershire Development Plan Review (SWDPR)

48. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The 'Preferred Options' consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. The next step is to produce a Publication Version of the SWDPR, which is currently programmed for October / November 2020. The SWDPR would then be submitted to the Secretary of State for Housing, Community and Local Government for independent examination. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal compliance of the plan. Once the plan is adopted it would replace the existing policies in the SWDP. Having regard to the advice in the NPPF, Section 4, as the SWDPR is still at an early stage of preparation, only limited weight should be applied to the policies.

49. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy SWDPR 1: Employment, Housing and Retail Requirements
Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy
Policy SWDPR 3: Strategic Transport Links
Policy SWDPR 4: Green Infrastructure
Policy SWDPR 5: Historic Environment
Policy SWDPR 7: Health and Wellbeing
Policy SWDPR 9: Non Allocated Employment Development
Policy SWDPR 11: Employment in Rural Areas
Policy SWDPR 25: Design
Policy SWDPR 26: Biodiversity and Geodiversity
Policy SWDPR 28: Management of the Historic Environment
Policy SWDPR 29: Landscape Character
Policy SWDPR 31: Renewable and Low Carbon Energy
Policy SWDPR 32: Management of Flood Risk
Policy SWDPR 33: Sustainable Drainage Systems
Policy SWDPR 34: Water Resources, Efficiency and Treatment
Policy SWDPR 35: Amenity
Policy SWDPR 37: Land Stability and Contaminated Land

Emerging Minerals Local Plan

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

51. The Publication version of the Minerals Local Plan was submitted to the Secretary of State for Housing, Community and Local Government on 17 December 2019 for independent examination. The Secretary of State has appointed independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan.

52. The Secretary of State has appointed Elizabeth Ord LLB (Hons) LLM MA DipTUS and Beverley Wilders BA (Hons) PgDurb MRTPI as independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan.

53. Due to the coronavirus (COVID-19) pandemic, the Local Plan hearings for the Emerging Worcestershire Minerals Local Plan, which were due to take place between 5 to 7 May 2020 and 2 to 4 June 2020 were postponed. The dates for the rescheduled hearings are currently unknown but are considered unlikely to be before late Summer or Autumn 2020.

54. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Indeed, there will be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

55. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy MLP 31 Safeguarding Locally and Nationally Important Mineral Resources
Policy MLP 32 Safeguarding Mineral Sites and Supporting Infrastructure

Emerging Hanbury Neighbourhood Plan

56. Hanbury Parish Council submitted an application to Wychavon District Council on 22 April 2014 to designate the parish boundary of Hanbury as a Neighbourhood Area. This was subject to consultation from 9 June 2014 until 21 July 2014.

57. On 14 October 2014, the application for the designation of the area defined by the boundaries of Hanbury Parish, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Wychavon District Council.

58. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements, as set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

59. The emerging Hanbury Neighbourhood Plan has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Should the Parish Council wish to proceed with the Neighbourhood Plan in the future, then there would be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the emerging Hanbury Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

Other Documents

Our Waste, Our Resources: A Strategy for England (2018)

60. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

61. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year

Environment Plan;

- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

62. It contains eight chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal.

63. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad. The government wish to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste

Waste Management Plan for England (2013)

64. 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.

65. 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.

66. 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.

67. 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 in England 2011

68. 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

69. **Local Councillor Peter Tomlinson** supports the Officer's recommendation.

70. **Councillor Tony Miller**, who is the neighbouring County Councillor, has stated that his only concern is the location of the entrance to the highway, which is not ideal although he recognises that the County Highways Officer will consider the application.

71. **Wychavon District Council** have referenced that the application is located within the Green Belt along the side of the railway line and accessed from the Hanbury Road frontage. It constitutes an existing employment site. The proposal would bring containers, skips and mobile plant onto the land, all of which have a temporary nature. As an existing site, they consider that the application should be considered under the County Planning Authorities waste policies and under paragraph 146 of the current NPPF. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. In their most recent response relating to the revised and reduced site area, they note that the applicant appears to accept that the proposal would be inappropriate development in the Green Belt. Whilst it is for the County Planning Authority to make a judgment on this, it is the reuse of a site, for a temporary 5 year period only with temporary units on it, which is not likely to undermine the openness of the Green Belt in this particular case.

72. Regarding local policy, this type of proposal is not specifically listed within SWDP2 of the South Worcestershire Development Plan (SWDP) but could be considered to broadly constitute the redevelopment of previously developed land, and the retention of an existing employment site. Policy SWDP33 (Waste) is relevant and states that these types of application are determined by the County Council, which is the case with this application. More specifically the proposal should also be considered under the relevant provisions of the adopted Waste Core Strategy Plan for Worcestershire in terms of its position within the waste hierarchy. In addition to the above, the amenity policies in relation to the linear strip of dwellings to the frontage of Hanbury Road should be considered, such as the impact of trip generations on the other properties, including noise and smell, when making a decision on this application.

73. **Hanbury Parish Council** initially objected to the application as they had done in previous years as they considered that the proposed development would be inappropriate and the access unsuitable. However, they now have no objection to the

revised and reduced site area.

74. **Saleway Parish Council** do not have any objections. Overall there are some issues that need to be dealt with, but they know from the history of previous application on the site that they are sure that those issues are already being considered.

75. **The County Landscape Officer** has no objection to the amended scheme on landscape grounds. They commented on the previous application at this site (CPA Ref: 18/000055/CM) where they concluded there were no concerns or grounds to object from the perspective of landscape and visual impact. They recognise the proposal would mark an encroachment into Green Belt, which has informed their assessment of landscape impact. The site in question is linear in form and, therefore, it sits well within its immediate landscape context (railway, Saltway and hedgerows) that is equally linear in character. The operations appear to be limited in terms of their scale and infrastructure and would occupy a site that already has a processing function, and therefore, the impact to the immediate setting would be negligible. In terms of the wider setting, the site and its access are reasonably well-screened from receptors to the north, west and south with only the eastern boundary adjacent to the railway line more open. Looking at the site constraints (its narrow form and border with the railway) it would be difficult to introduce a functional screen along that aspect. However, there are few local receptors situated east of the site and Hanbury Park is well-screened by plantation woodland. Again, the scale of the operation is such that they would not expect there to be a significant visual intrusion against the backdrop of the western hedgerow.

76. The **Campaign for Protection of Rural England (CPRE)** have commented that the application seems to relate to a hardy perennial enforcement case. They state that the applicant has a Certificate of Lawful Use from 2010 for limited purposes, but that this does not provide a reason for extending the permitted uses beyond that scope, whether this would be on a temporary or permanent basis. Whilst they welcome that the applicant has undertaken a new site search, they consider that the applicant has not seriously tried to find an alternative site. They consider that sites where HGV access would be difficult could rightly be ruled out but that sites that are 35 or 40 minutes' travel time from the existing site should not. They also consider that a proper site search should not be limited only to land being actively marketed. They are doubtful whether the applicant's search for sites has been adequate and that there are no very special purposes sufficient to warrant development being permitted. They note that Throckmorton Airfield is now proposed within the SWDP for a new settlement and that at least some of this is brownfield land and would seem a suitable location for the proposal.

77. **Worcestershire Wildlife Trust** have no objections and are content to defer to the County Ecologists for all on-site biodiversity considerations.

78. The **County Ecologist** has no objection to the scheme, subject to the imposition of conditions relating to a lighting strategy, including illustration of lux levels across the site and the installation of one bat and one bird box on suitable trees. They also recommend that an invasive species monitoring and response protocol is secured by condition and subject to approval by the County Planning Authority. The nature of the

work makes the site vulnerable to importation of contaminated materials, and once on site fragments of invasive plants could easily be spread further by other road cleaning vehicles or passing rail traffic

79. The **County Highways Officer** concludes that there would be no adverse highway consequences in terms of paragraph 109 of the NPPF and, therefore, there are no justifiable grounds on which an objection could be maintained. They have no objections, subject to the imposition of appropriate conditions relating to the provision of two electric vehicle charging spaces and a Travel Plan. They note that the site was subject to a previous planning application, CPA Ref: 15/000046/CM, which was refused by the County Planning Authority, but that this did not relate to matters of highway safety and the Highway Authority did not object to the proposals. The proposed operation would be accessed from an existing shared access taken from the B4090 which is subject to a 40mph speed limit. The site benefits from adequate visibility onto the highway. However, it is noted that the developed site is not in the centre of the access, meaning egressing vehicles have to use the area of the access to turn onto the highway in a controlled manner. The most recent 5-year available personal injury collision data confirms no collisions have occurred at the access. The applicant has submitted vehicle tracking drawings which satisfactorily demonstrates what vehicles can turn within the site ensuring they enter the highway in a forward gear. Moreover, the Highway Authority understands the site operates with 2-3 staff daily, with drivers visiting to off-load/ up-pick materials. The nature of the development proposals and the temporary nature are not considered to have a severe impact.

80. The **Environment Agency (EA)** do not object to the proposal. They have identified that the site is located within Flood Zone 1. The proposed activity is a waste operation that is regulated by the EA. They have commented that appropriate infrastructure would need to be in place, including impermeable pavement and sealed drainage system. Any dewatering must be carried out on an impermeable surface that has a sealed drainage system, but this does not seem to be the case. As part of an exemption or permit application, the EA are seeking certainty and clarity to ensure that the sealed drainage system is effective. Ultimately this is something that the EA would seek to control through the Environmental Permit. The site operator would be unable to commence works until both the relevant planning permission and permit are in place.

81. The **Lead Local Flood Authority (LLFA)** have no objections, subject to the imposition of conditions relating to a Sustainable Drainage Systems (SuDS) Management Plan being submitted and approved prior to commencement, and also detailed design drawings for surface water drainage being submitted and approved prior to commencement. Following consultation on the revised and reduced site boundary, they have confirmed that they have no concerns and that their comments made previously still stand.

82. **Severn Trent Water Limited** consider that the proposal would have a minimal impact on the public sewerage system and advise that they have no objections to the proposals and do not require a drainage condition to be applied.

83. **Worcestershire County Council's Pollution Control Team** have stated that

they consider the application is very similar to the one submitted in 2015 and the withdrawn application in December 2018. During that initial consultation, they expressed concern about the integrity of the bank between the application site and the closed landfill site. These concerns are still valid. Much of the original slope has been cut away and the banks have been shorn up by the concrete retaining wall installed by the applicant, however, the integrity of this is unknown. It is understood that waste was placed right up to the boundary of the closed site in that area. There is no way of knowing if these works, or any future works, would have affected the stability of the bund and what the potential implications to the closed landfill site would be should the bund fail in the future. There is also the on-going risk of possible landfill gas migration from the closed landfill site. Whilst recognising that the applicant in January 2020 provided up-to-date photos and a plan showing the retaining wall, their concerns still remain.

84. **Worcestershire Regulatory Services (noise and nuisance)** consider that the comments made to the previous application are still valid, which were that the noise data (previously) provided indicates that noise complaints from the operation of the equipment should be unlikely, but that times of operation could be conditioned from 08:00 to 18:00 hours Mondays to Fridays, inclusive with no operation on Saturdays, Sundays and public holidays.

85. **Worcestershire Regulatory Services (contaminated land and air quality)** have no concerns and no adverse comments to make.

86. **Historic England** do not wish to offer any comments and have suggested seeking the views of the specialist conservation and archaeological advisers, as relevant.

87. The **County Archaeologist** considers that the site has potential for archaeological survival. It lies along the route of the Roman Road and is recorded in the Historic Environment Records (HER) as a possible Roman settlement site. The nearby excavations for the marina also uncovered deep deposits of high-quality environmental remains dating back to the end of the last Ice Age (nationally significant). These probably extend below the site. Given that the site has previously been levelled, surface archaeology may not survive. However, if the site has been truncated below any surface archaeology, the groundworks may be deep enough to encounter the palaeo-environmental remains. Consequently, the development has the potential to impact archaeology. They advise that should the application be recommended for approval, the harm could be off-set by suitably worded conditions. This would take the form of a watching brief on all groundworks. The groundworks should be excavated with a toothless bucket and should significant archaeological remains be uncovered then time will need to be allowed for recording and sampling.

88. The **District Archaeologist** has reviewed the information provided with the application and compared it with the archaeological record for the area. The proposed development may affect heritage assets of known archaeological significance (WSM30846). The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural

interest. The proposed development area (PDA) is within an area that has not been subject to archaeological evaluation or mitigation. An area of potential Romano/British occupation would be affected by the development. Given the scale of the development, and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. This would comprise the archaeological monitoring and recording (watching brief) of all groundworks likely to expose, damage or destroy any archaeological remains that may be present, principally the reduction of ground levels/ topsoil stripping/ drainage and service channels. They have suggested conditions including the need for a Written Scheme of Investigation to be submitted and approved by the CPA in writing.

89. **Public Health England** do not wish to comment on this application unless there is a specific request around a health related issue.

90. **Herefordshire and Worcestershire Fire Service** have not commented on the application.

91. **West Mercia Police** have no objection.

92. **Network Rail** has no objection in principle to the proposal. Due to the proposal being next to Network Rail land and their infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway they have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. Any works on the land would need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months' notice before works start. Network Rail have also provided comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. These comments relate to ensuring access to the railway undertaker's land is kept open and not blocked or restricted; ensuring that drainage does not adversely affect the stability of Network Rail's property / infrastructure, and in respect of heaping of materials, dust and litter. They have also commented that they wish to ensure that any new lighting does not affect the railway signal sighting.

Other Representations

93. The application has been advertised on site, in the press and by neighbour notification. A letter of representation from ACL Highway Services Limited has been forwarded by the applicant in support of the application. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. The letter sets out that ACL Highway Services are responsible for cleansing highway drainage across the UK and that one of the main contracts includes providing gully cleaning and surface water jetting services to Warwickshire County Council on a fixed term contract working for Balfour Beatty. This involves operating a fleet of 6-7 combination jet / vac units, each with two man crews. Approximately half of these units drive from Chesterfield to Warwickshire every day, as there is no suitable disposal point for the gully waste. The letter sets out that if Green Waste Recycling Ltd were to be successful it would provide ACL Highway

Services with a facility to dispose of their waste. This would remove the need for around 109,000 miles of travel per annum (140 miles return trip per day x 3 machines x 260 days), which would massively reduce their carbon footprint. It would also allow ACL Highway Services to create between 7 and 13 local jobs at the depot as they would aim to relocate all of their services to enable them to offer a more speedy response time in the event of flooding situations.

The Head of Strategic Infrastructure and Economy's Comments

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

The Waste Hierarchy

95. 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.

96. 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) and is built on in the Our Waste, Our Resources: A Strategy for England (2018), which states that *"the waste hierarchy, which ranks options for waste management, has driven some progress...instead we have increased our rates of recovery and recycling and generated much more energy from waste. We want to shift away from waste towards resource efficiency, and will do this by focusing not just on managing waste, but, on managing the resources which become waste"*.

97. 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.

98. The Head of Strategic Infrastructure and Economy considers 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 is a substitute for crushed hard rock for which Worcestershire now has 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).

Location of the development

99. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

100. 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'.

101. Policy WCS 3 of the Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste 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 application site is located in Level 5 of the geographic hierarchy. The applicant states that:

“In order to retain efficiency in the operation of Green Waste it is essential that the business operates within 30 minutes of its geographical operational base. The ‘Gully Sucker Vehicles’ need to travel to the recycling and recovery facility to unload and then travel back to the area from where waste is being collected. In view of this, to ensure that the service operates efficiently, it is essential to minimise the time spent travelling to and from the facility, meaning that the facility needs to be located close to the source of waste. The more time a vehicle spends travelling between its round and treatment facility, the less waste can be collected in a day by that vehicle”.

102. The applicant has submitted a Sequential Test Assessment (Site Search Document) and considers that there is a lack of suitable alternative sites at higher levels of the geographic hierarchy.

103. It is also noted that the Planning Inspector previously concluded in the dismissed appeal (Appeal Ref: APP/E1855/W/16/3152598) that *“there would be economic and environmental benefits of a localised facility with close proximity to the A38 and A46, as opposed to the higher levels in the hierarchy in more distant urban locations”.*

104. The Head of Strategic Infrastructure and Economy considers that given the proximity to the applicant's target market, the scale of the proposal, noting the National Planning Policy for Waste states that Waste Planning Authorities should

"drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities", and the ease of access to the primary road network. On balance, it is considered that the proposal would comply with Policy WCS 3 of the Worcestershire Waste Core Strategy.

105. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs 'other unenclosed 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, where strongly justified.

106. This planning policy direction is also reflected in the National Planning Policy for Waste, which states *"waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages"*.

107. The application site benefits from a certificate of lawful use existing for distribution, and, therefore, the site forms part of existing industrial / commercial land and is previously developed land.

108. Policy SWDP 2 of the South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including *"safeguard and (wherever possible) enhance the open countryside"*. Policy SWDP 2 c) defines the 'open countryside' as *"land beyond any development boundary"*. Therefore, the existing site and the application site are located within the open countryside. Policy SWDP 2 c) goes on to state that in the open countryside, development will be strictly controlled and will be limited to a number of defined types of developments and uses including employment development in rural areas and refers to Policy SWDP 12 of the South Worcestershire Development Plan.

109. Policy SWDP 12 b) seeks to protect existing employment sites in rural areas stating *"to help promote rural regeneration across South Worcestershire, existing employment sites in rural areas that are currently or were last used for B1, B2, B8...purposes will be safeguarded for employment-generating uses during the plan period"*.

110. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the South Worcestershire Development Plan, it is noted that the site constitutes an existing employment site and benefits from lawful use rights (Wychavon District Council Ref: W/10/01282/LUE).

111. The site is not within a Mineral Safeguarding Area or Mineral Consultation Area, although it is located within an area of search for brick. Paragraph 7.8 and footnote 509 within the Publication Version of the Emerging Minerals Local Plan explains that for brick clay, only an area of Mercia Mudstone Group brick clay close to the Hartlebury and Waresley brickworks is identified as needing to be safeguarded, as

the Mercia Mudstone Group is extensive in Worcestershire and comments during the development of the Minerals Local Plan indicated that it would not be appropriate to safeguard the whole of the formation.

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

Green Belt

113. The earlier planning application (CPA Ref: 15/000046/CM) was refused by the Planning and Regulatory Committee on Green Belt grounds for the following reasons:

"The proposal is considered to be inappropriate development 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 Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan".

114. The subsequent appeal (Appeal Ref: APP/E1855/W/16/3152598) was also dismissed due to the impact upon the Green Belt, with the Inspector concluding:

"I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt and the significant weight afforded to the harm having been caused by intentional unauthorised development in the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. I conclude that the proposal, therefore, conflicts with Policy WCS 13 of the WSC, Policy SWDP 2 of the SWDP and the Framework when taken as a whole".

115. The applicant has subsequently submitted additional information seeking to demonstrate very special circumstances, including an alternative sites' search (Sequential Test), and the application is no longer part-retrospective. The applicant has also sought a temporary five-year planning permission. The NPPF has been updated, but the Government's policy in relation to Green Belt remains substantially unchanged.

116. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt and outlines a number of exceptions in paragraphs 145 to 147, which are not inappropriate 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.

117. The proposal would not fall within the forms of development identified by the NPPF as appropriate forms of development in the Green Belt. The site would meet the definition of previously developed land contained in Annex 2 of the NPPF, given it consists of a permanent building and the curtilage of the developed land. However, the proposal does not fall within the exceptions of paragraphs 145 to 147; therefore, the proposal would comprise inappropriate development, which is, by definition,

harmful to the Green Belt.

118. Policy WCS 13 of the Waste Core Strategy permits waste management facilities in areas designated as Green Belt where the proposal does not constitute inappropriate development, or where very special circumstances exist. This is supplemented by Policy SWDP 2 of the South Worcestershire Development Plan which seeks to maintain the Green Belt and that development proposed within the Green Belt will be considered in accordance with national policy as set out in the NPPF. The application site is not included within the list of Major Developed Sites within the Green Belt identified by Policy SWDP 2.

119. The introduction to Section 13 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".*

120. This part of the Green Belt comprises a site that is visually contained along its southern and western boundaries and consists of an existing commercial premise and use with an associated building, hard surfacing and parking of vehicles adjacent to a railway line and additional railway infrastructure to the north. Consequently, the application site is less open than the surrounding countryside. Nevertheless, the NPPF makes no distinction between the importance of openness in different parts of the Green Belt, and it is considered that the key determinant here, as elsewhere in the Green Belt, is whether the proposal would materially increase the amount of built development on the site.

121. The proposed materials recovery plant comprises a number of components, including an open box bed from a tipper lorry, a conveyor and the materials recovery plant, the latter of which also performs a de-watering function. The open box bed would be approximately 8 metres long by 3.45 metres wide. The conveyor would be approximately 0.95 metres wide by 16.8 metres long and 4.45 metres in height. The dimensions of the materials recovery and dewatering plant would be approximately 5.4 metres long by 3.5 metres wide by 6.6 metres high and it would be coloured yellow / green (RAL: 6018). It would be akin to a processing plant used in a sand and gravel operation.

122. The dewatering plant would have a significant footprint and would lead to an increase in volume of built development on the northern half of the yard when the associated equipment is taken into account. This would consist of development of an area to process road sweepings and highway drainage clearance material that is currently hard surfacing, resulting in a loss of openness.

123. The application site has a lawful use for distribution that is not constrained by planning conditions and, therefore, could involve outside storage and parking of vehicles on the northern half of the site. Nevertheless, it is 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 indicate that the materials recovery plant is mobile there is no indication that it would be removed from the site or stored elsewhere when not in use. As such, it would be a constant and permanent feature, albeit it for a temporary period of 5 years, within the site which would have a greater effect on openness than the fall-back position of the lawful use.

124. The effect on openness would be evident from viewpoints to the east, including along the Saltway. The Planning Inspector in relation to Appeal Ref: APP/E1855/W/16/3152598, previously concluded that "*the loss of openness would result in moderate harm*", and in reaching this view, the Inspector took into account "*that additional landscaping on the eastern boundary of the site could further reduce the visual prominence of the plant and equipment*".

125. As the site is previously developed land and has a lawful use that does not preclude outside storage and parking of vehicles on the northern section of the site, the proposal would not represent a harmful encroachment into the countryside. In addition, the proposal would have no detrimental impact on the other purposes of Green Belt listed at paragraph 134 of the NPPF given the site's location.

126. The applicant has sought a temporary five-year permission and has referenced that the rationale for this includes that they have noted concerns over the impact on the openness of the Green Belt from previous applications. Recent revisions to National Planning Practice Guidance (NPPG) have added a new section on Green Belt, which provides guidance on "*What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?*". The NPPG paragraph: 001 Reference ID: 64-001-20190722 states that "*Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

...the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness..."

127. The guidance considers the ability "*to return land to its original state or to an equivalent (or improved) state of openness*" as a relevant matter to take in account when making this assessment. The applicant considers that the proposals would allow the land to return to an equivalent state of openness following the expiry of the five-year permission.

128. The applicant has also set out that they are seeking a temporary five-year permission as recycling is an increasingly topical issue and that it is anticipated that

recycling targets will increase and, therefore, throughput may be required to increase. A temporary five-year permission would allow the applicant to re-assess the commercial suitability of the site for their operations.

129. The Inspector came to the conclusion that the development considered at appeal (Appeal Ref: APP/E1855/W/16/3152598) would result in moderate harm to the Green Belt. It is recognised that the development applied for is no longer part retrospective and planning permission is only sought for a temporary 5 year period. Nonetheless, the Head of Strategic Infrastructure and Economy considers that, on balance, the proposal would cause moderate harm to the Green Belt.

130. The NPPF states 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 resulting from the proposal, is clearly outweighed by other considerations"*. As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal (outlined above) with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission. The applicant acknowledges that the onus rests upon them to justify very special circumstances, but that very special circumstances are not reliant upon the identification of a single issue to outweigh the level of harm to the Green Belt and may be presented as a concatenation of planning considerations.

131. The applicant acknowledges that the previous planning application was refused on the basis that 'very special circumstances' had not been demonstrated for 'locating this facility within the Green Belt. The applicant, therefore, has considered whether an alternative site is suitable and available for this processing operation on land that lies outside the Green Belt. They have undertaken a Sequential Test and have identified the various criteria.

- A site search for sites of 0.25 to 0.5 hectares (the application site is approximately 0.188 hectares following the reduction in the size of the 'red line' made by the applicant from 0.23 hectares)
- Location – whether the site is within 30 minutes travel distance from the current operational base
- Site conditions - whether the site is structure free, as the applicant would need to install its own waste management equipment. They consider that buildings of a size to accommodate the plant and manoeuvring of vehicles would impose unnecessary costs on the business, and that the proposed development is not required to be fully enclosed to obtain an Environmental Permit
- Access suitable for large scale vehicles
- Avoidance of locations which are proximate to sensitive receptors, including residential properties, schools, hospitals, nature conservation designations, floodplains, aquifers and heritage assets)
- Economic factors – the ability to secure a site at an economic

rent, or purchase price

132. They have also referenced that other considerations include:

- Site Form broadly rectangular, or near to a square as possible
- Availability of utilities (electricity, water and telecommunications)
- Availability of suitable highway infrastructure

133. The applicant acknowledges that, in seeking the CPA's views about the sequential test, the CPA questions if the proposal could take place within a building. The applicant considers that it is not efficient to undertake the proposed operation within a building as a similar sized site, containing a building would entail business rates of approximately £36,728. They also reference that they have sought legal advice on this point, and that the advice was that the increased cost would be sufficient reason to exclude sites with buildings within the sequential test criteria.

134. The applicant states that although the sequential test does not fall within the remits of the NPPF, which specifically relates to main town centre uses being proposed in out of centre or town locations, the principles of conducting a sequential test should be applied for this proposal. They reference that the courts have concluded that the approach to be taken by the decision-maker is whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit in an alternative site. The applicant considers that this principal equally applies to the current proposal.

135. They have set out that the criteria for a Sequential Test has to be established based upon the requirements of the applicant whilst applying a degree of flexibility. This is to ensure the alternative sites meet the needs of the applicant but also that the search is robust. In response to concerns raised by CPRE, the applicant has noted that with regard to Throckmorton Airfield, this location was within the search scope and, therefore, any available site on the airfield would have been picked up within the search and considered against the criteria. In undertaking the Sequential Test, the applicant has set out that they have undertaken a desktop search, including reviewing marketing websites for commercial units / plots of land, which were being marketed on a sales or letting basis. Visits to all available sites identified were completed over four days to assess the suitability of the sites and their surroundings. They undertook the Sequential Test in three stages:

1. Sequentially preferable sites (non-Green Belt sites)
2. Initial Assessment
3. Detailed Assessment

136. They set out that as part of Stage 1: Sequentially preferable sites (non-Green Belt sites), they sought to identify all available sites within the authorities of Bromsgrove, Malvern Hills, Redditch, Worcester City and Wychavon. They ruled out sites within the Kidderminster Zone on the basis that in order to retain efficiently in the operation of Green Waste, it is essential that the business operates within 30

minutes of its current geographical operational base.

137. The sequential test provided by the applicant sets out that 260 sites were identified as being currently available in April 2019 with an additional 137 sites found in August 2019.

138. As part of Stage 1: Sequentially preferable sites (non-Green Belt sites), 22 sites, which are within the Green Belt, were ruled out by the applicant at this stage as they would not represent a sequentially preferable alternative.

139. As part of Stage 2: Initial Assessment, a preliminary assessment of the sequentially preferable sites was undertaken for the remaining sites. There were initially assessed against the site area (0.25-0.5 hectares) and site conditions (no built structures). Where sites were too large or too small or currently contained a built structure, they were ruled out at this stage. 87 sites which were available in April 2019 but were unavailable when the update search was undertaken were not considered further.

140. Stage 3: Detailed Assessment considered all remaining sites that were sequentially preferable and satisfied the initial criteria, in a detailed manner. Thirteen sites were found to satisfy the commercial requirements for site size and site conditions. The applicant has stated that they have included units identified within Vale Park South, Evesham even though not currently built, as there would be sufficient space to accommodate the proposed use. Two sites within Malvern Hills District and 11 sites within Wychavon District were identified.

141. Table 2, within the revised sequential test, sets out a summary of the detailed assessment of sites. The applicant has also provided sales particulars for the 13 sites.

142. The applicant has stated that all thirteen sites had access to utilities (electricity, water and telecommunications). The applicant considers that of the 13 sites, 10 of them have suitable access and three of them do not - Site M1 Plot at Corner House, Longdon Tewkesbury, GL20 6AT; Site WY23 The Paddock, Bricklehampton, WR10 3HJ and Site WY92 Land at Perrie Drive, Honeybourne, Evesham. They also consider that these same three sites are not compatible with neighbouring uses.

143. The applicant has ruled out all 13 sites due to location factors. They consider that the 13 sites are approximately 35-40 minutes' travel time (assuming no traffic) from the existing site and that, therefore, this would not allow Green Waste to operate efficiently. Furthermore, nine of the sites are at Vale Park South and they have provided a letter from the Director, Industrial & Logistics at Savills that with regard to facilitating a waste recycling site at Vale Park South that *"In the short term, it's not something we can accommodate at the site. Once the site is more developed i.e. we may be left with an area of land, that would be a better time to speak"*. The above confirms that for the foreseeable future there is no intention to release the land at Vale Park South for open operation activity. The applicant has also referenced that six of the units can only be developed for B8 and haulage under condition 3 of planning permission Ref: W/06/01254/OU granted by

Wychavon District Council.

144. The Sequential Test undertaken is only a snapshot in time and the availability of sites can change over time. As set out in the applicant's Sequential Test, *"an initial desktop search was undertaken in April 2019, however, due to the time between the initial search and the submission of this application an update search was undertaken to identify any new sites which have become available between April and August 2019"*. They have also set out that *"260 sites were identified as being currently available in April 2019 with an additional 137 sites found in August 2019"*. Therefore, approximately 53% more sites ($137/260 \times 100$) were available within less than a six month period. The applicant has also stated that 87 sites which were available in April 2019 were unavailable when the update search was undertaken in August 2019. Therefore, approximately 33% ($87/260 \times 100$) of the sites had changed in terms of no longer being available in a period of less than six months. This seems to demonstrate that the market is very fluid and that availability can change within a short space of time.

145. The applicant has provided a letter of representation from ACL Highway Services Limited in support of the application. The letter sets out that ACL Highway Services are responsible for cleansing highway drainage across the UK and that one of the main contracts includes providing gully cleaning and surface water jetting services to Warwickshire County Council on a fixed term contract working for Balfour Beatty. This involves operating a fleet of 6-7 combination jet / vac units, each with two man crews. Approximately half of these units drive from Chesterfield to Warwickshire every day, as there is no suitable disposal point for the gully waste. The letter sets out that if Green Waste Recycling Ltd were to be successful it would provide ACL Highway Services with a facility to dispose of their waste. This would remove the need for around 109,000 miles of travel per annum (140 miles return trip per day x 3 machines x 260 days), which would massively reduce their carbon footprint. It would also allow ACL Highway Services to create between 7 and 13 local jobs at the depot as they would aim to relocate all of their services to enable them to offer a more speedy response time in the event of flooding situations.

146. While recognising that certain parts of the County of Warwickshire are within 30 minutes' travel distance from the site, some parts of the County of Warwickshire are beyond 30 minutes' travel distance from the site. Furthermore, while recognising that the letter of support refers to removing the need for around 140 miles return trip per day, these figures do not seem to account for any mileage from parts of the County of Warwickshire to the application site. Therefore, the reduction in mileage would be correspondingly lower. It is also noted that the contract between ACL Highway Services and Warwickshire County Council is a fixed term contract of unknown duration and furthermore contractual arrangements can change over time.

147. The applicant has also provided additional supporting information relating to research undertaken on 13 November 2019 to new build housing developments. The purpose of the research was to ascertain who the developers were using for the road cleansing on the sites. They set out that they have spoken to Worcestershire County Council's Highways Department and established that a road

sweeper typically needs to be emptied at least once a day in normal conditions, and with heavy use in muddy areas such as building developments, this could be as much as four times in a day. The applicant has referenced that this was confirmed to them by two of the road cleansing companies, namely Go Plant, and Burntwood. Sweeping contractors would therefore be travelling from a depot to the site to collect the waste, travelling to dispose of the waste at an authorised site, and then travelling back to the depots.

148. They have set out that Go Plant, who are based in Telford, were used by five out of the eight developments they visited, and developers such as Persimmon homes, David Wilson homes, Barratt homes, Cameron homes and Elan homes use them as a preferred contractor for all the new housing developments. Go Plant have their own licensed liquid waste disposal site at Telford and currently travel to and from that site in normal business. The average journey distance and time to a site from Telford to a development in Worcestershire is 51.6 miles or 63.8 minutes. They have not calculated return journey times but reference that the miles and time taken would be doubled.

149. The applicant has set out that Kelly Plant Hire was used on three out of the eight sites they visited. Bovis homes and Taylor Wimpey homes use Kelly Plant Hire as a trusted contractor for all site work. Kelly Plant Hire do not have their own licensed disposal site and travel to Gilder Environmental, Gloucestershire (GL54 5DF) to dispose of the waste from their sweepers. Gilder Environmental is permitted by the Environment Agency to collect, treat and recover material from road sweepers. The average mileage and journey time from the Kelly depot to development sites in Worcestershire is 18 miles/ 36 minutes. This does not include the journey to Gilder Environmental which affects the distance and timings. A round trip back to the Kelly Depot (not including cleaning works) for the three sites were 96 miles / 119 minutes; 112 miles / 123 minutes, and 94.5 miles / 121 minutes.

150. The applicant considers that this demonstrates that with the production of more homes in Worcestershire in line with the South Worcestershire Development Plan (SWDP) that there is a need for a waste treatment plant that is centralised to the Worcester area. They set out that the benefits of a local waste treatment facility to responsibly dispose of the waste from road sweepers will undoubtedly have an impact in terms of environmental responsibility by reducing company travelling time, emissions from vehicles, fuel consumption and over burdening our motorways with unnecessary journeys. They consider that the above figures should demonstrate that on a usual day, the extraordinary journey times it takes for the road sweeper to be emptied just one time, and as explained, this can of course happen up to four times in a day.

151. Paragraph 82 of the NPPF states that *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors...”* Whilst the applicant has ruled out sites that are more than 30 minutes’ travel time from the existing site and it is accepted that this could reduce the efficiency of the operation of Green Waste in terms of vehicles needing to travel, it has not been fully demonstrated that this is a specific locational requirement of this particular sector. Furthermore, the evidence submitted by the applicant shows that the development industry does use disposal sites that are more than 30 minutes’ travel

time from the development sites.

152. The Head of Strategic Infrastructure and Economy notes that the site requirements include a cleared site and that the applicant has discounted sites on this basis. In relation to this search criteria the applicant states that *"the operations do not require weather protection, neither do they require security from the enclosure of the plant within a building and notes that it is important that a sufficient area of land is available to access and manoeuvring by heavy vehicles. If the operations were housed within a building the scale of building required would bring unnecessary overhead costs to the business"*.

153. The proposed development is inappropriate development, which is 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 is recognised that the applicant has 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 is 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 is to prevent urban sprawl by keeping land permanently open.

154. As set out earlier, the submitted Sequential Test is also only a snapshot in time and availability can change over a short period. Furthermore, the applicant does not appear to have examined the other types of sites that are identified by Policy WCS 6 of the Worcestershire Waste Core Strategy as compatible land uses (where strongly justified), such as contaminated or derelict employment land (which includes former airfields) and redundant agricultural or forestry buildings or their curtilages.

155. The Head of Strategic Infrastructure and Economy considers that the reasons set out above, when considered individually or as a whole, on balance, 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 13, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

Landscape character and visual impact

156. The application site comprises of hardstanding, which is broadly divided into three parts:

- The initial operational area. This consists of vehicle and equipment parking areas, together with a portacabin and small storage buildings. This area is mainly used to park cars belonging to employees and other vehicles and equipment associated with the business
- Workshop (including weighbridge and access road to the northern end of the site), and

- The main yard area. This is partly concreted and partly hardcore surfaced. The intention is to fully concrete the area to formalise the site surface water drainage. The road sweepings processing plant would be located in the northern half of this area.

157. There is a palisade fence measuring about 2.1 metres high along the eastern application site boundary, separating the application site from the railway line. There are trees along the southern part of this boundary on the eastern side of the palisade fence on Network Rail land. The northern boundary is not demarcated although there is a palisade fence measuring about 2.1 metres high just to the north of the revised and reduced red line boundary. The western boundary with the closed landfill is formed by a hedgerow and trees set at original ground level, approximately some 2 metres above the distribution yard and buildings. The southern boundary includes 'Station House' and associated trees and vegetation.

158. The applicant is not proposing any alterations to the landform at the site and no trees are proposed to be removed. The County Landscape Officer has been consulted and has raised no objection to the scheme.

159. The Head of Strategic Infrastructure and Economy considers that views of the site would be possible from the east along the Saltway given the boundary adjoining the railway line consists 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 considers that the proposed development would not have an unacceptable visual impact or detrimental impact upon the character and appearance of the local area.

Residential amenities (including noise and dust emissions)

160. The nearest residential properties are Station House, which is sited approximately 30 metres south of the application site and 1 to 8 Brickyard Cottages, which are sited approximately 145 metres, broadly west of the proposal.

161. The earlier application submission for CPA Ref: 15/000046/CM was accompanied by a Noise Survey relating to monitoring undertaken during the morning of 26 February 2016 at the nearby residential properties at Station House and Brickyard Cottages. The survey indicated that the properties are subject to significant baseline levels of noise arising from road traffic, together with the proximity to the railway line and household waste recycling centre. Furthermore, when the materials recycling plant was operational the noise levels recorded at the residential properties was not higher. Whilst this planning application is not accompanied by a Noise Survey, it is noted that other than planning permission being sought for a five year period, that it is similar to CPA Ref: 15/000046/CM, and Worcestershire Regulatory Services and the EA who advise the CPA in relation to noise impacts have not requested a new or updated Noise Survey / Assessment.

162. Worcestershire Regulatory Services (noise and nuisance) considers that the comments made to the previous application are still valid, which were that the noise data (previously) provided indicates that noise complaints from the operation of the

equipment should be unlikely but that times of operation could be conditioned from 08:00 to 18:00 hours Monday to Friday, inclusive with no operation on Saturdays, Sundays and public holidays

163. The primary environmental controls over the proposed operation would be contained within the Environment Agency's Environmental Permit for the site. It is noted that paragraph 183 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively"*.

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

165. The EA have raised no objections and have confirmed that the site would require an Environmental Permit, which would control drainage.

166. Worcestershire Regulatory Services (land and air quality) have reviewed the application for potential air quality and contaminated land issues and have not identified any such issues, therefore, they have no objections to the proposal.

167. Given the separation and established vegetation buffer between the neighbouring residential properties and the application site, the Head of Strategic Infrastructure and Economy considers 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.

Traffic and Highway Safety

168. It is noted that Paragraph 109 of the NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

169. The application site is accessed from the Saltway (B4090), located about 100 metres from a road bridge over the railway, via a wide bellmouth shared with the domestic access to Station House, situated immediately to the east of the application site, and access to four pairs of semi-detached residential properties. The access road gently slopes down from the existing access towards the railway line.

170. The applicant has stated that the facility would not be open to the public or to any form of casual or passing 'trade'.

171. The proposed development would have an annual throughput of approximately 25,000 tonnes. The operation of the plant would be limited to once every 2 to 3 days depending on the quantities of material discharged. The proposed vehicle movements includes a maximum of 14 road sweeper movements per day (7 road sweepers entering the site and 7 road sweepers exiting the site per day) and 2 tanker movements per day (1 tanker entering the site and 1 tanker exiting the site per day), arriving mid-morning and late afternoon and a maximum of 4 product / waste export vehicle movements per day (2 product / waste vehicles entering the site and 2 product / waste vehicles exiting the site per day). There would be a maximum of 10 staff car movements per day (5 staff cars entering the site and 5 staff cars exiting the site per day) when the plant is operating, every 2 to 3 days, arriving first thing and then leaving mid to late afternoon. The applicant states that the above equates to an average of 3 vehicle movements per hours in an 8 hour day. The applicant states that all of the vehicles routinely arriving and departing from the site would be under the direct control of the applicant or would be managed by the applicant through specific contract arrangements.

172. The County Highways Officer has been consulted and has raised no objections, subject to the imposition of appropriate conditions.

173. 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 is satisfied that the proposal would not have any adverse impact on traffic and highway safety.

Water Environment

174. The EA have been consulted and have identified that the site is located within Flood Zone 1 (low probability of flooding). The proposed activity is a waste operation that is regulated by the EA. They have commented that appropriate infrastructure would need to be in place, including impermeable pavement and sealed drainage system. Any dewatering must be carried out on an impermeable surface that has a sealed drainage system, but this does not seem to be the case. As part of an exemption or Environmental Permit application, the EA are seeking certainty and clarity to ensure that the sealed drainage system is effective. Ultimately this is something that the EA would seek to control through the permit. The site operator would be unable to commence works until both the relevant planning permission and permit is in place.

175. The drainage strategy proposes that surface water from across the site would be captured in geocellular storage crates. The water in the crates can then be used by the mobile plant on site, which sits within a sealed concrete area. The crates are sized to capture the 100 year + 40% climate change storm. To provide the storage currently proposed, approximately 250 square metres of 0.8 metres deep tanking would be required to capture the full storm event with no outfall. This water would then be reused on site. An overflow would be provided to the tanks in the event that water is not effectively drained down by the plant on site.

176. All the water used by plant will be treated and the applicant has proposed an oil interceptor and catchpit downstream of the tank overflow to “prove” that no untreated

water would leave the site.

177. It is not proposed to use infiltration drainage (i.e. soakaways) anywhere on the site. All surface water would be treated, attenuated and only overflow would be discharged into the existing surface water outfall pipe. Therefore, no contamination pathways to protected waters have been identified.

178. The applicant also proposes that water across the sealed concrete surface is captured in a channel drain along the low edge adjacent to the railway to provide an extra level of confidence that flows would be captured before encroaching on to National Rail's land. The applicant has stated that no surface water would drain to adjacent land.

179. The LLFA have reviewed the submitted information and assessed the information relating to surface water drainage only. The LLFA are satisfied with the scheme, subject to the imposition of conditions relating to a SuDS Plan being submitted and approved prior to commencement, and also detailed design drawings for surface water being submitted and approved prior to commencement.

180. Based on the advice from the different consultees, including the Environment Agency and the LLFA, the Head of Strategic Infrastructure and Economy considers 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.

Ecology and Biodiversity

181. Section 15 of the NPPF, paragraph 170 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including "protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

182. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity 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"; and "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

183. There are no statutory wildlife designated sites within 2 kilometres of the proposal. However, there are a number of non-statutory wildlife designated sites within 2 kilometres of the site, with the nearest being the Worcester and Birmingham Canal LWS, located about 140 metres broadly north-west of the proposal; Droitwich Canal LWS located approximately 450 metres, broadly west of the application site; and the Bow, Shell, Swan and Seeley Brooks LWS is located about 470 metres

broadly south-east of the application site.

184. Worcestershire Wildlife Trust has been consulted due to the proximity of the proposal to the LWSs and has raised no objections to the proposal and wishes to defer to the County Ecologist for all on-site detailed ecological considerations. The County Ecologist has no objection to the scheme, subject to the imposition of conditions relating to a lighting strategy, the installation of one bat and one bird box on suitable trees and an invasive species monitoring and response protocol. The applicant has confirmed that no alterations to the landform at the site are 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 considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Other Matters

Local Economy

185. Paragraph 80 of the NPPF states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

186. The proposed development would have economic benefits in that, according to the applicant, it would employ five full-time employees (two more employees than the original application / appeal), and is, therefore, in accordance with Policy SWDP 12 of the South Worcestershire Development Plan and Policy WCS 15 of the Waste Core Strategy.

Pollution Control

187. The application site is located adjacent to a closed landfill site. It is understood that previously the ground sloped gently away from the closed landfill site towards the railway line. However, over time parts of the bank within the application site have been removed to leave a steep vertical slope on the boundary between the closed landfill site and the applicants land. This face has since been built back up by the applicant and a retaining wall has been installed.

188. Due to the proximity to the closed landfill site the County Council's Pollution Control Officer has been consulted on the proposal. The Pollution Control Team have raised concerns regarding the proposal, stating that in response to the previous application (CPA Ref: 15/000046/CM), and the withdrawn application (CPA Ref: 18/000055/CM), they expressed concern about the integrity of the bank between the application site and the closed landfill site. These concerns are still valid as the integrity of the concrete retaining wall is unknown. There is also the on-going risk of possible landfill gas migration from the closed landfill site.

189. In the earlier applications (CPA Ref: 15/000046/CM and 18/000055/CM) the Pollution Control Officer raised similar concerns, but these were satisfied by the

applicant confirming that *"the bank which forms the boundary with the landfill is supported at the northern end of the site. The retaining wall is currently being erected along the western boundary. This is to be continued until the exposed bank is fully supported. The applicant states that the bank has been in this form for some years without any significant issue"*. This wall has now been fully constructed and is not part of this application. It is noted that the Planning Inspector in deciding the appeal (Appeal Ref: APP/E1855/W/16/3152598) concluded there would be the absence of adverse impacts relating to pollution control.

190. The EA has raised no adverse comments in respect to contaminated land and advised the County Planning Authority to consult Worcestershire Regulatory Services in relation to this matter. Worcestershire Regulatory Services (land and air quality) have been consulted and have raised no objections to the proposal.

191. Given that the works to the landfill boundary have already taken place and do not form part of this planning application, it is considered that this is a separate matter between the County Council (as landowner of the adjacent landfill site) and applicant. The applicant should satisfy themselves of the integrity of the retaining wall.

Integrity of the railway line

192. The railway line (Birmingham to Bristol line) is located immediately to the east of the application site and Network Rail have a small facility associated with their infrastructure maintenance activities, to the north of (and accessed through) the site.

193. In light of this, Network Rail has been consulted on the proposal. As set out earlier in the report, their comments relate to matters including access rights, drainage, heaping of materials, dust and litter, as well as wishing to ensure that any new lighting does not affect the railway signal sighting. The applicant has confirmed that external lighting would not be necessary because the business only operates during day light hours due to health & safety reasons.

194. The Head of Strategic Infrastructure and Economy considers that should planning permission be granted for the proposal, conditions are imposed including in respect of access, storage and processing of materials, drainage and safety.

195. Subject to the imposition of appropriate conditions, including those relating to external lighting and drainage, the Head of Strategic Infrastructure and Economy considers that there would be no adverse impact on the safe operation of the railway.

Conclusion

196. The applicant seeks 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. The proposal would have an annual throughput of approximately 25,000 tonnes.

197. The Head of Strategic Infrastructure and Economy considers 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 is a substitute for crushed hard rock for which Worcestershire now has 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).

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

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

200. The NPPF states 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 resulting from the proposal, is clearly outweighed by other considerations"*.

201. The proposed development is inappropriate development, which is 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 is recognised that the applicant has 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 is 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 is to prevent urban sprawl by keeping land permanently open.

202. The Head of Strategic Infrastructure and Economy considers that the reasons set out above, when considered individually or as a whole, on balance, 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 13, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policies SWDP 2 of the South Worcestershire Development Plan.

203. The Head of Strategic Infrastructure and Economy considers that views of the site would be possible from the east along the Saltway given the boundary adjoining the railway line consists 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 considers that the proposed development would not have an unacceptable visual impact or detrimental impact upon the character and appearance of the local area.

204. Given the separation and established vegetation buffer between the neighbouring residential properties and the application site, the Head of Strategic Infrastructure and Economy considers 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.

205. 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 is satisfied that the proposal would not have any adverse impact on traffic and highway safety.

206. Based on the advice from the different consultees, including the Environment Agency and the LLFA, the Head of Strategic Infrastructure and Economy considers 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.

207. Worcestershire Wildlife Trust has been consulted due to the proximity of the proposal to the Local Wildlife Sites and has raised no objections to the proposal and wishes to defer to the County Ecologist for all on-site detailed ecological considerations. The County Ecologist has no objection to the scheme subject to the imposition of appropriate conditions. The applicant has confirmed that no alterations to the landform at the site are 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 considers 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.

208. On balance, it is 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.

Recommendation

209. The Head of Strategic Infrastructure and Economy recommends that planning permission be refused for 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 for the following reason:

- **The proposal is considered to be inappropriate development and accordingly harmful to the Green Belt contrary to Section 13 ("Protecting**

Green Belt land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

County Council Contact Points

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Specific Contact Points for this report

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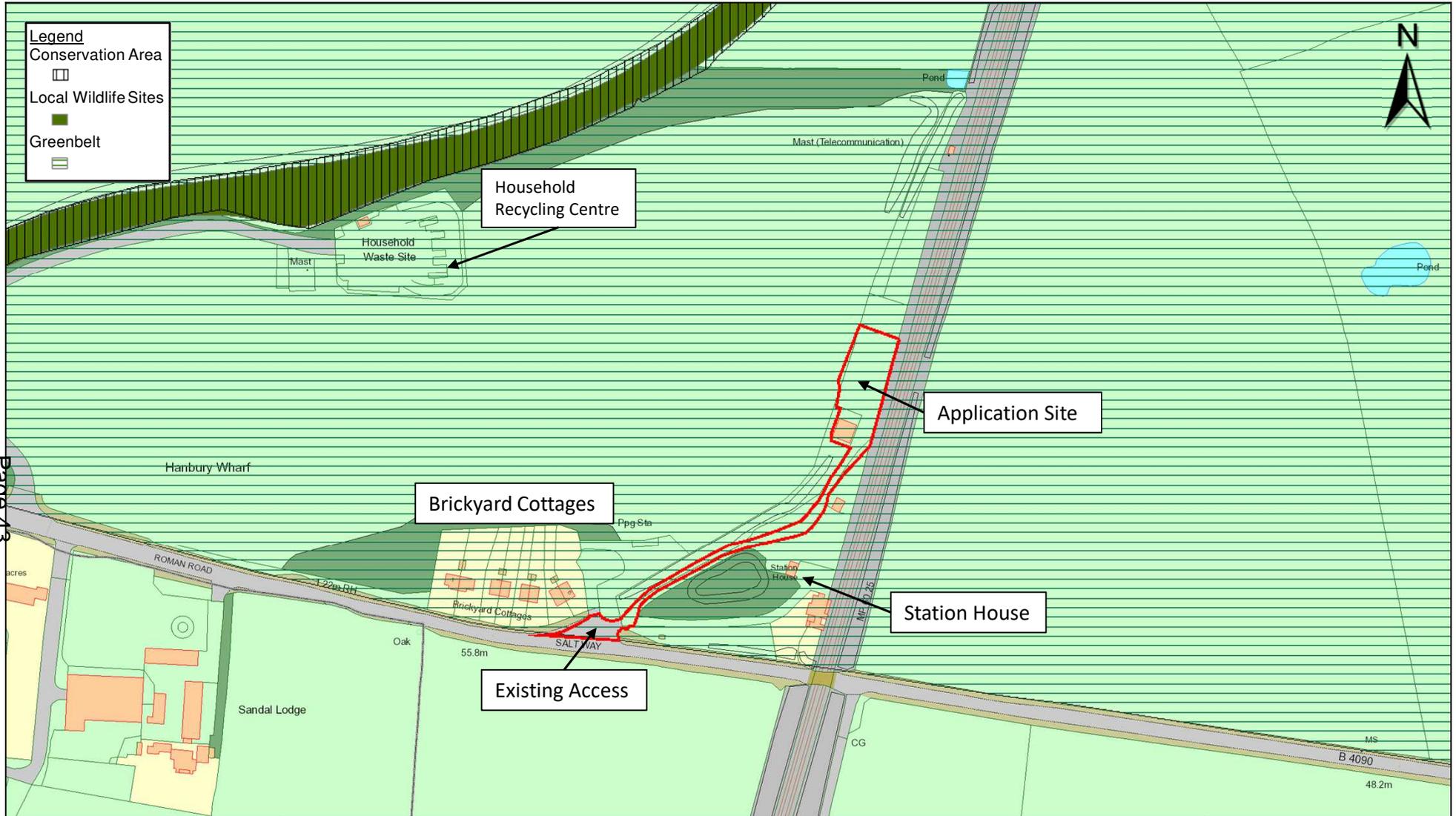
Background Papers

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

The application, plans and consultation replies in file reference 19/000039/CM, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.

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Page 43

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Date Printed: 10/6/2020

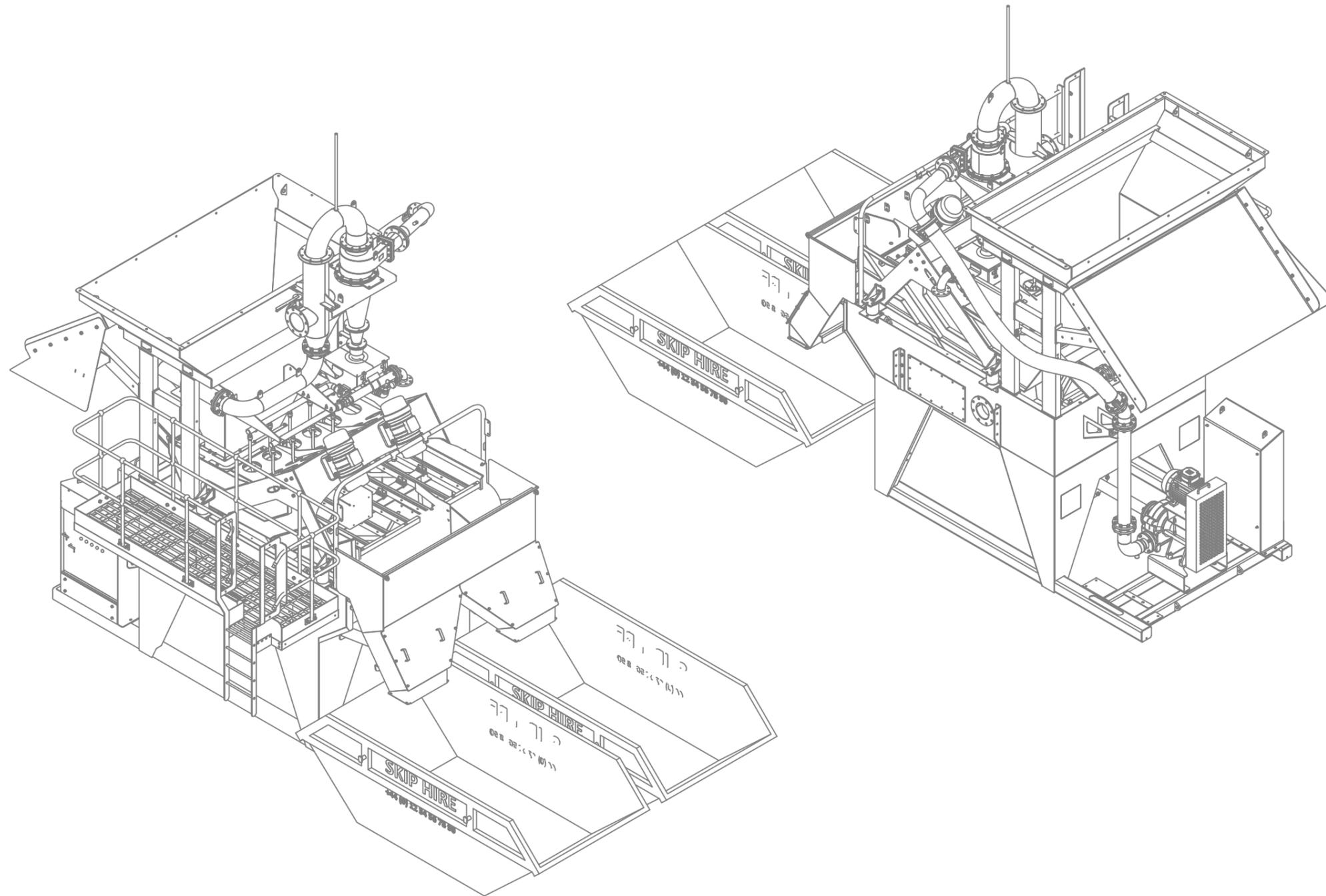
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Temporary permission (5 years) for a proposed materials recovery plant to process road sweepings and highway drainage clearance materials at Land at Station House, Saltway, Hanbury. 19/000039CM

 **worcestershire**
county council

Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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NOTES

1. PLANT DETAILS SUPPLIED BY CD ENVIRO LIMITED. FILE REF: EP127-LAYOUT-01-C.DWG.

GREEN WASTE RECYCLING



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HANBURY PLANNING & PERMITTING

APPLICATION FOR MATERIALS RECOVERY PLANT

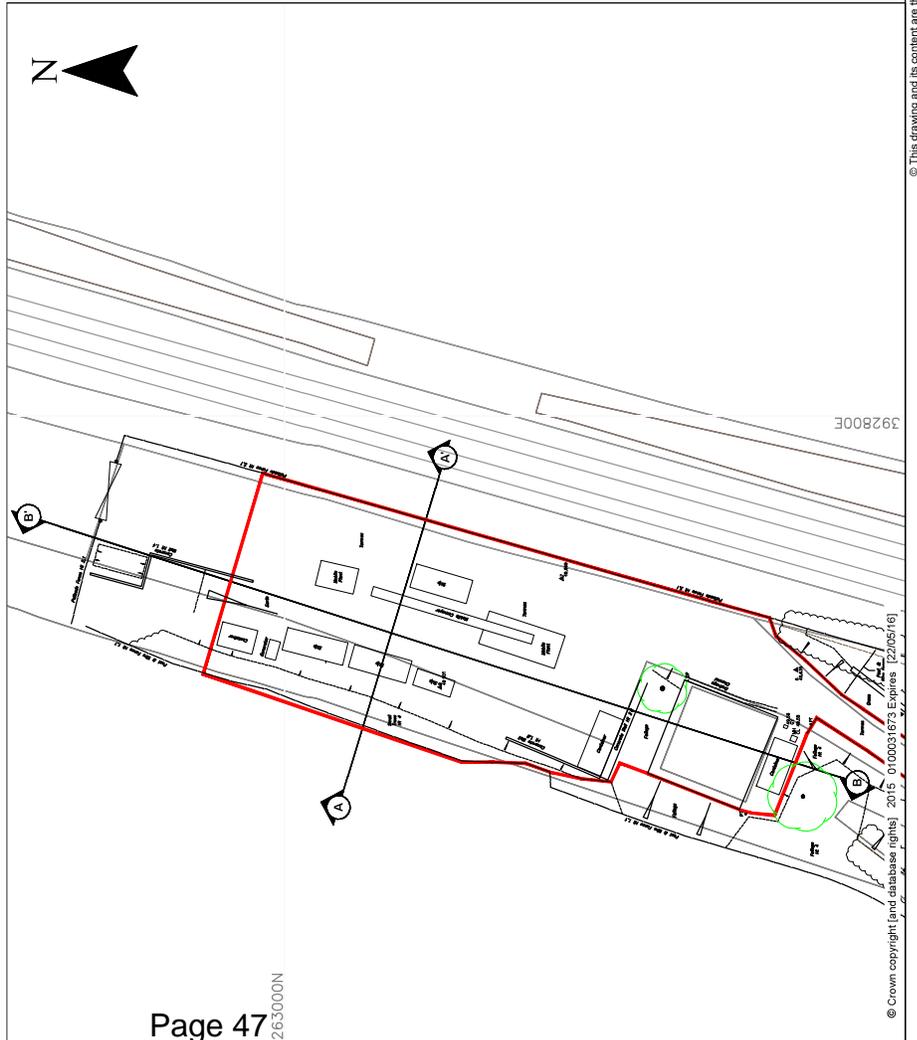
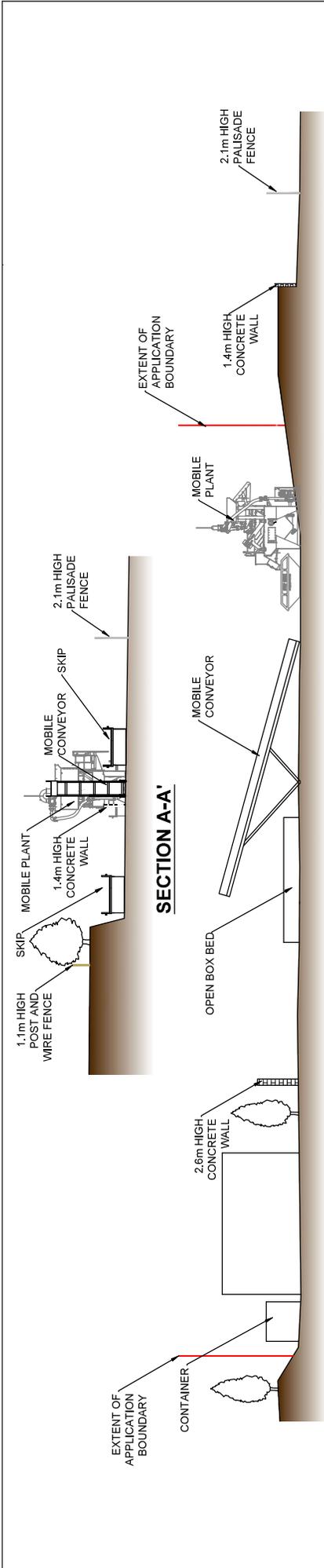
SCHEMATIC 3D PLANT DETAILS

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Date OCTOBER 2017

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GREEN WASTE RECYCLING



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HANBURY PLANNING & PERMITTING
 APPLICATION FOR MATERIALS
 RECOVERY PLANT
 PROPOSED SITE SECTIONS

7 Rev 2

Scale 1:500 @ A3

Date JUNE 2020

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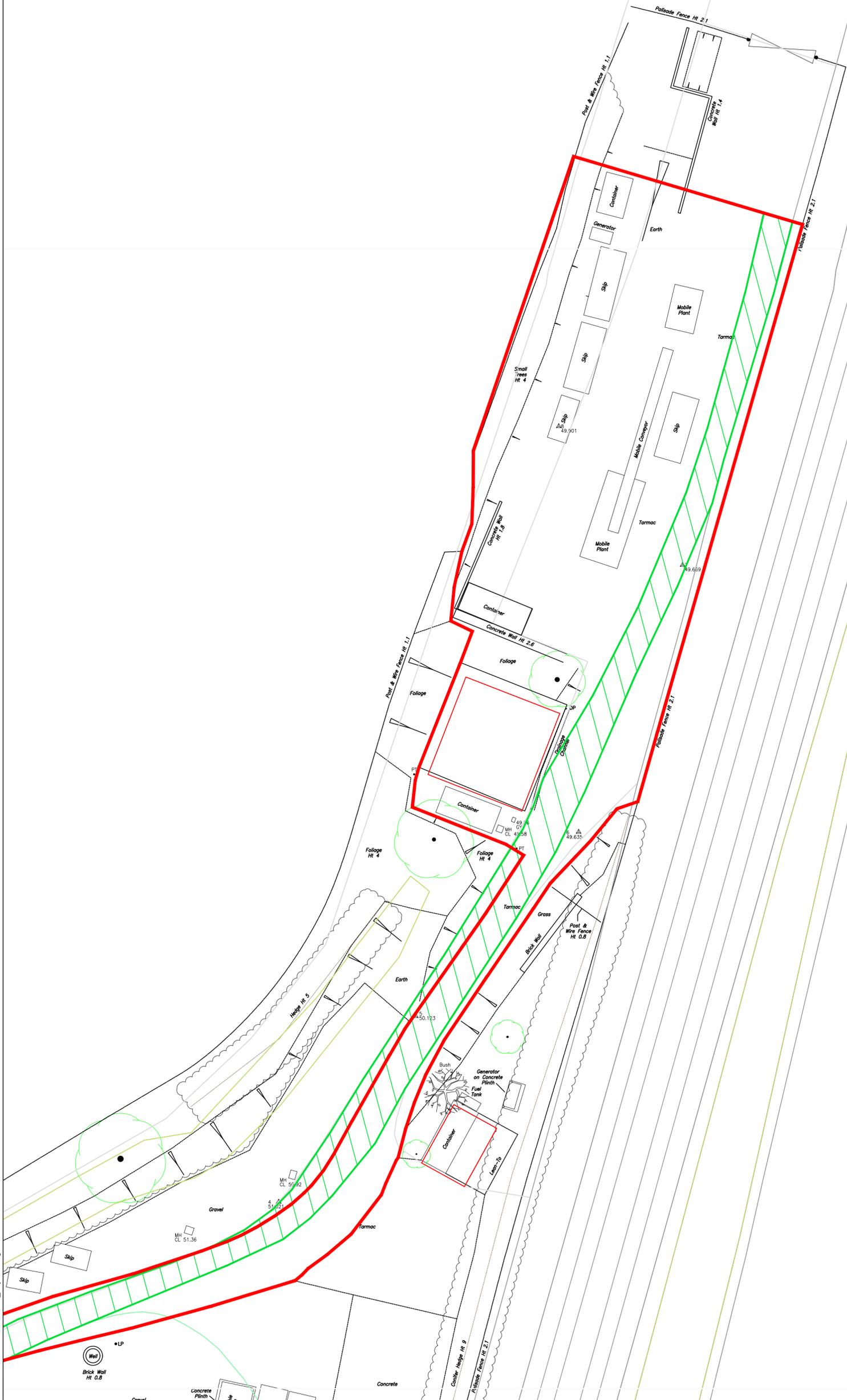
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- NOTES**
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HANBURY PLANNING & PERMITTING
 RETENTION OF MATERIALS
 RECOVERY PLAN
 SITE LAYOUT PLAN

2A

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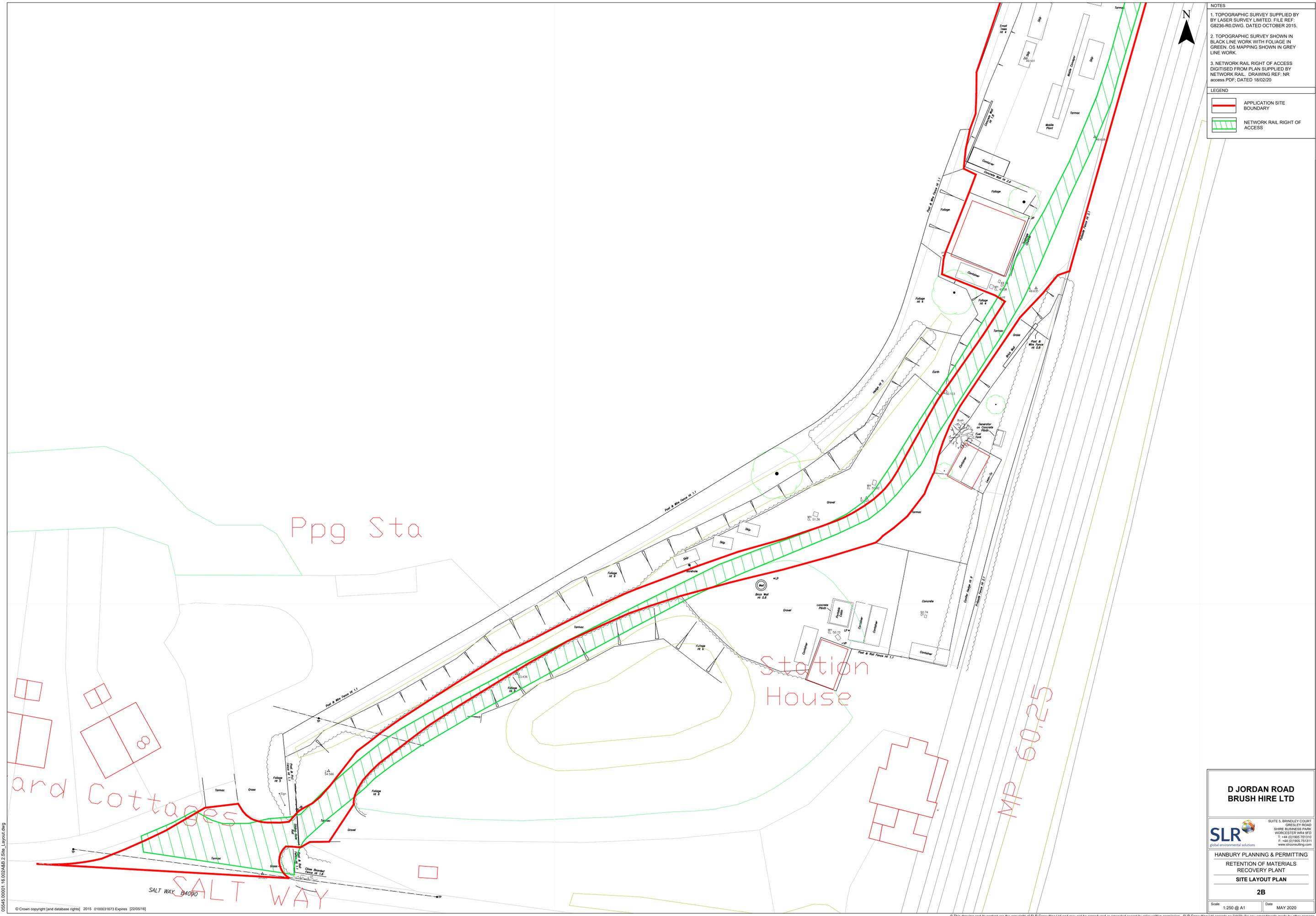
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HANBURY PLANNING & PERMITTING
RETENTION OF MATERIALS
RECOVERY PLAN
SITE LAYOUT PLAN

2B

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PLANNING AND REGULATORY COMMITTEE
7 JULY 2020**PROPOSED EXTENSION OF BUILDING TO HOUSE**
1 NO. ADDITIONAL BIOMASS BOILER AT GO
GREENER, GUINNESS PARK FARM, A4103,
LEIGH SINTON, WORCESTERSHIRE

Applicant

Go Greener Recycling

Local Member

Mr P A Tuthill

Purpose of Report

1. To consider 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.

Background

2. Planning permission for a waste transfer station was originally granted by the then Hereford and Worcester County Council, Strategic Planning and Transportation Committee, County Planning Sub-Committee in February 1994 (County Planning Authority (CPA)) Ref: 407339, Minute No. 400 refers). That permission was time limited, requiring operations to cease by the 31 March 1998. Since then the waste transfer station has been granted a succession of time limited permissions by the CPA to continue operations on this site, with the latest being CPA Ref: 407486, Minute No. 129 refers), which allowed the retention of the waste transfer station until 31 May 2010.
3. In February 2009 the site operators at the time, Mailes Waste Management, applied under Section 73 of the Town and Country Planning Act 1990 to rescind condition 1 of planning permission 407486, dated 9 May 2000 to permit permanent use of the transfer station for recycling and reclamation of waste materials at Guinness Park Farm (CPA Ref: 09/000008/CM, Minute No. 648 refers). However, whilst Members of the Planning and Regulatory Committee granted planning permission in July 2009, they imposed a condition (condition number 1), which required the development to cease by 31 May 2011 and the site restored. This was because the site had already been extended without the necessary planning permission. In view of this, the Planning and Regulatory Committee considered that it would be inappropriate to grant a permanent planning permission for the waste transfer station. It was recommended that permission be granted for a time limited period which would allow sufficient time for the applicant to make a further planning application to the County Council for permission to bring the extended area of the site, and associated waste transfer / processing operations, within planning control. If no such application was forthcoming within this period of time then enforcement

action would be considered against the operator for the unauthorised use of the land and the associated waste transfer/processing operations.

4. In March 2010, planning permission was granted on a permanent basis for the use of land as waste transfer station and extension of site area for stockpiling and grading of inert materials (CPA Ref: 09/000057/CM).

5. Separate to the waste transfer station permissions outlined above, in January 1995 Malvern Hills District Council granted planning permission for "*use of land as a Depot for the open storage of empty skips and waste containers, associated vehicle parking and ancillary development*" (Malvern Hills District Council Planning Ref: MH 95 / 1089). In February 1996 Malvern Hills District Council granted planning permission for an application to vary condition 9 of planning permission MH 95 / 1089 to extend the operating hours to allow the site to operate from 07:00 to 18:00 hours Mondays to Fridays and 07:00 to 13:00 hours on Saturdays (Malvern Hills District Council Planning Ref: MH 95 / 1392). This site is located immediately to the south of the above waste transfer station and to the north of the commercial units. Since being taken over by the applicant Go Greener Recycling, the depot for open storage now forms part of the wider waste transfer station site.

6. In December 2018, planning permission was granted for the proposed consolidation planning application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (CPA Ref: 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Go Greener Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire (CPA Ref: 18/000009/CM, Minute No. 1009 refers).

The Proposal

7. Go Greener Recycling is seeking planning permission for the proposed extension of building to house 1 no. additional biomass boiler at Go Greener, Guinness Park Farm site.

8. The applicant has stated that the boiler would be fuelled by Grade A – C waste wood and that, on average, the boiler would require 4 tonnes of wood per day running at normal capacity. This has the potential to generate approximately 40 kW of electricity. It is intended that the generated electricity would be used on site to power the equipment and machinery associated with the waste transfer station. Any surplus would be fed back into the grid to provide electricity to the local area. The applicant has also set out that discussions are underway with Western Power Distribution to provide the necessary infrastructure to feed excess electricity into the grid. The proposed building extension would house three Organic Rankine Cycles (ORCs) (turbines) to produce electricity. In addition to any generated electricity, an average daily output of 31,000 kW of heat would be achieved. Heat is used for the established drying floors and would be used on site to supply the wash plant flocculant tank.

9. Prior to incineration, the wood would be sorted and screened removing any hazardous / contaminated wood or material falling below Grade C. The sorted wood would then be chipped to G80 size specification. The boiler contains measures, including a Continuous Emissions Monitoring System (CEMS), to ensure that there would be no risk of any unacceptable or hazardous emissions.

10. The applicant has stated that there is currently an Environmental Permit in line with schedule 13A of the Environmental Permitting (England and Wales) Regulations 2016 and article 44 of the Industrial Emissions Directive granted by Worcestershire Regulatory Services that covers the two operational boilers. This permit would be amended to cover the proposed additional boiler.

11. The applicant has also stated that there is no proposal to increase the input of waste received to the site above that which is presently occurring. Condition 2 of planning permission 18/00009/CM limits throughput of controlled waste to 25,000 tonnes per year and inert waste to 150,000 tonnes per year. This aligns with the control imposed by the Environment Agency (EA) under the Environmental Permit for the wider site.

12. Wood accounts for approximately 35% of the controlled waste that is brought onto site in skips. The applicant has stated that approximately 8,200 tonnes per annum of wood currently passes through the site. The boilers approved under CPA Ref: 18/00009/CM, once fully operational would only be capable of recovering a maximum of approximately 2,800 tonnes of wood per boiler which equates to a maximum capacity of approximately 5,600 tonnes in total per annum over the next 12-month period. An additional boiler, as proposed in this current application, would increase the boiler capacity to a maximum of approximately 8,400 tonnes per annum. Therefore, this would mean that the excess wood, which would otherwise need to be transported off site, would be able to be used on site.

13. The excess wood which is removed from the site is transported by HGV to A&A Recycling Services Ltd. who are based in Meriden, West Midlands. The sites are approximately 72 kilometers apart via road. At Meriden, the wood is processed and then transported to other regions in the Country for use in other biomass boilers or supplied nationally to chip board manufacturers. Some of that excess wood is shipped abroad to be processed or disposed of. The applicant has referenced that the carbon footprint associated with the removal of excess wood from the Go Greener site is high and that the opportunity to eliminate the need for any excess wood to be transported from the site would represent a significant environmental benefit. The proposed boiler would reduce in excess of 165 HGV movements between Leigh Sinton and Meriden and further HGV movements from Meriden to end users of the wood products.

The Site

14. The existing waste transfer station is located at Guinness Park Farm, approximately 7 kilometres south-west of Worcester City Centre and approximately 700 metres, broadly north of Leigh Sinton. The application site is part of a small commercial estate that is accessed via a concrete / tarmac drive, measuring approximately 180 metres long, off the A4103 Worcester to Hereford Road. The existing waste transfer station is located on the northern side of the commercial estate. There are other commercial uses adjacent to the site. The commercial estate is predominantly surrounded by soil bunds. There is an existing line of tall conifers broadly to the south-east side of the estate. The commercial estate is set within open countryside, surrounded by agricultural land on all sides.

15. The Malvern Hills Area of Outstanding Natural Beauty (AONB) is located approximately 2.5 kilometres west of the proposal. The nearest Site of Special

Scientific Interest (SSSI) is the River Teme SSSI located approximately 1.4 kilometres, broadly north-east of the application site. There are also a number of non-statutory wildlife designated sites within 2 kilometres of the proposal, which include the Ashes Local Wildlife Site (LWS), Marsh Cottage Meadows LWS, The Cuckoopit LWS, and Leigh Disused Railway LWS are located about 385 metres, 730 metres, 1.2 kilometres and 1.4 kilometres, broadly to the north of the application site, respectively. Leigh Brook LWS is situated about 1.5 kilometres north-west of the proposal. Whitegate Orchard LWS, Middledyrd Coppice LWS, and Whitehouse & Bush Hill Coppices LWS are located approximately 1.6 kilometres broadly north-east, 1.8 kilometres broadly north-east, and 1.7 kilometres broadly east of the application site. The Carey's Brook LWS flows west to east, located at its closest point approximately 710 metres south of the application site, beyond which is North Wood LWS, situated about 1 kilometre south of the proposal and Lower Howsell Sidings LWS located approximately 1.6 kilometres south of the application site.

16. Ancient Woodland of the Ashes and Chapelhill Coppice are located approximately 370 metres broadly north and 390 metres broadly east of the application site, respectively.

17. No Public Rights of Way cross the application site, but there are a number of Public Rights of Way within the context of the application site, including Footpath LI-615 located about 185 metres west of the application site, running perpendicular to the A4103. Footpath LI-616 runs north-west to north-east of the application site, located about 250 metres from the application site at its closest point. Footpaths LI-604, LI-612 and LI-614 and Bridleways LI-606 and LI-608 are located approximately 350 metres, broadly north-west of the application site.

18. The Grade II Listed Buildings of Castle Green Farmhouse and Rosebank Cottage are located about 450 metres broadly north-west and 325 metres broadly east of the proposal respectively. The Scheduled Monument of Motte and Bailey Castle at Castle Green is located approximately 450 metres broadly north-west of the application site.

19. The development is located within Flood Zone 1 (low probability of flooding).

20. Guinness Park Farm landfill site, which was granted planning permission in May 1990, is situated adjacent to the eastern boundary of the application site. No landfilling operations ever took place and the planning permission for that site is no longer extant (CPA Ref: 407241, Minute No. 1614 refers).

21. Guinness Park Farm Riding School is located approximately 250 metres broadly south of the proposal on the western side of the A4103. Residential properties are located approximately 200 metres broadly to the east of the proposed development, situated on the eastern side of the A4103 and this includes Numbers 3, 4, 5, 6 Suffield (Suffield Cottages and Cherry Tree Cottage), dwellings located off Suffield Close, and Suffield Lodge. Further residential properties are located approximately 300 metres, broadly south of the proposal on the western side of the A4103 and include the Hop Cottage, Orchard Farm Cottage and Guinness Park Farm. Castle Green is located approximately 420 metres broadly north-west of the application site.

Summary of Issues

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

- The waste hierarchy;
- Location of the development;
- Landscape character and visual impacts;
- Residential amenity (including noise, dust, odour and air quality);
- Traffic and highways safety;
- The water environment; and
- Ecology and biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

23. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

24. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

25. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

26. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and

decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

27. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

28. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

29. The following guidance contained in the NPPF is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

30. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document

sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

31. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Waste Core Strategy Development Plan Document and the adopted South Worcestershire Development Plan.

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

33. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Worcestershire Waste Core Strategy Development Plan Document (WCS)

34. The Worcestershire Waste Core Strategy policies that are of relevance to the proposal are set out below:

Policy WCS 1: Presumption in favour of sustainable development
Policy WCS 2: Enabling Waste Management Capacity
Policy WCS 4: Other Recovery
Policy WCS 6: Compatible land uses
Policy WCS 8: Site infrastructure and access
Policy WCS 9: Environmental assets
Policy WCS 10: Flood risk and water resources
Policy WCS 11: Sustainable design and operation of facilities
Policy WCS 12: Local characteristics
Policy WCS 14: Amenity
Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan (SWDP)

35. The SWDP covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:

Policy SWDP 1 Overarching Sustainable Development Principles
Policy SWDP 2 Development Strategy and Settlement Hierarchy
Policy SWDP 3 Employment, Housing and Retail Provision Requirements and Delivery
Policy SWDP 4 Moving Around South Worcestershire
Policy SWDP 6 Historic Environment
Policy SWDP 8 Providing the Right Land and Buildings for Jobs
Policy SWDP 12 Employment in Rural Areas
Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
Policy SWDP 24 Management of the Historic Environment
Policy SWDP 25 Landscape Character
Policy SWDP 27 Renewable and Low Carbon Energy
Policy SWDP 28 Management of Flood Risk
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 30 Water Resources, Efficiency and Treatment
Policy SWDP 31 Pollution and Land Instability
Policy SWDP 33 Waste

Draft Planning Policies

Emerging South Worcestershire Development Plan Review (SWDPR)

36. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The 'Preferred Options' consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. The next step is to produce a Publication Version of the SWDPR, which is currently programmed for October / November 2020. The SWDPR would then be submitted to the Secretary of State for Housing, Community and Local Government for independent examination. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal compliance of the plan. Once the plan is adopted it would replace the existing policies in the SWDP. Having regard to the advice in the NPPF, Section 4, as the SWDPR is still at an early stage of preparation, only limited weight should be applied to the policies.

37. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy SWDPR 1: Employment, Housing and Retail Requirements
Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy
Policy SWDPR 3: Strategic Transport Links
Policy SWDPR 4: Green Infrastructure
Policy SWDPR 5: Historic Environment
Policy SWDPR 7: Health and Wellbeing
Policy SWDPR 9: Non Allocated Employment Development
Policy SWDPR 11: Employment in Rural Areas
Policy SWDPR 25: Design
Policy SWDPR 26: Biodiversity and Geodiversity
Policy SWDPR 27: The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
Policy SWDPR 28: Management of the Historic Environment
Policy SWDPR 29: Landscape Character
Policy SWDPR 31: Renewable and Low Carbon Energy
Policy SWDPR 32: Management of Flood Risk
Policy SWDPR 33: Sustainable Drainage Systems
Policy SWDPR 34: Water Resources, Efficiency and Treatment
Policy SWDPR 35: Amenity
Policy SWDPR 36: Air Quality
Policy SWDPR 37: Land Stability and Contaminated Land

Emerging Leigh and Bransford Neighbourhood Plan

38. Leigh and Bransford Parish Council submitted an application to Malvern Hills District Council in May 2013, to designate the parish boundary of Leigh and Bransford as a Neighbourhood Area. This was subject to consultation between 17 May 2013 and 28 June 2013.

39. On 24 September 2013, the application for the designation of the area defined by the boundaries of Leigh and Bransford Parish, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Malvern Hills District Council.

40. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements, as set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

41. The emerging Leigh and Bransford Neighbourhood Plan has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Should the Parish Council wish to proceed with the Neighbourhood Plan in the future, then there would be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the emerging Leigh and Bransford Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

Other Documents

Our Waste, Our Resources: A Strategy for England (2018)

42. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

43. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

44. It contains eight chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal.

45. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad. The government wish to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

Waste Management Plan for England (2013)

46. The Government through the Department for Environment, Food & Rural Affairs (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.

47. 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.

48. 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.

49. 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

50. 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

51. **Malvern Hills District Council** raises no objections to the proposal, subject to further information being received that satisfies Worcestershire Regulatory Services with regard to noise impact and air quality and satisfies Natural England with regards to impact on the nearby SSSI. The District Council would also like to see that the conditions recommended by Severn Trent Water Limited are imposed to address surface water run-off. In addition, if any comments are received from local residents these need to be taken into consideration and satisfactorily addressed.

52. **Leigh and Bransford Parish Council** support the application.

53. The **County Landscape Officer** has no objection having reviewed the scale and scope of the extension and concludes that it would not impose any additional landscape or visual impact within the context of the existing facility.

54. The **Malvern Hills AONB Partnership** have no objection. They have commented that the site is some 5 kilometres from the Malvern Hills and appears to be surrounded by a tree-lined bund. Therefore, the development is extremely unlikely to have a significant effect on views from the AONB. Large, modern, steel clad buildings used for agriculture or industry would usually have a lower impact on the landscape if they are constructed in darker, matt materials. In this case the proposal is to extend an existing building which is very light, which makes things rather more complex. Building the extension in the same light coloured material is likely to compound the visibility of the existing structure because it would have a larger mass which would not be broken up in any way. However, building the extension in a darker, matt colour like anthracite or merlin grey (dark grey colours) runs the risk of drawing attention to the structure through contrast. If the existing structure is due to be re-clad in the next few years it may be advisable to build the extension in a darker, matt material, in the expectation that the same material is then used to re-clad the original in the future. Even if re-cladding is not planned in the short-term it may be best to use a darker, matt material for the proposed development on the basis that any other similar, new developments on site would also, ideally, be dark and matt. They note that the other sizeable structure on site is a dark green colour. Care needs to be taken if green is selected since various hues and tones of green can appear very artificial and prominent in the landscape.

55. The **Campaign to Protect Rural England (CPRE)** have made no comments.

56. **Natural England** considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. They have referred the County Planning Authority to their generic advice on other natural environment issues.

57. **Worcestershire Wildlife Trust** have no objection and is content to defer to the County Ecologists for all on-site biodiversity considerations.

58. The **County Ecologist** has no objection as there are no obvious or immediate ecological implications for the scheme and negligible opportunities for biodiversity gain within the scheme's red line boundary.

59. **Historic England** do not wish to offer any comments but suggests that the views of the specialist conservation and archaeological advisers are sought, as relevant.

60. The **County Archaeologist** has no archaeological concerns or issues with this application.

61. The **Environment Agency** have commented that they understand the proposed appliance would increase the existing waste incineration capacity of the site. The nature of the wood, mixed non-hazardous grades, coupled with the cumulative throughput means that the proposed installation would remain as a small waste incineration plant (SWIP) and require a variation to the existing Schedule 13A authorisation under the Environmental Permitting Regulations. Worcestershire Regulatory Services are the relevant Environmental Permitting authority in this instance. The Environment Agency would not seek to regulate the biomass operation unless the capacity of the installation to incinerate non-hazardous waste exceeded three tonnes per hour (the threshold for a Part A(1) Permit under Section 5.1 of the Environmental Permitting Regulations). The proposed capacity is less than one tonne per hour. They do not wish to comment on any emissions associated with the proposed development including any air quality assessments submitted but recommended seeking the comments of Worcestershire Regulatory Services in relation to this issue and to ensure that any fire management plan requirements are in place. They note that the site also operates as a waste transfer station and holds an Environmental Permit for such, alongside a permit for aggregates. It is likely that the waste transfer station Environmental Permit would need varying as the proposed built development is located within the Permit site boundary. Developers should incorporate pollution prevention measures to protect ground and surface water and they have referenced where pollution prevention guidance can be viewed.

62. **Hereford and Worcester Fire and Rescue Service** have not commented on the proposal.

63. The **Lead Local Flood Authority (LLFA)** recognise that the planning application from 2018 (CPA Ref: 18/000009/CM) for the wider site covered the drainage required and had conditions imposed to cover drainage. The new 2020 application is only for the extension works and as long as the plans as already submitted are implemented and pulled into the wider site drainage then the LLFA have no concerns regarding this site.

64. **Worcestershire Regulatory Services (contaminated land and air quality)** have no adverse comments to make in relation to air quality. Worcestershire Regulatory Services recommended that as the site has a previous industrial / commercial use, as a precaution a condition relating to unexpected contamination should be imposed.

65. **Worcestershire Regulatory Services (noise)** are satisfied that the cumulative impact noise assessment appears satisfactory and predicts that the operation of the

three small waste incineration plants (SWIPs) should not adversely impact the nearest noise receptors. They, therefore, have no objection to the application in terms of noise.

66. **Public Health England (PHE)** comment that in previous correspondence, they have recommended that any Environmental Permit issued for the site should contain conditions to ensure potential emissions from the site do not impact on public health including: fugitive emissions of dust and particulate matter; point source emissions from the biomass boiler; and emissions related to accidental fires. They have previously recommended that consideration is given to ensuring adequate access to the site for firefighting and the provision of fire breaks. Providing the site is compliant with the conditions of the permit (including this advice) and all appropriate measures are taken to control pollution at the site in accordance with relevant sector technical guidance or industry best practice, PHE has no significant concerns regarding the health of the local population.

67. **Severn Trent Water Limited** have no objections, subject to the inclusion of appropriate conditions relating to drainage plans and ensuring that the scheme is brought into use in accordance with the approved details.

68. The **County Highways Officer** has no objection, subject to conditions. They note that there have been a number of planning applications associated with the development site, most recently in 2018 (CPA Ref: 18/000009/CM) and that the Highway Authority raised no objection to the previous development proposals. They note that the applicant has set out the number of likely trips based upon the operation of the site. Furthermore, they note that the access would be gained via the existing access, which has been previously considered acceptable for the traffic demand and the type of vehicle accessing the site. They anticipate that a planning condition would be advised to limit the tonnage per annum and hours of working by the County Planning Authority. They seek the imposition of a condition to try to avoid mud, dust or debris being carried onto the public highway.

69. **West Mercia Police** have no objection.

Other Representations

70. The application has been advertised on site, in the press and by neighbour notification. To date, one letter of support and one letter of objection have been received. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Support

- As the former owner of Go Greener, they support the proposal as they are very much aware of the problems of disposal of the vast amounts of waste wood that is brought into this site.

Objection

- Original application for building was completely retrospective and a fait accompli.

The building and chimneys can be seen from the road and many neighbouring properties, despite the planning application claiming that they cannot. Were told that the biomass boiler would produce sufficient electricity to supply half of Leigh Sinton yet when visited the site, were told that it was not producing electricity and if it did produce electricity, it would probably only serve the industrial estate.

- At the time of the initial retrospective planning application, burning of wood was considered to be more environmentally friendly, but since then the government have said that they want to reduce the use of wood burning stoves as well as gas appliances to zero over the coming years to reach their carbon zero target.
- Appears as though the main use of the biomass boilers is to produce heat to dry the recycling material and not to produce electricity. Were told that the heat from producing electricity was a by-product, but would be used for the secondary purpose of drying recycled material to aid sorting, rather than just allow the heat to escape into the atmosphere.
- Since the original biomass boilers became operational there have been two major fires at the site. Consider that it is likely that these were caused by the drying of recycling materials. Although there is now a fire pond to help with the supply of water for the Fire Brigade, the potential smoke from fires must be considered as a health hazard.
- During the year we see clouds of dust raised by lorries using the access road during dry periods. When it has been wet there have been muddy tracks going in both directions for a considerable distance and lorries with mud above the level of their wheel rims leaving the site. Access road is not being regularly swept and that the wheel wash has not been in operation during wet periods. Go Greener do not appear to be keeping to the conditions as laid down by the County Council following site meetings during the summer. The amount of mud and debris from the Go Greener site is considerable and fills the grips and drains when it is washed off the road. This is leading to flooding problems on the A4103 with very large puddles forming after rain. One only has to look at the condition of the verges, gutters and pavement to see the amount of slurry and debris which is coming from the site on the wheels of the vehicles. The pavement is a hazard to pedestrians, particularly in the wet when it becomes very slippery. The properties near to the site suffer from a constant layer of dust blown from the site and from the road. This is not only very inconvenient but also a health risk to local residents and the local school children.
- The flooding problems have recently been slightly reduced with some of the drains being cleaned. Not all of the drains were cleaned and some are still full of debris and mud. There are still many puddles left along the road where the grips to the ditch have been filled with the debris and mud from the road. When there is freezing weather these puddles will become lethal and could be the cause of more accidents along this road.
- The applicant claims that access to and from the site is good, as it is onto the A4103. The main problem with this access is that it is on a 60 mph stretch of road. There have been accidents when lorries have been waiting to turn right and many near misses. The state of the grass verge, where vehicles have had to take avoiding action and have driven onto the verge, is testament to the

problems. With the potential for more and/or larger vehicles using the site access careful consideration must be given to the speed limit along this part of the road.

- If the planning application is granted there should be conditions attached which should be monitored and enforced.

The Head of Strategic Infrastructure and Economy's Comments

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

The Waste Hierarchy

72. 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.

73. 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) and also in Our Waste, Our Resources: A Strategy for England (2018), which states that *"the waste hierarchy, which ranks options for waste management, has driven some progress...instead we have increased our rates of recovery and recycling and generated much more energy from waste. We want to shift away from waste towards resource efficiency, and will do this by focusing not just on managing waste, but, on managing the resources which become waste"*.

74. 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.

75. Policy WCS 2 of the Waste Core Strategy identifies a current capacity gap for Worcestershire to achieve equivalent self-sufficiency for 'other recovery'. It is considered that the proposed development would constitute an 'other recovery' facility, falling within Policy WCS 4 'Other types of recovery' of the waste hierarchy. This is because the Waste Core Strategy defines 'recovery' as *"any operation the principal result of which is waste serving a useful purpose by replacing other*

materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. In the Waste Core Strategy 'other recovery' includes thermal treatment and any recovery facilities that do not fall into the category of 're-use', 'recycling' or 'disposal'".

76. Policy WCS 4 of the Waste Core Strategy requires recovery facilities to demonstrate that sorting of waste is carried out to optimise re-use and recycling; resource recovery from outputs of the process is optimised and any residues can be satisfactorily managed and disposed of; and where thermal treatment is carried out, energy recovery is optimised.

77. As referenced earlier in the report under 'The Proposal' heading, the applicant has stated that the existing boilers are not capable of meeting the demand and that the excess wood is being transported approximately 72 kilometers to Meriden. At Meriden, the wood is processed and then transported to other regions in the Country for use in other biomass boilers or supplied nationally to chip board manufacturers. Some of that excess wood is shipped abroad to be processed or disposed. Therefore, the carbon footprint associated with the removal of excess wood off site would be reduced.

78. The applicant has also stated that the boiler has the potential to generate electricity and that the proposed building extension would house three Organic Rankine Cycles (ORCs) (turbines) to produce electricity. The applicant has also set out that discussions are underway with Western Power Distribution to provide the necessary infrastructure to feed excess electricity into the grid. Notwithstanding these ongoing discussions, a condition is recommended that should planning permission be granted the proposed biomass boiler shall not be brought into use until a grid connection has been made.

79. Heat is used for the established drying floors and would be used on site to supply the wash plant flocculant tank. The Head of Strategic Infrastructure and Economy notes that the existing Environmental Permit for the biomass boilers, which is required to be amended to control the proposal, requires *"the operator shall ensure that any heat generated by the waste incineration plants shall be recovered as far as practicable"*. In view of the above, it is considered that the proposal would accord with the aim of Government to obtain the most energy from waste and to recover heat through the process. The proposal would accord with the key principle of sustainable waste management by moving waste up the hierarchy contributing towards the ambition of a zero-waste economy.

80. The sorting of waste to optimise re-use and recycling already takes place on the Go Greener Recycling waste transfer station site. The proposal would generate electricity from wood waste that would otherwise be sent to landfill or the energy recovered in incineration plants in other parts of the UK, Northern Continental Europe and Scandinavia. The energy generated from the process would be used on site to power the equipment and machinery associated with the waste transfer station, with any surplus electricity being fed in the grid to provide electricity to the local area.

81. Furthermore, paragraph 148 of the NPPF States that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"*.

82. Paragraph 154 of the NPPF states that *"when determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas"*.

83. The Head of Strategic Infrastructure and Economy considers 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 reduce waste miles associated with transporting the excess wood waste 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.

Location of the development

84. The National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

85. The Worcestershire 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 Worcesterzone'.

86. The principle of the existing waste transfer station and biomass boiler in this location have already been established and accord with the locational policies of the Worcestershire Waste Core Strategy (Policies WCS 3 and WCS 6). However, as part of this application the applicant is now seeking to install an additional biomass boiler enclosed within a building and, therefore, this needs to be considered against the Development Plan.

87. Policy WCS 4 Part b) of the Waste Core Strategy states that "*in order to deliver the spatial strategy, proposals for 'other recovery' facilities will be permitted in levels 1 and 2 where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy*".

88. The application site is located within level 5, the lowest level of the geographic hierarchy. Part c) of Policy WCS 4 states that:

"Planning permission will not be granted for 'other recovery' facilities in level 3, 4 or 5 except where it is demonstrated that:

- i. the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy, and*
- ii. the proposed location is at the highest appropriate level of the geographic hierarchy*".

89. The applicant states that "*the facility would be located at an existing waste transfer station where waste is currently sorted. Prior to incineration, waste wood would be sorted and processed. The biomass boiler would generate electricity and heat both of which would be collected and used on site. In this case the facility would be an ancillary function of an existing waste transfer station. As such the facility would be located at the highest appropriate level of the geographic hierarchy in order to deliver the spatial strategy. The key aim of the spatial strategy is to locate facilities to take advantage of opportunities for on site management of waste where it arises. In this case, waste wood already enters the site, so it is most appropriate to manage the waste on site and recover energy in the form of electricity and heat. It would be less appropriate to sort the waste wood on site and then transport to it to an alternative location to be processed even if the alternative location was located in a higher level of the geographic hierarchy*".

"Furthermore, the spatial strategy aims to locate facilities where they are best suited to serve the needs of local communities and the local economy and minimize the distance waste is moved by road. In this case the facility would provide electricity to local residents and businesses serving the needs of the local community and economy. The provision of an on-site 'other recovery' facility would reduce significantly the distance that waste wood is moved by road".

90. Although the development site is sited within Level 5 'All other areas' of the hierarchy, the applicant has demonstrated that the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy. The biomass boiler is dependent on the location where the waste is generated and is ancillary to the wider waste transfer station site, as it provides electricity and heat for use by the existing waste transfer station. Therefore, it is considered that the proposed location is at the highest appropriate level of the geographic hierarchy in accordance with Policy WCS 4 of the Waste Core Strategy.

91. The proposed development would be located within the existing waste transfer station site, which is an established waste management site, within the broader Guinness Park Farm commercial estate. Policy WCS 6 of the Worcestershire Waste Core Strategy states that proposed 'other recovery' facilities, located on "*existing or*

allocated industrial land" and / or located on "sites with current use rights for waste management purposes" are compatible land uses.

92. This planning policy direction is also reflected in the National Planning Policy for Waste, which states *"waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages"*.

93. Policy SWDP 2 of the South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including *"safeguard and (wherever possible) enhance the open countryside"*. Policy SWDP 2 c) defines the 'open countryside' as *"land beyond any development boundary"*. Therefore, the existing site and the application site are located within the open countryside. Policy SWDP 2 c) goes on to state that in the open countryside, development will be strictly controlled and will be limited to a number of defined types of developments and uses including employment development in rural areas and refers to Policy SWDP 12 of the South Worcestershire Development Plan.

94. Policy SWDP 12 b) seeks to protect existing employment sites in rural areas stating *"to help promote rural regeneration across South Worcestershire, existing employment sites in rural areas that are currently or were last used for B1, B2, B8...purposes will be safeguarded for employment-generating uses during the plan period"*.

95. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the South Worcestershire Development Plan, it is noted that the site constitutes an existing employment site and benefits from planning permission (CPA Ref: 18/000009/CM). Whilst a waste management facility is not explicitly referred to within Policies SWDP 2 and SWDP 12 of the SWDP, the proposal would constitute the retention of an existing employment site and is for the re-use of previously developed land, complying with these policies.

96. The Head of Strategic Infrastructure and Economy considers the principle of the proposed development in this location is acceptable and accords with Policies WCS 4 and WCS 6 of the Worcestershire Waste Core Strategy.

Landscape character and visual impacts

97. A letter of representation has been received objecting to the proposal, stating that the building and chimneys can be seen from the road and many neighbouring properties.

98. The site is part of a small commercial estate that measures approximately 3.4 hectares in total and is accessed via a concrete / tarmac drive off the A4103. The existing waste transfer station is located on the northern side of the commercial estate. The whole commercial estate is surrounded by soil bunds measuring approximately 8 metres high on the northern and eastern side and approximately 5 metres high to the north-west and south-west. There is an existing line of tall conifers on the south-

east side of the estate. The commercial estate is set within open countryside, surrounded by agricultural land on all sides. The Malvern Hills AONB is located approximately 2.5 kilometres west of the proposal.

99. The proposed square extension to the building would lengthen and widen the building by approximately 12 metres. The proposed extension would be the same height as the existing building. The building walls and roof would be coloured Dove Grey (light grey colour). One additional flue is proposed, which would be constructed from stainless steel like the existing two flues. The flue would, like the existing two flues, extend approximately 4.4 metres above ridge height. An additional boiler feed bin would be provided on a concrete pad, broadly to the south of the proposed extended building. This boiler feeder bin would have the same dimensions as the existing two feeder bins on site and would measure approximately 6 metres long, 5 metres wide and 2.9 metres in height. While the application form references that the site is only 144 square metres, this measurement relates solely to the proposed extension to the building. The site area is larger than 144 square metres as indicated by the red line planning application boundary and includes the area upon which the additional boiler feed bin would be sited.

100. The Head of Strategic Infrastructure and Economy considers that the proposal would generally be well screened from public views of the site, due to the existing perimeter bunding, established vegetation, and for certain views the intervening existing commercial units. Notwithstanding this, distant and glimpsed views of the site, would be observed above the bunds. More open, but distant views of the building, flue and the boiler feeder bin would be possible from the south / south-west of the site along the A4103, but such views would be seen in the context of the existing established waste transfer station / commercial estate.

101. The extant permission requires a landscaping scheme and details have been approved which include additional visual screen planting on the south-western corner of the site.

102. Historic England have been consulted and have not raised any concerns. Malvern Hills District Council have not raised any concerns regarding visual impact. Due to the distance from the Malvern Hills AONB, the Malvern Hills AONB Partnership has been consulted. The existing biomass plant building is constructed from coat steel, which is Dove Grey. While noting the Malvern Hills AONB Partnership's comments about potentially using a darker matt material, they also recognise that this could draw attention to the structure through contrast when compared to the existing building. The County Landscape Officer has been consulted and has raised no objections to the proposal. They have stated that the mature screening that borders the site and its setting, the bund and relative remoteness of the site is such that any cumulative visual impact imposed by the extension would be negligible. The Head of Strategic Infrastructure and Economy considers that given the County Landscape Officer has no objections and the Malvern Hills AONB Partnership consider it is highly unlikely that the proposal would have any significant effect on the AONB that the proposed Dove Grey colour of the building is acceptable in this instance.

103. The Head of Strategic Infrastructure and Economy considers that the proposed development would not have an unacceptable impact on landscape character or visual impact, subject to the imposition of appropriate conditions including ensuring that the development is carried out in accordance with the approved plans that show the materials that would be used.

Residential amenity (including noise, dust, odour and air quality)

104. One letter of objection has been received. As set out under the 'Other Representations' heading in this report, they have objected on a number of grounds including concerns about dust, slurry and debris caused by vehicles, which have made the pavement slippery.

105. Guinness Park Farm Riding School is located approximately 250 metres broadly south of the proposal on the western side of the A4103. Residential properties are located approximately 200 metres broadly to the east of the proposed development, situated on the eastern side of the A4103 and this includes Numbers 3, 4, 5, 6 Suffield (Suffield Cottages and Cherry Tree Cottage), dwellings located off Suffield Close, and Suffield Lodge. Further residential properties are located approximately 300 metres, broadly south of the proposal on the western side of the A4103 and include the Hop Cottage, Orchard Farm Cottage and Guinness Park Farm. Castel Green is located approximately 420 metres broadly north-west of the application site.

106. As well as the existing planning conditions, the primary environmental controls over the operations would be contained within the Worcestershire Regulatory Services Environmental Permit for the biomass boiler and the Environment Agency's Environmental Permit for the wider waste transfer station facility.

107. Paragraph 183 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions 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"*.

108. Malvern Hills District Council raises no objection, subject to further information being received that satisfies Worcestershire Regulatory Services in regard to noise impact and air quality. In addition, if any comments are received from local residents, they consider that these need to be taken into consideration and satisfactorily addressed.

109. Public Health England have stated that in previous correspondence, they have recommended that any Environmental Permit issued for the site should contain

conditions to ensure potential emissions from the site do not impact on public health including: fugitive emissions of dust and particulate matter; point source emissions from the biomass boiler; and emissions related to accidental fires. They have previously recommended that consideration is given to ensuring adequate access to the site for firefighting and the provision of fire breaks. Providing the site is compliant with the conditions of the Permit (including this advice) and all appropriate measures are taken to control pollution at the site in accordance with relevant sector technical guidance or industry best practice, Public Health England have stated that they have no significant concerns regarding the health of the local population.

110. The Environment Agency has been consulted and raises no objections to the proposal, commenting that the proposed installation will remain as a SWIP and would require a variation to the Environmental Permit from Worcestershire Regulatory Services. The Environment Agency would not seek to regulate the biomass operation unless the capacity of the installation to incinerate non-hazardous waste exceeded three tonnes per hour (the threshold for a Part A(1) Permit under Section 5.1 of the Environmental Permitting Regulations). The proposed capacity is less than one tonne per hour. They note that the site also operates as a waste transfer station and holds an Environmental Permit for such, alongside a Permit for aggregates. They consider that it is likely that the waste transfer station Environmental Permit would need varying as the proposed built development is located within the Permit site boundary.

111. Worcestershire Regulatory Services (noise) have no objection to the application in terms of noise. They consider that the cumulative impact noise assessment appears satisfactory and predicts that the operation of the three small waste incineration plants (SWIPs) should not adversely impact the nearest noise receptors.

112. Worcestershire Regulatory Services (Air Quality Officer) also have no objections to the proposal.

113. A local resident has raised concerns that two fires have occurred since the installation of the biomass boiler. The Environment Agency are aware of two fires, one which took place on 26 June 2017 and consisted of 20-40 tonnes of general waste from the transfer station. The other fire that the Environment Agency are aware of took place on 30 June 2018. In that fire, the material on fire was approximately 25 tonnes of unspecified waste and the likely cause was a piece of glass in the general waste stockpile. Both of these fires predated the approval of the consolidated planning application (CPA Ref: 18/000009/CM), which included conditions relating to the construction of a fire pond and return pond. The applicant also has a fire prevention plan as required as part of the Environmental Permits from both Worcestershire Regulatory Services and the Environment Agency. Hereford and Worcester Fire and Rescue Service have been consulted but no comments have been received.

114. The existing development has an approved noise and dust management plan, which requires measures such as sheeting of vehicles, dampening down stockpiles and sweeping of the access road, together with an approved scheme to prevent mud and detritus being deposited on the public highway, which includes a jet wash

facility. The Head of Strategic Infrastructure and Economy considers 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 including those relating to prevent mud and detritus being deposited on the public highway, those controlling noise, dust, contamination, burning of waste and the storage of oils, fuels or chemicals.

Traffic and highway safety

115. Objections from a local resident have been received on highway grounds, including clouds of dust being raised by lorries using the access road during dry conditions and muddy tracks when it is wet. They have also referenced that mud and debris from the Go Greener site is washed off the road leading to flooding problems as well as causing a hazard to pedestrians through making the footway slippery.

116. It is noted that Paragraph 109 of the NPPF states "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

117. The site is accessed via an existing concrete / tarmac drive, directly from the A4103 Worcester to Hereford Road, measuring approximately 180 metres long.

118. Condition 2 of planning permission 18/000019/CM limits throughput of controlled waste to 25,000 tonnes per year and inert waste to 150,000 tonnes per year. The applicant has set out the maximum vehicular movements associated with the throughput of 25,000 tonnes of controlled waste and 150,000 tonnes of inert waste may be calculated as follows:

Controlled Waste –

Max 25,000 per year

Max 81.7 tonnes per day (25,000 divided by 306 working days)

Max 28 vehicle movements into the site per day (81.7 tonnes divided by 3 (tonnes) being max load of a 7.5 tonne skip lorry)

Total maximum skip lorry movements per day = 56 (28 x 2 to allow for movements in and out)

Inert Waste –

Max 150,000 tonnes per year

Max 490 tonnes per day (150,000 divided by 306 working days)

Max 27 movements per day (490 tonnes divided by 18 (tonnes) being max load of 32 tonne lorry)

Total maximum lorry movements per day = 54 (27 x 2 to allow for movements in and out)

Staff and Visitors

12 F/T staff = 24 car movements per day

Max 4 visitors per day = 8 car movements per day

Total car movements per day = 32

Total Maximum vehicle movements per day = 142

119. Operating at maximum capacity, the applicant has stated that the maximum number of vehicular movements into and out of the site would be 142 per day. This equates to 18 per hour based on an 8-hour working day. The site does not operate at its maximum capacity so the actual vehicular movements into and out of the site are much lower. They therefore consider that the access and existing road can work safely. The proposal would not increase vehicle movements as it is proposed to burn the existing waste wood imported to the site and would, therefore, reduce vehicle movements off site in terms of negating the need for wood to be transported off site. The proposed boiler would reduce in excess of 165 HGV movements between Leigh Sinton and Meriden and further HGV movements from Meriden to end users of the wood products.

120. The County Highways Officer has been consulted and has raised no objections subject to appropriate conditions. They note that access would be gained via the existing access which has been previously considered acceptable for the traffic demand and the type of vehicle accessing the site. They have also recommended conditions relating to ensuring that no mud, dust or debris shall be carried onto the public highway. Such a condition was already imposed under the extant consolidated application (CPA Ref: 18/00009/CM) as well as requiring wheel washing facilities. Conditions reflecting the approved scheme are recommended to be imposed should this application be granted planning permission.

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

Water environment

122. The application site is located within Flood Zone 1, as identified on the Environment Agency's Indicative Flood Risk Map and has a low probability of flooding.

123. The nearest watercourse is Leigh Brook, a small tributary of the River Teme, which flows beyond the northern and eastern boundaries of the site and is, located approximately 225 metres from the application site at the nearest point. The River Teme is located approximately 1.4 kilometres north-east of the application site.

124. Severn Trent Water Limited have no objections, subject to the inclusion of appropriate conditions relating to drainage plans and ensuring that the scheme is brought into use in accordance with the approved details.

125. Malvern Hills District Council would also like to see that the conditions recommended by Severn Trent Water Limited are imposed to address surface water run-off.

126. As part of approved planning application 18/000009/CM, which was for the proposed consolidation planning application, condition 16 required the submission and approval of a Sustainable Drainage System (SuDS) Management Plan.

127. As part of the current planning application 19/000034/CM, the applicant has submitted a Sustainable Drainage (SuDS) Design, which sets out that there would

be no increase in impermeable area arising from the proposal as the area to be used is already laid to concrete. The applicant has set out that the existing building drains down onto the concrete and flow naturally falls away to the either the drainage ditch at the bottom of the yard or into the tank on the wash bay.

128. The Lead Local Flood Authority (LLFA) recognise that the planning application from 2018 (CPA Ref: 18/000009/CM) relating to the wider site covered the drainage required and had conditions imposed to cover drainage. This new application is only for the extension works and as long as the plans as already submitted are implemented and incorporated into the wider site drainage then the LLFA have no concerns regarding this site.

129. In view of the comments from the LLFA and given that the applicant is proposing minimal changes to the existing drainage regime, it is considered that the condition recommended by Severn Trent Water Limited is not necessary in this instance. The Head of Strategic Infrastructure and Economy considers that the proposal would not have an unacceptable impact upon the water environment, subject to the imposition of appropriate conditions.

Ecology and biodiversity

130. Section 15 of the NPPF, paragraph 170 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including "protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

131. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity 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"; and "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

132. The nearest Site of Special Scientific Interest (SSSI) is the River Teme SSSI located approximately 1.4 kilometres, broadly north-east of the application site. There are also a number of non-statutory wildlife designated sites within 2 kilometres of the proposal, this includes the Ashes Local Wildlife Site (LWS), Marsh Cottage Meadows LWS, The Cuckoopit LWS, and Leigh Disused Railway LWS are located about 385 metres, 730 metres, 1.2 kilometres and 1.4 kilometres, broadly to the north of the application site, respectively. Leigh Brook LWS is situated about 1.5 kilometres north-west of the proposal. Whitegate Orchard LWS, Middleyard Coppice LWS, and Whitehouse & Bush Hill Coppices LWS are located approximately 1.6 kilometres broadly north-east, 1.8 kilometres broadly north-east, and 1.7 kilometres broadly east of the application site. The Carey's Brook LWS flows west to east, located at its closest point approximately 710 metres south of the application site,

beyond which is North Wood LWS, situated about 1 kilometre south of the proposal and Lower Howsell Sidings LWS located approximately 1.6 kilometres south of the application site.

133. Due to the proximity to the SSSIs and LWS's, Natural England and Worcestershire Wildlife Trust have been consulted. Malvern Hills District Council raises no objection, subject Natural England being satisfied with regard to any impact on the nearby SSSI.

134. Natural England has no objections, stating that the proposal would not have a significant adverse impact on statutorily protected nature conservation sites or landscapes. Worcestershire Wildlife Trust has also raised no objections to the proposal and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

135. The County Ecologist has no objections to the proposal, stating that they see no obvious or immediate ecological implications for the scheme and negligible opportunities for biodiversity gain within the scheme's red line boundary.

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

Conclusion

137. The applicant is seeking planning permission for the proposed extension of building to house 1no. additional biomass boiler at Go Greener, Guinness Park Farm, A4103 Leigh Sinton, Worcestershire.

138. The Head of Strategic Infrastructure and Economy considers 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.

139. The Head of Strategic Infrastructure and Economy considers the principle of the proposed development in this location is acceptable and accords with Policies WCS 4 and WCS 6 of the Worcestershire Waste Core Strategy.

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

141. The Head of Strategic Infrastructure and Economy considers 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.

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

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

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

145. 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

146. The Head of Strategic Infrastructure and Economy recommends 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.

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

Case Officer: John Spurling, Principal Planner, Development Management:

Tel: 01905 846809

Email: jspurling@worcestershire.gov.uk

Steven Aldridge, Team Manager – Development Management

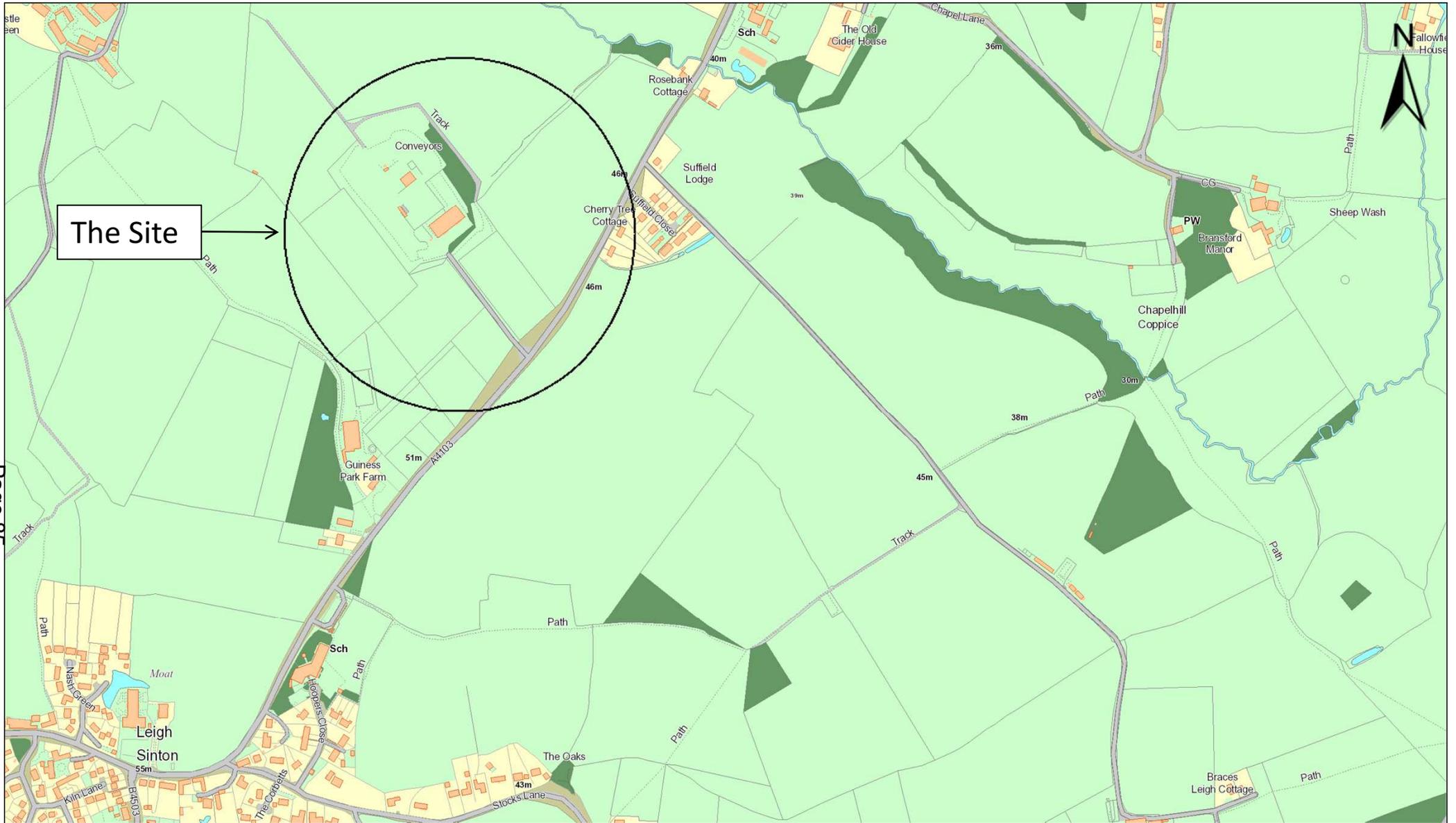
Tel: 01905 843510

Email: saldridge@worcestershire.gov.uk

Background Papers

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

The application, plans and consultation replies in file reference 19/000034/CM, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.



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 Ordnance Survey 100024230.

Indicative Scale: 1:7,500

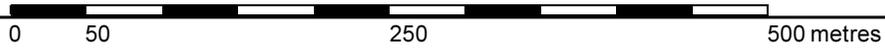
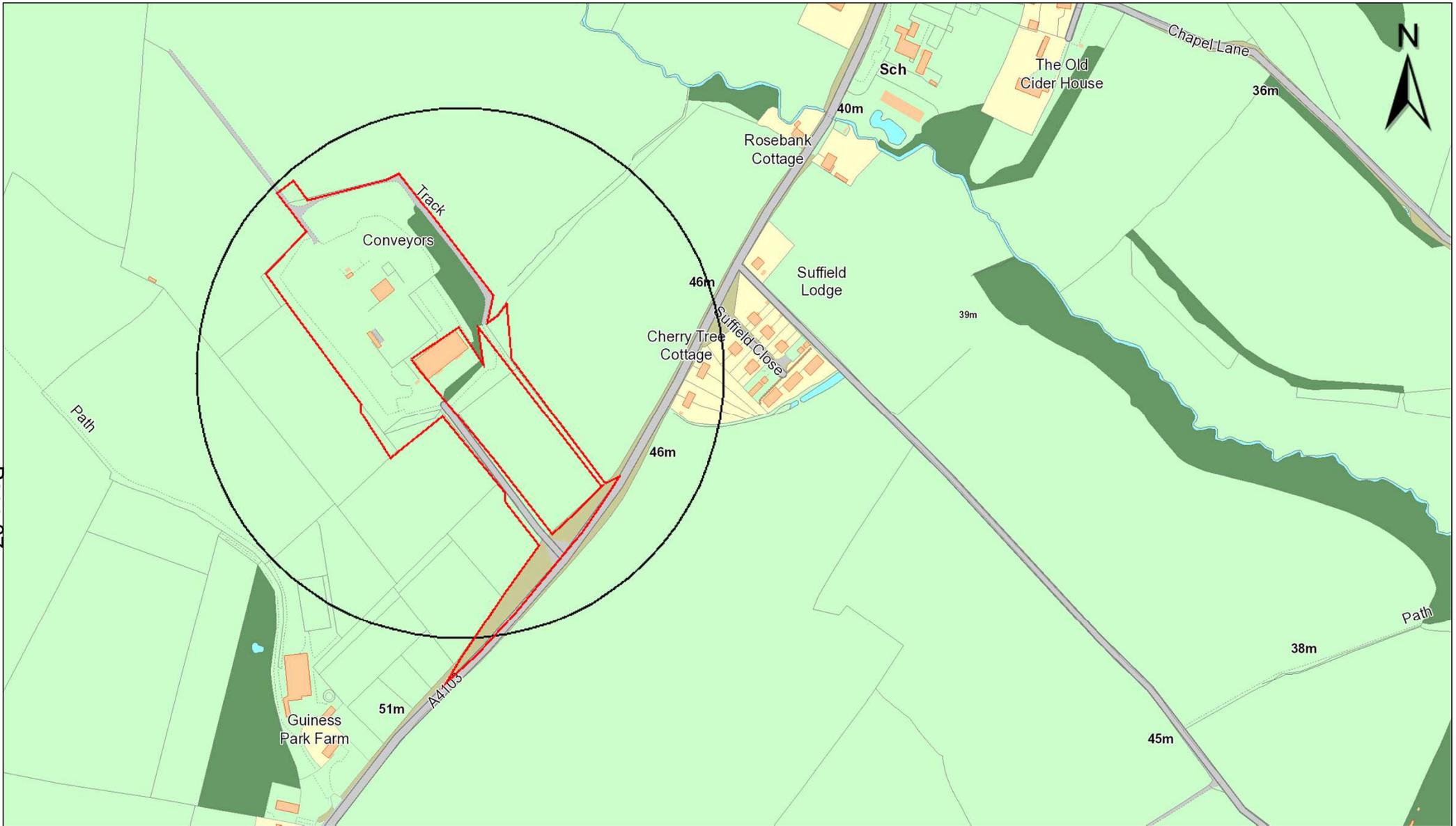
Date Printed: 18/11/2019

Proposed extension of building to house 1no. additional biomass boiler at Go Greener, Guinness Park Farm, A4103 Leigh Sinton, Leigh Sinton, WR13 5EQ
 19/000034/CM



Countryside Service
 Worcester Woods Country Park
 Wildwood Drive
 Worcester
 WR52LG

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Indicative Scale: 1:5,000

Date Printed: 18/11/2019

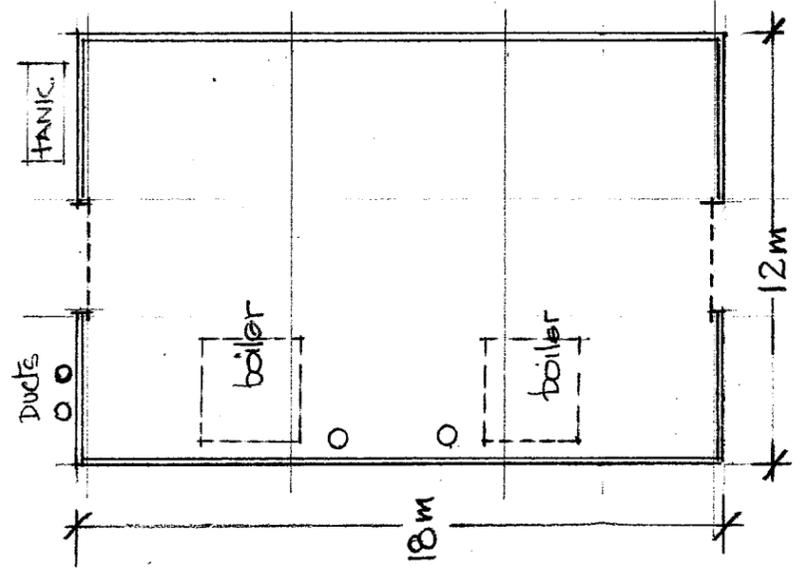
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19/000034/CM



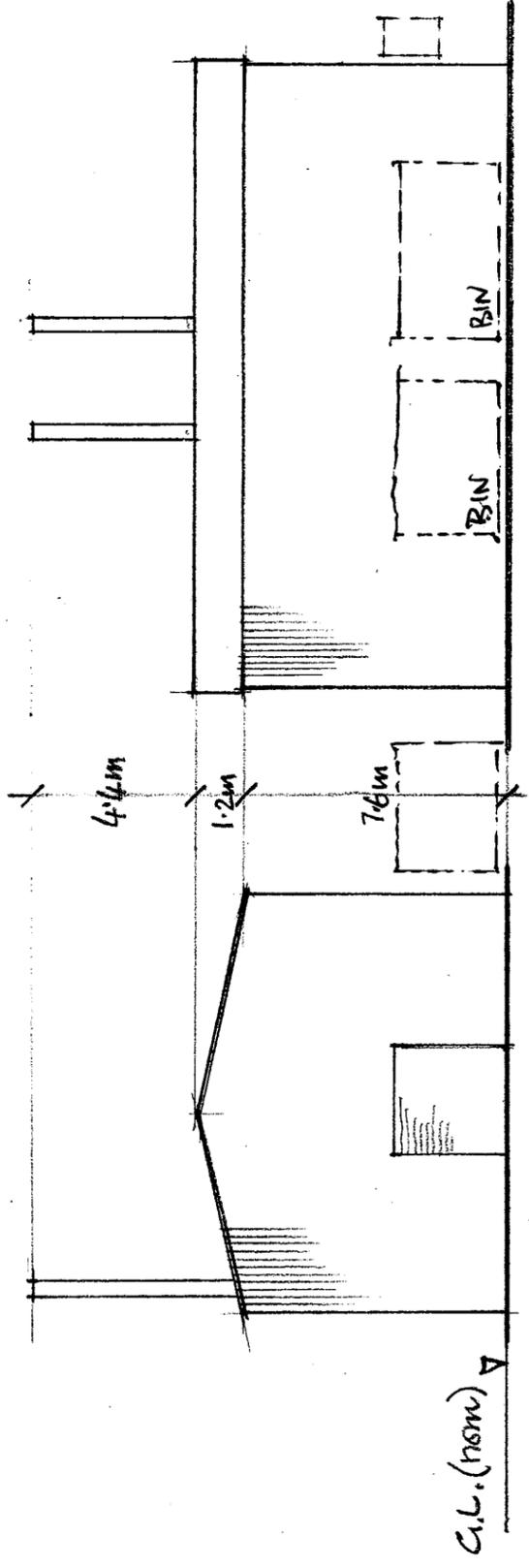
Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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PLAN OF BIOMASS PLANT
 scale 1:200@AZ



SOUTH-WEST ELEVATION

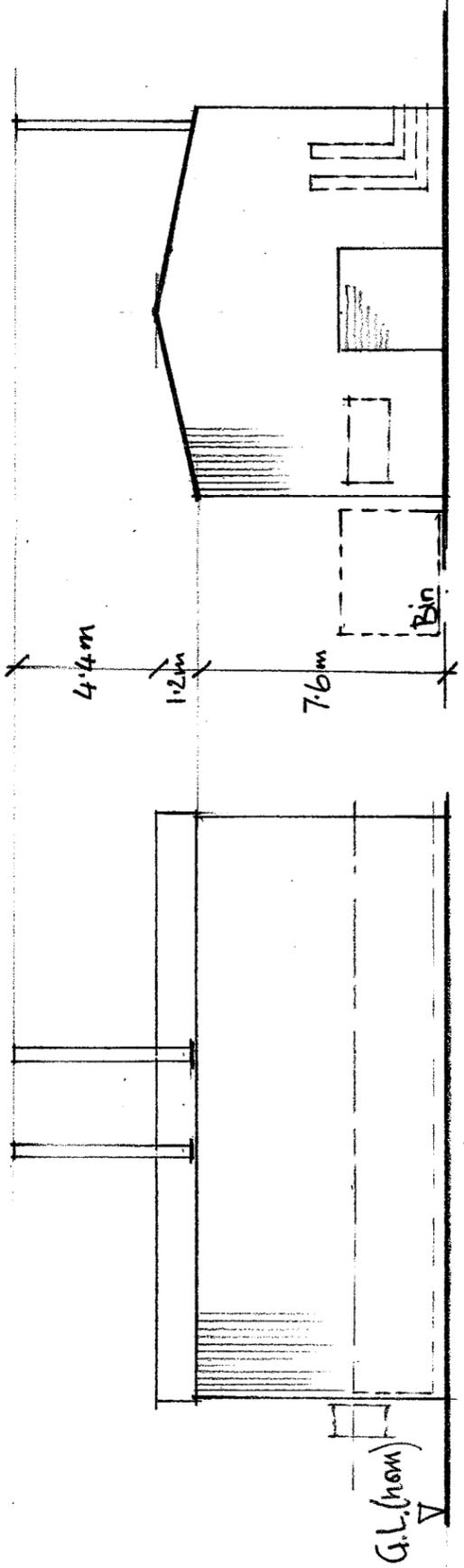
SOUTH-EAST ELEVATION

EXISTING PLAN & ELEVATIONS

Materials

- Walls. Coat steel ribbed cladding, colour Dove Grey BS 22 B 17
- Roof. Coat steel corrugated roof sheeting colour Dove Grey BS 22 B 17
- Doors. Galvanised steel.
- Flues. Stainless steel.

scale 1:200@A3
 0 2 4 6 8 10m



NORTH-WEST ELEVATION

NORTH-EAST ELEVATION

NOTES

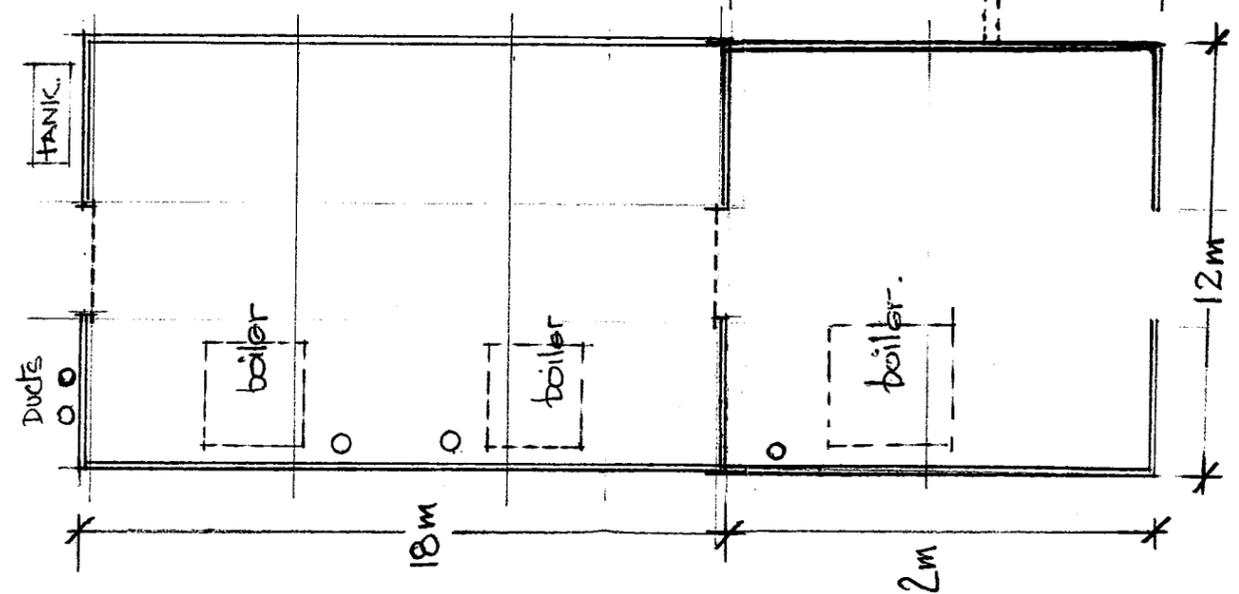
- Dimensions taken from site survey photographs
- G.L. - nominal - Working platforms around building set at required heights may differ.

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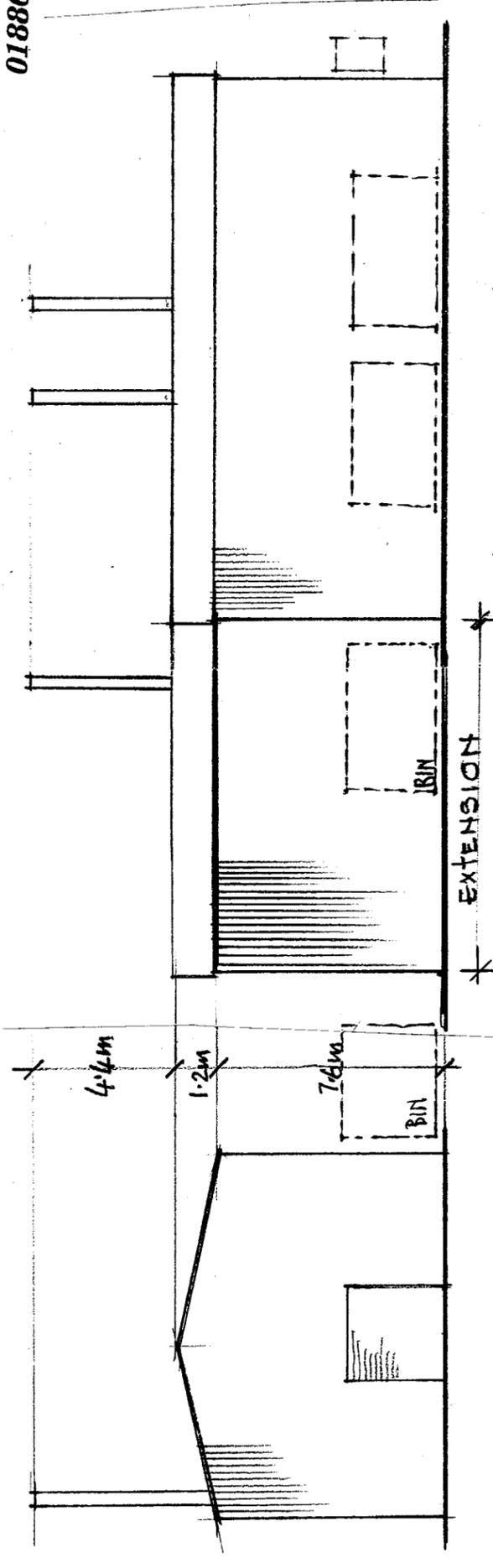
01886 888294

Project Guinness Park, Leigh Sinton, Worcester
Client Go Greener Ltd
Drawing no. 17-374-PL-003 A Scale 1:200 @ A3 Date: September 2019
© Design remains property of Green Lane Design

Planning Application - Extension to the Existing Biomass Plant
Existing with Proposed Extension - Plans and Elevations
Rev A - Feeder bin added Oct 19



PLAN OF BIOMASS PLANT
scale 1:200 @ A3

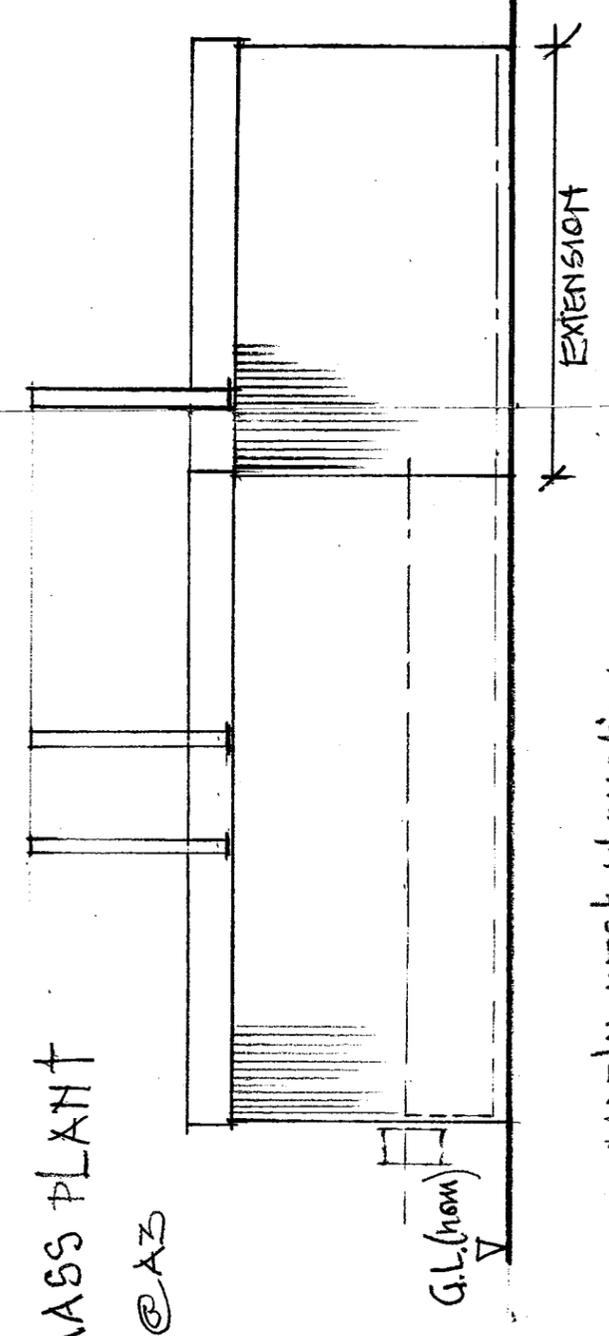
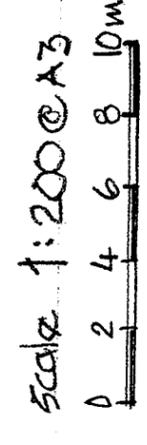


SOUTHWEST ELEVATION
(extended forward)

SOUTH-EAST ELEVATION

Materials
Walls. Coat steel ribbed cladding, colour Dove Grey BS 22 B 17
Roof. Coat steel corrugated roof sheeting colour Dove Grey BS 22 B 17
Doors. Galvanised steel.
Flues. Stainless steel.
Feeder Bin. Metal self colour.

NOTES
• Dimensions taken from site survey photographs
• G.L - nominal - Working platforms around building set at required heights may differ.



NORTH-WEST ELEVATION

NORTH-EAST ELEVATION
(no change)

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**PLANNING AND REGULATORY COMMITTEE
7 JULY 2020****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**

Applicant

Severn Trent Water Ltd.

Local Member

Mr P Middlebrough

Purpose of Report

1. To consider 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.

Background

2. The proposed development is part of a wider scheme to enhance the performance of the sewerage system in Upton-upon-Severn. The scheme includes the provision of a new pumped storm water overflow, a rising main and diversions of the existing sewers.

3. The applicant states that these works are required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewerage system, and a lack of hydraulic capacity at the existing sewage pumping station. Upton-upon-Severn and the surrounding areas are prone to flooding from the River Severn. Sewer flooding and pollution are identified as a risk to the local environment and may constitute a health hazard. The works are required to protect the sewerage system against flooding, they would reduce these identified risks and help to improve the performance of the system against the increasing risk of flooding in the future.

The Proposal

4. The proposal is for the installation of a new terminal pumping station incorporating a pumped storm overflow.

5. The new pumping station would replace the existing pumping station at New Street, Upton-upon-Severn due to the need for additional capacity.

6. The development would consist of:

- An approximately 9 metres diameter pumping station which would be entirely buried below ground at approximately 9 metres deep.
- Four Bauer connections (mechanical connections that enable a wheeled tanker to make an above ground connection to the permanent works) above ground to allow for maintenance.
- Four underground chambers would be created, consisting of a flowmeter chamber, a valve chamber, an overflow flowmeter chamber and an overflow valve chamber.
- A new motor control centre kiosk would be located above ground, measuring approximately 9 metres long by 4 metres wide by 2.5 metres high would be built to house the controls for the pumping station. This kiosk would be placed on an approximately 1 metre high platform to ensure the controls are protected from flood risk.
- A vent pipe to provide ventilation within the pumping station wet well chamber, would be located above ground, measuring approximately 2.5 metres high.

7. The site is adjacent to the Environment Agency (EA) flood defences including a flood water storage, pumping tank and a flood bund. To ensure the proposed development does not impact upon the structural stability of the flood bund, a retaining wall would be constructed as part of this proposal. The retaining wall would measure approximately 2.25 metres high from ground level. The applicant is proposing to paint the retaining wall 'Holly Green' in colour. Handrailing would be erected along the top of the retaining wall, measuring approximately 1.1 metres high.

8. A wooden stock proof post and rail fence, measuring approximately 1.3 metres high is proposed around the boundary of the site. The fence would be topped with a strand barbed wire and infilled with a stock proof mesh.

9. The existing access to the field at the corner of New Street and the private road running across the site would be altered. Two new gates would be created to allow permanent shared access for the EA and Severn Trent Water Limited (STWL).

10. A pedestrian access gap in existing post and rail fence from the corner of New Street would be provided to allow access to the definitive route of Public Right of Way (Footpath UU-525) that intersects the north-east corner of the site.

The Site

11. The site is located immediately outside, but adjacent to the development boundary of Upton-upon-Severn, which is a small town in the Malvern Hills District to the south of the county.

12. The proposed development is located to the west of the town on existing greenfield agricultural land. The site is bounded by New Street and residential properties to the north; a private track, telephone exchange, existing sewage pumping

station and residential properties to the east; and agricultural land to the west and south.

13. The application site measures approximately 821 square metres in area.

14. A significant part of Upton-upon-Severn is designated as Conservation Area (CA) which also includes the application site. There are a number of listed buildings within Upton-upon-Severn with the closest being '36 New Street' and '18 and 20 New Street', which are Grade II Listed Buildings located approximately 35 and 55 metres north-east and east of the application site, respectively.

15. As stated above, the site is adjacent to the EA flood defences including a flood water storage, pumping tank and a flood bund. The flood bund marks the western and south-western boundary of the site.

16. A number of mature trees and scrub vegetation are present along the existing post and rail metal fence on eastern site boundary. The access to the site currently has a metal gate placed along a stretch of a wooden post and rail fence. The majority of the northern boundary is marked by a wooden fence which divides it from the public right of way.

17. There are three young trees within the site boundary.

18. The application lies approximately 190 metres south-west of the River Severn which is designated as Local Wildlife Site (LWS). The Poole and Mere Brooks LWS is located approximately 300 metres north-west and Stocks Yatt Meadow LWS approximately 450 metres south from the site. The Upton Ham Site of Special Scientific Interest (SSSI) is located approximately 550 metres to the east.

19. The application site lies over 34 kilometres upstream of the Severn Estuary Special Protection Area (SPA) / Special Area of Conservation (SAC) / Ramsar Site. It is also notified as the Upper Severn Estuary Site of Special Scientific Interest (SSSI).

20. The definitive route of Footpath UU-525 runs across north-east corner of the site.

21. The site is located in Flood Zone 3 (1% or greater annual probability of river flooding in any year).

22. The Western Power Distribution's overhead electric lines run across the field to the south of the site.

Summary of Issues

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

- Need for the development
- Location of development
- Residential amenity, visual impact and landscape character
- Historic environment
- Water environment
- Ecology and biodiversity

- Traffic, highways safety and public rights of way

Planning Policy

National Planning Policy Framework (NPPF)

24. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

25. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

26. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

27. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

28. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

29. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

30. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

National Planning Policy for Waste

31. The National Planning Policy for Waste published on 16 October 2014 is 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

32. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

33. 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.

34. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states *"existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.

Worcestershire Waste Core Strategy Development Plan Document (WCS)

35. The policies that are relevant to the proposal are listed below:

- Policy WCS 1: Presumption in favour of sustainable development
- Policy WCS 3: Re-use and Recycling
- Policy WCS 6: Compatible land uses
- Policy WCS 8: Site infrastructure and access
- Policy WCS 9: Environmental assets
- Policy WCS 10: Flood risk and water resources
- Policy WCS 11: Sustainable design and operation of facilities
- Policy WCS 12: Local characteristics
- Policy WCS 14: Amenity
- Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan

36. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:-

- Policy SWDP 1: Overarching Sustainable Development Principles
- Policy SWDP 2: Development Strategy and Settlement Hierarchy
- Policy SWDP 4: Moving Around South Worcestershire
- Policy SWDP 5: Green Infrastructure
- Policy SWDP 6: Historic Environment
- Policy SWDP 7: Infrastructure
- Policy SWDP 21: Design
- Policy SWDP 22: Biodiversity and Geodiversity
- Policy SWDP 24: Management of the Historic Environment
- Policy SWDP 25: Landscape Character
- Policy SWDP 28: Management of Flood Risk
- Policy SWDP 29: Sustainable Drainage Systems
- Policy SWDP 30: Water Resources, Efficiency and Treatment
- Policy SWDP 31: Pollution and Land Instability
- Policy SWDP 32: Minerals

Draft Planning Policy

Emerging Worcestershire Minerals Local Plan (Publication Version)

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

38. The Emerging Mineral Local Plan went through four previous stages of public consultation between 2012 and 2019 before the Publication Version of the Minerals Local Plan, which was published on 19 August 2019 for a 6-week consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) (as amended) to allow representations to be made under Regulation 20, in relation to whether the plan is sound and legally compliant. The Plan was subsequently submitted to the Secretary of State for Housing, Community and Local Government on 17 December 2019 for independent examination.

39. The Secretary of State has appointed Elizabeth Ord LLB (Hons) LLM MA DipTUS and Beverley Wilders BA (Hons) PgDurp MRTPI as independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan.

40. Due to the coronavirus (COVID-19) pandemic, the Local Plan hearings for the Emerging Worcestershire Minerals Local Plan, which were due to take place between 5 to 7 May 2020 and 2 to 4 June 2020 were postponed. The dates for the rescheduled hearings are currently unknown but are considered unlikely to be before late Summer or Autumn 2020.

41. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the following policies in the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

42. The Emerging Minerals Local Plan policy that, for the avoidance of doubt, is of relevance to the proposal is set out below:

Policy MLP 31: Safeguarding Locally and Nationally Important Mineral Resources

Emerging South Worcestershire Development Plan Review (SWDPR)

43. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The 'Preferred Options' consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. The next step is to produce a Publication Version of the SWDPR, which is currently programmed for October / November 2020. The SWDPR would then be submitted to the Secretary of State for Housing, Community and Local Government for independent examination. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal

compliance of the plan. Once the plan is adopted it would replace the existing policies in the SWDP. Having regard to the advice in the NPPF, Section 4, as the SWDPR is still at an early stage of preparation, only limited weight should be applied to the policies.

44. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy

Policy SWDPR 3: Strategic Transport Links

Policy SWDPR 4: Green Infrastructure

Policy SWDPR 5: Historic Environment

Policy SWDPR 6: Infrastructure

Policy SWDPR 7: Health and Wellbeing

Policy SWDPR 25: Design

Policy SWDPR 26: Biodiversity and Geodiversity

Policy SWDPR 28: Management of the Historic Environment

Policy SWDPR 29: Landscape Character

Policy SWDPR 32: Management of Flood Risk

Policy SWDPR 33: Sustainable Drainage Systems

Policy SWDPR 34: Water Resources, Efficiency and Treatment

Policy SWDPR 35: Amenity

Policy SWDPR 36: Air Quality

Policy SWDPR 37: Land Stability and Contaminated Land

Policy SWDPR 38: Minerals

Emerging Upton-upon-Severn Neighbourhood Plan

45. Upton-upon-Severn Town Council submitted an application to Malvern Hills District Council on 10 December 2014, to designate the parish of Upton-upon-Severn as a Neighbourhood Area. This was subject to consultation between 9 January 2015 and 20 February 2015.

46. On 5 March 2015, the application for the designation of the area defined by the boundaries of Upton-upon-Severn Town Council, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Malvern Hills District Council.

47. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements, as set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

48. It is noted that whilst the parish of Upton-upon-Severn remains designated as a neighbourhood area, the Town Council have advised Malvern Hills District Council that at the present time they no longer wish to develop a Neighbourhood Plan.

49. The Emerging Upton-upon-Severn Neighbourhood Plan, has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Should the Town Council wish to proceed with the Neighbourhood Plan in the future, then there would be further stages of consultation on the document prior to

submission to the Secretary of State. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging Upton-upon-Severn Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

Other Documents

Planning for Health in South Worcestershire Supplementary Planning Document (SPD)

50. The South Worcestershire Planning for Health SPD was adopted in September 2017, and primarily focuses on the principle links between planning and health. The SPD addresses nine health and wellbeing principles, one of which is 'air quality, noise, light and water management'. The SPD seeks to address issues relating to air quality, noise, light and water management, and sets out guidance on how these matters can be improved via the planning process.

South Worcestershire Design Guide Supplementary Planning Document (SPD)

51. The South Worcestershire Design Guide SPD was adopted in March 2018 and provides additional guidance on how the South Worcestershire Development Plan design related policies should be interpreted, for example through the design and layout of new development and public spaces across South Worcestershire, and is consistent with planning policies in the South Worcestershire Development Plan, in particular Policy SWDP 21 (Design).

South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD)

52. The South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD) was adopted in July 2018 and sets out in detail the South Worcestershire Councils' approach to minimising flood risk, managing surface water and achieving sustainable drainage systems. This applies to both new and existing development whilst ensuring that the reduction, re-use and recycling of water is given priority and water supply and quality is not compromised. It relates to policies SWDP 28 (Management of Flood Risk), SWDP 29 (Sustainable Drainage Systems) and SWDP 30 (Water Resources, Efficiency and Treatment) of the adopted South Worcestershire Development Plan.

Consultations

53. **Local County Councillor Paul Middleborough** (Croome Division) supports this proposal, however, he finds this development visually austere.

54. **Upton-upon-Severn Town Council** have recommended the application for approval; however, they have some reservations about the visual impact of the proposal in the Conservation Area (CA) and recommend that a professional Landscape and Visual Impact Assessment is carried out.

55. **Malvern Hills District Council** have no objections to the principle of this development; however, they raise the following comments:

56. They originally stated that the applicant had not provided a justification for the use of this greenfield site in the form of a sequential test. The applicant provided further evidence of their consideration regarding alternative brownfield sites in vicinity. In response Malvern Hills District Council confirmed they had no additional comments.

57. Malvern Hills District Council also raised concerns whether the impact on the CA can be considered negligible as set out within the submitted Archaeology and Heritage Statement. They state, however, that they are content for the County Planning Authority to assess this matter and to consider the benefits of the proposal balanced against any adverse impacts in forming their final recommendation.

Public footpaths and nuisance

58. In view of the nature and location of the development and its proximity to a number of residential properties and Public Rights of Way, the District Council recommended that the Ramblers Association and Worcestershire Regulatory Services are consulted on the application.

Principle of the development

59. The District Council note that the application site is situated on a greenfield site, outside of the Upton-upon-Severn development boundary, as defined by the South Worcestershire Development Plan where development will be strictly controlled and will be limited to development which is specifically allowed by SWDP policies. However, the application explains rationale and need for the development. In view of this, the District Council have no objections to the principle of this development.

Pollution

60. The District Council state that the development would provide benefits to residents and businesses within the Town in terms of protection from pollution and its impact on health, consequently they consider the proposal accords with Policy SWDP 31 of the South Worcestershire Development Plan and paragraph 150 of the NPPF, which seeks to avoid the adverse impacts resultant from climate change. Furthermore, it will provide valuable infrastructure to allow future growth which will also see further social and economic benefits. These matters carry significant weight.

Ecological mitigation

61. The District Council notes the proximity of the proposal to statutory designated wildlife sites and non-statutory designated wildlife sites. Notwithstanding this, they acknowledge the findings of the submitted Preliminary Ecological Appraisal Report (PEA), which considers the impacts upon these wildlife sites is negligible. The District Council notes that the application site includes potentially suitable bat roosting features, and habitats for mammals, birds and reptiles, and that suitable mitigation as appropriate is proposed during construction works. Furthermore, to minimise any potential risk to commuting or foraging bats, the District Council recommend that no night working takes place, and no unnecessary lighting used in the construction or operation of the development.

62. The District Council recommend ecological mitigation and enhancement measures should be secured by planning condition if planning permission is granted, which should include detailed working method statement and subsequent compliance statements to confirm that the necessary mitigation and enhancement measures as recommended by the submitted ecological reports have been provided. Whilst the

District Council notes that the applicant states they do not propose to install any fixed artificial lighting or illumination within the development, given the sensitive nature of this site this matter should be controlled by an appropriate condition.

Waste

63. The submitted details show that waste material would be segregated on site and sent to appropriate disposal and recycling sites. In view of this, the District Council consider that details of the routing and disposal sites should be imposed as a condition to ensure the transportation of waste materials does not adversely impact residential amenity, highways safety and the structural integrity of any historic buildings. Similarly, whilst some details of site operative parking and site management have been submitted it is considered a Construction Environmental Management (CEMP) should be imposed as a condition.

64. In addition, the District Council recommend the imposition of conditions restricting the hours of construction works and related deliveries. Whilst they note that the application states “*during construction work and maintenance would only be carried out during the standard operational hours of 08:30 to 17:30 Mondays to Fridays*”, they recommend that the construction works do not take place on Sundays or Bank Holidays.

Conservation Area

65. The District Council appreciate that the applicant has considered the potential impacts of the development on the CA and that consideration has been given to the detail and finish of the development. In particular, the District Council note that the proposed kiosk is the smallest that can be used and indicates that the details of the development have been chosen to suit the rural location and CA status.

66. Notwithstanding this, the CA is designated for its relatively unaltered historic built form and views of the historic features and surrounding landscape. Due to the nature and location of the proposal, the District Council raise concerns that the proposal would detract from the character and significance of the CA.

67. The Upton-upon-Severn CA Appraisal identifies key views and vistas into and out of the CA, and whilst the submitted Heritage and Archaeological Statement advises the site does not relate to any of these key views, it should be noted that the CA appraisal advises views of St Peters and St Pauls Spire from the south-west from outside of the CA are important, and that the proposal would be visible within such views towards the Spire from the west. Design guidance within the CA states that Key Views into and out of the CA should be maintained.

68. Consequently, the District Council are concerned that the development would detract from the views which are experienced from the open space adjacent to the site towards the spire. In addition, the CA appraisal notes that the west end of New Street has a rural feel which is influenced by the openness of the application site and surrounding field. The CA Appraisal advises that green spaces, such as the application site, contribute positively to the character of the CA and should be protected. In view of this, whilst the proposed kiosk is modest in the height, the works would result in additional built development, and this combined with the proposed planting (to screen the site from New Street) would clearly result in a loss of this openness and, therefore, reduce the contribution the site makes to the character of

the CA. In view of this, the District Council query if the impact on the CA can be considered negligible as set out within the submitted Archaeology and Heritage Statement.

69. Notwithstanding this, the District Council recognise that the proposal would provide significant benefits in terms of the additional protection it would provide to residents and businesses in terms of protection from pollution and its impact on health and would also provide infrastructure to allow future growth and, thus promote further social and economic benefits. Consequently, the harm from this development in terms of the impact on the CA should be carefully weighed against these benefits.

70. Following consultation on the amended plans, the District Council reiterated that should the County Planning Authority be minded to grant planning permission for this development samples should to be provided by the applicant to show the colour, texture and finish of the proposed surfacing, new retaining wall, new boundary treatments, new gates and kiosk either prior to determination or as a condition of any forthcoming consent. The District Council considers that the proposal would impact views into the CA as well as the character of this part of New Street. As such any benefits of the proposal should be weighed against this harm.

71. **Malvern Hills District Council's Conservations Officer** objects to the development as proposed, stating that the principle of the proposal is acceptable, subject to the details not causing harm to the heritage assets in the locality. The functional nature of such a site is acknowledged, but concern is expressed about the large area of concrete or tarmac hardstanding on the site and the green sheet piling proposed to the west of the site. Also, of concern is the nature of the handrailing proposed to the top of the sheet retaining wall, as this would be visible from a number of views and angles and, therefore, should be sympathetic to the character of the CA and the setting of the listed buildings. The Conservation Officer recommends that the retaining wall needs to be softened in appearance and the handrailing needs to have a more attractive appearance rather than the industrial aesthetic proposed. These elements would be seen against a rural backdrop when looking over the site from the east and should be appropriate for such a vista. Similarly, the swathe of hardstanding could be modified in colour or texture to improve its appearance within the CA.

72. At present the proposal is considered to cause harm to the character and appearance of the Upton-upon Severn CA and to the setting of 36 New Street (grade II listed). The Conservation Officer considers this be less than substantial harm and enacts NPPF, paragraph 196.

73. **Historic England** do not wish to offer any comments on this proposal and recommend that the County Planning Authority seeks the views of their own specialist conservation and archaeological advisers, as relevant.

74. **The County Archaeologist** has no objections to the proposal subject to the imposition of a condition requiring a programme of archaeological works, including an evaluation and watching brief. The County Archaeologist notes that the proposal has the potential to impact archaeology from any period.

75. **The District Archaeologist** has no objections to the proposal, deferring to the advice of the County Archaeologist.

76. **The County Landscape Officer** has no objections and support the County Ecologist's recommendation of the imposition of the conditions relating to CEMP for biodiversity and a Landscape and Ecological Management Plan (LEMP).

77. The County Landscape Officer also originally requested the inclusion of an additional hedgerow on the western boundary, however, the applicant clarified that this may impact the integrity and performance of the EA flood embankment. In response, the County Landscape Officer confirmed he had no objections to the proposal and whilst he was disappointed that there can be no planting along the post and rail fence, he accepted the engineering constraints as set out by the applicant.

78. **The County Ecologist** has no objections to the proposal, subject to the imposition of conditions requiring a CEMP for biodiversity and LEMP. The County Ecologist considers that the proposal would result in a modest net gain for biodiversity.

79. Originally the County Ecologist also recommended the inclusion of an additional hedgerow, however, the applicant provided further clarification on the reason for not including a native hedgerow on the western boundary, as it may impact the integrity and performance of the EA flood embankment. In response the County Ecologist confirmed it was disappointing that a commitment to integrate new hedgerow alongside post-and-rail fencing was not forthcoming, however, as this would be located on private land and would have formed a measurable enhancement (rather than being critical to the scheme's environmental acceptability) the County Ecologist confirmed he had no objections to the proposal.

80. The County Ecologist also sought confirmation that no new external lighting was proposed as part of the scheme. Where lighting is required for user health and safety, confirmation was sought that this would be minimal, directed to the task at hand and operated by user activated timer so as to prevent inadvertent operation for any longer than necessary.

81. **Worcestershire Wildlife Trust** have no objections to the proposal and defer to the opinions of the County Ecologist for all on-site biodiversity considerations.

82. **Natural England (NE)** state that the nature and location of proposed project suggests necessary hydrological connection to a European designated site (also commonly referred to as Natura 2000 sites) and, therefore, has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site lies over 34 kilometres upstream of the Severn Estuary Special Protection Area (SPA) / Special Area of Conservation (SAC) / Ramsar Site. The site is also notified as the Upper Severn Estuary Site of Special Scientific Interest (SSSI).

83. NE recognise the wider benefits of this scheme to enhance the performance of the sewerage system in Upton-upon-Severn which would result in better flood resilience and improved water quality. Natural England support this project.

84. They have no objection and concerns in relation to any impacts on Upton Ham SSSI.

85. In relation to Severn Estuary SPA, SAC and Ramsar site, however, they were originally concerned, with the potential impacts that may arise from the proposal related to the presence of interest features that are located outside the site boundary i.e. migratory fish within the River Severn hydrological catchment. The potential for offsite impacts, therefore, needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites. They advise that initial Habitat Regulations Assessment (HRA) screening is undertaken to consider potential impacts the proposal may have on the migratory fish species present within the River Severn catchment.

86. The applicant submitted additional information on the migratory fish species present within the River Severn catchment in response to these comments.

87. Subsequently, NE considers that the proposed development would not have significant adverse impacts on designated sites and can be screened out from further stages of assessment, and accordingly have no objections.

88. NE also advised that Worcestershire County Council as competent authority have responsibility to produce the Habitat Regulation Assessment (HRA) screening. NE's advice is based on the assumption that the County Planning Authority intends to adopt the applicant's findings to fulfil its duty as competent authority.

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

90. **The County Footpath Officer** has no objection, as the fencing would not obstruct the legal line of Footpath UU-525. The officer also states that should there be any plans to surface the section of the legal line of the footpath then they prefer crushed stone.

91. **The Open Space Society** - No comments received.

92. **The Ramblers Association and Malvern Hills Footpaths Society** have no objections. They are pleased to see that the footpath is shown on the submitted Proposed Site Plan drawing and is annotated that it will be maintained and open throughout the construction period.

93. **The Campaign to Protect Rural England (CPRE)** have no objections.

94. **The Environment Agency (EA)** have no objections to the proposal but recommends that the applicant incorporates flood protection into the design of the infrastructure. They recommend that the proposals should be designed to avoid water damage, where necessary. As such, any flood susceptible electrics / other parts within the motor control centre kiosk are designed to be sited at least 600mm above the 1% flood level plus climate change or flood-proofed to that level, in order to prevent flood risk and associated pollution risk.

95. In response to these comments, the applicant provided further justification for the kiosk housing and proposed design specification to help protect against potential floodwaters, which the EA finds acceptable.

96. **The Lead Local Flood Authority** have no objections to the proposal.

97. **South Worcestershire Land Drainage** have no objections to this proposal. Where it relates to the design of the motor control centre kiosk in relation to flood levels, they defer to the EA comments.

98. **Worcestershire Regulatory Services (Noise and Lighting)** have no objections to the application in terms of noise during the operational phase, and notes that the proposed external operational lighting appears acceptable as the applicant has confirmed that the luminaries would only operate during maintenance visits. They comment that in order to minimise any nuisance from noise, vibration and dust emissions during the construction phase, the applicant should refer to the Worcestershire Regulatory Services' Demolition & Construction Guidance and ensure its recommendations are complied with. They note that sheet piling would be undertaken as part of the proposal, therefore, the applicant should submit a method statement for this activity detailing the proposed times when piling would be undertaken and the noise and vibration mitigation measures to be employed.

99. Worcestershire Regulatory Services consider that the proposed working hours are acceptable.

100. **Worcestershire Regulatory Services (Air Quality and Contamination)** have no objections to the proposal, noting that no relevant issues have been identified in relation to air quality and, therefore, they have no adverse comments to make in this respect.

101. With regard to contamination, Worcestershire Regulatory Services comment that records indicate that a former 'Gas Works' (Gas Manufacture and Distribution) was located adjacent to the boundary of the proposed development site (to the east), which raises potential contamination concerns. The exact location of the former gas works is difficult to identify from the available historical maps but appears to be offsite to the east in the area occupied by various buildings. The area of the proposed development appears largely to have been an undeveloped field / agricultural land. Given the age and location of the adjacent gas works and fact it has been redeveloped for a significant period of time, and the type of development proposed, risks from contamination are considered to be low. Worcestershire Regulatory Services recommend the imposition of a condition in relation to 'unexpected contamination' in order to alleviate the above concerns.

102. **County Council Public Health** - No comments received.

103. **The Hereford and Worcester Fire and Rescue Service** no comments received.

104. **West Mercia Police** - No comments received.

105. **Western Power Distribution** comment that their apparatus is located in the vicinity to the application site (11 kV Overhead Electric Line and underground services); the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive

Guidance HS(G)47, Avoiding Danger from Underground Services', and works in the vicinity of overhead lines should be carried out in accordance with the requirements of the Health & Safety Executive guidance: 'GS6: Avoidance of Danger from Overhead Electric Lines'. The applicant should contact Western Power Distribution should any diversions be required.

106. **The County Minerals and Waste Planning Policy Officer** has no objections. The proposed development is within a Minerals Consultation Area (MCA) as proposed in the Emerging Minerals Local Plan, which is currently at examination stage. However, as this application would not introduce additional sensitive receptors into the area, it is considered that this application would be unlikely to sterilise the mineral resource. Therefore, in this instance, no further action is required by the applicant in relation to minerals safeguarding matters.

107. **The County Waste Management Officer** - No comments received.

Other Representations

108. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application has been advertised in the press, on site, and by neighbour notification. To date there have been no letters of representation received commenting on the proposal.

The Head of Strategic Infrastructure and Economy's Comments

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

The need for the development

110. Severn Trent Water Limited (STWL) is applying for planning permission for the 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.

111. The proposed development would be part of a wider scheme to enhance the performance of the sewerage system in Upton-upon-Severn. The wider scheme includes the provision a new pumped storm water overflow, a rising main and diversions of the existing sewers.

112. The applicant states that these works are required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewerage system, and a lack of hydraulic capacity at the existing sewage pumping station. Upton-upon-Severn and the surrounding areas are prone to flooding from the River Severn. Sewer flooding and pollution are identified as a risk to the local environment and may constitute a health hazard. The works are required to protect the sewer system against flooding, they would reduce these identified risks and help to improve the performance of the system against the increasing risk of flooding in the future.

113. Section 11 paragraph 122 (c) of the National Planning Policy Framework (NPPF) states that “*planning policies and decisions should support development that makes efficient use of land, taking into account (...) the availability and capacity of infrastructure and services – both existing and proposed*”. Additionally, Section 14, paragraph 150 (a) of the NPPF states that “*new development should be planned for in ways that (...) avoid increased vulnerability to the range of impacts arising from climate change*”. Policy SWDP 31 of the South Worcestershire Development Plan states (SWDP) that “*development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones*”.

114. Malvern Hills District Council have been consulted, and in their response they acknowledged that the proposed development would benefit residents and businesses within the Town in terms of protection from pollution and its impact on health, consequently it is considered to accord with Policy SWDP 31 and paragraph 150 of the NPPF which seeks to avoid the adverse impacts resultant from climate change. The response continued that it would provide valuable infrastructure to allow future growth which would also see further social and economic benefits. Malvern Hills District Council is of the view that these matters carry significant weight.

115. In view of the above, the Head of Strategic Infrastructure and Economy considers that the proposed development would create necessary sewerage infrastructure that is flood resilient and provides improvements to the public sewerage system and ensures continuing supply of services. As such, it is considered that the proposal is in accordance with Sections 11 and 14 of the NPPF and Policy SWDP 31 of the South Worcestershire Development Plan.

Location of the development

116. The Worcestershire 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.

117. Policy WCS 3 of the Waste Core Strategy requires waste water treatment facilities to be permitted at all levels of the geographic hierarchy.

118. Policy WCS 6 of the Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs enclosed or unenclosed waste water treatment 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; sites with current use rights for waste management purposes; and, where strongly justified, on greenfield land.

119. Policy SWDP 2 of the South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including “*safeguard and (wherever possible) enhance the open countryside*”. Policy SWDP 2 c) defines the ‘open countryside’ as “*land beyond any development boundary*” and seeks to strictly control development in the open countryside for a number of limited uses. Additionally, “*encouragement is given to the redevelopment of brownfield sites under this policy*”. It needs to be noted, however,

that Policy SWDP 2 generally refers to developments such as housing, employment or retail and it does not specifically mention infrastructure developments (except for renewable energy projects).

120. The development site lies outside, but immediately adjacent to the development boundary of Upton-on-Severn, as such it needs to be classed as located within the open countryside as defined by Policy SWDP 2. It is also located on greenfield land.

121. The applicant has submitted evidence of all available options considered to inform their site selection. The assessment outlines four options with two within and two, including the existing development site, outside the development boundary. The assessment demonstrates that there are no practical 'brownfield sites' in the vicinity of the existing sewage pumping station that could be used, unless existing amenity land (local car parking, leisure facilities, etc.) were to be negatively impacted in both the short and long-term.

122. The applicant explains that the key consideration for the choice of the development site was proximity to the existing sewage pumping station, which is located approximately 20 metres to the south-east of the proposal. Additionally, the location is driven by the need to connect to the gravity system from the existing terminal pumping station and the context of the hydraulic capacity and sewer network.

123. The applicant also explains that if larger pumps and deeper sewers had to be installed at some distance away from the existing terminal pumping station then construction and maintenance health and safety risks would inevitably increase. The risks of a distant location would include:

- disruption caused from blocking access routes, due to a requirement for significant temporary working space for construction, within an urban area bounded by residential and commercial properties; and
- the poor ground conditions, when sinking a large shaft, would generate a risk of compromising the stability of adjacent structures.

124. The proposed development is required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewer system, and a lack of hydraulic capacity at the existing sewage pumping station. The works are also required to protect the sewer system against flooding. As such, it is considered that the proposal would provide clear benefits of reduced pollution and health hazards to Upton-upon-Severn and surrounding areas which suffer with severe flooding issues. It would also help to meet necessary infrastructure requirements for the local area and facilitate future growth in the area.

125. Malvern Hills District Council originally sought further justification in relation to a sequential test and developing on brownfield land. However, following the applicant providing the rationale and need for the development, the District Council confirmed they had no additional comments.

126. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the South Worcestershire Development Plan, the Head of Strategic Infrastructure and Economy notes that sewage pumping stations are not explicitly referred in this policy. Furthermore, it is noted that policy support is given in Policy

SWDP 2 to infrastructure schemes, such as this proposal, as Upton-upon-Severn is classed as 'Urban Areas Other Towns'. 'Policy Implementation' for this category states that "*provisions will need to be made to meet necessary local infrastructure requirements*".

127. The Head of Strategic Infrastructure and Economy considers that there are clear reasons for the proposed location of the development and the proposal would provide significant benefits to the local area and its residents. As such it is considered that this development would be 'strongly justified' for the purposes of Policy WCS 6 of the Waste Core Strategy.

128. In view of the above, the Head of Strategic Infrastructure and Economy considers that proposed development is in accordance with Policies WCS 3 and WCS 6 of the Waste Core Strategy and would be sited in an appropriate location.

Residential amenity, visual impact and landscape character

129. The development site is located to the west of Upton-upon-Severn on existing greenfield agricultural land. The site is bounded by New Street to the north with residential properties and the River Severn beyond; an unnamed private track, telephone exchange and existing sewage pumping station and residential properties to the east; and agricultural land to the west and south.

130. The nearest property would be located approximately 13 metres to the east of the proposal.

131. The proposed development would involve the construction of a sewage pumping station and associated motor control centre kiosk (measuring approximately 9 metres long by 4 metres wide by 2.5 metres high mounted on a plinth measuring approximately 1 metre high). The kiosk would be located at the southern end of the site. The facility would be constructed to the east of the EA flood defences, would cut into the bank of the flood bund and would require the construction of a sheet piled retaining wall. The piled wall would be capped by a concrete beam which would be surmounted by a metal hand railing to provide edge protection (measuring approximately 1.1 metres high). The height of the retaining wall would be approximately 2.25 metres in height and would be painted green. The development would include a vent pipe at approximately 2.5 metres high above final ground level. All other equipment would be below or at ground level.

132. Access to the site would be provided by a double gate from New Street. The site would include a permanent road surface to allow access to the facility by service vehicles and to maintain access to the EA storage facility.

133. The vegetation along the existing service track would be removed in part at the northern end and be replaced by a post and rail fence. The vegetation along the eastern boundary would also be removed and replanted with a length of hedgerow containing a mix of native species to replace any lost biodiversity and screen the development from views.

134. It is considered that the siting of the development bounded by the development areas to the east and the EA flood bound to the west and mature vegetation to the north would assist with providing visual screening of the site from most of the

directions. The exception being the views from New Street when looking towards the site across the gate and views from Public Right of Way (Footpath UU- 525).

135. As such, whilst relatively well screened from some directions, the site would be readily visible to a number of properties along New Street located to the north and north-east from the site. Nevertheless, the visual impact would be mitigated with the on-site design options which include the minimal size and the location of the kiosk to the south-east away from the immediate views, the softening of the appearance of the retaining wall through the application of green finishes, the reinstatement and supplementary planting of vegetation along the eastern border of the site, and following discussions with officers, the applicant has confirmed they would if required construct a grasscrete surface or similar material, rather than the proposed concrete hardstanding and paint the proposed metal handrail matt black.

136. Whilst it is considered that there would be a minor increase in traffic during the construction phase, this would be temporary and would not have a significant impact on air quality or noise. During the construction phase, works would only be carried out between the hours of 08:30 to 17:30 Mondays to Fridays, inclusive. During operation of the site, infrequent access would be required for maintenance and emergency works. Operational maintenance would also only take place between the hours of 08:30 to 17:30 Mondays to Fridays, however, access in the event of an emergency would be required at any time.

137. Malvern Hills District Council comment in respect of the construction working hours, recommending that the hours should do not include Sundays or Bank Holidays. The District Council also recommend the imposition of conditions requiring a CEMP, lighting details, samples colour, texture and finish of the proposed surfacing, retaining wall, boundary treatments, gates and kiosk. Conditions are recommended to this effect.

138. There are three sources of light proposed on site; lighting column at the north edge of the site, lighting column to provide light over the tank and in front of kiosk and lighting mounted on kiosk. During operation, lighting would be used only for health and safety purposes during infrequent maintenance visits taking place during the standard operational times set out above. The applicant also confirmed that all lighting on-site would be task specific and operator controlled.

139. No letters of representation commenting on the proposal have been received.

140. Upton-upon-Severn Town Council have recommended the application for approval; however, they have some reservations about the visual impact of the structure in the Upton-upon Severn Conservation Area (CA) and asked for a professional Landscape Visual Impact to be carried out. However, it is noted that the applicant submitted an Archaeology and Heritage Statement, which assessed the impact of the proposal upon the CA. This is discussed in more detail in the 'Historic Environment' Section of this report.

141. It is also noted that the County Landscape Officer has raised no objections to the proposal, subject to the imposition of the conditions relating to Construction Environmental Management Plan (CEMP) for biodiversity and a Landscape and Ecological Management Plan (LEMP). Conditions are recommended to this effect.

142. Worcestershire Regulatory Services (Air Quality and Contamination) have been consulted, and they have raised no objections to the proposal in respect of air quality and contamination, subject to the imposition of a condition in the event of unexpected contamination as a precaution. A condition is recommended to this effect.

143. Worcestershire Regulatory Services (Noise, Dust, Vibration and Lighting) have also raised no objections to the proposal in terms of noise, dust, vibration and lighting, subject to the imposition of a condition requiring method statement detailing appropriate mitigation measures for the proposed sheet piling activity. They also consider that the proposed working hours are acceptable.

144. In view of the above, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions, the proposed development would not cause an unacceptable impact in terms of visual impact, landscape character and residential amenity due to its design, size and location.

Historic environment

145. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings and conservation areas 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"*. Section 72 (1) imposes a general duty as respects Conservation Areas in the exercise of planning function stating *"in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

146. With regard to heritage assets, paragraph 190 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

147. Paragraphs 193 and 194 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional...b) assets of the highest significance, notably scheduled monuments...grade I and II* listed buildings...should be wholly exceptional"*.

148. Paragraph 195 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”* or all the criteria listed in a) to d) of paragraph 195.

149. Paragraph 200 of the NPPF states that *“local planning authorities should look for opportunities for new development within Conservation Areas ...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

150. The application site is located within the Upton-upon-Severn CA. There are no designated heritage assets within the application site. There are two Scheduled Monuments within 1-kilometre search radius of the site ('Tower of Old Church' and 'Upton Cross in Old Churchyard'), three Grade II* listed buildings and 112 Grade II listed buildings: these are predominantly located within the centre of the town to the east. The closest listed buildings are '36 New Street' and '18 and 20 New Street', which are Grade II Listed Buildings located approximately 35 and 55 metres north-east and east of the application site, respectively

151. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF describes the setting of a heritage asset as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*. It goes on to describe significance for heritage policy, stating that this is *“the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*.

152. The Government's Planning Practice Guidance (PPG) at Paragraph Ref ID: 18a-013-20190723 states that *“...the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each”*.

153. The proposed development would involve the construction of a sewage pumping station and associated kiosk (measuring approximately 9 metres long by 4 metres wide by 2.5 metres high mounted on a plinth, measuring approximately 1 metre high). The kiosk would be located at the southern end of the site. The facility would be constructed to the east of the EA flood defences and would cut into the bank of the flood bund and would require the construction of a sheet piled retaining wall. The piled wall would be capped by a concrete beam which would be surmounted by a

metal hand railing to provide edge protection (measuring approximately 1.1 metre high). The height of the retaining wall would be approximately 2.25 metres in height and would be painted green. The proposal would include a vent pipe at approximately 2.5 metres above final ground level. All other equipment would be below or at ground level.

154. Access to the site would be provided by a double gate from New Street. The site would include a permanent road surface to allow access to the facility by service vehicles and to maintain access to the EA flood defences.

155. The vegetation along the existing service track would be removed in part at the northern end and be replaced by a post and rail fence. The vegetation along the eastern boundary would also be removed and replanted with a length of hedgerow containing a mix of native species to replace any lost biodiversity and screen the development from views.

156. Malvern Hills District Council's Conservation Officer has objected to the proposal, stating that the application site lies within the Upton-upon-Severn CA and in the setting of several listed buildings. The principle of the proposal is considered acceptable subject to the details not causing harm to the heritage assets in the locality. The functional nature of such a site is acknowledged, but concern is expressed about the large area of concrete or tarmac hardstanding on the site and the green sheet piling proposed to the west of the site. Also, of concern is the nature of the handrailing proposed to the top of the retaining wall. The location would be visible from a number of views and angles and, therefore, should be sympathetic to the character of the CA and the setting of the listed buildings. It is suggested that the retaining wall needs to be softened in appearance and the handrailing needs to have a more attractive appearance rather than the industrial aesthetic proposed. These elements would be seen against a rural backdrop when looking over the site from the east and should be appropriate for such a vista. Similarly, the swathe of hardstanding could be modified in colour or texture to improve its appearance within the CA.

157. The Conservation Officer goes on to state that at present the proposal is considered to cause harm to the character and appearance of the CA and to the setting of 36 New Street (Grade II Listed Building). This would be less than substantial harm and enacts paragraph 196 of the NPPF.

158. The Malvern Hills District Council comment that the applicant has considered the potential impacts of the development on the CA and that consideration has been given to the detail and finish of the development. Notwithstanding this, they note that the CA is designated for its relatively unaltered historic built form and views of the historic features and surrounding landscape, and in view of the location and detail of the proposed development there is concern that the proposal would detract from the character and significance of the CA. Design guidance within the CA states that key views into and out of the CA should be maintained. In addition, the CA appraisal notes that the west end of New Street has a rural feel which is influenced by the openness of the application site and surrounding field. The CA Appraisal advises that green spaces, such as the application site, contribute positively to the character of the CA and should be protected. In view of this, the District Council query if the impact on the CA can be considered negligible as set out within the submitted Archaeology and Heritage Statement. Notwithstanding this, the District Council is content for the

County Planning Authority to assess this matter and to consider the benefits of the proposal balanced against any adverse impacts in forming their final recommendation.

159. Upton-upon-Severn Town Council have been consulted and have some reservations about the visual impact of the structure in CA, but they recommended the application for approval.

160. Following consultees comments and discussions with officers, the applicant has confirmed they would if required incorporate alterations to the site design in order to minimise the impact on heritage assets. These include the replacement of the concrete hardstanding with a grasscrete surface or similar material to allow a strong hardstanding surface that meets the appropriate Severn Trent Water Limited standards, while providing a permeable surface that would help to blend the site into the surroundings and painting the handrail matt black to reduce any reflection from the handrail and, therefore, reduce any visual impact.

161. The applicant explains that any additional mitigation of the impact of the retaining wall such as a planted wall or a gabion wall would not be possible, as it would not protect the structural integrity of the flood defences as a long-term solution and the significant space constraints of the site would mean that in order to accommodate a gabion wall, the design and layout of the site may have to be reconsidered. A redesign of the constrained site area to remove the wall or add width to the wall, when considering the necessary design layout of site equipment, apparatus and the shaft tank would be required which would lead to an increased footprint for the works to accommodate the proposals.

162. The proposed development has potential to be visible from a number of views and angles within and towards the CA. In particular, the development may interfere in views towards the Schedule Monument and Grade II* Listed Building of 'Tower of Old Church', the top of which is visible above the trees when looking from the edge of the field / CA across the site in north-easterly direction. However, the positioning of the site next the existing EA flood bund would provide an element of screening from the views looking across the site with only the top of the retaining wall including the railing and kiosk visible when viewed across the site towards the CA and the above mentioned Scheduled Monument. Mature vegetation would screen the site from the wider views from the north, it would be, however, visible to the users of the Public Right of Way (Footpath UU- 525). Whilst the site is located on a greenfield area, it is immediately adjacent to the built-up area. The main development feature of the kiosk is tucked in between the line of shrubs and mature trees to southernly corner of the site which would provide screening. Additionally, its green colour would help to blend in the structure against the backdrop of vegetation.

163. In addition, the applicant proposes the following mitigation measures to minimise the impact upon the CA:

- the design of the kiosk of dimensions the smallest it can be to perform its function;
- the location of the kiosk to the south of the site so as not to be visible in views westwards along New Street;

- the softening of the appearance of the retaining wall through the application of sympathetic coloured materials rather than untreated sheet piling;
- the reinstatement and supplementary planting of vegetation along the eastern border of the site to visually screen the proposed built development from views westwards along New Street;
- a grasscrete surface or similar material across all areas previously proposed be concrete hardstanding; and
- painting the handrail matt black reduce any reflection.

164. It is considered that the siting of the development bounded by the development areas to the east and the EA flood bound to the west and mature vegetation to the north means that only glimpses of the site would be visible from most of the directions. The exception being the views from New Street when looking towards the site across the gate and views from the Public Right of Way (Footpath UU- 525). As demonstrated above, a number of mitigation measures would assist with integrating the site into its setting.

165. In view of the above, and having regard to the advice of the District Council and Conservation Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would result in less than substantial harm to the significance of the designated heritage assets of the CA, the setting of the Listed Buildings located along New Street, in particular the Grade II Listed Building of '36 New Street' and the setting of the Schedule Monument and Grade II* Listed Building of 'Tower of Old Church'.

166. Paragraph 196 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, where appropriate, securing its optimum viable use”*.

167. The Government's PPG at Paragraph Ref ID: 18a-020-20190723 confirms that *“public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit”*.

168. It is considered that the development would provide substantial public benefits, in that the proposal is required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewer system, and a lack of hydraulic capacity at the existing sewage pumping station. The works are also required to protect the sewerage system against flooding. As such, the proposal would provide clear benefits of reduced pollution and health hazards to Upton-upon-Severn and surrounding areas which suffer with severe flooding issues. It would also help to meet necessary infrastructure requirements for the local area and facilitate future growth in the area.

169. In view of this, having given special attention to the desirability of preserving or enhancing the character or appearance of the CA (Section 72) and having special regard to the desirability of preserving the Listed Buildings and Structures or their setting or any features of special architectural or historic interest which they possess (Section 66), and paragraph 196 of the NPPF, it is considered that the public benefits of the scheme are powerful material considerations, which outweigh the less than substantial harm to rebut the strong presumption against causing any harm to these heritage assets.

170. The Worcestershire Historic Environment Record (HER) identifies earthwork remains of possible post-medieval water management systems at the site. Other entries relate to the medieval and post-medieval development of the Town of Upton-upon-Severn and its agricultural setting.

171. The applicant states that archaeological works have been previously undertaken in part of the site in association with the construction of the EA flood defences. These investigations did not reveal any archaeological features but recovered some post-medieval and modern ceramics and glass.

172. The County Archaeologist has been consulted and has raised no objections to the proposal, subject to the imposition of an appropriate condition. The District Archaeologist wishes to defer to the County Archaeologist advice on this proposal.

173. Following the consultee comments, it has been established with the applicant that no 'shallow / surface' archaeological works is envisaged to be required as the potential presence of features had previously been mitigated for during the construction of the flood protection bund in 2011.

174. In regard to the deeper Pleistocene / Palaeolithic potential of the gravels, an element of work to mitigate for the impact upon these deposits would be required as it is not possible, upon current knowledge, to better assess the potential of these deposits. As such, a geoarchaeological watching brief or an element of geoarchaeological evaluation in advance via the excavation of a trial pit to evaluate the deposits would be required.

175. Paragraph 197 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*. In view of this and based on the advice of the County and District Archaeologists, the Head of Strategic Infrastructure and Economy considers that on balance, the impact upon the non-designated heritage assets is not of such significance as to constitute a refusal reason in this instance.

176. In view of the above, the Head of Strategic Infrastructure and Economy considers that the proposed development would not have an unacceptable impact upon the historic environment, subject to the imposition of appropriate conditions, and would be in accordance with the NPPF, Policy WCS 9 of the Worcestershire Waste Core Strategy and Policies SWDP 6 and 24 of the South Worcestershire Development Plan.

Ecology and biodiversity

177. The application lies approximately 190 metres south-west from the River Severn which is designated as Local Wildlife Site (LWS). The Poole and Mere Brooks LWS is located approximately 300 metres north-west and Stocks Yatt Meadow LWS approximately 450 meters south from the site. The Upton Ham Site of Special Scientific Interest (SSSI) is located approximately 550 metres to the east.

178. A number of mature trees and scrub vegetation are present along the post and rail metal fence on eastern site boundary. A strip of vegetation forms the eastern boundary and consists largely of nettle, bramble and non-native butterfly bush also known as *Buddleia davidii*. This would need to be removed to facilitate construction. The removed vegetation would be replanted with a length of hedgerow containing a mix of native species to replace any lost biodiversity and screen the development from view.

179. Three immature trees are also present within the site. They were found to be of low ecological value and to have low roosting potential for bats. They would also need to be removed to facilitate construction and operation of the site.

180. The applicant submitted a Preliminary Ecological Appraisal Report to support this application. The report states that Amenity Grassland and Semi-improved Grassland were identified as the dominant habitats on site. There were also areas of scrub and trees bordering the site. No sensitive or interesting habitats were identified.

181. No notable species were identified on the proposed development site. However, potentially suitable bat roosting features, and habitats for mammals, birds and reptiles were identified nearby. The Appraisal concludes that provided suitable mitigation is considered during construction, there is unlikely to be any significant negative impacts on protected species.

182. The Preliminary Bat Roost Appraisal was also produced and identified that there is very limited potential for adverse impacts to any protected species or habitats during the works. The Appraisal did not recommend any further surveys. In order to minimise any potential risk for commuting or foraging bats, no night working would take place, and no unnecessary lighting would be used in construction or operation.

183. The applicant states that it would make efforts to avoid vegetation clearance during bird nesting season. If this cannot be avoided the contractor would undertake appropriate mitigation and preparations to reduce the risk of any harm to birds or other species in the vegetation.

184. Natural England have raised no objections to the proposal in respect to any impacts on the Upton Ham SSSI. Due to the proximity of the proposal to LWSs, Worcestershire Wildlife Trust were also consulted, and they have raised no objections to the proposal and defer to the opinions of the County Ecologist for all on-site biodiversity considerations.

185. The County Ecologist has no objections to the proposal, subject to the imposition of conditions requiring a CEMP for biodiversity and LEMP. Originally the County Ecologist recommended the inclusion of an additional hedgerow along the western

boundary of the site. The County Ecologist also originally sought confirmation that no new external lighting was proposed as part of the scheme, or where lighting is required confirmation was sought that this would be minimal, directed to the task at hand and operated by user activated timer so as to prevent inadvertent operation for any longer than necessary.

186. In response to the County Ecologist, the applicant provided further clarification stating they are not proposing any planting along the western boundary of the site along the flood bund as this may impact the integrity and performance of the flood embankment. The applicant also confirmed in respect of lighting that lighting would be used only for health and safety purposes during infrequent maintenance visits taking place during the standard operational hours of 08:30 to 17:30 Mondays to Fridays, and all lighting would be task specific and operator controlled.

187. The application site lies over 34 kilometres upstream of the Severn Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The site is also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI.

188. Natural England (NE) in their original comments on the application identified that the nature and location of proposed project suggests hydrological connection to a European designated site (also commonly referred to as Natura 2000 sites) and, therefore, has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

189. NE recognised the wider benefits of this scheme to enhance the performance of the sewerage system in Upton-upon-Severn which would result in better flood resilience and improved water quality. They support and welcome this project, however, in relation to Severn Estuary SPA, SAC and Ramsar site, they originally raised concerns, with the potential impacts that may arise from the proposal relate to the presence of interest features that are located outside the site boundary i.e. migratory fish within the River Severn hydrological catchment. They considered that the potential for offsite impacts, therefore, needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites. They advise that an initial Habitat Regulations Assessment (HRA) screening is undertaken to consider potential impacts the proposal may have on the migratory fish species present within the River Severn catchment.

190. The Government's PPG provides further advice and guidance on HRA, stating *"all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there*

are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured” (Paragraph Ref ID: 65-001-20190722).

191. The PPG goes on to state that *“if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site’s conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017)...A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site’s conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment. The conservation objectives relate to each of the habitats and species for which the site was designated and will be provided in more detail by Natural England. A competent authority must consult Natural England for the purposes of the assessment and must have regard to any representations that Natural England may wish to make within a reasonable time (as specified by the competent authority)”* (Paragraph Ref ID: 65-002-20190722)

192. To assist the County Planning Authority, as the competent authority in undertaking an HRA screening, the applicant provided further information reasonably necessary to assess the likelihood and significance of the potential affects upon European designated sites, and therefore, whether an ‘appropriate assessment’ is required. Natural England were re-consulted on this further information and commented that in their opinion the proposed development would not have significant adverse impacts on European designated sites and have no objections to the proposal, subject to the County Planning Authority undertaking an HRA screening.

193. The County Planning Authority have undertaken an HRA screening, which has considered the qualifying objectives of the Severn Estuary SPA, SAC and Ramsar site, namely:

- 1) To ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:
 - The extent and distribution of qualifying natural habitats and habitats of qualifying species;
 - The structure and function (including typical species) of qualifying natural habitats;
 - The structure and function of the habitats of qualifying species;
 - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
 - The populations of qualifying species; and
 - The distribution of qualifying species within the site.

- 2) Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:
 - The extent and distribution of the habitats of the qualifying features;

- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

194. The County Planning Authority have considered the individual qualifying features of the Severn Estuary SPA, SAC and Ramsar site, and in relation to the qualifying features of sandbanks which are slightly covered by sea water all the time; subtidal sandbanks; estuaries; mudflats and sandflats not covered by seawater at low tide; intertidal mudflats and sandflats; reefs; and Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), it is considered that there would be no effects and the proposed development is not directly connected to the management or conservation objectives of the European site.

195. In relation to the qualifying features of sea lamprey (*Petromyzon marinus*); river lamprey (*Lampetra fluviatilis*); twaite shad (*Alosa fallax*); and migratory fish species including allis shad, salmon, sea trout and eel. The County Planning Authority consider that the application site is hydrologically linked to this European site, and there is the potential for migratory fish, and birds which utilise the SAC to be linked to the proposed development works, however, it is considered that the proposed development would not require any works to take place within the river, and is not likely to result in any disturbance to riverine habitats or species. As the proposed development would lead to an overall reduction in pollution and would as a result not require any works within the river habitats, there is unlikely to be any significant negative impacts on the qualifying migratory fish species which use the River Severn for spawning. Indeed, during operation it is considered that the proposed development would provide positive effects compared to current baseline conditions.

196. The County Planning Authority notes that the current outfall to the river would not be changed in any way from the existing situation. The applicant has confirmed that the contractor would connect the new rising main into the existing manhole chamber directly upstream of the existing outfall. It is understood that a bar screen is currently installed at the existing outfall and there are no proposals to make any changes to this current situation. The pumped storm sewage outfall would be above river level under normal conditions and would only be submerged when the river is in flood, in which case when in operation the pump rate is 125l/s. In view of this, it is considered that the level of the outfall and rate of pumps would not have an adverse impact on European eels as a result of this scheme.

197. In relation to the qualifying features of water bird species including dunlin, redshank, shelduck, gadwall, European white-fronted goose and Berwick's swan; and migratory bird species and waterfowl it is considered that the migratory and wetland birds which are designated features of the Ramsar and SPA are unlikely to be impacted by the proposed development, given the physical distance between the proposed development and the designations and the small scale of proposed development within the wider landscape. The habitats within the designated sites are unlikely to be affected due to the significant distance from the proposed works, and the construction of the proposal would not lead to a loss in habitat for the bird species. Furthermore, the bird species are considered highly unlikely to make use of the predominantly peri-urban habitats in which the scheme would be undertaken. In view of this, it is considered that the proposed development does not contradict the

conservation objectives for the designated sites as it would not prevent the sites achieving favourable conservation status or achieving the aims of the Wild Birds Directive.

198. Taking into account Natural England's comments, the HRA screening concludes that 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 is not required in this instance. In reaching the conclusion of the HRA screening, 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).

199. In view of the above matters, the Head of Strategic Infrastructure and Economy considers 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.

Water environment

200. The site is located in Flood Zone 3 (1% or greater annual probability of river flooding in any year). The development benefits from the Environment Agency (EA) flood bund and defences which are located on the southern boundary of the site.

201. According to the EA's Long-Term Flood Risk Map, the fluvial flood risk at the site is considered to be low, this means that each year the area has a chance of flooding of between 0.1% and 1% Annual Exceedance Probability (AEP). The same flood risk map does not predict the site to be prone to surface water.

202. Policy SWDP 28 of the South Worcestershire Development Plan requires that all development proposals, other than those allocated in the plan, must clearly demonstrate that the Sequential Test has been satisfied, development proposals, other than those allocated in this Plan, must also satisfy the Exception Test in all applicable situations as set out in the latest version of the Strategic Flood Risk Assessment.

203. Part C. of Policy SWDP 28 applies to areas of high flood risk (Flood Zones 3a and 3b) including Upton-upon-Severn and states that development within functional floodplain (called the 'Blue Zone') will not be permitted.

204. Paragraph Ref ID: 7-019-20140306 of the Government's PPG provides details of the Sequential Test stating that "*only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required*".

205. Paragraphs 159 to 161 in Section 14 of the NPPF states that "*if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability*

Classification set out in national planning guidance. The application of the exception test should be informed by a strategic or site-specific flood risk assessment". The NPPF goes on further to state that for the exception test to be passed two elements should be demonstrated and satisfied:

- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

206. The application is accompanied by a site-specific Flood Risk Assessment (FRA). The assessment states that the Strategic Flood Risk Assessment (SFRA) shows the site to be within the 'Blue Zone' and states that *"development will not normally be permitted here. Exceptions may be water-compatible developments and essential infrastructure, but these must be accompanied by a detailed Flood Risk Assessment"*.

207. The proposed location for the development is considered necessary due to the proximity of the site to existing infrastructure. The location is driven by the need to connect to the gravity system from the existing terminal pumping station and the context of the hydraulic capacity and sewerage network that serves Upton-upon-Severn. Therefore, it is not possible for the site to be located within Flood Zone 1 or 2.

208. According to the EA's Flood Map for Planning, the site is located within the Flood Zone 3, but also benefits from the EA's flood defences. The proposed development is considered to be 'water-compatible development' according to Table 2: 'Flood risk vulnerability classification' of the Government's PPG (Paragraph Ref ID: 7-066-20140306). In view of the above it is considered the development passes the Sequential Test.

209. Table 3: 'Flood risk vulnerability and flood zone 'compatibility'' of the Government's PPG (Paragraph Ref ID: 7-067-20140306) identifies water compatible development as appropriate development within Flood Zone 3, and the Exception Test is not relevant to this category of development. However, it does highlight that water compatible development within Flood Zone 3b (functional floodplain) should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage; and
- not impede water flows and not increase flood risk elsewhere.

210. As the proposed development is to provide a new terminal pumping station to replace the existing sewage pumping station, the works are required to protect the sewerage system against flooding. It is considered that this clearly demonstrates the benefit to the community of Upton-upon-Severn.

211. The applicant states that the impermeable area of the site would marginally increase as a result of these works, however as the site is protected by flood defences and it is not predicted to be at risk from surface water flooding. As the flood defences have been updated more recently than the EA flood maps in this area, the flood risk mapping might be at odds with the effect that new flood defences may have

on risk of flooding on the development site. As such, it is not expected that the proposed development would negatively impact the existing flood defences or increase flood risk in the local area.

212. It is noted, however, that the EA defences only defend to 1% flood level and any structure in the flood plain would have some level of impact. Although, given the size of this structure, it is considered that this impact would be minimal.

213. The EA have been consulted, and raise no objections to the proposal, but recommends that the applicant incorporates flood protection into the design of the infrastructure. They recommend that the proposals should be designed to avoid water damage, where necessary. As such, any flood susceptible electrics / other parts within the kiosk are designed to be sited at least 600mm above the 1% flood level plus climate change or flood-proofed to that level, in order to prevent flood risk and associated pollution risk.

214. In response to these comments, the applicant provided additional information to demonstrate that the EA flood bund provides protection to the site area, as well as consideration of the topography of the area and additional adjacent EA storm tank provision. As such, the design of the plinth associated levels and evidence of flood risk to the area, as well as the protection of the electrical equipment inside the kiosk unit, provide evidence that any flood susceptible electrics/other parts within the kiosk are flood-proofed to an acceptable level. Whereas a design criterion of 600mm above the 1% flood level plus climate change would not be appropriate in this location for the above reasons.

215. The EA have been consulted on this additional clarification and have confirmed they have no objections.

216. South Worcestershire Land Drainage Partnership have no objections to the proposal. Where it relates to the design of the kiosk in relation to flood levels, they defer to the EA comments.

217. The Lead Local Flood Authority have no objections to the proposal.

218. In view of the above, the Head of Strategic Infrastructure and Economy considers that proposed development would remain operational and safe for users in times of flood; result in no net loss of floodplain storage; and not impede water flows and not increase flood risk elsewhere, is in accordance with Section 14 of the NPPF, Policy WCS 10 of the Worcestershire Waste Core Strategy and Policy SWDP 28 of the South Worcestershire Development Plan, and would be acceptable in terms of impacts on the water environment.

Traffic, Highways Safety and Public Right of Way

219. It is noted that Paragraph 109 of the NPPF states "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

220. The existing access off the unnamed private track leading to the field would be used to access the site. The access would need to be widened to allow delivery vehicles and machinery to access the site during construction.

221. During construction there would be a minor increase in traffic to the area, however, this would be on a temporary basis. During operation, the sewage pumping station would be managed remotely, and traffic would consist of occasional visits for maintenance and upkeep.

222. Construction parking would be within the proposed construction compound to be located at the existing Severn Trent Water Limited operational sewage treatment site which is located approximately 500 metres to the south-west of the site. Any construction traffic would travel from the sewage works along New Street to the site.

223. The County Highways Officer has been consulted and has no objections to the proposal.

224. The legal route of Public Right of Way (Footpath UU-525) intersects the north-east corner of the site. The public footpath would be accessed via pedestrian access gap in existing post and rail fence from the corner of New Street and continue across the site to connect the with the wider footpath through pedestrian access gap in existing fence line. The footpath would be separated from the operational part of the site with the post and rail fence.

225. The County Footpath Officer has been consulted and have no objections on this proposal as the fencing would not obstruct the legal line of the Footpath UU-525. The officer advised that should there be any plans to surface the section of the legal line of the footpath then they prefer crushed stone.

226. Taking into account the consultees comments and above assessment, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of traffic, highways safety and public rights of way, subject to the imposition of a condition regarding a CEMP requiring measures to prevent mud and detritus being deposited on the public highway; the hours that delivery vehicles would be permitted to arrive and depart, and arrangements for unloading and manoeuvring.

Other matters:

Minerals

227. The proposed development is within a Minerals Consultation Area (MCA) as proposed in the Emerging Minerals Local Plan (MLP) Publication Version, which is currently at examination stage. Draft Policy MLP 31: 'Safeguarding Locally and Nationally Important Mineral Resources' states that:

228. *"The locally and nationally important mineral resources identified in Mineral Safeguarding Areas* will be safeguarded against sterilisation by non-mineral development. A level of technical assessment appropriate to the proposed development and its potential impact on sterilising mineral resources, both within and beyond the boundary of the proposed development, will be required for all non-exempt development** proposed within or partially within the identified Mineral Consultation Areas*** (...)"*

229. It is also noted that paragraph 204 c) of the NPPF states *that “planning policies should...safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)”*. Paragraph 206 of the NPPF states that: *“local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working”*.

230. The County Minerals and Waste Planning Policy Officer have been consulted, and comments that whilst the proposed development is within the MCA, it would not introduce additional sensitive receptors into the area and it would be unlikely to sterilise the mineral resource. Therefore, in this instance, no further action is required by the applicant in relation to minerals safeguarding matters.

231. In view of this, the Head of Strategic Infrastructure and Economy considers that the proposed development would not be in conflict with the Draft Policy 31 of the Emerging Minerals Local Plan and would be acceptable in terms of impacts upon mineral resources.

Conclusion

232. The proposal is for the installation of a new terminal pumping station incorporating a pumped storm overflow. The new pumping station would replace the existing pumping station at New Street due to the need for additional capacity.

233. The Head of Strategic Infrastructure and Economy considers 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 relates 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 considers 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, outweigh the less than substantial harm to the heritage assets. In view of this, it is considered that the proposed development would not have an unacceptable impact upon the historic environment, in accordance with relevant historic environment policies.

234. With regard to impacts upon ecology and biodiversity at the site and in the surrounding area. It is noted that the application site lies over 34 kilometres upstream of the Severn Estuary SPA and SAC which are European sites. The site is 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 considers that the proposal is hydrological connected to this European designated site and, therefore, has the potential to affect its interest features. In view of this, it falls to the County Planning Authority, as the competent authority to undertake an HRA screening to determine if this proposed project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.

235. The County Planning Authority have undertaken an HRA screening, which concludes 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 is 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 is 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.

236. 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, WSC11, 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

237. The Head of Strategic Infrastructure and Economy recommends 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

- l) 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 l) 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.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

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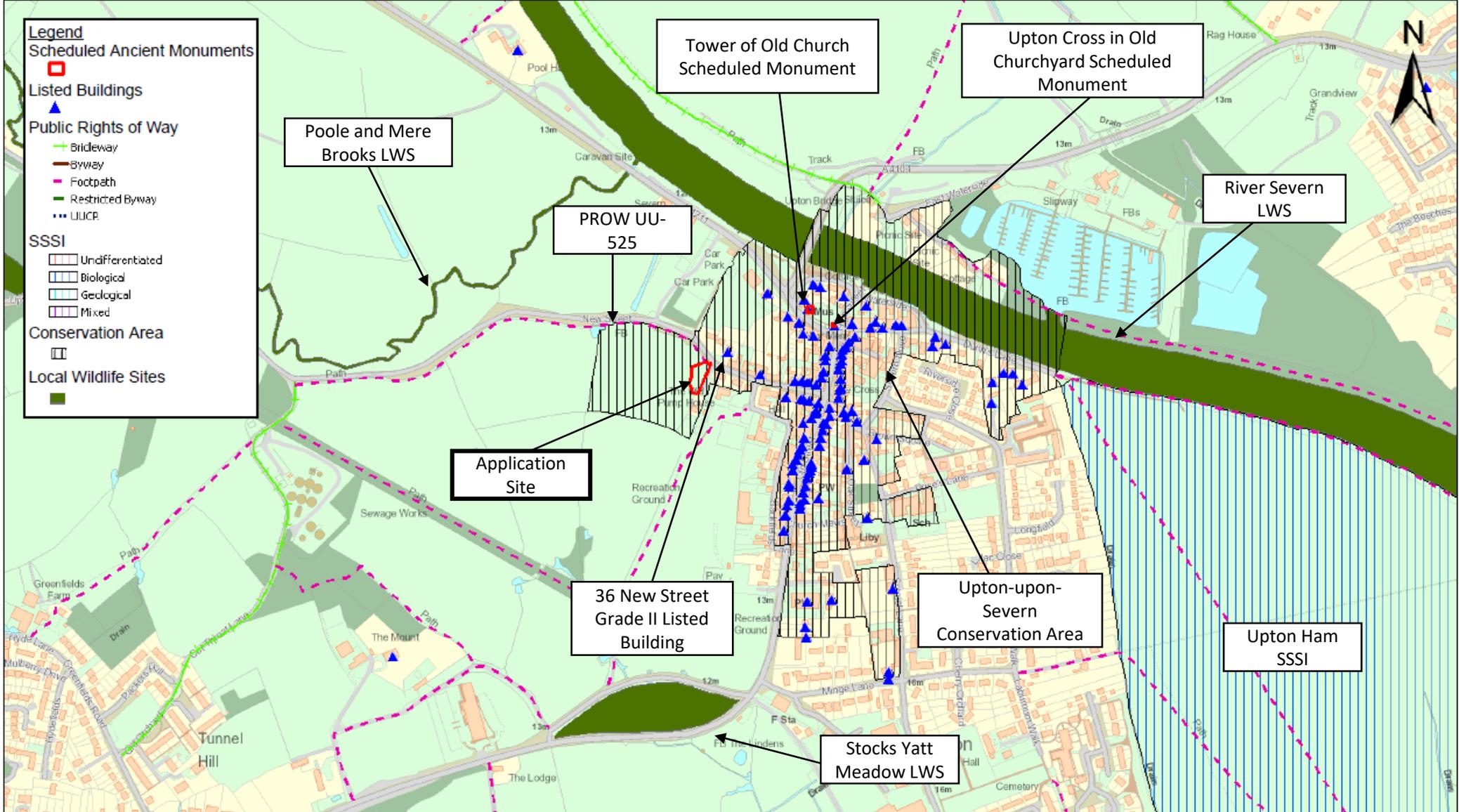
Email: saldridge@worcestershire.gov.uk

Background Papers

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

The application, plans and consultation replies in file reference 20/000007/CM, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field.

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Indicative Scale: 1:7,500

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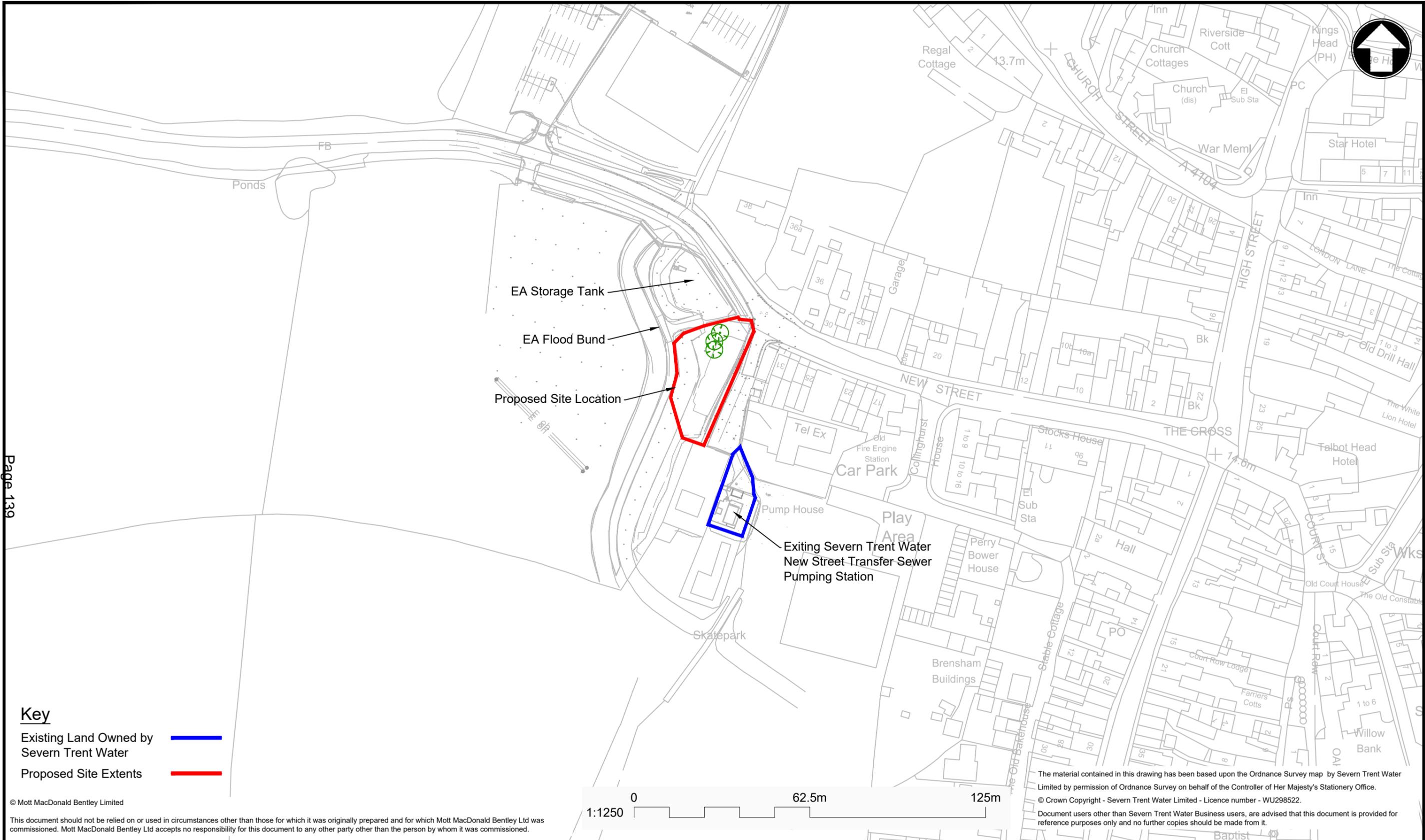
0 50 250 500 metres

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.
 Planning Application Ref: 20/000007/CM

worcestershire
 county council

Countryside Service
 Worcester Woods Country Park
 Wildwood Drive
 Worcester
 WR5 2LG

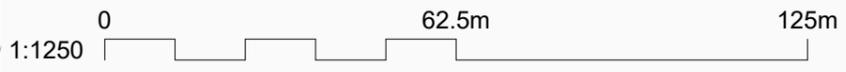
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Page 139

Key
 Existing Land Owned by Severn Trent Water —
 Proposed Site Extents —

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One Supply Chain - Delivery Team

Site Address : Upton upon Severn, Worcester WR8 0HG	Rev	Date	Description	Author	T. Chk	B. Chk	App'd
OS Grid Ref : 385259, 240691	A	18/07/2019	First Issue	RA	--	RA	SH
MMB File Ref: A6S11881-PA00101	B	15/01/2020	Reduction in Site Boundary	RA	--	RA	SH
File Location: pw:\MMBJNBCDE(EUNA-UKS)HT03							
Scale at A3 1:1250	Purpose of Issue For Planning						

Title
Upton On Severn Flood Resilience

Site Location Plan

APPROVED

Drawing No.
A6S/11881-PA00101

Rev
B

Status
LEGAL

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- New pumped overflow rising main installed below ground outside of site boundary classified as permitted development
- Existing EA storage tank
- Dual lock access gate for EA
- Existing EA storage tank outfall
- Existing Flood Embankment
- Lighting column with bollards to protect it from vehicles
- New overflow flowmeter chamber
- New overflow valve chamber
- 3no existing trees to be removed and replanted in a new location
- New steel sheet piling retaining wall with concrete capping beam complete with GMS handrailing 1100 high
- Existing site drainage to be removed and proposed site drainage installed 225mm perforated drain
- Bauer connection for maintenance with bollards either side
- New pumping station (9 m dia , 9 m deep)
- Bauer connection for maintenance with bollards either side
- New 180mm OD HDPE transfer sewer rising main installed below ground, outside of site boundary pipe is classified as permitted development
- Lighting column to provide light over the tank and in front of kiosk.
- Lighting mounted on kiosk
- New MCC kiosk 9000x4000x2500 high. Kiosk mounted on 1m high plinth with stepped access with landing area to enable MCC removal. Kiosk installed on raised plinth for protection against flood waters.

- Existing trees and bushes
- Pedestrian access gap in existing fence line
- Footpath UU-525 to be maintained throughout construction works
- Existing telegraph pole to be retained
- Pedestrian access gap in existing post and rail fence
- Access for EA
- Dual lock double field gate to match post and rail fence, overall width = 4000
- Auto tracking
- New hedgerow planting behind new fence
- Bauer connection for maintenance with bollards either side
- Bauer connection for maintenance with bollards either side
- New manhole
- New manhole on existing gravity sewer
- Proposed sewer
- 1300 high post and rail fence with 1 strand of barbed wire to top and stock proof mesh refer to note 5
- New valve chamber
- New flowmeter chamber
- New manhole
- Vent Pipe with cowl, 2500 high above FGL
- Existing trees and hedge row to be replanted upon completion of construction works

Purpose of Issue: LEGAL

Residual & Operational Risk Assessment (Health, Safety and Environmental)

Wherever possible, risk is designed-out of this proposal during the design process. Where this is not possible, the risk will be minimised and any residual risk will be noted and indicated by the appropriate symbol.

Refer to DHEMR or Construction Pack for Hazard triangle key.

Notes:

- This drawing to be read in conjunction with all relevant drawings as listed below.
- All dimensions are shown in millimetres (mm), unless noted otherwise.
- All levels are shown in metres (m) relative to AOD, unless noted otherwise.
- No dimensions are to be scaled from this drawing.
- Post & rail fence as Severn Trent Standard Details Drg No STD 6138. (SPR13/4) with 75x150 posts & 87x38 rails. Fence to have 1050 high Infill mesh panels, 3 dia. 50x50 squares galvanised to BS EN 10223, nailed using 25mm staples at maximum 250 centres on top & bottom rails and 500 centres on middle rails. Posts to be set in min 300x300 mass concrete. All timber to be tanalised treated to comply to BS 3589 category B. All details to be in accordance with BS 1722 Part 7
- Kiosk to be a GRP construction to IP55. Colour to be BS4800 USshade 14-C-39 Holly Green

Key to symbols:

- Existing Pipework
- Existing Road
- Existing Pipework to be removed/abandoned
- Existing Public Footpath
- New Foul Sewers
- Existing EA underground tank
- New Transfer Sewer Rising Main
- EA Access Route
- New Pumped Overflow Rising Main
- New Concrete Hardstanding
- New Site Drainage
- MCC Kiosk
- New Site Boundary
- New Fence

Reference drawings:

- A6S/11881-PA00100 - Location Plan
- A6S/11881-PA00101 - Site Location Plan
- A6S/11881-PA00102 - Existing Site Layout
- A6S/11881-PA00103 - Existing Elevations
- A6S/11881-PA00110 - Proposed Site Plan
- A6S/11881-PA00111 - Proposed Elevations Sheet 1
- A6S/11881-PA00112 - Proposed Elevations Sheet 2

Scale reference:

0 12.5m
1:125

Rev	Date	Description	Author	T.Chk	B.Chk	App'd
D	27.05.20	Auto Tracking shown	DJB	RA	SH	SH
C	22.05.20	Footpath update	DJB	RA	SH	SH
B	16.01.20	Reduction of site boundary	DJB	RA	SH	SH
A	31.10.19	First Issue	DJB	RA	SH	SH

SEVERN TRENT **MMB MOTT MACDONALD BENTLEY**

One Supply Chain - Delivery Team

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Website - www.mottmacbentley.co.uk/mmb

Lamledge Lane, Shifnal, Shropshire, TF11 8SD

Title: Upton On Severn Flood Resilience
Proposed Site Plan

Site Address : Upton upon Severn, Worcester WR8 0HG
OS Grid Ref : 385259, 240691 Site FLOC ID : **APPROVED**

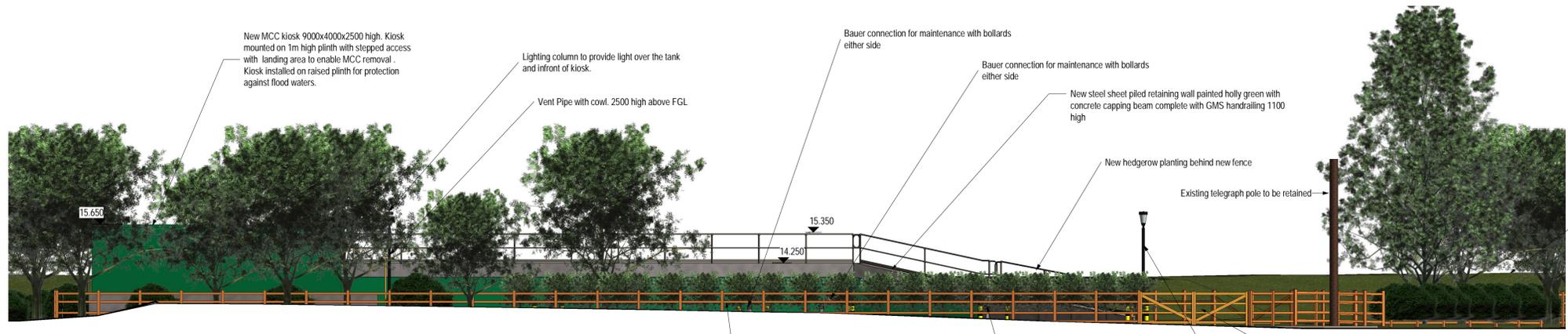
Scale at A1: 1:125
MMB File Ref: A6S12394-XA00611
File Location: pww\MMB\JNB CDE(EUNA-UKS) HT03
BIM Technician: Author

Drawing No: A6S/11881 - PA00110
Rev: D
Status: LEG

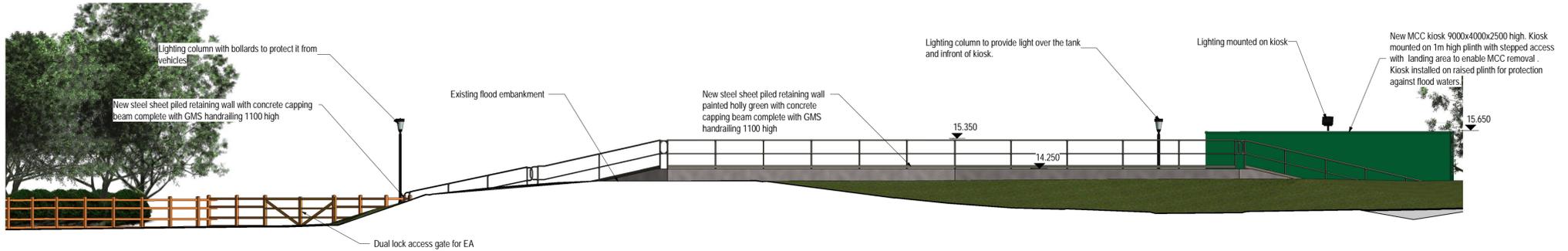
1 Plan 1:125

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E1 Elevation 1 (East)
1 : 100



E2 Elevation 2 (West)
1 : 100



E3 Elevation 3 (South)
1 : 100



E4 Elevation 4 (North)
1 : 100

Purpose of Issue

LEGAL

Residual & Operational Risk Assessment (Health, Safety and Environmental)

Wherever possible, risk is designed-out of this proposal during the design process. Where this is not possible, the risk will be minimised and any residual risk will be noted and indicated by the appropriate symbol.

Refer to DHEMR or Construction Pack for Hazard triangle key.

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- Kiosk to be a GRP construction to IP55. Colour to be BS4800 USHade 14-C-39 Holly Green

Key to symbols

Reference drawings

A6S/11881-PA00100 - Location Plan
A6S/11881-PA00101 - Site Location Plan
A6S/11881-PA00102 - Existing Site Layout
A6S/11881-PA00103 - Existing Elevations
A6S/11881-PA00110 - Proposed Site Plan
A6S/11881-PA00111 - Proposed Elevations Sheet 1
A6S/11881-PA00112 - Proposed Elevations Sheet 2

Scale reference

1:100

0 5m 10m

Rev	Date	Description	Author	T.Chk	B.Chk	App'd
C	22.05.20	Footpath update	DJB	RA	SH	SH
B	16.01.20	Reduction of site boundary	DJB	RA	SH	SH
A	31.10.19	First Issue	DJB	RA	SH	SH

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Shropshire,
TF11 8SD

Title

Upton On Severn Flood Resilience

Proposed Elevations Sheet 1

Site Address : Upton upon Severn, Worcester
WR8 0HG

OS Grid Ref : 385259, 240691 Site FLOC ID : **APPROVED**

Scale at A1
1 : 100

MMB File Ref: A6S12394-XA00611
File Location: pww\MMB_JNB_CDE(EUNA-UKS) HT03
BIM Technician: DJB

Drawing No
A6S/11881 - PA00111

Rev
C

Status
LEGAL

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Purpose of Issue

LEGAL

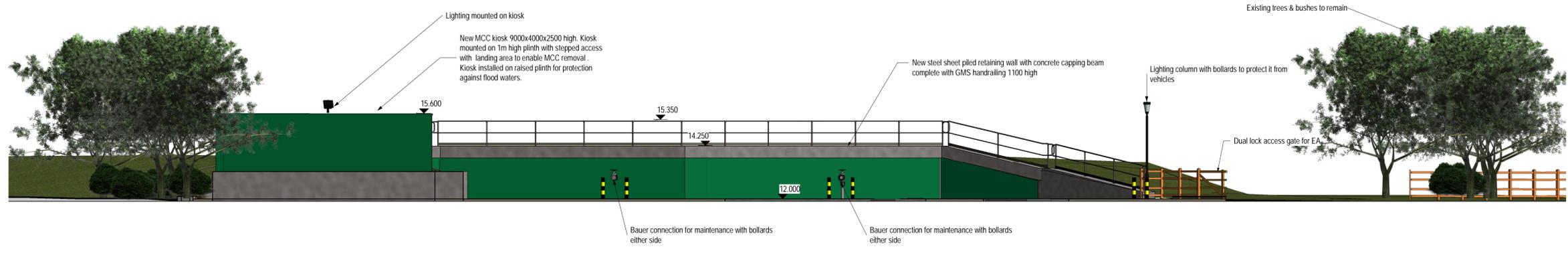
Residual & Operational Risk Assessment (Health, Safety and Environmental)

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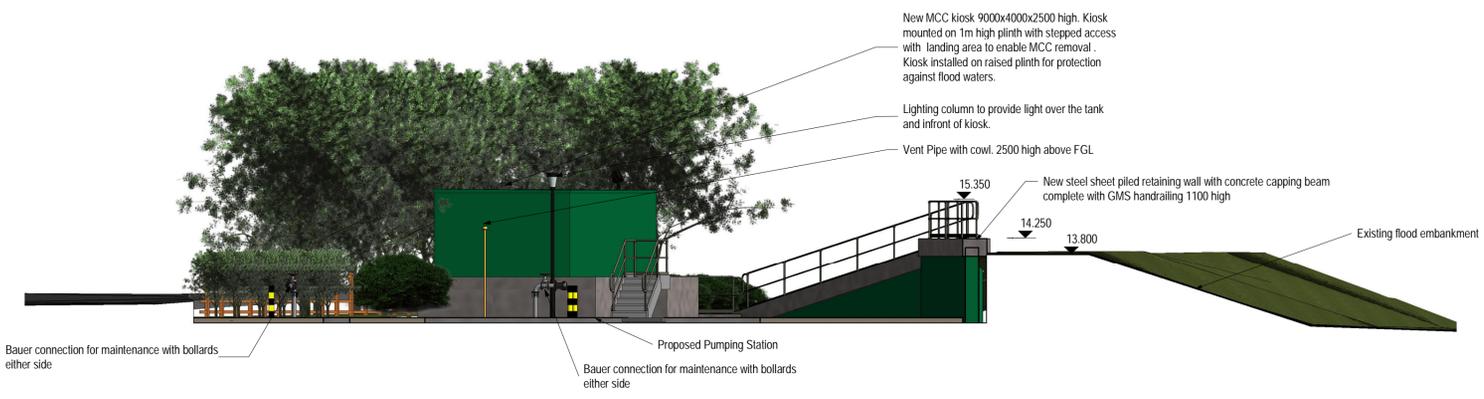
Refer to DHEMR or Construction Pack for Hazard triangle key.

Notes

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- Kiosk to be a GRP construction to IP55. Colour to be BS4800 UShade 14-C-39 Holly Green



S1 Sectional Elevation 1
1 : 100



S2 Sectional Elevation 2
1 : 100



3D View (Planning)

Key to symbols

Reference drawings

- A6S/11881-PA00100 - Location Plan
- A6S/11881-PA00101 - Site Location Plan
- A6S/11881-PA00102 - Existing Site Layout
- A6S/11881-PA00103 - Existing Elevations
- A6S/11881-PA00110 - Proposed Site Plan
- A6S/11881-PA00111 - Proposed Elevations Sheet 1
- A6S/11881-PA00112 - Proposed Elevations Sheet 2

Scale reference

Rev	Date	Description	Author	T.Chk	B.Chk	App'd
C	22.05.20	Footpath update	DJB	RA	SH	SH
B	16.01.20	Reduction of site boundary	DJB	RA	SH	SH
A	31.10.19	First Issue	DJB	RA	SH	SH





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Shropshire,
TF11 8SD

Title

Upton On Severn Flood Resilience

Proposed Elevations Sheet 2

Site Address : Upton upon Severn, Worcester
WR8 0HG

OS Grid Ref : 385259, 240691 Site FLOC ID : **APPROVED**

Scale at A1 : **1 : 100**

MMB File Ref: A6S12394-XA00611
File Location: pww\MMB_JNB_CDE(EUNA-UKS) HT03
BIM Technician: Author

Drawing No : **A6S/11881 - PA00112** Rev : **C** Status : **LEGAL**

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PLANNING AND REGULATORY COMMITTEE

7 JULY 2020

PROTOCOL FOR DELEGATION OF DECISION MAKING: PROPOSED AMENDMENTS

Purpose of Report

1. To agree a revised Protocol for Delegation of Decision-Making from the Planning and Regulatory Committee to the Strategic Director of Economy and Infrastructure.

Background

2. The existing delegation arrangements were formulated in June 2005, with only minor amendments in September 2011, and inconsequential updates in April 2013 and January 2016 (such as updates to job titles) and is now in need of clarification and update in the light of current circumstances and legislative changes.
3. Whilst the review of the delegation arrangements has been prompted by the coronavirus (COVID-19) pandemic, given the last major update to the Protocol was approximately 15 years ago, it is, therefore, considered opportune to ask the Planning and Regulatory Committee to review the current delegation arrangements.
4. The Protocol for Delegation of Decision Making lists the different categories of planning applications and other development related matters (known as Provisions) and sets out which Provisions are delegated to the Strategic Director of Economy and Infrastructure or his authorised officer, subject to a number of Restrictions appropriate to the type of Provision. This ensures that minor and non-controversial applications can be determined by officers under delegated powers, and only significant and / or controversial applications are considered by the Planning and Regulatory Committee, thus ensuring the expedite determination of non-controversial applications and the most effective use of Members' time. The latest version of the Protocol (2016) is attached for information as Appendix 1.

Purposes of a Delegation Protocol

5. The main reason for delegating areas of decision-making from the Planning and Regulatory Committee to officers is to enable Committee to use its time most effectively and to focus on applications of major significance and / or widespread local concern. Although a County Planning Authority, Worcestershire County Council receives a number of minor planning applications, which do not raise issues of policy or widespread local concern. These may be quite properly dealt with at officer level provided that all the necessary technical and public consultation procedures have been undertaken.
6. An additional reason for delegation of decision-making is to speed up the planning system to facilitate economic growth. This also provides applicants, including other

departments of the County Council, with the earliest possible certainty of a planning permission in order to make investment and contract decisions with confidence. The Ministry of Housing, Communities and Local Government lays great store by the speed of decision-making and assesses planning authorities' performance against the 'speed' and 'quality' of their decisions on major development. Where an authority fails to meet the relevant thresholds (set out below), the Secretary of State can designate the planning authority as underperforming. Applicants then have the option of submitting their applications for major development directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.

7. The designation thresholds are:

- **Speed** – Applications for major development: less than 60% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant (measured over a 2-year period); and
- **Quality** – A local planning authority is eligible for designation if 10% of an authority's total number of decisions on applications are overturned at appeal (measured over a 2-year period).

8. In addition, the Government's Planning Guarantee is their policy that no application should spend more than a year with decision-makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks, unless a longer period for the decision has been agreed. If the applicant has not agreed an extension of time in which to determine the application and has not exercised their right of appeal, and the application remains undetermined after 26 weeks, then the fee paid by the applicant can be refunded to them. This provides a further incentive for planning authorities to determine applications as quickly as practicable possible.

Current Situation

9. Whilst the current delegation arrangements last underwent a major update approximately 15 years ago, they are largely considered to be operating effectively. However, from time to time, applications for minor development, which do not raise policy concerns, and which do not raise great public concerns or objections have been considered by the Planning and Regulatory Committee, on the basis of receipt of only one objection. Furthermore, the current Protocol allows for officer judgment in whether an objection is a "minor" objection, defined as "*objections that do not, in the opinion of the Director or his authorised officer, give rise to issues of serious concern or which can be addressed by conditions on an approval*", or "material" objection, defined as "*issues of significant policy concern or widespread local controversy*". Whilst this allows for discretion, it also introduces subjectivity and opportunity for Ombudsman complaints.

10. As set out earlier in this report, the Government places great store by the speed of decision-making, and whilst Worcestershire County Council's performance for the speed of decision-making has consistently been well above the designation threshold (94.4% of applications determined within the statutory timescales or agreed extension of time, between January 2018 to December 2019), by reviewing the existing delegation arrangements, it will further assist with shortening the length of time in which planning

applications for minor and uncontroversial developments are determined, providing even greater certainty for applicants.

11. The current Protocol also draws a distinction between County Council planning applications for education purposes and all other types of planning applications. It also singles out objections from Sport England, as a reason not to trigger an application for education purposes to Committee. It is understood that this distinction and specific reference to Sport England was introduced in 2005 as at that time regular objections were being received from Sport England in relation to extensions to schools on playing fields, regardless of the degree of impact or percentage of playing field being lost, delaying the determination of such applications. It is considered that this could be portrayed as inconsistent and unfair to applicants for non-education developments and discriminates against Sport England.

12. The current Protocol also references outdated legislation, policy and guidance, which is in need of an update.

The Proposed Revised Protocol

13. Attached as Appendix 2 to this report is a revised Protocol for Delegation of Decision Making from the Planning and Regulatory Committee to the Strategic Director of Economy and Infrastructure. It clarifies and closely follows the existing Protocol, but also proposes extensions to deal with the areas of concern highlighted above.

14. Most notably it proposes new and amended Restrictions associated Provision 1: *“To approve all County Matter and County Council planning applications”*, subject to the following Restrictions:

- a) *“In accordance with the adopted development plan; and*
- b) *Subject to any reference to Planning Casework Unit under Standing Directions; and*
- c) *Subject to no outstanding material statutory consultee objections; and*
- d) *Subject to no more than 2 outstanding material non-statutory consultee or individual written public objections from separate addresses that are material; and*
- e) *Subject to consultation with the Chairman and Vice Chairman of the Planning and Regulatory Committee in respect of Restriction d) above”.*

15. Where all the above Restrictions are met (a to e), it is considered that the application can be delegated to the Strategic Director of Economy and Infrastructure or his authorised officer.

16. Amendments are proposed to the Protocol to make it explicit that decisions are delegated to the Strategic Director of Economy and Infrastructure or his authorised officer in relation to the following types of applications:

- Works to trees subject to a Tree Preservation Order (TPO);
- Non-Material Amendments following a grant of planning permission;
- Prior notification / approval;

- Lawful development certificates – in consultation with the Assistant Director for Legal and Governance; and
- Consent to display an advertisement(s) – subject to Restrictions (see Appendix 2).

17. Together with making it explicit that the service of Planning Contravention Notices (PCNs) a Requisition for Information, and to request particulars under Section 330 of the Town and Country Planning Act 1990 are also delegated to the Strategic Director of Economy and Infrastructure or his authorised officer. These notices / requests are investigative tools / powers that enable the County Planning Authority to require detailed information about suspected breaches of planning control and are often the first step before deciding what if any enforcement action should be taken.

18. The Protocol has also been updated to remove specific reference to “*County Council planning applications for education purposes*”, to enable such applications to be considered in the same manner and against the same criteria as all County Council and County Matter applications for the purposes of the Protocol for Delegation of Decision Making. Thus, ensuring a consistent and fair approach to all internal and external applicants. In addition, updates have been made to take account of the latest legislation and Government guidance.

19. It is proposed to amend the definitions section of the Protocol, to remove reference to “minor material” objections and update the definition of “material” objections to reflect the definition included in the Government’s Planning Practice Guidance (PPG). In doing so, this will remove the need for officer judgement and remove the subjectivity between when an objection is a “minor” objection and can be delegated or is a “material” objection and should be considered by the Planning and Regulatory Committee.

The Head of Strategic Infrastructure and Economy's Comments

20. Planning is an extremely sensitive area of decision-making which is frequently subject to great public concerns and objections. It is important that these objections are properly dealt with and where issues of substantial planning concern are raised, the objectors are given the chance to express their concerns in writing and / or by addressing the Planning and Regulatory Committee itself. Nonetheless, there is an obligation placed on Planning Authorities by the Ministry of Housing, Communities and Local Government to deal with planning applications in an efficient and effective manner. Indeed, should planning authorities be designated as underperforming authorities by Ministry of Housing, Communities and Local Government applicants would have an opportunity to circumvent the Local Planning Authority, applying directly to the Planning Inspectorate (who act on behalf of the Secretary of State). Furthermore, the Government’s Planning Guarantee incentivises planning authorities to determine planning applications within 26 weeks, as otherwise they risk having to refund the application fee (unless a longer period for the decision has been agreed with the applicant). Elected Members’ time is also valuable and there are many competing responsibilities in being a County Councillor. It is, therefore, important that the matters that go before meetings of the Planning and Regulatory Committee are only the ones that genuinely need their attention by reason of planning policy issues or widespread local concern. It is considered that the proposals in this revised Protocol will help the Planning and Regulatory Committee to be even more effective and to allow the County Planning Authority to improve the speed of the service for its customers.

Recommendation

21. **The Head of Strategic Infrastructure and Economy recommends that the Protocol for Delegation of Decision Making set out in the Appendix 2 be adopted.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

Case Officer: Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

Email: saldrige@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:

[Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(as amended\).](#)

[Improving Planning Performance – Criteria for Designation \(Revised 2018\) – Ministry of Housing, Communities and Local Government.](#)

[Circular and Direction – The Town and Country Planning \(Consultation\) \(England\) Direction 2009 – \(Circular 02/2009\) – Communities and Local Government.](#)

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**Protocol for Delegation of Decision Making
from the Planning and Regulatory Committee
to the Director of Economy and Infrastructure**

Provision	Restrictions
1. To approve all County Matter and County Council planning applications	<ul style="list-style-type: none"> (a) In accordance with approved development plan policies. (b) Subject to no outstanding material consultee nor public objections. (c) Subject to consultation with the Chair and Vice Chair of Planning and Regulatory Committee in respect of outstanding minor/non material objections.
2. To refuse all County Matter planning applications	<ul style="list-style-type: none"> (a) In accordance with approved development plan policies. (b) Subject to consultation with the Chair and Vice Chair of Planning and Regulatory Committee.
3. To approve all County Council planning applications for education purposes	<ul style="list-style-type: none"> (a) Subject to any reference to Government Office under standing Directions. (b) Subject to no outstanding material objections, except in the case of those from Sport England.
4. To determine Review of Mineral Working Permission applications	<ul style="list-style-type: none"> (a) To review conditions on existing Minerals Planning Permissions and to update them in line with guidance in MPG 14.
5. To discharge any condition on a permission issued by Planning and Regulatory Committee or under delegated powers	

Provision	Restrictions
6. To respond to consultations on planning applications submitted to other local planning authorities	
7. To enter into, vary or rescind agreements under the Town and Country Planning Acts	(a) Taking into account any original resolution of the Planning and Regulatory Committee.
8. To issue screening and scoping opinions in respect of the need for an Environmental Assessment	
9. To take any necessary enforcement action.	(a) In consultation with Head of Legal Services
10. To respond to consultations from the Environment Agency on Waste Management Licence applications made under the Integrated Pollution, Prevention and Control Regulations 2000	

Definitions

“**minor**” objections that do not, in the opinion of the Director or his authorised officer, give rise to issues of serious concern or which can be addressed by conditions on an approval

“**non material**” in the opinion of the Director or his authorised officer relating to matters of non-planning significance

“**material**” issues of significant policy concern or widespread local controversy

“**planning application**” includes all categories of application made to the County Council under town and country planning legislation

Director of Economy and Infrastructure

June 2005

Updated: September 2011

Further Updated: April 2013

Further Updated: January 2016

**Protocol for Delegation of Decision Making
from the Planning and Regulatory Committee to the
Strategic Director of Economy and Infrastructure**

This Protocol for Delegation of Decision Making sets out which Provisions, as listed in the left-hand column below, are delegated from the Planning and Regulatory Committee to the Strategic Director of Economy and Infrastructure or his authorised officer, subject to all the Restrictions in the right-hand column below being met per Provision. Should a Restriction not be met, this would result in the relevant Provision not being delegated and being considered by the Planning and Regulatory Committee.

Provision	Restrictions
1. To approve all County Matter and County Council planning applications.	<ul style="list-style-type: none"> (a) In accordance with the adopted development plan; and (b) Subject to any reference to Planning Casework Unit under Standing Directions; and (c) Subject to no outstanding material statutory consultee objections; and (d) Subject to no more than 2 outstanding material non-statutory consultee or individual written public objections from separate addresses that are material; and (e) Subject to consultation with the Chairman and Vice Chairman of the Planning and Regulatory Committee in respect of Restriction 1. d) above.
2. To refuse all County Matter planning applications.	<ul style="list-style-type: none"> (a) In accordance with the adopted development plan; and (b) Subject to consultation with the Chairman and Vice Chairman of the Planning and Regulatory Committee.
3. To determine Review of Mineral Working Permission applications.	To review conditions on existing Minerals Planning Permissions and to update them in line with legislation and Government guidance.

Provision	Restrictions
4. To determine applications for a lawful development certificates.	In consultation with Assistant Director for Legal and Governance.
5. To determine applications for consent to display an advertisement(s).	(a) Subject to no outstanding material statutory consultee objections; and (b) Subject to no more than 2 outstanding material non-statutory consultee or individual written public objections from separate addresses that are material; and (c) Subject to consultation with the Chairman and Vice Chairman of the Planning and Regulatory Committee in respect of Restriction 5. b) above.
6. To determine applications for works to trees subject to a Tree Preservation Order (TPO).	
7. To determine applications for Non-Material Amendments following a grant of planning permission.	
8. To determine applications for prior notification / approval.	
9. To discharge any condition on a permission issued by Planning and Regulatory Committee or under delegated powers.	
10. To respond to consultations on planning applications submitted to other local planning authorities.	
11. To enter into, vary or rescind agreements under the Town and Country Planning Acts.	Taking into account any original resolution of the Planning and Regulatory Committee.

Provision	Restrictions
12. To issue screening and scoping opinions in respect of the need for an Environmental Assessment.	
13. To take any necessary enforcement action.	In consultation with Assistant Director for Legal and Governance.
14. The service of Planning Contravention Notices pursuant to Section 171C of the Town and Country Planning Act 1990 (as amended), a Requisition for Information pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, and to request particulars under Section 330 of the Town and Country Planning Act 1990.	
15. To respond to consultations from the Environment Agency and Worcestershire Regulatory Services on Environmental Permit applications relating to minerals and waste management.	

Definitions

“**non-material**” in the opinion of the Strategic Director or his authorised officer relating to matters of non-planning significance.

“**material**” in the opinion of the Strategic Director or his authorised officer relating to matters of planning significance, which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

“**planning application**” includes all categories of application made to the County Council under town and country planning legislation, except where covered elsewhere by this protocol.

Strategic Director of Economy and Infrastructure

June 2005

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