

Agenda

Planning and Regulatory Committee

Tuesday, 24 May 2022, 10.00 am
County Hall, Worcester

Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda will be available for inspection upon request. Members will also be able to view the plans which will be on display outside the Council Chamber.

The meeting is open to members of the public, but due to the capacity of the room, numbers are strictly limited, and will be allocated on a first come first served basis on the day. Alternatively, the meeting can be viewed live via the [Council's website](#).

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, 24 May 2022, 10.00 am, County Hall, Worcester

Councillors: Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Aled Luckman, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Jack Satterthwaite, Cllr Kit Taylor and Cllr Richard Udall

Agenda

Item No	Subject	Page No
1	Apologies/Named Substitutes	
2	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 26 October 2021. (previously circulated)	
5	Proposed sand and gravel quarry with progressive restoration using site derived and imported material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire	1 - 252
6	Proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 Corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire	253 - 306

Agenda produced and published by Abraham Ezekiel, Assistant Director for Legal and Governance County Hall, Spetchley Road, Worcester WR5 2NP

To obtain further information or a copy of this agenda, contact Simon Lewis, Committee Officer. Telephone Worcester (01905) (846621)
email: slewis@worcestershire.gov.uk

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

Date of Issue: Friday, 13 May 2022

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PLANNING AND REGULATORY COMMITTEE

24 MAY 2022

PROPOSED SAND AND GRAVEL QUARRY WITH PROGRESSIVE RESTORATION USING SITE DERIVED AND IMPORTED INERT MATERIAL TO AGRICULTURAL PARKLAND, PUBLIC ACCESS AND NATURE ENHANCEMENT, ON LAND AT LEA CASTLE FARM, WOLVERLEY ROAD, BROADWATERS, KIDDERMINSTER, WORCESTERSHIRE

Applicant

NRS Aggregates Ltd.

Local Member

Councillor Ian Hardiman

Purpose of Report

1. To consider a County Matter planning application for proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire.

Background

2. Historically, the site formed a part of the grounds of Lea Castle, which was built around 1762 and demolished in 1945. The grounds measured approximately 220 hectares in total.
3. Wyre Forest District Council granted planning permission at Lea Castle Farm (located to the north of the application site for the proposed quarry) in May 1997 for the conversion of barns into 8 dwellings, the erection of garages, construction of driveways, parking areas and new sewage treatment plant and alterations to the existing access (District Council Ref: WF/0648/96). In July 2001 Wyre Forest District Council granted planning permission for the change of use of barns to 11 dwellings, erection of garages, construction of hardstandings and new access drive (District Council Ref: WF/0437/01).
4. A planning application for the construction of two golf courses at Lea Castle Farm was first submitted to Wyre Forest District Council in March 1999 (this includes land that is the subject of this planning application for a proposed quarry). The application included the construction of 2 No. golf courses (18-hole and one 9-hole), erection of new clubhouse with ancillary facilities, construction of a new vehicular access onto Castle Road, new driveways and parking facilities, and golf practice area. Closure of

existing North Lodges access and diversion of public footpath. The application was refused by Wyre Forest District Council on 14 March 2000 (District Council Ref: WF/0260/99). The subsequent appeal was withdrawn. However, an application was permitted by Wyre Forest District Council on 17 July 2001 for the construction of two new golf courses (18 hole and 9 hole), new clubhouse and ancillary facilities, new access to Castle Road, Cookley, new driveways and parking facilities, golf practice area and diversion of public footpaths (District Council Ref: WF/0211/01). This planning permission was not implemented.

5. On adjacent land to that of the application site, at the former Lea Castle Hospital site, planning permission was granted by Wyre Forest District Council in June 2019 (District Council Ref: 17/0205/OUTL) for outline planning application to include up to 600 dwellings (C3), up to 3,350 square metres of Class B1 employment uses, 150 square metres of Class A1/A3/D1 uses (local shop / café/ community space), public open space, ecological mitigation, drainage works, infrastructure and ancillary works. Detailed approval is sought for access arrangements, to include the main access from Park Gate Road, secondary access from The Crescent and limited access to a small number of properties from Axborough Lane, with all other matters reserved. The application red line boundary associated with the former Lea Castle Hospital site is located approximately 215 metres east of the application site, and approximately 450 metres from the easternmost extent of the proposed mineral extraction of the proposed quarry at Lea Castle Farm.

6. In December 2017, Wyre Forest District Council granted prior approval for the demolition of the vacant buildings within the former Lea Castle Hospital site (District Council Ref: 17/3071/DEM),

7. In November 2017, Wyre Forest District Council granted planning permission for the installation of a bat house and two bat barns and change of use of an existing sub-station to a bat house as part of the ecological mitigation for outline application 17/0205/OUTL at the former Lea Castle Hospital site (District Council Ref: 17/0596/FULL).

8. In November 2019, an application for Reserved Matters following Outline Consent 17/0205/OUTL for approval of layout, scale, appearance and landscaping scheme involving 600 homes, public open space, and infrastructure on Phases A, B, C, D, E and F was submitted to Wyre Forest District Council and approved in May 2020 (District Council Ref: 19/0724/RESE).

9. An application to vary Conditions 11, 12, 13 and 14 attached to Outline Consent 17/0205/OUTL to vary the timing of when specific highway works / modifications are required and to remove the need for access onto Axborough Lane was submitted to the District Council in November 2019 and was approved by the District Council in June 2020 (District Council Ref: 19/0750/S73).

10. In January 2021, an application to vary Conditions 2, 4 and 6 to Reserved Matters approval 19/0724/RESE to substitute house types and to amend external materials, hard and soft landscaping details and width of cycle pathway, make changes to house type within Phases A and D and amend soft and hard landscaping and cycle pathway was approved by Wyre Forest District Council in April 2021 (District Council Ref: 21/0066/S73).

11. An application to vary Conditions 2, 3, 5, 12, 13 and 14 along with approved plans of planning of planning permission 21/0066/S73 to allow changes to layout, changes to floor levels, removal of 4 additional trees and alignment of footpath was approved by Wyre Forest District Council in February 2022 (District Council Ref: 21/0990/S73).

12. The parcel of land bounded by the Wolverhampton Road (A449), Axborough Lane (U13213), Stourbridge Road (A451) and Park Gate Road (B4189) centre on the former Lea Castle Hospital site benefitting from outline planning permission (as referenced above) is also allocated by Policies SP.LCV1 - 'Lea Castle vision' and SP.LCV2 – 'Lea Castle Village Principles of Development' of the adopted Wyre Forest District Local Plan as part of a new sustainable village known as Lea Castle Village. The Lea Castle Village allocation includes approximately 1,400 new dwellings (600 of these already have planning permission as set out above), approximately 7 hectares of employment land, primary school, and village centre, to include retail provision appropriate to local needs and a flexible community facility. The Lea Castle Village allocation is located approximately 20 metres east of the application site and approximately 250 metres from the easternmost extent of the proposed mineral extraction of the proposed quarry at Lea Castle Farm.

13. Historically sand and gravel was extracted from Wolverley Quarry, Court Farm, located approximately 100 metres south-west of the application site, on the southern side of Wolverley Road (B4189) by R & D Aggregates Ltd. In March 1979, planning permission was granted by Wyre Forest District Council on behalf of the Hereford and Worcester County Council for the construction of weighbridge and indicator room at the site (District Council Ref: 54/77). In December 1984, planning permission was granted by the Hereford and Worcester County Council for the erection of a batch weighing plant for batch weighing aggregates and cement (Mineral Planning Authority (MPA) Ref: 407094). In August 1987, planning permission was granted by the Hereford and Worcester County Council for the extension of the quarry (MPA Ref: 407153). A further application was granted in December 1987, by the County Council *'to remove Condition No.2 (relating to the western and north boundary of the extraction area) imposed on planning consent under Reference: 407153, dated 3 August 1987; for the extension of Wolverley Sand and Gravel Quarry'* (MPA Ref: 407181).

14. Further applications were granted planning permission by the County Council in December 1994 for *the 'importation of gravel to site for use in concrete batching plant'* (MPA Ref: 407353) and *'extension of time for batch weighing plant'* (MPA Ref: 407354). These permissions are no longer extant.

15. It is understood that under permitted development rights (Schedule 2, Part 4: 'Temporary buildings and uses', Class B: 'Temporary use of land' of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) areas of the whole application site are used for motorcycle scrambling activities for no more than 14 days per year.

The Proposal

16. NRS Aggregates Ltd are seeking planning permission for proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm.

17. The applicant seeks to extract approximately 3 million tonnes of sand and gravel (about 1.57 million tonnes of sand and gravel and 1.43 million tonnes of solid sands), from two distinct areas – western and eastern areas, totalling approximately 26 hectares. The western area measures approximately 12.5 hectares and the eastern area measures approximately 13.5 hectares, although the full extent of the red line application boundary is about 46 hectares.

18. The depth of extraction would vary as the base of the mineral deposit undulates but is anticipated to be typically between about 5 to 7 metres in the western area and about 7 to 12 metres in the eastern area, with a maximum depth of 18 metres.

19. Extraction would take place at a rate of approximately 300,000 tonnes of sand and gravel per annum.

20. The footprint of the operational processing plant site area would measure approximately 3.8 hectares and would be located about 7 metres below existing ground levels (plant site located at approximately 63.5 metres Above Ordnance Datum (AOD) and existing ground level at approximately 70.5 metres AOD, and surrounded by a soil storage / visual screening bund, which would measure approximately 3 metres high to the south and north and between 4 to 5 metres to the west, with higher ground to the east (up to approximately 80 metres AOD). An overburden bund (overburden is unsaleable materials such as clay or un-saleable silty sand that lies above the mineral) would be located within the north of the processing plant site area measuring approximately 6 metres high. The proposed processing plant area would comprise of the following:

- The mineral processing plant – measuring a total of approximately 43 metres wide by 53 metres long by 12 metres high
- Site office and welfare facilities which would comprise of three portacabins, the two larger portacabins being placed one above the other to create double storey cabin, each measuring approximately 12.4 metres long by 4.2 metres wide by 2.9 metres high, resulting in an overall height of approximately 5.8 metres. This double portacabin would provide office, small kitchen, canteen and a single water closet (WC) facility on the ground floor, with an office and meeting / training room on the upper storey. Immediately beside this is a proposed single storey portacabin measuring approximately 3.8 metres long by 2.8 metres wide by 2.9 metres high, which would house three further WCs and a shower room
- Wheel wash
- Weighbridge, which would measure a maximum of 27 metres long (overall length, including ramps) by approximately 3 metres wide by 0.5 metres high
- Stocks of product – stockpiles of product of 20mm, 10mm, coarse sand, fine sand and ultra-fine sand measuring about 5 metres in height
- 2 cylinders (tanks) for a silt management / water cleansing system – measuring a maximum of 6 metres wide by approximately 3 metres high
- Approximately 12 staff and visitor car parking spaces

21. Mineral processing would involve the washing and grading of mineral to provide a range of different size aggregates (20mm, 10mm, coarse sand, fine sand and ultra-fine sand) for sale into the local and regional construction, general civil engineering, road building and maintenance markets. The processing plant would be served by a purpose-constructed recirculatory water supply system using above ground storage

and settlement tanks. The applicant states that the small amount of water required for mineral processing would be obtained from water abstraction, abstracting up to 20 cubic metres of water per day from the site, and where possible rainwater harvesting.

22. The land would be progressively restored using site derived and imported inert material to agricultural parkland, public access and nature enhancement. The land would be worked in a total of 6 phases (Initial Works, Phases 1, 2, 3, 4 and 5), beginning by working and setting up the processing plant site in the centre of the site, then commencing extraction in the western area working north to south, crossing over to the eastern area working south to north. The applicant estimates that the western area of the site would be fully restored within 5 years of extraction commencing, and the eastern area being fully restored within 1 year after the cessation of mineral extraction, taking a total of 11 years to complete the whole development (extraction over 10 years, with 1 additional year to complete the remaining restoration).

23. To restore the site the applicant is proposing to import approximately 600,000 cubic metres of inert material (equating to about 1,020,000 tonnes), importing approximately 60,000 cubic metres of inert material per annum (equating to about 102,000 tonnes per annum). Inert materials include uncontaminated or treated sub-soils, clays, overburden, as well as construction, demolition and excavation waste such as, but not limited to concrete, bricks, tiles, and ceramics that will not undergo any physical, chemical or biological transformations of significance and will not give rise to environmental pollution or risk harm to human health as a result of coming into contact with other matter.

24. The applicant states that landfilling would involve the construction of a base and sidewall lining to provide engineered containment for receipt of inert wastes. The landfill lining would be completed using suitable imported inert material. Other than soil cover, no engineered capping system would be required for areas of inert landfill. The applicant states that the site would only accept inert materials, these materials are incapable of producing a potentially contaminating leachate, and therefore leachate management would not be required. The importation of inert materials would be controlled by an Environmental Permit issued by the Environment Agency. For Phases 1 to 3, inert materials would be conveyed under the bridleway from the plant site, where it would be loaded onto dump trucks and deposited in the quarry void. For Phases 4 and 5, the inert material would be directly deposited in the quarry void by dump trucks.

25. No waste recycling operations would take place on site.

26. The applicant states that a new agricultural parkland would be created to enhance local access, amenity and wellbeing with the provision of an agricultural parkland, providing approximately 2.7 kilometres of new public bridleways and permissive bridleways and 5 pocket parks. Native woodland blocks would be re-established to reflect previous historic land uses (approximately 3.42 hectares of additional native woodland, which equates to 9,750 woodland trees), approximately 439 metres of hedgerows would be strengthened, approximately 579 metres of proposed new hedgerow planting (3,474 hedging plants) and new acidic rich meadow grassland, measuring approximately 7.5 hectares in area would be developed to promote biodiversity and educational opportunities. In addition, the restoration scheme includes the planting of approximately 170 avenue and parkland trees reinstating the historic avenue of trees along bridleways WC-625 and WC-626.

27. The site is proposed to be worked dry, above the water table, with no de-watering proposed. The applicant states that this is because the extraction area would be approximately 16 to 24 metres above the water table.

28. Vehicular access to the application site would be via a proposed new access and internal haul road onto the Wolverley Road (B4189) in the south-eastern area of the site. This access would provide direct access to Wolverhampton Road (A449) towards Kidderminster and Stourbridge.

29. A kerbed central island would be provided within the access bellmouth to prevent HGVs from turning right onto the Wolverley Road (B4189) when exiting the site. The bellmouth would also be configured to prevent HGVs from turning left into the access in order to enforce the proposed routing strategy, which directs all HGV traffic to / from the Wolverhampton Road (A449) to the east; thereby avoiding HGVs travelling through Wolverley and along Sion Hill. The applicant proposes to reinforce the routing restriction via the installation of CCTV at the access. It is proposed that vans and cars would be able to negotiate the access (e.g., left in or right out) even with the small radius of the proposed access.

30. The applicant states that the first stage of the extraction process would involve the removal of soil and overburden to expose the extractable sand and gravel underneath. The soil and overburden stripping would be undertaken annually in blocks of up to 8 weeks during the spring, summer and autumn months each year. The extent of soil removed at any time would be limited as far as possible to maintain a maximum of 1 year's production at any time. The remaining unstripped parts of the proposed extraction area would remain in agricultural use as far as possible.

31. The stripped soils would be loaded on to dump trucks for either direct placement in previous extraction areas as part of the progressive restoration or stored temporarily in soil bunds pending their subsequent reuse in the final restoration of the site. Any soil bunds which are to remain in-situ for more than 3 months would be seeded with a floristic meadow mix.

32. The applicant states that soil bunds would be constructed to a maximum outer slope of 1:3 and an inner slope of 1:2. Topsoil bunds would be a maximum height of 3 metres, subsoil bunds a maximum height of 5 metres and overburden bunds a maximum height of 6 metres.

33. Once the overlying soils and overburden are removed, the exposed sand and gravel would be extracted and removed for processing on-site. A tracked excavator or rubber tyred loading shovel would be used to extract the mineral. The uncompacted nature of the sand and gravel and weak structure of the solid sand means that the material can be dug freely from the face without the requirement to blast or break the material using explosives.

34. In Phases 1, 2 and 3 (western part of the site) "as dug" sand and gravel is proposed to be loaded into dump trucks at the quarry face (the area where extraction takes place) to be transported to a proposed field hopper and conveyor located within the eastern part of Phase 2, where it would be conveyed under the existing track and public right of way (bridleway WC-626) to the proposed processing plant site. In Phases 4 and 5 (eastern part of the site) it would be transported by dump truck to the

proposed processing plant site to be processed prior to being exported from the site to the market.

35. The proposed field hopper would measure approximately 2 metres high. The proposed conveyor tunnel section would be a pre-cast concrete box, which would be laid approximately 0.9 metres below the existing ground level. The applicant states that the siting of the conveyor tunnel is located to avoid any of the remaining avenue of trees along bridleway WC-626. The field conveyor would measure approximately 0.9 metres wide and would be located within a concrete drainage ring with an internal diameter of approximately 2.4 metres. It would have the capability to be fixed and withdrawn from the short tunnel section for management and maintenance. The conveyor would measure approximately 80 metres long. The applicant proposes a combination of soil screening bunds measuring approximately 3 metres high and hay bales to visually screen the proposed field hopper from bridleway WC-626. The applicant states that hay bales are to be used to allow easy vehicle access to the field hopper for maintenance.

36. The tunnel construction would involve the temporary diversion of a section of approximately 30 metres of bridleway WC-626 to run parallel with its existing route, located approximately 30 metres to the west of the existing route within the adjacent field for a period of approximately 1 to 2 weeks. Alternative arrangements would also be provided for vehicle access to the Bungalow and Lea Castle Equestrian Centre either from Castle Road (C2283) / North Lodges access or a new diverted route would be provided running parallel with the existing track accessed from South Lodges, off Wolverley Road (B4189). Once the conveyor tunnel is installed the surface would be made good and the track / public right of way reopened on its original route.

37. The applicant has provided the following detailed phasing details:

Initial Works Phase

38. This phase would be approximately 3.8 hectares in area and would involve the extraction of approximately 450,000 tonnes of sand and gravel over approximately 1.5 years.

39. Works would commence with the creation of a new vehicle access onto Wolverley Road (B4189) with a short site internal road into the proposed processing plant site. Approximately 50 metres of the historic existing boundary wall, which is not listed, would be temporarily dismantled to allow appropriate access and visibility splays. The bricks would be stored and used to rebuild the wall on its original alignment on completion of mineral extraction and restoration.

40. Soils would be stripped from the internal access route and processing plant site area and used to create soil storage / screening bunds around the processing plant site (bunds 1 to 5). Bunds to be seeded with floristic meadow mix. Storage area 6 topsoil to be placed onto existing undisturbed field, located to the east of the proposed processing plant site (Phase 4) to a thickness of 300mm, and farmed. Mineral from within the southern half of the processing plant site would be extracted and transferred off site "as dug" to another point of sale or another quarry for processing and sale. This would allow the mineral processing plant to be constructed at a low-level minimum 7 metres below existing ground levels. The proposed site

internal access road would be graded down from the east to the lower processing plant site level. The silt management / water cleaning system would be established.

41. Sand and gravel would then be extracted from the remainder of the initial works area, and processed by the proposed on-site mineral processing plant, and sold. The base of the quarry within this phase would be at approximately 63.5 AOD.

42. Other Initial Works activities would include re-establishment of the tree avenue along bridleways WC-625 and WC-626 (planting approximately 120 trees, which would be extra heavy standard trees which would measure in the order of approximately 4 metres high). The planting of a woodland block (whips) in the north-east corner of the site in Phase 5 (part of which has already been planted), together with the strengthening of existing adjacent hedgerows. A new public right of way (bridleway) measuring approximately 2.3 kilometres in length would also be created around the perimeter of the site, going from the north-eastern corner of the site, along the western boundary of Wolverhampton Road (A449) located to the east of the site, along the northern boundary of Wolverley Road (B4189), which is located to the south of the site, and finishing in the south-western corner of the site, connecting to footpath WC-622.

Phase 1

43. This phase would measure approximately 4.55 hectares in area and would involve the extraction of approximately 225,000 tonnes of sand and gravel over approximately 0.75 years. The base of the quarry within this phase would be at approximately 63 metres AOD.

44. A short section of conveyor tunnel would be installed beneath bridleway WC-626 to transport "as dug" mineral from the western extraction area of the site to the proposed processing plant site. Footpath WC-624 would be temporarily diverted, running parallel and approximately 120 metres south of its existing route. The applicant states that public access would be maintained at all times along this footpath.

45. Soils would be stripped from Phase 1 and used to create soil storage / noise and visual screening bunds 7 to 11. Straw bales would also be used to help visually screen the proposed mineral holding area (located in Phase 2) before the mineral is placed in a field hopper and conveyed beneath the access track / bridleway WC-626 to the processing plant site.

46. Mineral extracted by a hydraulic excavator would be taken by dump truck to a proposed mineral holding area, where it would be loaded into the field hopper and transported by conveyor to the processing plant site.

47. During Phase 1, imported inert material would be placed and utilised to help progressively restore the extraction area. The restoration would commence in the northern part of Phase 1 progressing southwards.

48. Restored land would be seeded and / or planted and placed into aftercare and managed.

Phase 2

49. This phase would measure approximately 3.41 hectares in area and would involve the extraction of approximately 300,000 tonnes of sand and gravel over approximately 1 year. The base of the quarry within this phase would be at approximately 60.4 metres AOD.

50. Straw bales would be placed adjacent to the eastern boundary of Phase 2 to visually screen the extraction area. Footpath WC-624 would be temporarily diverted approximately 30 metres north of its original alignment, along the outer side slope of soil bund 9 connecting to bridleway WC-626.

51. Progressive soil stripping within Phase 2 would commence approximately 3 to 6 months prior to completion of mineral extraction in Phase 1. This is to ensure the continued supply of mineral. Soils within Phase 2 would be utilised to complete restoration of Phase 1, together with the removal and use of soils from bunds 7 and 11 and part of bund 8. Remaining stripped soils within Phase 2 would be placed in bund 12, which would be located along the northern boundary of Phase 2 for soil storage / noise and visual screening.

52. Extraction would progress southwards within Phase 2. As above, extracted mineral would be transported to the proposed mineral holding area by dump truck.

53. Imported inert material would be placed and utilised to help progressively restore the extraction area.

54. Restored land would be seeded and / or planted and placed into aftercare and managed.

Phase 3

55. This phase would measure approximately 4.45 hectares in area and would involve the extraction of approximately 375,000 tonnes of sand and gravel over approximately 1.25 years. The base of the quarry within this phase would be at approximately 61 metres AOD.

56. Progressive soil stripping would take place in Phase 3 in a southerly direction with soil either being placed to create temporary soil storage / visual and noise screening bunds (bunds 13 to 16) or placed directly for restoration within the previously extracted Phase 2.

57. Stripped soils would be placed in bund 13 located along the northern boundary of the mineral holding area, bund 14 located adjacent to the south-eastern corner of Phase 3, bund 15 located along the southern boundary of Phase 3 and bund 16 located along the south-western boundary of Phase 3. Soil stripping would commence approximately 3 to 6 months prior to completion of extraction in Phase 2.

58. As above, extracted mineral would be transported to the proposed mineral holding area by dump truck.

59. On the completion of mineral extraction from Phase 3 all remaining land not previously restored would be brought up to restoration formation levels utilising imported inert materials. Soils previously placed within soil bunds 8, 13, 14, 15 and 16

would be removed from storage and placed, together with overburden from Phase 3 to complete the final restoration soil profile.

60. Footpath WC-624 would be returned to its original alignment.

61. Restored land would be seeded and / or planted and placed into aftercare and managed.

Phase 4

62. This phase would measure approximately 5.2 hectares in area and would involve the extraction of approximately 975,000 tonnes of sand and gravel over approximately 3.25 years. The base of the quarry within this phase would be at approximately 64 metres AOD.

63. Progressive soil stripping would take place within Phase 4 with soils being placed into temporary soil bunds 17 to 20.

64. Mineral would be progressively extracted in an easterly direction by a hydraulic excavator and taken directly to the processing plant site by dump truck.

65. During Phase 4 restoration would be completed within Phase 3 using both temporary stored soils and overburden and imported inert material. The temporary conveyor tunnel beneath bridleway WC-626 would be removed requiring a temporary diversion of the bridleway / track for approximately 1 to 2 weeks.

66. Restored land would be seeded and / or planted and placed into aftercare and managed.

Phase 5

67. This phase would measure approximately 4.39 hectares in area and would involve the extraction of approximately 675,000 tonnes of sand and gravel over approximately 2.25 years. The base of the quarry within this phase would be at approximately 64 metres AOD.

68. Progressive soil stripping within Phase 5 would commence approximately 3 to 6 months prior to completion of extraction in Phase 4. Soils would either be placed directly to restore Phase 4 together with imported inert material or placed in temporary soil storage bunds. During Phase 5 restoration would be completed within Phase 4 using both temporary stored soils and overburden and imported inert material.

69. Mineral would be progressively extracted in a northerly direction by a hydraulic excavator and taken directly to the processing plant site by dump truck.

70. Restored land would be seeded and / or planted and placed into aftercare and managed.

Final Works

71. On the completion of mineral extraction, processing and sales, all plant and equipment associated with the development would be decommissioned and removed from the site.

72. All land (including the processing plant site) would be restored to achieve the final formation levels and soil profiles utilising both imported inert material and indigenous overburden and soils. All temporary soil bunds (bunds 1, 2, 3, 4, 5, 17, 18, 19 and 20) would be taken down and the soils utilised within the restoration process.

73. Decommissioning would include the removal of the access road from the processing plant site to the Wolverley Road (B4189). The dismantled section of wall would be re-built on its original alignment using the original stored bricks.

74. Restored land would be seeded and / or planted and placed into aftercare and managed.

75. The proposed operating hours are between 07:00 to 19:00 hours Mondays to Fridays, inclusive and between 07:00 and 13:00 hours on Saturdays with no working on Sundays, Bank or Public Holidays.

76. The applicant anticipates that the proposal would employ up to 11 members of staff (full-time equivalent).

77. With regard to HGV movements associated with the export of mineral, the applicant states that based on exporting approximately 300,000 tonnes of sand and gravel in HGVs with 20 tonne average payloads, over 275 working days per annum (based upon a 5.5 day working week and allowing for the extended shut-down between Christmas and New Year), an average of approximately 55 loads per day would be required, resulting in 110 daily HGV movements.

78. The mineral would be extracted utilising 1 tracked 360-degree hydraulic excavator or where appropriate a rubber-tyred front end loading shovel to create stockpiles from which 1 front end loading shovel would be used to load 2 articulated dump trucks, which would transport the sand and gravel to the processing plant site. The applicant states that they would use dump trucks with a payload of 30 to 40 tonnes, therefore, the total number of onsite dump truck movements per day is anticipated to be in the order of 54 to 72 movements (27 to 36 loads being taken to the processing plant per day).

79. With regard to HGV movements associated with the import of inert wastes, the applicant states that based on importing approximately 60,000 cubic metres (102,000 tonnes) of soils and overburden in HGVs with 17 tonne average payloads, over 275 working days per annum, an average of approximately 22 loads per day, resulting in 44 daily HGV movements.

80. The applicant states that in terms of hourly flows, when distributed over the 12-hour working day, 154 HGV movements equates to approximately 13 HGV movements per hour.

81. In addition to the HGV traffic, there would also be staff movements to / from the site. Based on the worst-case scenario whereby all 11 employees travel independently in a private vehicle, a further 22 movements would be anticipated on the highway network, with 11 arrivals in the morning and 11 departures in the evening.

82. The applicant proposes to disconnect and divert the overhead power lines located in Phases 4 and 5, confirming that these would require appropriate statutory undertakings from Western Power Distribution.

83. The application is accompanied by an Environmental Statement which addresses alternatives, landscape and visual impact, ecology and biodiversity, arboriculture, noise, air quality and dust, transport movement and access, agricultural land classification and soils, archaeology and cultural heritage, water environment, rights of way, lighting, climate change adaption, leisure and recreation, health impact assessment, socio economic assessment and cumulative impact assessment.

The Site

84. The application site measures approximately 46 hectares in area and is primarily comprised of agricultural land (farmed for a variety of crop including potatoes, maize, barley and sugar beet), within the historic parkland setting of Lea Castle. The site is located approximately 2.3 kilometres north of Kidderminster town centre, approximately 700 metres and 890 metres east of the villages of Wolverley and Fairfield, respectively, and approximately 370 metres south of the village of Cookley.

85. The application site is located immediately to the north of the Wolverley Road (B4189), immediately to the west of the Wolverhampton Road (A449), and approximately 40 metres east of a residential estate road of Brown Westhead Park (U13246).

86. The site is generally undulating with a slight valley feature to the central west area at approximately 60 metres Above Ordnance Datum (AOD) running eastwards to a track at approximately 69 to 70 metres AOD. Levels to the south, central and northern portions of the western area of the site are approximately 67 metres AOD. The eastern area of the site features a central knoll (a small round hill) at approximately 83 metres AOD with land levels falling to the west to approximately 69 metres AOD, to the north to approximately 72 metres AOD and to the east to approximately 53 metres AOD. Land levels to the south of the knoll are at approximately 80 metres AOD.

87. The site is bounded to the south-west, west, and north-west by woodland, beyond which are residential properties accessed off Brown Westhead Park. The irregularly shaped northern application boundary is mainly comprised of agricultural fields interspersed with farm buildings and residential properties. The eastern boundary is comprised of the Wolverhampton Road (A449), beyond which lie agricultural fields, which form part of the Lea Castle Village allocation in the Wyre Forest District Local Plan for approximately 1,400 dwelling and 7 hectares of employment land, primary school, and village centre, to include retail provision appropriate to local needs and a flexible community facility. This allocation includes the former Lea Castle Hospital site, which has planning permission for 600 dwellings, up to 3,350 square metres of Class B1 employment uses, 150 square metres of Class A1/A3/D1 uses (local shop / café/ community space), and public open space (District Council Ref: 17/0205/OUTL) and is located approximately 215 metres east of the application site. The southern boundary is comprised of a wall adjacent to the Wolverley Road (B4189), individual areas of vegetation and trees, and residential properties.

88. The site is located within the vicinity of several residential and commercial properties. The nearest properties include South Lodges and Broom Cottage located on the southern boundary of the application site, situated approximately 64 and 65 metres, respectively from the proposed mineral extraction. 1 to 12 Castle Barns (Bewdley House, Chaddesley House, Hampton Lodge, Wilden House, Lea Barn, Brook House, Kingsley House, Cookley House, Castle Barn, Lea Castle House, Castle Court Barn and Darley Grange) are located on the north-eastern boundary of the application site, situated approximately 121 metres at their closest point to the proposed mineral extraction. Keepers Cottage is located to the north of the application site, approximately 170 metres from the proposed mineral extraction, beyond which is Lea Castle Farm and Keepers Cottage Strong Farm 1988 Equestrian Centre, which is located within the multipurpose barn. Keepers Cottage Strong Farms 1988 operate a camp site on land located within the valley west of Keepers Cottage, located approximately 80 metres at its closest point to the proposed mineral extraction. The Bungalow is also located on the northern boundary of the application site, situated approximately 77 metres from the proposed mineral extraction, beyond which is Lea Castle Equestrian Centre located approximately 86 metres from the proposed mineral extraction and Upper Lea Castle Cottages, located approximately 225 metres north of the application site. The residential properties off Brown Westhead Park are situated on the western boundary of the application site, with 1 Brown Westhead Park being situated approximately 127 metres and 8 Brown Westhead Park being situated approximately 76 metres from the proposed mineral, beyond which is a Riding Club, sports pitches, Wolverley Caravan and Camping Club and Wolverley Lodge.

89. Further dwellings are located on the southern side of Wolverley Road (B4189), to the south-west of the application site and include Heathfield Barn, Willow Barn, Court Farmhouse, and Heathfield Lodge, situated approximately 106 metres at their closest point to the proposed mineral extraction. Heathfield Knoll School and First Steps Day Nursery is also located on the southern side of Wolverley Road (B4189), located approximately 80 metres at its closest point to the proposed mineral extraction. Sion Hill Lodge, Abbots Croft and Four Winds are located to the south of the application site, situated approximately 84 metres, 139 metres and 132 metres, respectively from the proposed mineral extraction. North Lodges is located approximately 275 metres north-east of the application site and approximately 333 metres from the proposed mineral extraction. Further afield there are residential properties located off the Wolverhampton Road (A449) and Stourbridge Road (A451), the nearest being located approximately 415 metres south-east of the proposed mineral extraction.

90. There are a number of schools within the context of the application site and the wider area including Heathfield Knoll School and First Steps Day Nursery located approximately 15 metres south of the application site, and approximately 80 metres at its closest point to the proposed mineral extraction; St Oswald's Church of England (CE) Primary School is located approximately 380 metres south of the application site; Cookley Sebright Primary School is located 845 metres north of the site; Wolverley Sebright Primary Academy is located approximately 850 metres west of the site; and Wolverley CE Secondary School is located approximately 810 metres west of the application site.

91. The site is located wholly within the West Midlands Green Belt.

92. Footpath WC-624 runs east to west across the western area of the site, adjoining footpaths WC-622 and WC-623, which run north to south on the western boundary of

the application site. Bridleway WC-626 runs on a north-south alignment in the centre of the application site, adjoining bridleway WC-625, which runs in a north-eastly direction adjoining the junction of Castle Road / A449.

93. There are a number of Listed Buildings within the vicinity of the application site, this includes the Grade II Listed North Lodges and Gateway of Lea Castle, situated approximately 275 metres to the north-east of the application site, and approximately 333 metres from the proposed mineral extraction. The Grade II Listed Sion Hill House located approximately 260 metres to the south of the application site. The Grade II Listed Wolverley Court located approximately 530 metres west of the application site. Further Listed Buildings (Grade II and II*) are located in the villages of Cookley, Wolverley and Fairfield. The majority of the site is located within the 19th century park of Lea Castle.

94. The Staffordshire and Worcestershire Canal Conservation Area is located to the west and north-west of the application site, being located approximately 65 metres north-west of the site at its closest point. The Wolverley Conservation Area is located approximately 590 metres west of the site.

95. The application site is located approximately 70 kilometres north-east of the Severn Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites (also commonly referred to as Natura 2000 sites), which is also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI. The River Wye SAC and the Walmore Common SPA and Ramsar site are located approximately 40 kilometres south-west of the proposal. The Fen Pools SAC is located approximately 11.5 kilometres north-east of the application site.

96. There are a number of statutory designated wildlife sites located within the vicinity of the site, this includes:

- Stourvale Marsh Site of Special Scientific Interest (SSSI) is located approximately 710 metres to the south-west of the application site
- Puxton Marshes SSSI is located approximately 900 metres to the south-west of the site
- Hurcott Pasture SSSI is located approximately 655 metres to the south-east of the application site
- Hurcott and Podmore Pools SSSI is located approximately 660 metres to the south of the site
- Hurcott Wood Local Nature Reserve (LNR) is located approximately 620 metres to the south-east of the site
- Kingsford Forest Park LNR, is located approximately 1.9 kilometres to the north-west of the site
- Gloucester Coppice Ancient and Semi-Natural Woodland is located approximately 260 metres to the north-west of the site
- Cookley Wood Ancient and Semi-Natural Woodland is located approximately 1 kilometre to the north of the site
- Axborough Wood Ancient Replanted Woodland is located approximately 960 metres to the east of the site
- Un-named Ancient and Semi-Natural Woodland is located approximately 1.3 kilometres north-west of the site

- Un-named Ancient Replanted Woodland is located approximately 1.4 kilometres north-west of the site

97. There are a number of non-statutory designated wildlife sites located within the vicinity of the proposal, this includes:

- The Staffordshire and Worcestershire Canal Local Wildlife Site (LWS) is located to the west and north-west of the application site. At its closest point it is located approximately 80 metres to the north-west of the site
- The River Stour LWS is located to the west and north-west of the proposal and is situated approximately 135 metres north-west of the proposal at its closest point
- The Gloucester Coppice LWS is located approximately 260 metres to the north-west of the site at its closest point
- The Wolverley Marsh LWS / Bishops Field Worcestershire Wildlife Trust Reserve is located approximately 600 metres to the west of the site
- The Wolverley Court Lock Carr LWS is located approximately 540 metres to the south-west of the application site
- The Puxton Marsh LWS is located approximately 700 metres to the south-west of the site
- The Hurcott and Podmore Pools (Pastures) LWS is located approximately 625 metres to the south of the site
- The Island Pool LWS is located approximately 1.3 kilometres to the north-east of the site
- The Caunsall Marsh LWS is located approximately 1.4 kilometres to the north-east of the site
- Kingsford Health LWS is located approximately 1.9 kilometres north-west of the site

98. There are 13 trees with Tree Preservation Orders (TPOs) located across the application site. The site is categorised as Best and Most Versatile Agricultural Land (Grades 2 and 3a).

99. The application site is located in Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. The whole of the application site is located upon a Groundwater Source Protection Zone (Zone 3 – total catchment).

100. The Horsefair / Coventry Street, Kidderminster Air Quality Management Area (AQMA) is situated approximately 1.7 kilometres south of the application site.

101. 11 kilovolt (kV) overhead power lines are located in the eastern and north-eastern part of the site, crossing Phases 4 and 5.

Summary of Issues

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

- Worcestershire's landbank of sand and gravel reserves

- Whether the proposal meets the site selection criteria set out in the adopted County of Hereford and Worcester Minerals Local Plan (Sieve Test / Methodology)
- Best and Most Versatile (BMV) agricultural land
- Alternatives
- Green Belt
- Traffic, highway safety and impact upon public rights of way
- Residential amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts)
- Landscape character and appearance of the local area
- Historic environment
- Ecology, biodiversity and geodiversity
- Water environment
- Restoration and aftercare of the site
- Economic impact
- Climate change
- Cumulative effects
- Prematurity

Planning Policy

National Planning Policy Framework (NPPF)

103. The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and replaces the previous NPPF published in March 2012 and July 2018 and February 2019. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

104. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

105. 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*".

106. 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

107. 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.

108. 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.

109. 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.

110. 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 11: Making effective use of land
- 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 (NPPW)

111. The National Planning Policy for Waste (NPPW) 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.

Chief Planning Officer Letter - Green Belt protection and intentional unauthorised development (31 August 2015)

112. This letter sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

The Development Plan

113. 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, adopted Worcestershire Waste Core Strategy Development Plan Document, and the adopted Wyre Forest District Local Plan.

114. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF and NPPW are material considerations in planning decisions.

115. 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)*".

**County of Hereford and Worcester Minerals Local Plan (Adopted April 1997)
(Saved Policies)**

116. The saved policies that are of relevance to the proposal are set out below:

Policy 2: Other Sand and Gravel Deposits

**Worcestershire Waste Core Strategy Development Plan Document 2012 – 2027
(Adopted November 2012)**

117. The Worcestershire Waste Core Strategy Development Plan Document 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 5: Landfill and disposal

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

Wyre Forest District Local Plan 2016 – 2036 (Adopted April 2022)

The Wyre Forest District Local Plan (2016 – 2036) was adopted by Wyre Forest District Council on 26 April 2022. It sets out the long-term vision and strategic context for managing and accommodating growth within Wyre Forest District until 2036 in order to contribute to the achievement of sustainable development. The aim of the Local Plan is to set out: the areas where development will take place; the areas that will be protected; and policies that will be used to determine planning applications. It replaces the previous adopted Local Plan, which included the Core Strategy (2010), Site Allocations and Policies Local Plan (2013) and Kidderminster Central Area Action Plan (2013).

118. The Wyre Forest District Local Plan policies that are of relevance to the proposal are set out below:

Policy SP.2 - Locating New Development

Policy SP.6 - Role of the existing villages and rural areas

Policy SP.7 - Strategic Green Belt Review

Policy SP.16 - Health and Wellbeing

Policy SP.20 - Quality Design and Local Distinctiveness

Policy SP.21 - Historic Environment

Policy SP.22 - Landscape Character

Policy SP.23 - Protecting and Enhancing Biodiversity

Policy SP.24 - Protecting and Enhancing Geodiversity

Policy SP.27 - Transport and Accessibility in Wyre Forest

Policy SP.28 - Green Infrastructure

Policy SP.29 - Water Conservation and Efficiency

Policy SP.30 - Sewerage Systems and Water Quality

Policy SP.31 - Flood Risk Management

Policy SP.32 - Sustainable Drainage Systems (SuDS)
Policy SP.33 - Pollution and Land Instability
Policy SP.34 - Minerals
Policy SP.35 - Waste
Policy SP.37 - Renewable and Low Carbon Energy
Policy DM.10 - Rural Employment
Policy DM.22 - Safeguarding the Green Belt
Policy DM.23 - Safeguarding the Historic Environment
Policy DM.24 - Quality Design and Local Distinctiveness
Policy DM.26 - Landscaping and Boundary Treatment
Policy DM.28 - Wyre Forest Waterways
Policy DM.32 - Agricultural Land Quality

Draft Planning Policy

Emerging Worcestershire Minerals Local Plan

119. The Council is now in receipt of the Independent Inspectors' Report dated 6 May 2022, which concludes that the emerging Worcestershire Minerals Local Plan provides an appropriate basis for the planning of minerals for the County, provided that a number of main modifications are made to it, as set out in the schedule of main modifications appended to their report.

120. Section 23(2A) and (3) of the Planning and Compulsory Purchase Act 2004, as amended by section 112 of the Localism Act 2011, provides that where the Inspector recommends non-adoption of a development plan document, but recommends main modifications the authority may adopt the document with the main modifications or with the main modifications and additional modifications, if the additional modifications do not materially affect policies that would be set out in the document.

121. As the Inspectors have recommended main modifications, the Council may only adopt the emerging Minerals Local Plan if these are included in their entirety. The Council cannot choose to adopt it without those main modifications. If the Council did not want to accept the recommended main modifications, the only alternative is to resolve to withdraw the plan, modify it, undertake further consultation on it, and resubmit it to the Secretary of State for further examination.

122. However, the Council does have discretion in relation to the additional modifications. Additional modifications are minor alterations which, taken together, do not materially affect the policies that would be set out in the Local Plan. The additional modifications aid the clarity and internal consistency of the document. Additional modifications were also published alongside consultation on the main modifications, and no comments were received on them. Some further additional modifications are required to update specific references to the revised NPPF.

123. If Cabinet and Council adopt the emerging Minerals Local Plan, they will therefore have to adopt it with the main modifications, though it is intended that they are recommended to adopt it with both the main modifications and additional modifications. There can, therefore, only be one variation in the emerging Minerals Local Plan from the date of the Inspectors' Report to the date of adoption by Council, namely the additional modifications which cannot materially affect the policies to be included in the emerging Minerals Local Plan anyway.

124. In view of the above, it is the Head of Planning and Transport Planning's view that from the date of the Inspectors' Report until adoption by resolution of full Council, the emerging Minerals Local Plan should be given substantial weight in development management terms in the determination of planning applications, including this application. Indeed, in terms of the policies in the emerging Minerals Local Plan these should effectively be treated in the same way as they would be following adoption, as Council has no ability to make any changes to them when adopting the Minerals Local Plan.

125. The emerging Worcestershire Minerals Local Plan policies that are of relevance to the proposal are set out below:

Draft Policy MLP 1: Spatial Strategy
Draft Policy MLP 3: Strategic Location of Development – Areas of Search and Windfall Sites Within the Strategic Corridors
Draft Policy MLP 7: Green Infrastructure
Draft Policy MLP 11: North West Worcestershire Strategic Corridor
Draft Policy MLP 14: Scale of Sand and Gravel Provision
Draft Policy MLP 15: Delivering Steady and Adequate Supply of Sand and Gravel
Draft Policy MLP 26: Efficient Use of Resources
Draft Policy MLP 27: Green Belt
Draft Policy MLP 28: Amenity
Draft Policy MLP 29: Air Quality
Draft Policy MLP 30: Access and Recreation
Draft Policy MLP 31: Biodiversity
Draft Policy MLP 32: Historic Environment
Draft Policy MLP 33: Landscape
Draft Policy MLP 34: Soils
Draft Policy MLP 35: Best and Most Versatile Agricultural Land
Draft Policy MLP 36: Geodiversity
Draft Policy MLP 37: Water Quality and Quantity
Draft Policy MLP 38: Flooding
Draft Policy MLP 39: Transport
Draft Policy MLP 40: Planning Obligations

Emerging Worcestershire Mineral Site Allocations Development Plan Document (DPD)

126. A Mineral Site Allocations Development Plan Document (DPD) is being produced to support the Minerals Local Plan by allocating "specific sites" and "preferred areas" for mineral extraction. "Specific Sites" are where viable resources are known to exist, landowners are supportive of minerals development and proposals are likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction. "Preferred Areas" are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction.

127. Site options proposed by landowners and mineral operators were submitted in response to formal 'calls for sites' carried out between 2014 and 2018. Following consultation on a proposed methodology for site allocations in 2018/19, the site options are now being assessed by the MPA. The site, which is the subject of this Report, has been promoted through the Local Plan process (known as Lea Castle Farm). A range of technical evidence is being gathered to inform a "Preferred

Options” draft of the DPD. This draft will show how each site performs against site selection criteria and will set out draft policy wording. Consultation on the “Preferred Options” draft is scheduled to take place in the first half of 2022.

128. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Planning and Transport Planning that the emerging Worcestershire Mineral Site Allocations Development Plan Document should be given very limited weight in development management terms in the determination of this application.

Emerging Cookley and Caunsall Neighbourhood Plan

129. Wolverley and Cookley Parish Council submitted an application to Wyre Forest District Council on 6 June 2018, to designate part of the parish that includes Cookley and Caunsall as a Neighbourhood Area. This was subject to consultation between 27 June and 8 August 2018.

130. On 19 September 2018, the application for the designation of part of the Parish of Wolverley and Cookley that includes Cookley and Caunsall, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Wyre Forest District Council’s Cabinet. This Neighbourhood Area does not cover the application site but does adjoin its eastern boundary (Wolverhampton Road).

131. 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.

132. Given that the emerging Cookley and Caunsall Neighbourhood Plan does not cover the land to which this application relates, has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Planning and Transport Planning that the emerging Cookley and Caunsall Neighbourhood Plan should be given no weight in development management terms in the determination of this application.

Other Documents

Waste Management Plan for England (2021)

133. The Government, through Defra, published the latest Waste Management Plan for England in January 2021. The Waste Management Plan for England is required to fulfil the requirements of the Waste (England and Wales) Regulations 2011 and together with its associated documents, local authorities’ waste local plans and, combined with the equivalent plans produced by the devolved administrations in Scotland, Wales and Northern Ireland, and Gibraltar, it ensures that waste management plans are in place for the whole of the UK and Gibraltar. It supersedes the previous Waste Management Plan for England (2013).

134. While the Our Waste, Our Resources: A Strategy for England (2018) sets out a vision and a number of policies to move to a more circular economy, such as waste prevention through policies to support reuse, repair and remanufacture activities, the Waste Management Plan for England focuses on waste arisings and their

management. It is a high-level, non-site specific document. It provides an analysis of the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

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

135. 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
- To minimise waste and its impact on the environment

136. 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
- To eliminate avoidable waste of all kinds by 2050

137. It contains 8 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.

138. 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 plants
- Address information barriers to the use of secondary materials

- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste

The Government Review of Waste Policy England 2011

139. 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.

140. In relation to infrastructure and planning paragraph 26 states that the Government continues to support local authorities in the provision of necessary waste infrastructure. Paragraph 256 identifies that the Government's ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. The Government's ambition is to have appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources.

Consultations

141. Worcestershire County Council, as the MPA carried out public consultation on the planning application between February and March 2020. Following the consideration of the comments that were received on it, in June 2020 the MPA wrote to the applicant requesting further information in respect of the Environmental Statement, in relation to water environment, ecology and biodiversity, landscape, agricultural land classification and soils, cultural heritage, transport movement and access, rights of way, and restoration and aftercare. Public consultation on the Regulation 25 Submission (October 2020) (further information submission), was carried out by the MPA in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended by The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 between November 2020 and January 2021.

142. Following the receipt of the comments that were received on the further information, the applicant wrote to the MPA submitting additional further information in respect of the Environmental Statement, in relation to landscape and visual impact (restoration, phasing and aftercare), ecology and biodiversity, arboriculture, water environment, rights of way and leisure and recreation. Public consultation on the Regulation 25 Submission (July 2021) was carried out by the MPA in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended by The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 in August and September 2021.

143. In January 2022, the MPA wrote to the applicant requesting further information regarding ecology and biodiversity (Habitat Regulations Assessment). Public consultation on the Regulation 25 Submission (March 2022), was carried out by the MPA in accordance with Regulation 25 of the Town and Country Planning

(Environmental Impact Assessment) Regulations 2017, between 17 March 2022 and 21 April 2022.

144. The comments below summarise the latest comments from consultees; and summarises all the letters of representations received on all the above consultations combined.

145. **Local County Councillor Ian Hardiman** will reserve his comments until the Planning and Regulatory Committee meeting.

146. **Wolverley and Cookley Parish Council** objects to the proposal, commenting that whilst they recognise the need for minerals and fully support the County Council's need for a properly adopted Minerals and Waste Local Plan, the Parish Council consider that the location of the proposal is completely inappropriate development within the Green Belt and consider there are no 'very special circumstances' to justify the proposal.

147. The Parish Council comment that the entire site lies within the heart of the Green Belt and the adverse effect on the openness of the Green Belt would be immense and not justifiable. This development would have a major impact on the Green Belt and this area. The Parish Council consider that the proposed quarry would have a negative effect on the cumulative impact of the Green Belt and would have a significant environmental impact on the ecology of the area.

148. There would be at least 600 houses on the former Lea Castle Hospital site, with the Progressive Alliance's plan proposing a further 800 houses, all removing Green Belt land from the parish. There are a further 91 new houses at Weavers Chase now being occupied and 54 at the former Sion Hill School site, soon to be occupied. There are 5 schools, 2 Nurseries, Nursing Home, Caravan Park and Sports Ground within close proximity of the proposed quarry. There is also a house within the application site boundary and thriving equestrian business. Therefore, the Parish Council consider that there will be a huge and detrimental effect to many residents and businesses through disturbance to local properties, businesses and schools, substantial vehicle movements and increase in traffic, noise levels, significant impact on health, major long-term negative impact on ecology of the area and safety concerns for children. The submitted Noise Assessment Report indicates that the calculated noise level in many locations is very close to the suggested site noise limit with several properties within 1dB of the site noise level limits. No noise level assessment was undertaken at Heathfield Knoll School or First Steps Day Nursery, both directly opposite the site.

149. The Parish Council are exceptionally concerned regarding the substantial vehicle movements that the proposal would generate, which would increase Nitrogen Dioxide (NO₂) levels in an already recognised pollution hotspot area. The planning application submission shows a new proposed entrance which would allow vehicle movements from both directions, which leads to great concern that additional traffic would come through Wolverley village. The Parish Council consider that the highway network is already very busy at peak times, which would become busier as houses are developed on the former Lea Castle Hospital site and, therefore, consider it could not cope with the additional traffic associated with the proposal. Traffic Surveys were conducted three to four years ago and take no account of the three sites that are

already being occupied at Lea Castle Village 600 houses, Weavers Chase 90 houses and Sion Hill 50 houses which have significantly increased traffic.

150. The Parish Council are concerned about the ecological impact of the proposal. The submitted Ecological Impact Assessment states that significant long-term negative impact on roosting bats, breeding birds and invertebrates; shorter-term negative impact on other species; and significant negative impact on hedgerows and trees, including removal of TPO trees. The Parish Council note the many conditions recommended within the various Environmental Statements / consultee responses to try to mitigate the adverse impacts on the local ecology (woodland, dormice, otters) and indeed the adverse impact on other local important wildlife sites. All of these require mitigation strategies and begs the question as to who would monitor the implementation and maintenance of such strategies / conditions.

151. The Parish Council is also increasingly concerned regarding the adverse impact of noise, dust and safety of those children walking to the Wolverley School from the new housing at Lea Castle Village, (now partly built and occupied), Weavers Chase (occupied) and Sion Hill (occupied) alongside the Wolverley Road boundary wall and having to cross the proposed entrance to the quarry. This poses a serious health and safety issue. The historic wall bordering the proposed site is damaged in several areas. The wall bows outwards towards the footway and the bricks are deteriorating along the length of the wall. Adjacent to the wall is a single footway which is used by children to walk to school. This causes a serious health and safety concern for the children as any vibration may cause collapse and no assessment of this has been undertaken.

152. In addition, it is noted that Wyre Forest District Council's response to the emerging Minerals Local Plan had concerns regarding the visual impact from various areas of the Parish and a detrimental impact on the setting of the Staffordshire and Worcestershire Canal Conservation Area for the duration of the period of extraction. They state that a planning application for mineral extraction at this site would need to demonstrate how the proposals either "preserve" or "enhance" the Conservation Area which is a fundamental requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990, irrespective of any other NPPF or Local Plan guidance and failure to do this should result in the application being refused.

153. The Parish Council also have concerns regarding the site's restoration, as it is proposed that 3 million tonnes of sand and gravel would be extracted but only 0.6 million inert infill, which would have a significant impact on the landscape.

154. The Parish Council note that the proposal is temporary, but that it would last for at least 10 years, and whilst they can only consider this planning application, they question if planning permission were to be granted whether a future application would be submitted to extend its life and query how rigorously conditions would be enforced.

155. The Parish Council comment that the assessments are mainly focused on the traffic that would be generated within the quarry, with very little attention being given to what the impact of these operations would be externally. Dust, noise, and increased traffic would inevitably adversely impact on the five schools, local children's health and safety, and the residents of the new nearby housing.

156. **Neighbouring Town Council – Kidderminster Town Council** objects to the proposal on the following grounds:

- Detrimental impact on the neighbourhood, specifically schools and the new housing developments in the area
- The development would reduce air quality further in an area that already has poor air quality
- Adverse traffic impact
- The detrimental impact the development would have on local tourism
- The impact of increased noise on the mental health of the local community

157. **Neighbouring Parish Council – Kidderminster Foreign Parish Council** no comments received.

158. **Neighbouring Parish Council – Churchill & Blakedown Parish Council** no comments received.

159. **Wyre Forest District Council** objects to the proposal for the following reasons:

160. The District Council consider that the proposal would constitute inappropriate development in the Green Belt, and would result in significant loss of openness, visual amenity and character to the Green Belt, failing to maintain the purposes of Green Belt, as the development would cause unavoidable visual coalescence between the two villages of Cookley and Wolverley and would not assist with safeguarding the countryside from encroachment.

161. The proposal, in particular Phases 4 and 5, together with the Initial Works Phase would have an unquestionable adverse impact on this highly visual part of the landscape. This provides a significant landscape quality and vista to the approach to the town of Kidderminster; this quality landscape would be significantly impacted by this proposal. Even taking into account the proposed restoration, the District Council consider that there would be a lasting adverse impact to the quality and appearance of this important visual setting.

162. The District Council consider that the proposed development would dramatically undermine the District Council's strategic housing allocation at Lea Castle Village (centred on the former Lea Castle Hospital site), resulting increased uncontrolled speculative development. The strategic allocation has been chosen to provide a sustainable community providing much needed education, healthcare and highway infrastructure, along with key community facilities. The Housing Delivery Test 2020 measurement identifies that the District Council have delivered at 84% and, therefore, it is critical that they ensure they can deliver housing in line with their trajectory to regain a healthy 5-year housing land supply and maintain their plan-led approach to housing development.

163. The proposal would directly adversely impact on existing and future residential dwellings, both in close proximity and further from the site, impacting on their amenity, through adverse noise, dust and vibrations. It would also impact on the wider community reducing the ability to enjoy recreational routes and outdoor space.

164. The District Council consider that the proposal would result in significant vehicular movements and although the impact which has been assessed, does not

appear to have taken into account the growth of Lea Castle Village development. Given the timescales of the proposal, there would be a direct correlation with the new residential development being completed in the Council's housing trajectory. As such, it is considered that the quantity and type of the proposed vehicular traffic would have an adverse impact on highway safety on the surrounding network.

165. The development would result in the loss of mature trees, including a significantly important veteran tree. Those trees shown to be retained are close to the development and would be under immense pressure to be felled or have works carried out to the detriment of the visual amenity of the locality. The loss or potential loss of these trees adversely impacts on the visual amenity of the area, the character of the landscape and ecologically.

166. The District Council also note the comments of the District Conservation Officer and Tree Officer outlined below.

167. **Wyre Forest District Council Conservation Officer** has no objections to the proposal, stating that the application was accompanied by an Archaeological Desk-Based Assessment and Written Scheme of Investigation. The assessments have identified and described the significance of the various heritage assets, both designated and undesignated within the site and within a radius of 1 kilometre from the centre of the site and is thus in accordance with the NPPF.

168. The Conservation Officer states that they have no issues with the assessment criteria or the conclusions of the assessment in general. However, they previously raised concerns about potential noise, dust and environmental impact upon the Staffordshire and Worcestershire Canal Conservation Area. As part of the Regulation 25 Submission (October 2020), the applicant submitted further information and the Conservation Officer states that they are not qualified to assess the noise and dust and other environmental conditions, and thus, provided there are no objections from relevant consultees qualified to comment on these matters, they have no objections to the proposal.

169. The Conservation Officer notes that development on the former parkland has potential to affect below ground historic environment, the significance of which is unknown. Whilst ploughing since World War 2 may have removed evidence of upstanding parkland features, there may exist opportunities to better understand the layout of these areas than that afforded by reference to mapping. The Conservation Officer considers that recording would mitigate removal of any surviving above ground heritage assets. In terms of mitigating impact on below ground archaeology it may be necessary to undertake fieldwork to fully understand the resource. Where development may result in the loss of archaeology, recording would be required by an appropriate professional. The Conservation Officer recommends that the County Archaeologist is consulted and invited to recommend an appropriately worded condition(s) covering this matter.

170. **Wyre Forest District Council Countryside and Parks Manager** comments that the proposal is located approximately 650 metres from Hurcott and Podmore SSSI. The submitted Hydrological and Hydrogeological Impact Assessment identifies that groundwater from the application site discharges into the Wanerton Brook, which is the principal watercourse in the Podmore and Hurcott SSSI. In view of this, the Countryside and Parks Manager was concerned that this flow of water may be

impacted by the proposal, as the assessment indicates that following the restoration of the site, the permeability levels would be changed due to the importation of impermeable infill, and the Countryside and Parks Manager was concerned that this change in permeability would impact the hydrology and ecology of the SSSI.

171. In view of the above comments and as part of the Regulation 25 Submission (October 2020), the applicant submitted further information regarding this matter. In response the Countryside and Parks Manager comments that they are not an expert in this field and, therefore, defer to Natural England who also identified similar concerns in their initial comments. Notwithstanding this, the Countryside and Parks Manager notes that the applicant has submitted additional information that provides some comfort that this matter has been addressed and that the works are not hydrological contiguous with the ground water of the SSSIs.

172. The Countryside and Parks Manager notes that there is a bat roost on site and a potential for additional roosts within the trees on site but considers that the application has dealt with these concerns in an appropriate manor.

173. The Countryside and Parks Manager was originally concerned that bats are commuting and foraging across the site from an unknown location, therefore, there is a risk that if the proposal severs their forage or commuting routes, it could harm these protected species. In view of this, the Countryside and Parks Manager recommended that to address this concern, the applicant submits a dark corridor map that demonstrates as a minimum that bat commuting routes can be maintained throughout the duration of the operations. Following the submission of further information, including a dark corridor map, the Countryside and Parks Manager acknowledges that additional work has been done and his original concerns regarding severing bat foraging and commuting routes, and active bat roosts that may exist within the boundary features that surround the application have been largely addressed, and recommends the imposition of a condition requiring an ecological lighting strategy.

174. With regard to otters, the Countryside and Parks Manager originally commented that the applicant considers that otters are unlikely to be present on the application site. However, the proposal is in close proximity to the River Stour and there is an otter record from 2016 not far from this point. The Countryside and Parks Manager noted that otter is a highly mobile species that utilise both aquatic and terrestrial environments. In view of this, he considered that further information was required to consider potential impacts upon otters. As part of the Regulation 25 Submission (October 2020), the applicant submitted further information and the Countryside and Parks Manager considers that this has addressed his original concern. He recommends the imposition of a condition requiring an additional walk over survey prior to each phase of the development.

175. The Ecological Impact Assessment identifies the presence of Skylark. This is red listed section 42 Farmland Bird that is a material planning consideration. The Countryside and Parks Manager originally commented that the proposed restoration works would provide similar habitat for this species post operation. However, given the decade plus operational time of this proposal and the fragile conservation status of this species, the Countryside and Parks Manager considered that mitigation for the loss of habitat for this species during the operational phase of the development should be provided. As part of the Regulation 25 Submission (October 2020), the

applicant submitted further information and the Countryside and Parks Manager is now content with the rational provided.

176. The Countryside and Parks Manager originally raised concerns regarding the location of the proposed acid grassland. Acidic grassland habitat is locally distinctive and a threatened and important part of the ecology of the landscape within which this application lies. Hence, it is considered highly appropriate that this habitat forms the backbone of the ecological mitigation strategy for the proposal. As part of the Regulation 25 Submission (October 2020), the applicant amended the proposal consolidating the location of acid grassland, and the Countryside and Park Manager confirms that this addresses his original concern.

177. In response to the Regulation 25 Submission (July 2021), the Countryside and Parks Manager states that the report identifies the need for a more detailed dormice survey which is triggered by habitat fragmentation and habitat loss. He comments that it appears that in some locations, the proposed mineral extraction and associated perimeter activities are likely to be close to habitat that may be used by dormice for feeding and or commuting and he is concerned that whilst woodland and hedgerow may be physically retained, the frequent passage of large vehicles or other activities related to the proposal could result in a level of disturbance that would result in this retained habitat becoming unusable to dormice. In view of this, he considers that further information about levels of offset of quarrying activities from the habitat, and what sort of activities would be permitted at the limit of this offset and whether these levels of disturbance would suffice to cause disturbance to dormice and impact on the amount and connectivity of habitat available to them. If the risk exists that the proposed activities could cause disturbance, then there is potential for fragmentation and or loss of dormouse habitat. In which case a more thorough survey as highlighted in the report would be required to assess potential harm.

178. In response to the comments from the County Ecologist and the potential for the boundary woodland to be ancient woodland. The Countryside and Parks Manager states that he defers to the opinion of the County Ecologist on this matter.

179. **Wyre Forest District Council Tree Officer** objects to the proposal from an arboricultural and landscape perspective. The proposal would require a number of mature trees to be removed, which the Tree Officer opposes. Whilst he acknowledges that tree T22, a veteran Sweet Chestnut is now proposed to be retained, he does not consider that its retention is a workable solution.

180. The Tree Officer notes that trees T9 and T10, which have TPOs are proposed to be removed, and that the extraction boundary of Phase 2 is within the Root Protection Area of tree T19, and whilst there is a note that this would be changed to outside the Root Protection Area, the Tree Officer wishes to highlight this to ensure it is addressed should planning permission be granted. The Tree Officer comments that the extraction boundary of Phase 2 is about 50% of tree T23 (which has a TPO), and whilst it is outside the Root Protection Area, the Tree Officer has serious concerns regarding the protection of this tree during the operations. The Tree Officer also has concerns about the protection of trees T12 to T21, most of which have a TPO, during the works. If permission is granted it would need a robust Arboricultural Method Statement and an Arboricultural consultant retained for Phases 1 to 3 to prevent unnecessary damage to retained trees. The Tree Officer notes that the Root Protection Area calculation is only the minimum distance to protect the roots of the

retained trees. Given the nature of the proposals, the Tree Officer considers that the Root Protection Area should be calculated 15 x the diameter at breast height and not 12 x for the trees on the edge of the extraction areas.

181. The Tree Officer considers that the planting of new trees does not compensate for large parkland and veteran trees, as the amenity and ecosystem services that large mature and veteran trees provide cannot be replaced by new whip and standard planting.

182. In response to the comments from the County Ecologist and the potential for the boundary woodland to be ancient woodland. The Tree Officer states that the woodland in question is not proposed to be removed, but should it be determined to be ancient woodland a buffer zone of 15 x diameter at breast height from the edge of the trees should be provided, rather than the 100 metres referred by the Woodland Trust.

183. **The Environment Agency** recommends the imposition of a condition requiring a groundwater, surface water and quality monitoring scheme.

184. In respect of hydrology, the Environment Agency comment that a good amount of monitoring has been done to establish the groundwater levels across the site. They consider that the proposal should have little impact on the water resources in the area, if greenfield runoff rates are maintained. The application presents a detailed risk assessment and mitigation plan for pollution prevention during the proposed works. This should reduce to a minimum the likelihood of spills etc. causing contamination of the groundwater, providing that best practice is followed.

185. Notwithstanding the above, the Environment Agency are concerned about the ongoing impacts of reduced permeability over the site and the need for the land drains and soakaway ponds once restoration is complete. These would act to concentrate recharge and reduce the depth of unsaturated zone and hence potentially increase the risk of groundwater pollution in this area. The assessment states that groundwater mounding beneath these ponds would not be an issue and that recharge rates would remain the same overall. The Environment Agency consider that the next stage would be to devise a monitoring programme that could establish the following parameters:

- Mounding beneath the soakaway ponds is not occurring
- Water quality in and groundwater around the soakaway ponds is unpolluted
- Groundwater levels in and around the site are not reducing (as a result of this development).

186. The Environment Agency notes that a lot of work has been done by various bodies to maintain flows and ecology of Hurcott and Podmore Pool SSSI, Hurcott Pasture SSSI, Stourvale Marsh SSSI and Puxton Marshes SSSI. The Environment Agency re-iterate that this development should have no detrimental impact on these features. In addition, this site is in proximity to important public water supplies and within a Source Protection Zone 3 and groundwater protection must be a high priority. Monitoring should also ensure that excavation and importation of inert material does not cause harm to nearby SSSI waterbodies by reducing hydrological connectivity.

187. The Environment Agency note that the proposal is located in Flood Zone 1 (low probability of flooding), however, there may be ponds and drains in and around the application site. They recommend that the MPA consult the Lead Local Flood Authority in respect of surface water management and matters associated with ordinary watercourses / ditches / groundwater flooding during the operation and post restoration of the site.

188. With regard to biodiversity, the Environment Agency consider that the proposed restoration scheme could be improved and provide greater net gain and ecological benefits by establishing ecological linkages through wetland habitat and associated species. This is because the site occupies an important location between the River Stour LWS, Staffordshire and Worcestershire Canal LWS, and Hurcott and Podmore Pools SSSI and LWS. Each of these sites are cited as having important wetland ecology. The emerging Mineral Local Plan (Draft Policy MLP 31) refers to mineral restoration contributing to ecological networks within and beyond the site at a wider landscape level. The proposed restoration plan does not go far enough to create robust ecological networks that could be utilised by a range of species within the landscape. Primarily the concept restoration plan states the majority of the site would be returned to arable use with small areas of acid grassland and ephemeral wet grassland / pools. Many of these restoration measures would be adversely affected by agricultural practices and may not survive long enough to provide a net gain for biodiversity in perpetuity. The Environment Agency do not wish to comment on the specifics of the acid grassland or net gain calculator, deferring to the County Ecologist and Natural England. However, they recommend that the restoration plan would benefit from creating some areas of permanent water with ephemerally wet pools dispersed between.

189. If permanent pools were created as part of the restoration of the site, these could potentially function as Ark sites for the White-clawed crayfish population in the Wyre Forest. The Wyre Forest is one of the last remaining populations of White-clawed crayfish in Worcestershire, and it is under constant threat from non-native crayfish and disease. If a group of these were relocated to an offline pool in the restored site this would help secure the future of the species and deliver a Worcestershire Biodiversity Action Plan (BAP) target.

190. The Environment Agency also advise that landscaped soakaway ponds could also contribute to biodiversity, if they were planted up with phragmites reedbed - a Worcestershire BAP habitat and valuable wildlife resource.

191. The Environment Agency recommend greater consideration is given to otters that may be in the area. The site is surrounded by wetland wildlife sites that are highly suitable for otters.

192. With regard to Environmental Permitting, the applicant would be required to operate the infilling as part of the restoration proposals under a relevant Environment Agency Environmental Permit, which would include requirements to undertake monitoring to assess any potential impact on the environment and local receptors. Dust and noise could be particular issues that the operator must be aware of during the landfilling phases. In relation to pollution issues arising from the extraction phase, they recommend that the MPA consults Worcestershire Regulatory Services.

193. In response to the Regulation 25 Submission (October 2020) consultation, the Environment Agency state that groundwater monitoring would be required as part of any Inert Landfill Waste Permit. However, this would be targeted at looking at risks from the waste material only, whereas the water monitoring planning condition recommended by them would monitor the impact of the surface water drainage system and the implications of low permeability material being used as infill. It may be possible for the two monitoring networks (planning and environmental permitting) to be combined, as part of the two regulatory regimes, if the monitoring locations are in the right place, to ensure efficiencies. The Environment Agency note that an inert landfill site needs at least a year of data to form a representative baseline of the site setting. The Environment Agency recommended their guidance: 'Landfill operations: environmental permits' to the applicant in relation to inert landfill permit monitoring requirements.

194. In response to the consultation on the Habitat Regulations Assessment (HRA) screening, the Environment Agency stated that at this time they are not in a position to comment on HRA matters and are happy for Natural England to take the lead on this matter.

195. **UK Health Security Agency (formerly Public Health England)** comment that they are not statutory consultees for planning applications. Impacts on public health from local air quality, noise and contaminated land fall under the remit of the local authority (Worcestershire Regulatory Services) and it is their responsibility to decide whether or not to comment on these aspects of the planning application.

196. At the Environmental Impact Assessment Scoping Opinion stage, they provided advice as to what the applicant might wish to consider when formulating their Environmental Statement. UK Health Security Agency would expect this land use to require a bespoke Environmental Permit from the Environment Agency, for which UK Health Security Agency are a consultee, and will, therefore comment at that stage.

197. **The County Public Health Practitioner** has no objections stating that a full Health Impacts Assessment (HIA) was submitted addressing their recommendations, there are no further comments.

198. **Worcestershire Regulatory Services (Noise and Dust)** have no objections to the proposal, subject to the imposition of conditions restricting working hours to between 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours Saturdays, with no working on Sundays, Bank or Public Holidays.

199. Worcestershire Regulatory Services also recommend the imposition of conditions requiring the best practices / mitigation measures recommended in the submitted Dust Impact Assessment and have no objections to the Dust Management Plan to additionally include dust monitoring.

200. Worcestershire Regulatory Services consider that the following locations are sensitive due to being residential in setting or educational. These are Heathfield Knoll School, St Oswald's CE Primary School, Lea Castle Equestrian Centre, South Lodges, Broom Cottage, Keepers Cottage, Wolverley Camping and Caravanning Club Site and Castle Barnes. The applicant has pre-empted these concerns and submitted assessments for the aforementioned along with proposed methods of noise and dust control.

201. With regard to noise, Worcestershire Regulatory Services are satisfied that the submitted Noise Report confirms with national guidance in relation to noise and mineral extraction (the Government's Planning Practice Guidance (PPG)), and that the measured noise levels and calculated predictions are robust.

202. Initial phase of site preparation would involve topsoil stripping and the formation of acoustic bunds some of which would be in close proximity to residents. The impact of this work would be similar to what would be expected from the preparation of a normal construction site for housing development and is short in duration when considering the proposed quarry life expectancy (no more than 8 weeks in duration). It is also acknowledged that the Government's PPG makes allowances for this. Following this phase, it is expected that noise impact would reduce to levels not dissimilar to the existing climate with the occasional identifiable noise being heard from use of machinery associated with the extraction.

203. Worcestershire Regulatory Services are, therefore, satisfied that there are no adverse noise impacts associated with these proposed workings provided that the quarry operator adheres to good industry practices and maintains all plant and machinery to a high standard. Notwithstanding this, Worcestershire Regulatory Services do raise concerns with regard to the overall amenity in the area and, therefore, recommend the imposition of the condition outlined above restricting operating hours.

204. With regard to dust emissions, Worcestershire Regulatory Services are satisfied with the submitted Dust Impact Assessment's methodology and conclusions, and recommended that the mitigation measures set out in the Dust Impact Assessment are conditioned, in particular:

- Material stockpiled for bund formation or restoration should be seeded as soon as reasonably practicable
- Any materials transferred mechanically to vehicles for export should be subject to water suppression, as required
- Drop heights for material transfer (between plant, ground and transport) should be minimised
- Levels of stockpiling to be monitored and logged daily, with water suppression and road sweeper to be utilised during dry conditions, as required or as requested by the MPA
- Vehicles to make use of wheel and base washing facilities, especially before leaving the site
- All loads leaving or entering the site to be covered
- All routes to be regularly maintained by grading
- On-site speed controls to be enforced on all haul routes to 15mph, or 10mph in particularly dry conditions

- All on-site dust generating machinery should be maintained in good order, including dust suppression that includes (but not limited to) water suppression

205. In response to letters of representation raising concerns regarding adverse dust and health impacts, Worcestershire Regulatory Services reviewed the comments and reiterated that they are satisfied with the development's onsite dust and noise impact strategy, and as long as Worcestershire Regulatory Services' recommendations are appropriately conditioned, they consider that the strategy should be strong and flexible enough to deal with any subsequent issues.

206. In response to the Regulation 25 submissions, Worcestershire Regulatory Services reiterated that they consider that the applicant's noise and dust management plan to be robust enough to be both proactive (concerns) and reactive (complaints) in minimising any noise and dust issues should they arise.

207. Worcestershire Regulatory Services (Air Quality and Contaminated Land) have no objections to the proposal, stating that they have no adverse comments to make in relation to contaminated land and air quality.

208. In respect of contaminated land Worcestershire Regulatory Services state that they have reviewed the information submitted and their records in relation to any potential contaminated land issues. They note that the Environment Agency's Environmental Permit would control the inert landfilling and no soil would be brought onto the site for landscaping purposes, therefore, they have no adverse comments to make in relation to contaminated land.

209. In respect of air quality, Worcestershire Regulatory Services state that they have reviewed the traffic impacts of the proposal upon local air quality and note that pollutant concentrations were modelled by the applicant at six sensitive receptors proximal to the application site, and no exceedances of air quality objectives for main pollutants was predicted, resulting in a negligible to slight impact for NO₂ and negligible for particulates. Worcestershire Regulatory Services consider that appropriate modelling was undertaken, and the results presented, therefore, they have no adverse comments in respect of air quality. They have also confirmed that they have no objections to a condition requiring the Dust Management Plan to include dust monitoring.

210. In response to comments from local residents, Worcestershire Regulatory Services re-confirmed that they are satisfied that the impact of HGV movements would not have a significant impact on air quality in the area on the basis that all HGV traffic would enter and exit the site from the A449 junction and away from Wolverley and Sion Hill.

211. With regard to the Horsefair AQMA, the Air Quality Assessment predicted that there would be approximately 19 HGV movements through the AQMA, this is below Institute of Air Quality Management (IAQM) criteria. The new road layout in the Horsefair AQMA (MPA Ref: 18/000025/ REG3, Minute No. 1003 refers) will significantly improve air quality in Blackwell Street and the impact of the increase in HGVs through the AQMA is expected to be negligible.

212. In response to the comments received from the Stop the Quarry Action Group regarding the omission of housing development at the former Lea Castle Hospital site

and existing residential properties in Cookley and Sion Hill from the Dust and Air Quality Assessment. Worcestershire Regulatory Services state that they are satisfied that the distance between the proposed quarry and the new developments at the former Lea Castle Hospital site, Sion Hill and Cookley are such that the impact of dust on these developments would not be significant. The IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning states that *“adverse dust impacts from sand and gravel sites are uncommon beyond 250 metres and beyond 400 metres from hard rock quarries measured from the nearest dust generating activities”*.

213. In response to the comments received from the Stop the Quarry Action Group regarding underestimation of vehicle movements. Worcestershire Regulatory Services state that the Transport Assessment states that there would be 110 outgoing HGVs with 44 infilling operations equal to 154 on days of operation (275 working days per annum) as a worst-case scenario where no back-hauling takes place at the request of the Highways Authority, this equates to 116 Annual Average Daily Traffic. With back-hauling taken into account, this reduces to 126 movements per day of operations or 96 Annual Average Daily Traffic. The Air Quality Assessment used the worst-case traffic data for the dispersion model which predicted no significant change in NO₂ or particulate matter (PM₁₀ and PM_{2.5}) concentrations at all sensitive receptors on comparison of the ‘with’ and ‘without’ development scenarios. With regard to on-site vehicle movements, Worcestershire Regulatory Services comment that there is a difference of opinion concerning the carrying capacity of dumper trucks, the Action Group state that they carry 8 to 12 tonnes, the applicant states that 30-40 tonne dumpers would be used, Worcestershire Regulatory Services are unable to comment on this anomaly. In view of the above, Worcestershire Regulatory Services confirm that their original comments regarding the proposal are unchanged.

214. In response to concerns from local residents that the new World Health Organisation (WHO) ‘Global Air Quality Guidelines’ would be exceeded, Worcestershire Regulatory Services comment that until the new WHO guidelines are incorporated into UK law, the air quality objectives set by the Air Quality (England) Regulations 2000 as amended 2002 are the objectives that air quality is compared to.

215. **The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions regarding implementation of submitted details relating to access, parking and turning facilities; provision and maintenance of visibility splays; surfacing of first 5 metres of access from the public highway; provision of electric vehicle charging space, sheltered and secure cycle parking, and accessible car parking spaces; and an HGV Management Plan.

216. The County Highways Officer states that they have undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, they conclude that there would not be a severe impact and, therefore, there are no justifiable grounds on which an objection could be maintained, subject to imposition of appropriate conditions.

Access

217. The County Highways Officer states that access to the site would be provided via a new priority access junction located on the north side of Wolverley Road (B4189), located approximately 220 metres east of Sion Hill and approximately 50 metres west of Broom Cottage. The access has been designed to include a physical

kerbed central island and tight kerbed radius to prevent HGV movements from turning left into the site and right out of the access. This would prevent HGVs from travelling through the nearby village of Wolverley and instead travel a short distance to and from the east along the Wolverley Road (B4189) to the Wolverhampton Road (A449), to access areas beyond the site.

218. Vehicle swept path tracking demonstrates that articulated HGVs would be able to successfully turn right in and left out of the access with no issues, and the access design would present HGVs turning into and out of the access from other directions.

219. Wolverley Road (B4189) is subject to a national speed limit in the location of the proposed access, although the speed limit reduces to 30 mph to the west, close to this position. Vehicle speeds were surveyed by the applicant in two locations. Based on Site 1 data, the 85th percentile eastbound speed was found to be broadly 40.4 mph and the westbound speed was broadly 41.8 mph. The 85th percentile speeds recorded at Site 2 were broadly 44.6 mph eastbound and broadly 44.9 mph westbound. Based on this, the corresponding visibility requirements were identified to include 103 metres to the west and 122 metres to the east. The County Highways Officer states that access visibility is acceptable, and a planning condition is recommended to ensure visibility is achieved and remains free from obstruction. The access has been subject to a Stage 1 Road Safety Audit. The access layout has been accepted as being suitable, however, the layout would still be subject to further review at detailed design stage prior to full technical approval. A pedestrian footway is provided along north side of Wolverley Road (B4189) carriageway only.

Road Safety Audit

220. The County Highways Officer states that in accordance with the NPPF it should be ensured that safe and suitable access can be achieved for all road users. The applicant has undertaken an independent Stage 1 Road Safety Audit at the request of the County Highway Authority, which identifies only three minor issues for consideration as part of seeking detailed design. The applicant's (designer's) response to the Road Safety Audit and has agreed to amend the site access design to cater for pedestrians, with the provision of dropped kerbs and tactile paving provided to aid pedestrian movement. All other Road Safety Audit points are to be addressed at a detailed design stage and subject to further Road Safety Audit agreement with the County Highway Authority. This would include further agreement on directional signage.

Trip Generation

221. The proposals would generate approximately 154 two-way HGV movements throughout the day, which equates to approximately 13 movements per hour, or 1 movement every 4 or 5 minutes. Trip generation is based on an HGV having an average payload of 20 tonnes. The 20-tonne payload represents that of a typical 8-wheeled rigid tipper, which is the most common type of vehicle servicing most quarry sites. The applicant has suggested that on occasion, larger articulated HGVs that have typical payloads of between 27 - 30 tonnes could be used, but this would then reduce the vehicle movements to and from the site. These larger vehicles have also been tested for access swept path tracking.

222. The above trip generation has presented a robust / worst-case assumption for vehicle movements, with no allowance made for back-hauling, as requested by the County Highway Authority. With back-hauling taken into account, there is potential

for the HGV movement per day to reduce to approximately 116 HGV movements per day.

Trip Distribution / Assignment

223. The County Highways Officer notes that it is predicted that about 60% of HGV movements would travel to and from the north of the site, and 40% to and from the south of the site. All trips would be required to travel through the Wolverley Road (B4189) / Wolverhampton Road (A449) / Park Gate Road (B4189) signal junction. The resultant movements each hour throughout the working day equates to approximately 8 and 5 vehicle movements to north and south, respectively.

224. Vehicle travelling to and from the north would use Wolverhampton Road (A449) or Stourbridge Road (A451). Vehicles travelling to and from the south would use Wolverhampton Road (A449). Both of these routes are identified as being suitable for HGVs, as advised on the Worcestershire Advisory Lorry Map.

Traffic Impact

225. The trip generation for the extraction and delivery of material is not predicted to have a significant impact on the operational capacity of the local road network. Given the nature of the proposals, the majority of HGV movements would occur outside the typical weekday peak hour periods, when traffic flows on the road are lower.

226. The Transport Statement predicts an additional 13 HGV movements on the Wolverhampton Road (A449) traffic signals junction which represent about 1.1% of the morning and afternoon peak hour flows. Furthermore, on the wider network, the additional trips are 8 HGV movements to the north and 5 HGV movements to the south in the peak periods.

227. An improvement scheme at the Wolverhampton Road (A449) traffic signals junction has been identified as part of the former Lea Castle Hospital site planning application, which would open in phases with 45 dwellings constructed each year until 2031. As such, the planned development may not be generating full traffic flows until 2031 for which the improvement scheme has been identified. The improvement scheme would only provide additional capacity in this location.

228. The County Highways Officer considers that given the peak hour trips associated with the proposal generate low volumes and are temporary they would not have a material impact on the local or wider highway network. The County Highways Officer is, therefore, satisfied the development traffic can be accommodated within the existing highway network.

Network Safety

229. The Transport Statement provides a review of accident / collision data over a recent 5-year period, within the vicinity of the site, but this was limited to a review of collisions associated with HGVs only. The County Highways Officer undertook a further review of collisions surrounding the site, between the Sion Hill (C2136) / Wolverley Road (B4189) and Wolverhampton Road (A449) / Wolverley Road (B4189) junctions (between November 2015 and October 2020), which identified there to be a total of eight collisions identified. Seven of these occurred on the Wolverhampton Road (A449) / Wolverley Road (B4189) traffic signals, for which two were recorded as serious and five of a slight severity.

230. The County Highways Officer states that they accept that there is no common factor or patterns to the collisions recorded, and they occurred in both dry and wet conditions and at different times of the day, with causation factors that varied from poor due care and attention, driver error and poor judgement at the traffic signal junction.

231. In response to the comments from West Mercia Police in relation to safety concerns near schools, the County Highways Officer considers that this a generalised comment, which is not expressly true.

Parking

232. The County Highways Officers states that a total of 12 car parking spaces are proposed to ensure provision is made for the occasional visitor if required. No formal parking is provided for HGVs, but the site is sufficient in terms of space to enables these vehicles to be easily accommodated, and would enable them to enter, turn or park and leave the site again in a forward gear. Conditions are recommended regarding cycle, electric and disabled parking.

233. The access gates are set back some distance from the public highway, whilst the gates would remain open during business hours, two large vehicles could be accommodated on the access road should the gates be closed. Past the gates the access road extends further within the site before reaching the plant site, the distance between Wolverley Road (B4189) and the plant site is about 280 metres and, therefore, there is sufficient space within the site for any waiting vehicles to prevent obstruction on the public highway.

234. **The County Footpath Officer** has no objections to the proposal, subject to the applicant adhering to their obligations to the public rights of way. She notes that bridleways WC-625 and WC-626, and footpaths WC-622, WC-623 and WC-624 would be affected or are located directly adjacent to the proposal. She notes that the proposed development includes upgrades to footpaths and creations of new bridleways which would require legal changes to the definitive map. An application should be made to the County Council's Public Rights of Way Mapping Team to start this process.

235. The County Footpath Officer considers that the additional information submitted as part of the Regulation 25 Submission (October 2020) with regard to the conveyor crossing is reasonable. However, she requests the right to require additional visual screening should it be considered that it is required following feedback from users once the conveyor is operational.

236. Any new public rights of way should be of suitable width and surface. The application also states that temporary closure and diversion of footpath WC-624 and bridleway WC-626 would be required for the safety of the public at two points during the works. An application should be made at least 8 weeks in advance to the County Council's Public Rights of Way Mapping Team in each instance.

237. In response to the British Horse Society comments regarding the timing of the public right of way upgrades, the County Footpath Officer confirmed that she would have no issue with any route upgrades proposed being installed as soon as practicable, however, to upgrade these routes would require the landowners to sign up to a legal agreement which would need to be in place to allow the footpath to be

upgraded to a bridleway. This may take some time and, therefore, it is recommended that an application is submitted to the County Council's Public Rights of Way Mapping Team for the proposed upgrades or dedications of new routes as soon as possible if planning permission is granted.

238. Originally, the County Footpath Officer raised a number of concerns regarding the proposed public rights of way / upgraded public rights of way, in particular with regard to the proposed upgrade of footpaths WC-622 and WC-623 to bridleways, and as follows:

- The route has steps at both ends which would be unsuitable for horses, and at Lea Lane there is a significant rise in level
- Raises concerns about horses accessing onto the Wolverley Road at the southern end of footpath WC-622 as the road is very busy and fast moving and has only a narrow footway
- The gap in the brick wall at this point is not currently wide enough for horses
- The northern end of the route does not currently follow the definitive line but exits through the brick wall opposite Lea House and the County Footpath Officer considers that this is an informal rerouting of long standing. The exit at this point is not wide enough for horses
- Any upgrade of these routes would require full agreement from the landowner and she is not clear if this land is owned by the quarry operator / under their control
- In order for the current route to be upgraded to a bridleway the width would need to be a minimum of 3 metres wide, and possibly wider if the area is enclosed. This width is not currently possible along much of the route

239. In view of the above, the County Footpath Officer recommended that it may be more suitable to look at alternative routes which could be dedicated rather than try to upgrade the existing route.

240. In response to the above concerns, the applicant amended the scheme to provide a bridleway within the site rather than upgrading footpaths WC-622 and WC-623 to bridleways. The County Footpath Officer has confirmed that her original concerns above have been addressed.

241. In response to the British Horse Society's objection to the removal of the proposed upgrade to Footpath WC-623, the County Footpath Officer reiterates her concerns about the original upgrades.

242. **The British Horse Society** raise no objections to the proposal, subject to all footpaths within the site being upgraded to public bridleways, that the legal status and maintenance responsibility for the proposed additional routes is confirmed, and that surface and dimension standards on the upgraded and additional routes are as required for a public bridleway. However, they do object to the removal of the originally proposed upgrade of footpath WC-623 to a public bridleway. They state that they are not objecting to the proposed quarry development but are seeking to ensure riders access rights are protected and disruption kept to a minimum during the life of the quarry and that identified benefits are achieved through the delivery of footpath upgrades and new public bridleways. They consider that the originally proposed upgrade to footpath WC-623 was a key element of their initial discussions with the

applicant because it would deliver the benefit to riders of an access point on the western side of the site via Lea Lane. This is significant for two reasons:

- It gives riders an alternative access point to the proposed new dedicated public bridleways on the quarry site
- It links to other public bridleways and quieter lanes to the west in the Drakelow and Blakeshall areas to the north-west of the application site

243. The British Horse Society consider that the concerns of the County Footpath Officer to the originally proposed upgrade of footpath WC-623 to a public bridleway are worth overcoming to achieve significant benefits for riders and other users.

244. The British Horse Society support the inclusion of a bridleway to the east of footpath WC-622 instead of upgrading this footpath on the understanding that this is a dedicated public right of way added to the Definitive Map as a public bridleway.

245. In response to the Regulation 25 Submission (July 2021), the British Horse Society state it is positive to see the applicant is seeking to create public bridleways (new routes and upgrades of existing routes) within the development site and to a great extent their previous comments have been addressed. They highlight the positive change from the use of the term 'multi-user routes' to the legal term 'public rights of way' in Environmental Statement Section 16: 'Rights of Way' and legal term 'public bridleway' is annotated on the submitted public rights of way plans. This also assures them that these would be created as advised by the County Footpath Officer's response and be added to the Definitive Map. They also comment that the timescales for the diversions and creation / completion of reinstatement of public rights of way detailed in the Environmental Statement Section 16.2 'Rights of Way' is clearer. They consider that more detail is required in relation to where the new section of public access would cross the proposed site entrance. Details required include signage, priority for public rights of way users, speed restrictions, barriers and surfacing of the crossing.

246. They raise concerns about the immediate and long-term impact on local horse riders given the proximity to well-used bridleways (WC-625 and WC-626) and a local equestrian centre (Lea Castle Equestrian Centre). They state that the British Horse Society must confine their comments to local access issues but are aware that the proprietor of Lea Castle Equestrian Centre is very concerned about the potential hardship the quarry would cause to their business and customers, particularly during the early phases. The British Horse Society consider that if planning permission is granted, regular monitoring and reviews of the progress of the quarry should be undertaken to ensure commitments made by the applicant to protect and enhance public rights of way for equestrians and other users are delivered to agreed standards and in line with agreed timeframes. There should also be a channel of communication to enable local riders to provide feedback if steps taken to minimise disruption are not working on the ground.

247. Notwithstanding the above, the British Horse Society are satisfied with the proposed mitigation measures to minimise the impact of the proposal on bridleways WC-625 and WC-626, which includes retention of tree avenue, use soil screening bunds, sinking the processing plant site, and no interruption to access whilst the conveyor tunnel is constructed. The British Horse Society also welcome the

restoration proposal and the proposed additional shared use routes for walkers, cyclists and horse riders.

248. The British Horse Society welcome the agreement from the applicant to form a Community Liaison Group should planning permission be granted.

249. **The Ramblers Association and Malvern Hills District Footpath Society** raise no objections to the proposal stating they are content with the revised public rights of way proposals.

250. **The Open Space Society** no comments received.

251. **Sustrans** comments that the proposal does not interact with the National Cycle Network, but the canal to the west of the application site could be improved to form an extension to National Cycle Network Route 54 from Kidderminster. Any development funds from this site to fund the canal towpath improvements would be a benefit to the community.

252. **The Campaign to Protect Rural Environment (CPRE)** objects to the proposal on the grounds of adverse impact upon the openness of the Green Belt; adverse impact upon public rights of way; adverse impact upon local residents, schools and listed buildings in terms of noise and dust emissions; permanent loss of agricultural land; restoration to be of a lower level, which would have an adverse impact on agriculture due to shading; questions the assessment of the geological resource that underlies the selection of the site as considers much of the site is 'solid sand', and whilst this sand is friable, very considerable energy would be required to convert the 'solid sands' into sand. They added that at a time when the population should be seeking to reduce energy consumption, in light of climate change, converting sandstone to sand should be a low priority and pursued when easier options have been exhausted. They commented further that sand and gravels and the River Terraces occur elsewhere within the corridor, so that there is no dire necessity to select this site over others within the corridor.

253. In relation to Green Belt, the CPRE note that the NPPF identifies mineral extraction as an exception to the general prohibition to development in the Green Belt, this is subject to the qualification "*provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*". The CPRE consider that this means that the Green Belt status of the land cannot be just overridden as if it did not exist. The phrase "*purposes of including land in Green Belt*" clearly refers back to the five purposes of the Green Belt. These include: "*to prevent neighbouring towns merging into one another*"; and "*to assist in safeguarding the countryside from encroachment*". In the present context, the CPRE consider that keeping towns apart should be extended to include significant settlements of all kinds. In this case, the settlements in question are Kidderminster and Cookley, which are about 1.4 kilometres apart at their nearest points. This is a narrow gap, and this site sits in the middle of it. Accordingly, the proposed development would substantially erode the green wedge keeping these settlements apart. This relatively narrow wedge has already suffered encroachment by the establishment of the former Lea Castle Hospital site (Lea Castle Village), which is allocated in the Wyre Forest District Local Plan. The proposed quarry would aggravate this so that there would cease to be much open countryside between Kidderminster and Cookley. The result of any

erosion of this Green Belt gap is likely substantially to endanger the viability of the rest of it.

254. The CPRE state that they appreciate that mineral extraction is a use that is permissible in the Green Belt, but this should still be tested against the consistency of the development with the five purposes of Green Belt.

255. There are circumstances where exceptionally land needs to be taken out of the Green Belt and released for development, but NPPF indicates that Green Belt boundaries should only be amended in exceptional circumstances. The need for sand and gravel, when there are substantial other resources available, clearly takes this out of anything exceptional.

256. The CPRE state that the presence of quarry machinery and processing plant would almost inevitably affect the openness of the area. The eastern part of the application site is highly visible from A449 and B4189 westbound, so that extraction from the slope above A449 would have a considerable landscape impact.

257. The CPRE are also concerned that a quarry in this location may also generate add-on development, such as a vehicle repair workshop, and a takeaway kiosk within the quarry.

258. The CPRE suggest alternative sites commenting that it is clearly the case that the whole of the North West Worcestershire mineral corridor is in the Green Belt, but that does not mean that all of it is an equally important part of it. The whole of the area between A449 and A451 has been misclassified in the Worcestershire Landscape Study as Sandstone Estatelands, rather than as Enclosed Common. However, there should be plenty of space within that area (north of the former Lea Castle Hospital site) to find a site for a quarry. This area has wide roads, some of which are potentially suitable for the HGV traffic that is likely to be associated with a quarry. They also identify areas that would not be suitable for a proposed quarry, such as the area west of the River Stour within Cookley and Wolverley Parish, which generally have narrow roads, characteristic of old enclosed lands and are unsuitable for significant HGV traffic.

259. The CPRE state that the proposal would have a devastating effect on the setting of several public rights of way that cross the site.

260. The CPRE consider that the proposal would have an adverse noise, dust and health (risk of silicosis) impacts upon local residents and notes the proximity of North Lodges and Gateway of Lea Castle which are listed buildings. They also consider that there would be an adverse landscape impact upon the residents and school proposed at the former Lea Castle Hospital site.

261. With regard to traffic impacts, the CPRE comment that the Wolverhampton Road (A449) is very busy, but generally has free flowing traffic. Stourbridge Road (A451) is relatively quiet. However, neither of these roads lead to motorway network, Birmingham, or the eastern part of the Black Country. To access these, HGVs would have to travel along the A456, which is extremely congested at peak times, where it passes through Hagley and near Halesowen. At these times the road is operating beyond its capacity, leading to long queues. There are several minor roads between A451 and A456, but all of these are unsuitable for use by HGVs.

262. With regard to the restoration proposals, the CPRE comment that it appears to involve creating fields in the bottoms of quarries where the land would have greater shade and thus be less productive. The proposal involves a permanent reduction of the area available for agriculture at a period when the nation needs to grow crops for food and biofuels.

263. In relation to the proposed public rights of way, the CPRE comment that the additional footpaths would no doubt be welcome, but most are merely providing a path within a park wall that runs parallel to a roadside pavement outside it. It must be borne in mind that unsurfaced bridleways are churned up by horses to an extent that they become impassable for pedestrians, so that the additional bridleways are not necessarily welcome. Even if they are desirable, it would be necessary to ensure they become part of the public rights of way network.

264. Should the MPA be minded to grant planning permission, the CPRE recommend the imposition of conditions regarding full archaeological investigation; the land should be restored to its present contours to prevent damage to an attractive, though undesignated landscape; and restrictions on the hours when HGV movements are permitted.

265. The CPRE requests that members of the Planning and Regulatory Committee visit the site and are travel along the A449 out of Kidderminster and turn into Cookley, pausing to view North Lodges. If possible, members should be taken along the bridleways that cross part of the site.

266. **The Canal and River Trust** have no objections to the proposal, subject to the site entrance being laid out in such a way as to physically prevent turning movements into or out of the site, which would result in HGVs serving the site passing over the canal bridge (as proposed in the application). This is because the B4189 passes directly over the Staffordshire and Worcestershire Canal. Any failure of this bridge crossing would prevent navigation of the canal. The bridge has recently been assessed and the Trust will be advising the County Council of a recommended weight restriction in the future.

267. **Severn Trent Water Limited** have no objections and do not recommend any drainage related conditions, as the proposal would have minimal impact on the public sewerage system. In respect of groundwater and impacts upon active Severn Trent Water Limited's sources to the south and south-east of the proposal, they recommended the imposition of a condition requiring groundwater monitoring, as recommended by the Environment Agency.

268. **The Lead Local Flood Authority** defer to the opinion of North Worcestershire Water Management for this application.

269. **The North Worcestershire Water Management (on behalf of the Lead Local Flood Authority)** raise no objections to the proposal, subject to the imposition of conditions requiring a detailed surface water drainage scheme and associated maintenance scheme.

270. They comment that the Regulation 25 Submission (October 2020) addresses the concerns previously raised by multiple consultees regarding the potential for the

development to negatively impact the water dependent SSSIs in the vicinity of this site. The applicant has also provided a detailed response regarding the concerns raised regarding the potential for the development to increase the risk of groundwater pollution in the area. North Worcestershire Water Management note that the Environment Agency recommend the imposition of condition relating to a monitoring program and defer to the Environment Agency on these matters.

271. North Worcestershire Water Management notes that the Regulation 25 Submission (October 2020) outlines the surface water management proposals for the site. Three soakaway areas are proposed within the restoration landform. The intention is to construct each of these soakaway areas so they would remain in continuity with the in-situ aquifer below. Each soakaway area would be located within a gentle bowl feature within the restoration landform, enclosed by an approximate 2 metres high rise in ground elevation to the western boundary (the lowest elevation flank). Further information regarding the soakaway areas (sizing and how the continuity with the aquifer would be guaranteed) has not been submitted, but North Worcestershire Water Management do not consider that this information would necessarily be required at this moment in the application process. Details of the surface water management proposals could be conditioned once the principles have been agreed.

272. They note that the Regulation 25 Submission (October 2020) provides the requested clarification on runoff 'exceedance' overland flow routes. It also answers North Worcestershire Water Management's question regarding phasing, by stating when each of the soakaway areas are to be installed.

273. The submitted information details that the responsibility for maintenance of the soakaway areas would revert to the landowner following completion of the restoration and aftercare period.

274. North Worcestershire Water Management state that in response to the Regulation 25 Submission (October 2020), they have requested clarification of the assets proposed to capture surface water runoff (open water ditches or shallow depressions). The applicant has clarified that shallow depressions are being proposed.

275. North Worcestershire Worcester Management also previously requested clarification of how the continued existence and maintenance of these surface water drainage features could be secured. The applicant has set out that the shallow depressions would form be part of the morphology of the overall restored landform, so this ensures that these depressions would get constructed. North Worcestershire Water Management also understand that the site would be subject to a standard 5-year aftercare period and that extending this period could be secured via condition. The applicant also states that any ploughing / agricultural practices would unlikely affect the landform and adds that any ploughing would be carried out along the alignment of the gradient and not across it. North Worcestershire Water Management understand that the type of crop dictates the ploughing direction with certain crops, such as potatoes always being planted across the contour lines, and ploughing directions, which would impact upon crop choice is not normal practice and this should be the subject of a planning condition.

276. North Worcestershire Water Management state that in response to the Regulation 25 Submission (October 2020), they have requested that the applicant commits to installation of above ground SuDS as opposed to buried drainage features. In response, the applicant has agreed to this request. North Worcestershire Water Management understand that the surface water management / containment and soakaway scheme has been designed taking into account the possibility of the implementation of agricultural land drainage, so that there should be sufficient capacity should additional agricultural drainage gets added in the future. They understand that the applicant would accept a condition detailing that prior approval is required for any additional agricultural drainage. This would ensure that sufficient capacity is available, which means that even if agricultural drainage is installed, rainfall would continue to be managed within the site boundary, including in extreme events.

277. North Worcestershire Water Management conclude that their previous comments have been sufficiently addressed and that in their opinion there are no reasons to withhold approval of this application on flood risk or water management grounds, subject to the imposition of appropriate conditions.

278. **Historic England** state that they do not wish to offer any comments on the application and recommend that the MPA seeks the views of the District Council's / County Council's specialist conservation and archaeological advisers, as relevant.

279. **The County Archaeologist** has no objections to the proposal, subject to the imposition of conditions regarding a programme of archaeological work, including a Written Scheme of Investigation, provision made for analysis, publication and dissemination of results and archive deposition, and a scheme for the reinstatement of the historic boundary wall.

280. The County Archaeologist broadly concurs with the assessment presented in the Cultural Heritage Statement and Desk-Based Assessment with regard to archaeological resource and impacts upon the historic environment. The County Archaeologist considers that the applicant has submitted enough historic environment information in order to determine the application in accordance with paragraph 194 of the NPPF.

281. The proposed Written Scheme of Investigation submitted with the planning application details a strategy for a strip, map and sample approach to the site as each phase comes forward. The County Archaeologist concurs with this strategy; however, she also expects to see a field walk of the arable areas prior to topsoil strip. The wider landscape has shown the potential for flint scatters of prehistoric date to survive on the surface of ploughed fields. These would be lost if not looked for prior to the soil strip.

282. The submitted Desk-Based Assessment fails to mention that a handaxe, classified as Middle Palaeolithic was found approximately 320 metres to the west of the proposed development area. The artefact may be late Middle Palaeolithic (about 60-40,000 years old), but the finders noted that it had been lightly rolled, so it is possible that it comes from earlier deposits in the vicinity, in which case a date of about 424-190,000 years ago is possible. Further artefacts of this date are possible within the development site, although likely sporadic and looking for them probably does not justify the resource that would be required. However, the deposits within the

development site, hold potential themselves to feed into local and regional deposit models and potentially national research agendas.

283. The County Archaeologist recommends that the strategy for the site should include specialist geoarchaeological monitoring and, if necessary, recording on any exposed gravel faces and optically stimulated luminescence (OSL) dating of any decent exposures. This is because the relationship between the Kidderminster Station Member (geological formation) and the Holt Heath Member (geological formation) may help in understanding the formation of, and subsequent changes to, the Holt Heath Member. Better understanding of the Kidderminster Station Member would feed into local and regional deposit models and potentially national research agendas. The interface between these two members is likely to occur in the western part of the application site.

284. The applicant states that “*the proposed development does not directly impact on any of the surviving park features except one short section of former park boundary wall (AHA01), and the restoration scheme will ultimately result in the reinstatement of the wall, as well as the tree lined avenues and Broom Covert*”. The section of wall to be removed should be archaeologically recorded prior to its removal, as it is part of the original wall, which survives in a long unbroken section along this road. The bricks should be dismantled and stored for the duration of the project. The wall should be rebuilt at the end of the quarry life span using the original materials and bonded to look as close to the original sections as possible. The County Archaeologist recommends the imposition of a condition requiring a scheme for the part removal to create the vehicular access, protection and reinstatement of the historic boundary wall.

285. In response to the Regulation 25 Submission (July 2021), the County Archaeologist confirmed that the further information does not alter her previous advice in regard to the historic environment (set out above) and welcomes the amended Concept Restoration Plan which notes the reinstatement of the estate wall. The County Archaeologist recommends the imposition of a condition requiring a scheme for the part removal of the historic boundary wall to create the access, its protection during the operations and its reinstatement on completion of the development.

286. **Natural England** has no objections to the proposal, subject to the imposition of conditions regarding groundwater monitoring scheme and maintenance of the proposed soakaways in perpetuity.

287. Natural England consider that without appropriate mitigation the proposal would damage or destroy the interest features for which the Hurcott and Podmoor Pool SSSI, Hurcott Pasture SSSI, Stourvale Marsh SSSI and Puxton Meadows Marshes SSSI have been notified. In order to mitigate these adverse effects and make the development acceptable, Natural England recommended the following mitigation measures:

- Monitoring scheme to ensure potential implications for the groundwater quality and ground water levels are effectively mitigated
- The proposed soakaway systems which are to ensure the recharge patterns of the site stay unchanged, need to be maintained in perpetuity

288. Natural England recommends that a monitoring and mitigation strategy is submitted to satisfy the competent authority that potential implications for the groundwater quality and groundwater levels are effectively mitigated. The details should be agreed prior to any extraction at the site, and this should be appropriately secured with any planning permission. The strategy should set out what realistic and available mitigation options could be deployed if monitoring identifies issues of groundwater contamination or undesirable levels of disturbance to recharge patterns. The strategy should include information on who will be responsible for the production and appraisal of the data. Any issues should then be addressed by the operator and highlighted to the regulators.

289. The proposed soakaway systems which are to ensure the recharge patterns for the site stay unchanged, need to be maintained in perpetuity. Natural England recommend that consideration is given to funding, responsibilities and mechanisms to ensure that the soakaway system stays fit for purpose.

290. With regard to soils, land quality and reclamation Natural England notes that the proposed development would extend to approximately 46 hectares, including some 41.2 hectares of 'Best and Most Versatile' (BMV) agricultural land; namely Grades 2 and 3a land in the Agricultural Land Classification (ALC) system.

291. Whilst some of the restoration proposals on part of the BMV land are for non-agricultural purposes (woodland), Natural England considers the proposed reclamation to a biodiversity and amenity afteruse is acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high-quality resource for the future.

292. Natural England comment that they are satisfied that the Soils and Agricultural Land Classification Report in the submitted Environmental Statement Appendix G constitutes a record of the pre-working ALC grading and physical characteristics of the agricultural land within the application site boundary.

293. Natural England comment that Defra's Good Practice Guide for Handling Soils provides detailed advice on the choice of machinery and method of their use for handling soils at various phases. They welcome the adoption of "Loose-handling" methods (as described by Sheets 1-4 of the Guide), to minimise damage to soil structure and achieve high standards of restoration.

294. Natural England consider that all the matters they previously raised regarding soils and land quality, including restored soil profile depths and composition, and an outline aftercare scheme have been satisfactorily addressed.

295. Natural England also refer the MPA to their general advice and standing advice on the protected species and other natural environment issues, including landscape; local sites and priority habitats and species; ancient woodland, ancient and veteran trees; environmental enhancement; rights of way and access land; and biodiversity duty.

296. In response to queries regarding whether the adjacent woodland was designated as ancient woodland, Natural England comment that they and the Forestry Commission have produced standing advice for planning authorities in relation to

ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

297. Natural England comment that their ancient woodland inventory is not an all-exhaustive resource of information which lists all ancient woodlands. Ancient woodlands smaller than 2 hectares are unlikely to appear on this inventory. They advise that consideration should be given to any potential impacts on ancient woodlands and ancient and veteran trees in line with paragraph 180 of the NPPF, whether they are on the Natural England's ancient woodland inventory or not.

298. In their initial response to the consultation on the HRA screening, Natural England made the following comments / sought clarification regarding the following matters:

- Functionally linked land - Severn Estuary SPA birds
 - Update – the final publication version of the 'Identification of wintering and passage roosts on functionally linked land of the Severn Estuary – Gloucestershire and Worcestershire (Phase 5)' references Upton Warren as the northernmost site subject to assessment. Natural England doubt this alters the HRA screening narrative and conclusions on this theme, but it represents a factual correction the MPA may want to consider.
- Functionally linked watercourses - Severn Estuary SAC/Ramsar Site migratory fish:
 - The HRA screening does not appear to consider the Ramsar Site species. The Environment Agency's Ecology and Fish Data explorer website shows records for these fish species in the Kidderminster area (2017-22). Species recorded include Atlantic salmon, sea/brown trout, lamprey sp. larvae and European eel (elvers and glass eels).
- Key consideration is water quality:
 - Conscious of sand and gravel quarry design and normal practice regarding use settlement lagoons and associated water pollution prevention arrangements. For HRA purposes the MPA will need to reach a view on whether this approach (if it applies at Lea Castle Farm Quarry proposal) can be treated as embedded mitigation.
 - Natural England offer the following advice on the use of Water Framework Directive status:

Outside of the protected site's boundary, Natural England generally deems Water Framework Directive (WFD) 'good ecological status' to be of a sufficient quality to maintain habitat suitable for fish species forming part of the notification of the Severn Estuary SAC and Ramsar Site. This is because WFD site standards are calculated on the basis of the environmental attributes of watercourses which will similarly tend to govern which species of fish are present. Consistent with this, the standard for WFD 'good ecological status' may be regarded as adequately stringent to protect the natural fish assemblage and ecological community

in general. As a result, ensuring that any plan or project will not cause the deterioration of the site from 'good ecological status', or otherwise prevent the site from reaching 'good ecological status', is deemed to be an acceptable approach for maintaining and restoring populations of notified fish species outside of the SAC / Ramsar Site's boundary.

299. Following the MPA's ecological consultant updating the HRA screening addressing the above points, Natural England commented that the HRA screening concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

300. **Worcestershire Wildlife Trust** has no objections to the proposal, welcoming the submitted restoration strategy. They are especially pleased to note that tree T22, the veteran previously scheduled for removal, is now proposed to be retained with an appropriate buffer. They are now content that the tree can be retained and protected in line with current guidance.

301. Worcestershire Wildlife Trust are content to defer to the opinions of the County Ecologist for all other on-site biodiversity issues. They recommend the imposition of conditions regarding a Construction Environmental Management Plan (CEMP) to include protection for retained trees and other ecological features and prevention of pollution during extraction and infilling, especially in relation to runoff and risks to LWSs; a Landscape and Ecological Management Plan (LEMP) to include biodiversity enhancement in line with recommendations in the submitted documents and policy, together with long-term management of that enhancement, including soil management practices so that restoration of acid habitats can utilise the most appropriate soil types, which may need to be subtly different to those across the rest of the site; lighting scheme; SuDS; and noise and vibration management plans.

302. **The County Ecologist** has no objections to the proposal, subject to the imposition of appropriate conditions requiring a CEMP, LEMP, monitoring and control of groundwater and surface water, lighting strategy, Dust Mitigation Strategy, Biodiversity Enhancement, Monitoring and Management Plan (BEMMP), and long-term aftercare scheme.

Priority habitats

303. With regard to priority habitats, the County Ecologist is pleased that the applicant has amended the proposed restoration strategy to create a single block of ecologically valuable and more resilient acidic grassland which would buffer the additional woodland corridor planting along the site's western boundary. This grassland would also provide compensatory habitat for protected species including barn owl and ground nesting birds if a positive management regime is secured throughout the aftercare period.

Designated sites of conservation importance

304. A key consideration for this scheme is assurance that hydrologically connected off-site designated sites (namely, Hurcott and Podmoor Pool SSSI, Hurcott Pasture SSSI, Stourvale Marsh SSSI and Puxton Marshes SSSI) would be adequately protected from potential adverse impacts. The County Ecologist notes concerns were shared by the Environment Agency and Natural England who recommended the imposition of appropriate conditions for the monitoring and control of groundwater and

surface water. Subject to the implementation of these conditions and ongoing liaison on surface water conveyance and aftercare, neither the Environment Agency, Natural England or North Worcestershire Water Management have raised any objections with regard to unacceptable risk of impact to a designated site. The County Ecologist wishes to defer to the Environment Agency, Natural England and North Worcestershire Water Management on this matter and confirms that he would also be satisfied if suitable conditions controlling monitoring and management of mitigation measures are imposed.

Protected Species and Irreplaceable Habitats

305. With regard to protected species, the County Ecologist welcomes the additional Otter Survey. The County Ecologist concurs with the approach proposed in the Survey to minimise risk by undertaking an update walkover survey prior to works commencing. Similarly, the County Ecologist recognises that suitable opportunities for consequent occupation of the site by more mobile species, such as bats (within trees scheduled for felling) badgers and nesting birds may all reasonably be addressed through the imposition of a condition requiring a CEMP.

306. As part of the Regulation 25 Submission (October 2020) the applicant confirmed the appropriateness of existing soils to be retained in establishing acidic grassland and the intention to establish these habitats in Phase 1 of the scheme. The County Ecologist does not anticipate any issues with achieving the proposed habitat creation scheme and recommends that this could be secured through imposition of appropriate conditions.

307. The County Ecologist states that the application of an area of lighting restraint throughout the operational period of mineral development, as shown in the submitted dark corridors plan would ensure opportunities for foraging and commuting bat species would be protected during the lifetime of the scheme. The Update Bat Survey assesses the proposed dark corridor and makes recommendations that lighting typology, luminaire and light spill accessories, column height and location, lighting spill design modelling, lighting levels and timing should all be carefully considered. In view of this, the County Ecologist recommends the imposition of a condition requiring a lighting strategy.

308. The County Ecologist states that other forms of disturbance, including noise and dust, would need to be addressed through alternative measures, such as (where appropriate) installation of screening barriers to protect receptors beyond stand-off zones and bunds.

309. The County Ecologist is supportive of the proposal to install a total of 5 bat boxes and 15 bird boxes within the site and western boundary woodland and welcomes the proposal to use durable woodcrete-style materials. The County Ecologist recommends that the location, specification and monitoring regime for these features should be set out within the scheme's LEMP and BEMMP.

310. Considering ground nesting and birds species typically associated with agricultural settings such as yellowhammer, linnet, skylark and barn owl, the County Ecologist has some reservations that habitat loss and disturbance posed by the long operational lifespan of the proposed mineral development poses an overall negative impact to these species. This must be balanced against the proposed net gain of suitable habitats, appropriate nest box provision and the positive management of

these features which would be secured during the aftercare period. The County Ecologist notes that the supporting assessments indicate that these impacts are predicted to be 'minor' and 'limited' and the County Ecologist agrees that the early restoration of acid grassland in Phase 1 would contribute towards the mitigation of some of these impacts. Nevertheless, over a predicted 11-year operational lifespan, the County Ecologist is concerned that the overall effect would result in a minor residual adverse impact. The County Ecologist welcomes the proposal for creation of skylark plots within agricultural land and would anticipate this to be set out within the scheme's aftercare strategy / LEMP.

311. The County Ecologist notes the concerns raised by the District Council's Countryside and Parks Manager with regards dormice (European Protected Species) and veteran trees. In response, the County Ecologist states that the submitted April 2021 map clearly identifies the extent of habitat surveyed, and the accompanying 2020 report and April 2021 letter-response confirms dormouse survey limitations and extent of habitat containing hazel (a key but not exclusive food source for dormice which also provides opportunity to identify characteristic foraging behaviour). In this respect, the County Ecologist has no objections to the area surveyed, as he considers all accessible suitable habitat for dormice across the site and in its immediate locality have been subject to ecological assessment, with limitations recognised sufficiently so as to be compliant with Clause 6.7 of British Standard BS 42020:2013 '*Biodiversity – Code of practice for planning and development*'.

312. In response to the Countryside and Parks Manager's statement that the applicant's report identifies a need for 'more detailed' dormouse surveys, triggered in part by habitat fragmentation and loss, which have not been provided. The County Ecologist states that he did not identify where in the aforementioned documents the applicant has concluded a need to undertake nesting dormouse surveys. Conversely, the applicant's ecologist considers the habitat classes and structure present as offering sub-optimal opportunities for dormouse, in the form of woodland with poor structure and defunct hedgerows, both of which would be retained and protected within the proposed scheme. The applicant's ecologist concludes that the site is of 'negligible' importance for dormice and the County Ecologist can find no reason to disagree. In the Regulation 25 Submission (July 2021), the applicant states that "*it is not considered that nut searches were required, however for completeness these surveys were carried out*". The County Ecologist states that this is an important issue as an appropriate survey methodology is provided based on habitat suitability and nature of impacts, Natural England standing advice states that: "*you can limit surveys to visual searches for nests and opened nuts if the work only involves losing a small amount of habitat, for example: gaps in hedgerows; or removing a small amount of bramble scrub*".

313. Natural England standing advice cautions that this approach must not be used to evidence dormice are absent from a site and sets out a methodology for 'nut searches' (to identify hazel nuts bearing characteristic marks of dormouse foraging) as being no less than 100 nuts per survey occasion, requiring these to be undertaken between September and December. The 2018 and 2020 nut searches were undertaken within the required seasonal timeframes, and so comply with the seasonal requirements set out by Natural England. Additionally, standing advice states that survey data should be no less than 3 years old (notwithstanding significant changes to the site). In view of this, the County Ecologist is of the opinion that dormouse survey data is sufficiently up to date to inform the decision-making process, and in

this regard compliant with Clause 6.2 of BS 42020:2013 (adequacy of ecological information). Furthermore, the applicant has provided detail as to the appropriate levels of competence of surveyors who have undertaken site assessments and surveys for dormouse. The County Ecologist considers that this satisfactorily demonstrates compliance with BS 42020:2013 Clause 4.3.2 with regards suitable technical competence and experience to carry out the task performed.

314. Turning to the issue of habitat loss, the County Ecologist notes that no suitable habitat for dormouse would be removed through the proposal, as part of the Regulations 25 Submission (July 2021) the applicant states *that “all optimal areas of habitat, which consist of the surrounding woodland, are to be retained during the extent of the work”* and furthermore, that through the restoration strategy there would be a net gain in suitable habitat for dormouse if appropriate restoration including landscaping and a scheme of ecological monitoring and management are secured. As the County Ecologist considers that this is achievable through the imposition of a suitably worded condition, he is minded that the concerns regarding loss of dormouse habitat as raised by the Countryside and Parks Manager are satisfactorily addressed.

315. Turning to the potential for disturbance to cause deterioration and fragmentation of habitat and habitat networks for dormice (if present). The County Ecologist notes that the applicant states in the Regulation 25 Submission (July 2021): *“it should be further considered that, even in the unlikely case that dormice were present within a 50-metre buffer of the site, limited recommendations could be provided for a mitigation strategy and a licence would still not be required from Natural England. As part of the proposed works, there is to be a minimum stand-off of 10 metres from the boundary woodlands of the site. In some areas of the site this stand-off would be as high as 95 -100 metres. Combined, this would ensure that in the unlikely case that any dormice are present within the site boundary woodlands, that no dormice would be disturbed during the extent of the works”*.

316. The County Ecologist also notes that the Ecological Impact Assessment states that a 10-metre stand-off from woodland along the northern, western and southern boundaries would be observed.

317. The County Ecologist states that the applicant has stated that there is no evidence dormouse are present within the boundary woodland, however, only nut search and habitat assessments have been provided to date. Natural England’s standing advice is clear that nut searches cannot, as a method, be used as evidence that dormice are absent from a site. The applicant has stated that *“this project is not considered as a damaging project [for dormice], due to the areas of suitable habitat being retained”*, however, the submitted Ecological Assessment identifies significant and negative impacts from noise, dust and light upon these woodlands, in the absence of mitigation measures. The County Ecologist considers that, even while tolerant to a degree of effects of disturbance, the significant degradation or deterioration of the woodland habitats would inevitably have an adverse effect upon the associated woodland flora and fauna. Therefore, in order to support the supposition that any impacts arising from mineral operations upon dormice (if present) would fall below a threshold considered likely to require derogation licence, the County Ecologist considers that appropriate mitigation measures to control effects of mineral working to acceptable levels of impact would be required.

318. Assuming appropriate avoidance and mitigation strategies can be implemented regarding control of artificial light at night, dust control and stand-off buffers, the County Ecologist does not anticipate a European Protected Species derogation licence application to Natural England would be needed, there would be no reason for the MPA to consider the three tests set out in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 prior to determining this planning application.

319. Focusing on potential effects of fragmentation on dormouse, should they occur here, the County Ecologist states that effects of habitat severance, including built development and highway, are significant for dormouse, as this is a species with limited mobility and very specific habitat requirements. The County Ecologist considers that the lack of connectivity to other blocks of ancient woodland significantly reduces risk of dormouse dispersal to and occupation of woodland or hedgerow features. The site does not appear to contain any recognisably important habitat networks which of themselves would be a sensitive receptor for adverse impacts. A north-south habitat corridor abuts the western site boundary and, if it were not currently severed by Wolverley Road (B4189), a highway posing a significant barrier to movement of this ostensibly arboreal species, this corridor would abridge the woodland of the Staffordshire and Worcestershire Canal LWS with the various priority habitats of Puxton Marsh SSSI, located to the south-west of the site. However, this habitat corridor would be retained and enhanced through proposals. The County Ecologist considers any severance effects, therefore, unlikely to critically prevent dispersal of dormice (if present) across the local landscape, because the habitat network here is already significantly fragmented by highways and watercourses.

320. The County Ecologist considers that impacts from mineral working which may potentially adversely impact dormouse (if present here), could be reasonably controlled through an appropriate avoidance or mitigation strategy. The County Ecologist also notes that this approach was approved by Wyre Forest District Council for the nearby Lea Castle Village development where a single dormouse nest was identified in woodland near to the development boundaries, and through a Mitigation Strategy the risk of adverse effects on woodland condition and disturbance of dormouse populations was considered to be appropriately controlled. Lastly, the County Ecologist notes that neither Worcestershire Wildlife Trust nor Natural England have raised objections with regards to dormouse.

321. With regard to ancient woodland, the County Ecologist originally commented that the Worcestershire Habitat Inventory identifies Wolverley Lodge (contiguous on the north-west of the site), Reservoir Wood (located just beyond Wolverley Lodge, to the north) and Wolverley Carr (located just beyond Wolverley Lodge, on the western bank of the Staffordshire and Worcester Canal) as part of the local Ancient Woodland Catalogue, and so should be treated as an irreplaceable ancient woodland habitat. While these local ancient woodlands are not listed on Natural England's Ancient Woodland Inventory, this is not surprising given that woodlands less than 2 hectares in size were not originally recorded systematically on the Ancient Woodland Inventory.

322. The Woodland Trust's 'Planning for Ancient Woodland' guidance (July 2019) states that *"as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller*

buffer would suffice". Current Natural England and Forestry Commission standing advice (January 2022) is that "for ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone..." and that "for ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter".

323. In response to the County Ecologist's comments above regarding ancient woodland, the applicant provided further clarification outlining why they consider the woodlands were not ancient woodlands. In view of this, the County Ecologist liaised with Worcestershire Archives and Archaeology team who provided additional interpretation of the information held in the Council's archives. The County Ecologist states that this indicates that the woodlands in question are likely to have been established by the early 19th century; despite a complicating factor of designed landscape features around Lea Castle Farm, the woodland's irregular shape (in contrast to the more regular-shaped field boundaries to the east around the former Lea Castle Hospital site) is indicative of a pattern of land use characterised during the medieval period and which persisted to the 17th century, where unenclosed land was converted to piecemeal enclosure and managed for arable or pastoral use, with marginal land subsequently managed as woodland or retained for unenclosed grazing. Light Detection and Ranging (LiDAR) imagery indicates a number of deeply incised trackways, with some limited quarrying within the northern part of the woodland, which is a pattern of woodland land use which the County Ecologist understands is consistent with many of Worcestershire's historic woodlands, including the Wyre Forest. Nevertheless, the additional evidence received does not appear to provide further corroboration of the existence of these woodlands to a date any earlier than 1822 and, therefore, the County Ecologist concurs that Wolverley Lodge and Reservoir Woods are not ancient woodlands.

324. The County Ecologist states that the status of Wolverley Carr may be more complex to determine, carr being a wet woodland habitat which may well have been mapped as wetland or marsh in early maps, but equally may only have succeeded to a wet woodland community more recently. Nevertheless, the County Ecologist is content that due to the location of Wolverley Carr, at approximately 100 metres from the proposed site, and effectively sheltered by Wolweley Lodge and Reservoir Woods, means that damage or deterioration of this woodland from effects of mineral development is not considered to be of particular concern.

325. With regard to impacts upon Wolverley Lodge and Reservoir Wood, the County Ecologist states that if these woodland habitats were damaged or degraded by the proposal, then he considers that the associated opportunities for woodland fauna, and notably for dormice (if present), to forage, seek shelter and potentially breed within these woodlands might also be affected.

326. Proposed mitigation pertinent to the woodland areas includes a 10-metre fenced stand-off area, phased operations including restoration of adjacent habitat in an early developmental phase, minimising material drop heights, and a number of other minor measures intended to suppress dust emission at origin, transport and on handling of materials, together with a dust monitoring programme. The development of a

proposed Dust Mitigation Strategy would give the County Ecologist the assurance that these measures would be implemented.

327. The County Ecologist considers that these mitigation measures, including the 10-metre stand-off zone protecting woodland, are broadly acceptable, albeit a narrower stand-off would be secured in comparison to that required to protect ancient woodland. The County Ecologist, therefore, strongly encourages the Dust Mitigation Strategy to also ensure that fencing protecting stand-off zones around Wolverley Lodge and Reservoir Wood incorporate a semi-permeable barrier, such as fine-gauge netting, as a further best practice measure to reduce or eliminate fugitive dust deposition on both woodlands and their grassy stand-off zones. Doing so would provide several benefits: it would contribute in protecting the ecological functionality of the 10 metres grassy buffer zone, rather than compromising the condition of this habitat as a 'sacrificial' buffer zone; dust netting would also contribute in the interception of light and to a lesser degree noise on the woodland's edge; and by doing so would provide the County Ecologist with sufficient confidence that adverse effects of flora and fauna within the woodland would be minimised to acceptable and non-significant levels. The regular monitoring programmes proposed should include Reservoir Wood and Wolverley Lodge as monitored ecological receptors and provide clear thresholds for intervention measures if further control of fugitive dust, noise and / or light pollution is subsequently identified as being required. Given the 10-year period of site operation and restoration, it may also be prudent to undertake periodic ecological update surveys for mobile species both within the site boundaries and also within Reservoir Wood and Wolverley Lodge. The County Ecologist states that these measures could be specified through the imposition of a condition requiring a Dust Mitigation Strategy, and the success of these measures evaluated through ongoing site monitoring, to be programmed through the Dust Mitigation Strategy and / or BEMMP implementation of which can be secured through suitably worded condition.

Veteran and Ancient Trees

328. The County Ecologist welcomes the proposal to retain and protect veteran trees T5, T22 and T25. In response to the Regulation 25 Submission (October 2020), the County Ecologist requested additional information regarding tree buffers particularly around tree T22. The County Ecologist notes from both Natural England standing advice and Woodland Trust consultation response that the protective zone around veteran trees should be no less than 15 times the stem diameter (or 5 metres beyond canopy edge if a larger figure). The applicant has confirmed that a minimum protective buffer of 18 metres (meeting requirements of 15 times stem diameter) would be an agreeable approach. The cross-sectional illustrations provided by the applicant are helpful in understanding tree T22's placement in its future landform. There would inevitably be a 'mounding' effect, which may well appear incongruous in its local landform, however, the County Ecologist defers to the County Landscape Officer on this matter, as he considers it would have no significant ecological implications as the tree's root system and hydrology would be adequately protected and monitored.

329. The County Ecologist welcomes the proposed retention of trees T4 and T19, which would be retained and protected in full, with appropriate tree root protection zones.

Biodiversity Net Gain

330. With regard to Biodiversity Net Gain, the County Ecologist welcomes the submission of the Biodiversity Net Gain Report and accompanying Defra Biodiversity Metric, which presents a headline figure of plus 87.21% net gain for biodiversity which is considered to be commendable. However, the County Ecologist makes the following comments on the Defra Biodiversity Metric:

- Under strategic significance criterion, the County Ecologist considers that the correct selection is more likely to be 'within area formally identified in local strategy'. However, the County Ecologist does not consider it would make a significant difference to the final Biodiversity Net Gain tally, and a further iteration of the Biodiversity Net Gain metric should, therefore, be appended to a conditioned LEMP, so as to reflect this refinement and to inform a baseline for future habitat monitoring efforts.
- A number of proposed habitats have been identified with 'high' or 'very high' difficulty for creation, with a time to target condition of 30 plus years. This would exceed the typical timespan of LEMP periods secured by mineral consent (usually an aftercare period of 5 years, unless otherwise agreed between the applicant and MPA). It is, therefore, requested that the applicant confirms they are amenable to offering an aftercare period aligning with the proposed habitat creation target timescale (30 years, which would also be in line with Environment Act (2021) Clause 100(b) as relates to securing biodiversity net gain). Alternatively, it is requested the applicant confirms they are prepared to secure within the proposed LEMP a funded commitment to an aftercare period which is capable of achieving the proposed habitat condition to target timescales, so as to provide the authority with confidence the purported habitat gain specification can be delivered as proposed. If no commitment to deliver the biodiversity net gain specification proposed can be secured, then the County Ecologist recommends the metric is reiterated and resubmitted so as to demonstrate what biodiversity gain would realistically be secured during an agreeable period of aftercare, should the scheme gain consent.
- Finally, the County Ecologist has requested GIS shapefiles of the proposed Biodiversity Net Gain audits, so as to be able to maintain an auditable and spatial account of biodiversity net gain in the county, and to update the Worcestershire Habitat Inventory in due course so as to reflect the habitat gain proposed. The County Ecologist states that it would be satisfactory if these were attached to a LEMP in due course if the applicant is amenable.

Habitat Regulations Assessment

331. The County Ecologist notes that a shadow HRA has been prepared by the applicant and this study concluded that the proposed development is not predicted to pose any likely significant effects on the qualifying interests of scoped habitat sites. Subsequently, an independent HRA has been undertaken on behalf of the MPA and made a further evaluation of the scheme's potential to cause likely significant effect on either the habitat sites scoped into study, or upon any habitats deemed 'functionally linked' to these designated sites. This HRA has also identified that the proposed development, acting either 'alone' or 'in combination' with other plans and projects, is not predicted to cause any likely significant effects upon either habitat sites or their functionally linked habitats. In reaching these conclusions, this 'Stage 1' HRA has not considered mitigation measures, and so the County Ecologist considers

it is compliant with the requirements established by the Sweetman case (CJEU C-323/17 People Over Wind and Peter Sweetman vs Coillte Teoranta). The County Ecologist can see no reason to contest the findings of these studies and so, subject to confirmation by Natural England on the HRA's conclusions, considers that the MPA now has sufficient ecological information on which to base its determination.

332. **The County Landscape Officer** has no objections to the proposal, subject to the imposition of conditions requiring the implementation of a CEMP and LEMP, with a longer-term aftercare period to cover a period of at least 10 years.

333. The County Landscape Officer welcomes the proposals to plant approximately 200 trees as part of parkland-style restoration, together with a network of acidic grassland (historically a habitat type that was associated with areas of heathland in this landscape), and the applicant's confirmation that planting along the eastern boundary would be prioritised and notes that a native woodland block would also be planted along the western boundary of Phases 2 and 3.

334. In response to the Regulation 25 Submission (October 2020) the County Landscape Officer states that the site sections submitted by the applicant have proven helpful in understanding the site topography following restoration. What it demonstrates very clearly is that despite the grading of the proposed finished level, how significant the reduction in level would be compared with the current baseline. With that in mind, the County Landscape Officer recommends that the applicant revisits the scope of mitigation proposed for the eastern boundary with a view towards providing additional planting to soften the visual impact from receptors to the east. In time, this would also contribute towards the overall landscape framework of the new parkland.

335. In response to the Regulation 25 Submission (July 2021) the County Landscape Officer states that he welcomes the clarification provided by the applicant to their previous comments regarding tree protection assurances, phased and prioritised restoration, landscape planting, tree avenue species selection and a longer-term aftercare period, which addresses all his previous concerns / comments.

336. The County Landscape Officer notes the comments submitted by the Wyre Forest District Council Arboriculture Officer in respect of tree T22, but the County Landscape Officer is reassured that the proposed 18 metre buffer would be satisfactory and, therefore, has no further concerns regarding the protection of this tree. However, he states it may be expedient to consider a specific measure in the CEMP to secure protection and address the concerns of the District Arboriculture Officer.

337. The County Landscape Officer welcomes measures aimed at ensuring the retention and protection of trees T4 T5, T19, T22 and T25. These trees would need to be secured within the context of an adequate root protection zone. The County Landscape Officer supports the comments of the County Ecologist and the recommendation for appropriate measures to be included with a CEMP and LEMP.

338. In response to the clarification provided by the applicant regarding potential ancient woodland on the northern and western boundaries of the site, the County Landscape Officer states that the applicant's assessment is a detailed and an interesting treatise for the Parish of Wolverley. The fundamental issue rests on the

soundness of the Worcestershire Habitat Inventory interpretation of ancient woodland, which was based on a survey carried out by John Day in 1983. The morphology of land enclosure within the site and its setting is consistent with a pattern of piecemeal encroachment into woodland and heathland typical of north Worcestershire landscapes, and often resulting in the survival of long-established woodland communities in the more marginal land parcels. Dating this process is, however, difficult because its origins reach back before the production of reliable maps. Therefore, returning to the Worcestershire Habitat Inventory, it is a material evidence base that informs the County Council's advice and decision making, and its status as a reliable source extends beyond the threshold of national inventory classifications. However, the County Landscape Officer acknowledges that he cannot provide any contextual documentation to further support the ancient woodland interpretation. The County Landscape Officer has liaised with colleagues in the Council's Historic Environment Record and Archive teams to check for sources that may not have been included in the Archaeological Desk Based Assessment. The County Landscape Officer concludes that the Council can demonstrate woodland cover was established no earlier than the early 19th century. In view of this, the County Landscape is satisfied that it is not ancient woodland.

339. **The Forestry Commission** have reviewed the application submission and wish to make no comments and refer the MPA to further information on their position regarding ancient woodland and development management.

340. This further information states that as a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to planning applications.

341. The further information notes that ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland and Plantations on Ancient Woodland Sites. It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are wholly exceptional reasons, and a suitable compensation strategy exists*" (NPPF paragraph 180).

342. The Forestry Commission also note that as ancient woodland, ancient trees and veteran trees are irreplaceable, the MPA should not consider proposed compensation measures as part of the assessment of the merits of the development proposal.

343. The Forestry Commission also refer the MPA to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland, together with supporting Assessment Guide and Case Decisions.

344. They recommend that the MPA have regard to any points provided by Natural England about the biodiversity of the woodland.

345. **The Woodland Trust** comment that they welcome the retention of the veteran tree referred to within the Arboricultural Survey as tree T22, and the root protection zone and protection measures proposed in line with Natural England's Standing Advice and the BS 5837:2012. As such they consider their original concerns regarding the protection of tree T22 have been addressed.

346. With regard to the northern and western boundary woodland and its potential to be ancient woodland as raised by the County Ecologist, the Woodland Trust comment that the area of woodland is visible on maps dated in the 1880s and is, therefore, of likely historical and ecological importance. On this basis, the woodland is potentially unmapped ancient woodland and Natural England should be consulted for their opinion on the antiquity of the wood. If Natural England consider that the boundary woodland is not ancient, then the Woodland Trust would have no further comments to make on this application. However, should Natural England consider the adjacent woodland to be ancient, then the woodland should be afforded protection under paragraph 180 of the NPPF. Given the likely significant impacts posed by quarrying activity (i.e., dust and noise pollution, likely hydrological impacts etc.), the Woodland Trust adopts a precautionary principle and would advise a buffer zone of 100 metres to the extraction area.

347. **The Gardens Trust** wish to make no comments, as the proposal is unlikely to impact upon any Registered Park or Garden and note that their colleagues in the Hereford & Worcester Gardens Trust have responded to this consultation on their behalf, and they have no further comments to make.

348. **Hereford & Worcester Gardens Trust** have no objections to the proposal stating that they are satisfied that their previous concerns (which included clarification regarding the timing of planting, visual impact of restored landform, consider the avenue should be planted with a single tree species, oak added to the planting specification for hedgerows, beating up of hedgerows (replacing trees which have died) and planting of additional parkland trees) have now been addressed.

349. They note that the application site extends over approximately half the area of the 19th Century Park at Lea Castle, Wolverley. Lea Castle Park appears in Lockett's 'Survey of Historic Park & Gardens in Worcestershire'. It is not a Registered Park or Garden, a designation that relates to international or national interest. It is, however, of considerable local interest and contributes to the landscape character and cultural and historical understanding of the Parish of Wolverley.

350. They state that Lea Castle Park is the parkland to Lea Castle, which was demolished in 1945. The site of the Castle and the surrounding gardens are outside the application site boundary. The parkland extends west of the application site as far as the Staffordshire and Worcestershire Canal, but this western part has been laid down to playing fields. The central and eastern sections of the park are within the application site boundary and still retain a parkland character, albeit a degraded one. There are few parkland trees remaining, and only the remnants of the original tree avenue to the Castle and the grassland have generally been converted to agriculture.

351. They acknowledge the revised landscape sections that indicate that the retained and replanted avenue would not be seen as a strip of elevated land across the site.

352. They recommend that the applicant is required to produce a 25-year management plan to ensure the ongoing maintenance and development of the site.

353. **Hereford and Worcester Earth Heritage Trust** has no objections to the proposal, but requests that the applicant be required to provide access to the site for geologists to support investigation and recording of the geological features, especially quaternary deposits, vigilance on the part of the operator to identify fossils and

fossiliferous material, and an information board in relation to the geology of the site be provided.

354. They comment that the application involves extraction of sand and gravel from the internationally important Severn Valley River terraces, which occurs around the River Severn and its major tributaries such as the River Stour. Although the Severn Valley River terraces are well documented, detailed information only becomes available when they are excavated. They note the deposits can contain fossils, which often occur at the base of the mineral deposit; the formations present in the gravel can indicate the river flows at the time of the deposition; and effective methods of dating these deposits have only recently been developed.

355. They consider that the site would be ideal for showcasing the landforms of the river valley to the public, since the adjacent sports ground is located on a lower river terrace, while the hill on the eastern side of the site is capped with glaciofluvial deposits, left by the last ice age. Existing public rights of way and the proposals for additional public space and pocket parks provide an ideal opportunity for information boards that explain the geomorphology of the area in addition to any specific details discovered during the extraction process.

356. In response to the Regulation 25 Submission (March 2022), the Earth Heritage Trust note the applicant would allow access for geologists, the conditions recommended by the County Archaeologists in relation to interpretation strategy for cultural heritage and a Written Scheme of Investigation which would include specialist geoarchaeological monitoring and, if necessary, recording on any exposed gravel faces and OSL dating of any decent exposures, which is entirely acceptable.

357. **Hereford and Worcester Fire and Rescue Service** has no comments.

358. **West Mercia Police** have no objections to the application. They do, however, comment that the road is well used in the morning and afternoon by pupils going to and from Wolverley CE Secondary School. With the increase in large vehicles using the road West Mercia Police consider it is important to ensure they safety. In view of this, the applicant should put in place measures that would ensure pedestrian safety.

359. **Western Power Distribution** comments that their apparatus is located within and adjacent to the application site (an 11kV overhead lines runs broadly north to south through the eastern part of the application site) 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.

360. **ESP Utilities Group Ltd** comments that they have no gas or electricity apparatus in the vicinity of the application site.

361. **Last Mile** comment that they have no equipment or apparatus within the application site but confirm that they are in the process of adopting assets in the vicinity of the application site. 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'

362. **Cadent Gas** comments that their apparatus is located within the public highways to the east and south of the site. The applicant should contact Cadent Gas should any works be required to be undertaken within their easements.

363. **The County Sustainability Officer** has no comments.

364. **Worcestershire Local Enterprise Partnership (LEP)** no comments received.

365. **Homes England** no comments received.

Other Representations

366. The application and accompanying Environmental Statement have been advertised on site, in the press and by neighbour notification. To date 2,030 letters of representation have been received, some of which are from the same respondents, and includes comments from a local residents' action group (Stop The Quarry Action Group), Wyre Forest Friends of the Earth, Kidderminster Civic Society and Civic Voice, Hagley Parish Council, Hurcott Village Management Ltd, Nightingales Residential Home, Wolverley CE Secondary School, Cookley Sebright Primary School, Heathfield Knoll School and First Steps Day Nursery, Severn Academies Educational Trust, National Education Union (NEU), neighbouring District Councillors Mary Rayner and Sarah Rook, and Bromsgrove District Councillor Steve Colella, have been received, 2 of which are letters of support, 4 of which are comments and 2,024 of which are objections. These letters of representation were made available to members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Support

Noise, Dust and Disturbance

- Fully supports the application, and has no apprehension regarding noise, dust or disturbance. Considers that some of the comments written by others are totally ludicrous and proves they have not seen the plans or read the proposals in full

Agriculture and Farm Diversification

- The land is very poor for farming crops and requires costly enhancements. The farm has been struggling for some years and requires diversification to continue. Other avenues such as livery and camping are not profitable

Traffic

- The number of HGVs visiting the site would be far less than has been hyped and exaggerated by objectors and the use of the main roads is the best possible exit route

Restoration

- The proposals for restoring the land would provide a great environment, which would link to the local canal and provide unique potential for walkers, cyclists and nature lovers

Economic Benefits

- The proposal would provide valuable jobs for both skilled and general workers and drivers
- More quarries would improve local access to building materials and contribute to a nationwide reduction in haulage

Comments

- Questions what are inert materials
- Research by Transparency International UK has warned that local authorities across England lack essential safeguards to prevent corruption in the planning process. In view of this, they request it is demonstrated that this application adheres to the highest ethical standards, to be free of conflicts of interest and secretive lobbying
- Concerns with regard to HGVs that will pass through Hagley, namely A456 and A491, which are already very busy and congested roads
- Questions if the applicant will be updating their traffic data, in particular to take account of Lea Castle Village
- Questions if the HGV movements could be controlled with a maximum set, rather than anticipated at 33 or 66 round trips to ensure the applicant remains within the terms of the planning agreement
- Questions if an updated accident blackspot study has been carried out
- Questions what financial impact does the applicant predict on local housing, including Lea Castle Village
- In relation to the Dust Impact Assessment questions if the topography has been taken into account
- With regard to the control of dust, asks if the applicant can be more specific than “as and when required” as the management of dust particles relies on proactive maintenance rather than reactive measures
- Questions who would monitor the site
- Comments that local residents in the Stourbridge Road, near to the Park Gate Inn have not been consulted

Objections

Amenity

- Adversely impact the general amenity of the local area, including from dust, odour, noise and vibration, light, visual impacts and contamination
- Adverse impact upon 5 existing schools, nursery, and a care home and proposed school at the former Lea Castle Hospital site
- Nuisance from noise, dust and vehicle movements
- Adverse impact upon tranquillity and rural ambiance
- Unacceptable working hours, which are outside what the Council would usually permit
- Adverse impact upon quality of life, blighting the lives of local residents
- Sunday working is considered to be unacceptable
- Would not be able to enjoy their garden if the proposal goes ahead
- Inappropriate land use near residential properties
- 11 years of disruption for local residents
- Over 6,000 residents (on electoral roll) situated in Cookley and Wolverley who would be adversely impacted by the proposal

- There has been no sensitive consideration of the effect of air and noise pollution on religious worship and ceremonies, including funerals, christenings, weddings, and grave attendance, that regularly take place at the local church

Noise

- Adverse noise impacts, including from processing plant, loading of HGVs, road traffic and vehicle reversing beeping alarms
- Considers there would be many hours of grinding noise from machinery
- Geography of the application site amplifies noise
- May generate a low frequency noise that would travel for miles, as do the motocross motorcycles that currently use the site
- Adversely impact local residents that works shifts, as they would not be able to sleep during the day due to the noise disturbance from the proposal
- Noise Assessment did not take account of impact on noise on first floors of dwellings, just ground floors
- Noise impact from blasting (explosives) and mineral processing, including crushing
- There is no information as to what the decibel level is emitted by the proposed conveyors
- There is no indication of any form of noise screening to the north side of the field hopper
- The proposal cites “drop heights from dump trucks to processing plant to be minimized”. This statement is far too ambiguous and needs clarification as to how this would be controlled in order to avoid air / noise pollution
- The plans show that Phase 1 has partial sand / soil bund on both the east and west sides. This leaves a large gap on the north side without any form of bund / screen. This is the point from which residential properties would be most likely affected bearing in mind the direction of the prevailing wind
- The plans showing Phases 4 and 5 have omitted the position of the conveyor following reinstatement of Phase 3
- There are no indications of height / width dimensions of the screen bunds
- The impact of noise on users of the bridleway is not considered
- Questions what would happen if the noise levels were exceeded by the operator
- Questions if the proposed soil bunds are high enough to reduce noise levels
- Questions how residents can be confident that the screens would work effectively and what criteria would be set by the authority to ensure the screens are effective
- Questions why Phase 4 does not have any screening to the north side, as surely every phase should have effective measures in place to avoid air / noise pollution from every side and every direction
- The noise emitted from the site would cause distress for residents due to the proposed long working hours. There are also schools nearby who require quiet especially during examination periods

Vibration

- Adverse vibration impacts
- Air over pressure and vibration impacts from blasting
- Vibrations from conveyor tunnel would impact horses as they walk the bridleway
- There would be a continuous vibration from the machinery which travels considerable distances and can have an adverse effect on general and mental health

Dust

- Adverse dust impacts, including toxic dust
- Would generate clouds of dust in the summer months, which cannot be controlled, impacting local residents enjoying the outdoors
- Not confident in the applicant's dust mitigation measures
- The dangers of airborne crystalline silica are well documented, as are the distances dust can travel from the proposed quarry and HGVs
- Adverse dust impacts on ecology and biodiversity
- Horses and other livestock in the area would be adversely affected
- Clouds of dust would impair visibility when driving on nearby roads
- Dust would travel great distances and further than stated in the submission
- Dust emissions would be spread by vehicle movements
- Dust would settle on cars and residential properties, causing damage to paintwork and adding additional maintenance costs
- Questions what would happen if the dust levels were exceeded by the operator
- Concerned that would not be able to put washing out to dry due to dust emissions
- One study of a sand and gravel facility in California found that at 750 meters downwind, the furthest point monitored, the level of silica in the air was twice as high as at an upwind site (Shiraki 2002). The silica content in particulate matter samples decreased from 33 percent at the plant itself to 10 percent at 750 meters away (Shiraki 2002). The American Environmental Working Group recommends that air quality should be monitored at up to 1,500 meters from sand mining and processing facilities. Monitoring at even greater distances may be necessary if significant quantities of silica are found at 1,500 meters downwind
- Dust monitoring would be self-governing for the most part, with occasional oversight from the relevant authority
- Considers there would be a delay in dust and air quality monitoring
- Notes that the assessments use meteorological data from Pershore but considers that this would not be representative of the conditions experienced in the vicinity of the application site
- Disputes that the sand and gravel would be wet once extracted and, therefore, would produce even greater dust emissions
- Considers the submitted assessments understate the impacts of dust emissions
- Would not be able to open windows due to dust emissions
- Prevailing wind is from the south and south-west direction with Cookley being situated on the north / north-east of the proposal. This would affect a large swathe of residential properties in Cookley and the at the former Lea Castle Hospital site that are essentially upwind of the proposal
- Omitting housing: The Air Quality Assessment only identifies 9 residential properties as being potentially affected by dust although it defines an area of 1 kilometre from site workings. There is no mention of former Lea Castle Hospital site where development is underway with consultation on additional housing land or the extensive existing housing areas in Cookley and Sion Hill. The applicant has assessed properties within 50 metres of the application site only
- Under estimation of vehicle movements: Air Quality Assessment estimates 10-20 heavy duty vehicles per day removing material from the site, however, the Transport Statement estimates 77 HGV loads per day (154 HGV movements). This is five times as many movements as considered by the Air Quality Assessment
- Air Quality Assessment also similarly estimates 33 articulated dump truck loads per day (66 movements) using 2 articulated dump trucks. Generally, dump trucks

carry 8-12 tons of material per load and an HGV 20 tons. This implies that should the correct load numbers be applied; 10 dump trucks would carry 165 loads per day i.e., 330 on site dump truck movements with 5 times the associated dust and noise emissions

- Considers that sand and gravel quarrying should not be located close to housing and that this is the conclusion drawn from evidence gathered internationally in recent years and counters UK Government historic guidance now nearly 20 years out of date
- Within the last four years, significant evidence of the impact of fine dust particles in the air on health has been researched internationally and reported in the UK. The more advanced countries have already using legislation to stop sand and gravel quarrying close to housing. The UK will shortly be following the same course although current Government guidelines relate to guidance published in 2003 probably relating to flawed Department of Environment Minerals Division research papers published in December 1995
- In the US concern about dust has led the Environmental Protection Agency through the Clean Air Act to regulate national and regional rules to reduce emissions. Over time, the Environmental Protection Agency have reduced the maximum allowable exposure to concentrations of PM2.5 to 12 micrograms per cubic meter
- Consider that there is little protection by any trees or hedging between the proposed quarry site and the residential streets of Harriers Green, James Road, Highfield Road and parts of Hurcott Road as they look straight across from their hillside to site, so dust particles would be carried to their properties
- Highlights that Broadwaters (approximately 2,000 houses) is within 2 kilometres of the application site, which would be impacted by dust and other things that are airborne

Odour

- Adverse odour impacts, and references to the landfill site at Walleys Quarry Ltd, Silverdale, Staffordshire
- Concerned about the proposal to reinstate the land with 'inert material'. This usually means landfill, with its unpleasant and pervasive aroma

Pests

- Fly infestations
- Would encourage birds (seagulls) to flock to the site

Air Quality

- Negative impact upon air quality of the area
- Increase in NO2 levels, for which the area is already a hotspot
- Increase in Carbon Dioxide (CO2) levels, poisoning local residents and school children
- Diesel exhaust emissions damaging to the environment and air quality
- Kidderminster already has some of the most polluted air in the whole of Worcestershire, due to the very busy Ring Road encircling the town centre
- Exceed safe emission levels
- Air pollution level in Broadwaters area is already exceeding maximum limits without the addition of quarrying activities
- The government are actively looking to reduce dust, particularly PM2.5 concentrations in the atmosphere, it appears to be counter-intuitive to consider

permitting a long-term activity that would actively work against meeting the targets that have been set

- Children are especially vulnerable to air pollution
- Recent fire in Park Street, Kidderminster where residents were advised to close windows and doors due to concerns in relation to air pollution. If the quarry is approved, residents would always have to keep windows and doors closed, which contradicts guidance in relation to coronavirus pandemic
- The WHO has tightened their guidelines in relation to emissions including PM10, PM2.5 and NO2
- Adverse impact on AQMAs
- Worcestershire Regulatory Services advise that the WHO guidelines are immaterial. However, local residents draw attention to a serious health and safety issue that is deliberately being ignored by the professional advisers on all sides in a similar way to the behaviour of professionals highlighted in the formal Grenfell Tower investigations. At Grenfell, successive private and public sector consultants relied on guidance from within the industry that was flawed to the detriment of the public and at significant cost to all involved. If there is a health issue associated with any matter of public concern, the relevant professionals are required to investigate it and must not ignore it

Light Pollution

- Adverse light pollution
- The light pollution from the site during the winter months would need to be monitored

Pollution

- Adverse pollution impacts
- The site would be infilled with rubbish and inert waste causing pollution
- Adverse environmental impacts
- Contamination of land
- Release of hazardous chemicals
- Pollution from leachate
- The inert material used to infill the quarry may be contaminated, as building rubble from skips is not regulated or inspected and would contain plastics, plaster, rubber, tiles, chemicals, paint, and asbestos products

Health and Wellbeing

- Adverse health impacts upon the residents of Cookley and Wolverley due to proximity to villages
- Endanger the health of local residents, including children, particularly due to the close proximity to 5 schools, and a future school at Lea Castle Village
- Air quality in Cookley is often poor with many asthma sufferers which would be exacerbated by the proposal
- Would generate dust, which includes silica dust that can cause silicosis. Silicosis can cause severe breathing problems and increase the risk of lung infections
- According to Bureau Veritas 900 people get lung cancer from silica dust per year in Britain and 1,000 workers are killed from diseases caused by breathing in silica dust. This information verified independently by a doctor who has confirmed the long-term catastrophic effects. Older adults and people with respiratory illnesses are particularly at risk

- Considers that there is anecdotal evidence from local communities who have lived with quarries of having greater cases of health issues
- Insufficient research in terms of impacts upon health
- Adverse health impacts including silicosis, COPD, asthma, heart disease, kidney disease, angina, chronic bronchitis, lung cancer and other cancers
- Fear of adverse health concerns
- Adverse health impacts due to stress and anxiety as a result of the proposal
- Loss of green space and public rights of way, which is important for physical and mental health and wellbeing
- Increase risk of dementia in later life
- Adverse health impact on residents who suffer with existing health conditions such as bipolar, fibromyalgia, COPD, asthma, tinnitus, severe eczema skin allergies and other allergies
- Increased dust levels, particularly fine dust which would cause respiratory problems
- Submitted a study which showed that mineral composition and morphology of dust fallouts in the air from mining areas directly affected the health of the population and contributes to increased incidence of respiratory disease in the region
- Adverse health impacts upon the residents of Nightingales Residential Home, who are elderly, and many have poor respiratory conditions, therefore, a quarry within half a mile of their residency would increase air pollution, and their exposure to harmful mineral dust.
- Although the HSE state that there have been no cases of Silicosis documented among members of the general public in Great Britain, silica sand also causes other illness such as inflammation of the lung tissue, bronchitis and lung cancer.
- Sixteen schools within a 2-mile radius (some of which are under a mile from the proposed site). The harmful dust from the quarry would seriously affect the health of children in those schools permanently
- Would place greater strain on NHS, which are already at breaking point
- Consider current exposure standard for silica dust is not stringent enough
- HSE website states that *“excessive long-term exposure to almost any dust is likely to lead to respiratory (breathing) problems”*
- The current UK exposure limit is set at 0.1mg per cubic metre which is shared with the USA. The USA regulator - Occupational Safety and Health Administration has said that the limit was set over four decades ago and is based on what we knew about silica in 1968. In 1974 the USA government’s National Institute for Occupational Safety & Health recommended cutting the limit by 50% to 0.5mg per cubic metre (Hazards.org, 2019). Considering the wealth of evidence into the risks of lung cancer from inhalation of silica this proposal is long overdue. In British Columbia, Canada the limit is set much lower at 0.025mg per cubic metre. It’s worrying that the UK permits exposure levels in the workplace to a level based on knowledge over 40 years old. If workers can be exposed to this higher level on site compared to other countries, then questions what would local residents be exposed to who live within 500 metres of this proposed site
- The IAQM ‘Guidance on the Assessment of Mineral Dust Impacts for Planning’ refers to the impact of microscopic silica dust particles, which can become airborne during quarrying process. This can have an impact on health
- WHO highlight that young and elderly are at a high risk from dust, and silica dust can kill

- There are children at Heathfield Knoll School and First Steps Day Nursery who are classed as vulnerable, as they are in receipt of funding - Education and Health Care Plan from the local authority. Parents of these children (and the local authority who often make the referrals) select the school for very specific reasons that are individual to the school; such factors include the calm and quiet rural environment. Any impact on the business, and thus in turn the quality of the education that the school might offer, would particularly impact on this group of children
- NRS Aggregates Ltd rely on out-of-date workplace health guidance to ignore the huge risk to health from airborne sand particles
- In countries such as Canada their stipulations are that they would not even consider a quarry of this nature in such close proximity to homes, schools, workplaces etc, and it would be illegal
- The workforce on site would have specialist vented cabins on their vehicles with air filtration systems and would be provided with personal protective equipment (PPE), but local residents and children located in close proximity to the site would not be wearing this PPE
- A study of nearly 250,000 people, found that those living within 3 miles of a landfill site were more likely to be hospitalised or die with lung disease, with researchers finding that children were at particular risk. Additionally, for those who live within 5 kilometres (approximately 3.1 miles) of a landfill site, the results show a strong association between Hydrogen Sulphide (used as a surrogate for all pollutants co-emitted from the landfills) causing deaths and hospitalisations from an assortment of respiratory conditions
- States that recent research and case law into microscopic particles of silica that exist within sand dust show that the dust can travel many kilometres and is responsible for a disease called silicosis. Silicosis is associated with cancer, asthma, breathing difficulties, COPD, lung scarring and other lung diseases. It particularly affects the very young, the very old and those with existing lung conditions
- In 2020 the WHO published a Report that PM10 and PM2.5 were contributing to approximately 4.2 million deaths globally by penetrating deep into the lungs and entering the blood stream causing arterial disease in the heart and brain and cancer and that maternal exposure to air pollution can lead to low birth weight and congenital defects in new-born
- The Canadian Centre for Occupational Health and Safety has issued the following edicts for Silica dust: may cause cancer if inhaled and very toxic if exposed to long-term inhalation
- American Conference of Government Industrial Hygienists recommend exposure limits for silica of 25 micrograms per cubic meter over an 8-hour day
- An advocacy group liaising with government and the aggregates industry based in Ontario, Canada comments on dust blown off site, stating *“recent studies show that fine particulates pose a greater danger to our health than better known kinds of air pollution such as smog, sulphur dioxide and carbon monoxide. There is incontrovertible evidence that increased PM10 is related to increases in heart and lung disease and premature death in those with pre-existing disease. Mitigation measures for quarries in dust suppression are inadequate”*
- A US based organisation, Environmental Working Group state *“none of the air quality standards for silica are adequate to protect people living or working near sand mining sites. The danger of airborne silica is especially acute for children”*

- The US National Institute of Health states residents near quarries and sand and gravel operations are potentially exposed to respirable crystalline silica. Citizens living near sand and gravel mines in Wisconsin have found layers of silica dust on their belongings and are concerned about the health of children attending a school a quarter of a mile away
- HSE states that the workplace exposure limit (set in 2002) is 100 micrograms per cubic meter over an 8-hour day – 4 times that of the USA, Canada and Australia. These limits are now 18 years out of date
- The WHO has an air quality guideline of 20 micrograms per cubic metre. They state further that there is no evidence of a safe level of exposure or threshold below which no adverse health effects occur
- In 2016 the Royal Colleges of Physicians and Paediatricians produced a Report concluding that the concentration limits set by Government and the WHO are not safe and improved air pollution monitoring was needed
- In March 2020 a BBC 2 Horizon documentary: 'Toxic Town' highlighted a major legal case from Corby Northamptonshire in 2009 which shed new light on the question of how far small dust particles can travel on the wind. The case related to the demolition of the old Corby Iron and Steel Works in Northamptonshire and the subsequent reclamation of land contaminated with toxic waste. The court accepted findings of an arithmetic error in a 1995 research report: 'The Environmental Effect of Dust from Surface Mineral Workings'. The effect of this error was that the PM10 particles would be typically carried 3 kilometres on the wind rather than the 1 kilometre previously thought. For PM2.5 particles, the distances are far greater. The case proved for the first time in history that there is a link between toxic substances released into the air and children born with birth defects
- In December 2020, a coroner's court in London ruled that air pollution contributed to the death of an 8-year-old asthmatic girl. This is the first time a person in the UK has had air pollution listed as a cause of death
- Adverse health impacts due to noise emissions
- The Health Impact Assessment document that Worcestershire County Council are required to prepare was not made available in the consultation, so it was impossible to make properly informed comments on this vital area
- Questions if the applicant's calculations of safe levels for breathing in silica dust also includes safe levels for children and vulnerable adults
- Request an impact study to assess impacts upon the mental and emotional health of local residents as a result of the proposal
- Concerned about the pollutants that come from the mineral extraction and releasing of these into the atmosphere. It is not only dust but other elements
- Refers to a document by D J Wares (Scottish Health and Inequalities Impact Assessment Network, dated May 2015), and consider that despite the dampening down of dust, it would still get into the atmosphere and be carried on the wind

Water Environment

- Pollution of water supply
- Adverse impact upon drinking water
- Degradation in water quality
- The proposal would result in increased risk of floods and mudslides descending onto the surrounding roads
- Contamination of watercourses and surface water

- Removal of water table having adverse impacts upon trees on site and nearby designated wildlife sites
- Water used on site would need to be either abstracted or discharged into local watercourses, adversely impacting wildlife
- The site would be waterlogged due to infilling with inert material
- The proposal would result in the flooding of Wolverley
- Concerned regarding potential fluctuations of water levels and drainage post mineral extraction
- Questions what guarantees are in place to ensure that maintenance of the drainage systems would be carried out appropriately and in perpetuity by the landowner
- Questions where would water come from for the mineral processing

Traffic and Highway Safety

- Adverse traffic impacts, particularly cumulative traffic impacts with other developments including the former Lea Castle Hospital site
- Wolverley Road (B4189) and Wolverhampton Road (A449) already extremely busy roads
- Wolverley Road (B4189) unsuitable for HGVs
- Would change the type of traffic passing through the area
- Inadequate local road infrastructure
- Would make Wolverley Road (B4189) dangerous to cross for school children
- Adverse impact upon the safety of walkers as footways are narrow
- Mud and debris would be deposited on the highway
- There needs to be regular cleaning of the roads to ensure mud is not deposited on the roads which, when wet is likely to cause accidents
- Roads already in poor state of repair
- The access to the proposal would be a hazard due to the amount traffic on the road
- The access would pose a highway safety risk, as it would be located on the summit of a hill with poor visibility
- HGVs would not be able to pass each other on local roads without causing a hazard
- HGVs turning onto the narrow Wolverley Road (B4189) would increase the potential for accidents on this already dangerous road
- Erosion and damage to local roads and potential for burst water mains
- The applicant states that HGVs would only turn 'left' out of the site entrance / exit but questions how this would be enforced
- Considers that the traffic light junction at the Wolverley Road / Wolverhampton Road is subject to a very high number of traffic accidents, which would be exacerbated by the proposal
- Would result in considerable traffic travelling up towards Castle Road, causing delays for residents turning out of Castle Road, Cookley towards Kidderminster.
- Inadequate infrastructure
- The routes of the applicant's HGV's after reaching the Wolverhampton Road are not considered
- Rat running along Lea Lane due to additional traffic along already congested routes

- With Lea Lane closed to Cookley this has put more pressure on Wolverley Road (B4189) and understand that traffic survey was completed prior to this lane being closed
- Concerned HGVs would turn right into Wolverley village
- Considers that HGVs travelling along Franche Road, Wolverley would impact upon the structural stability of the dwellings as the majority of the houses have a 9-inch strip foundation and the bungalows a 6-inch strip foundation
- The application submission only deals with HGVs travelling to Bridgnorth and Stourbridge, but consider it is highly likely HGVs would use Birmingham Road (A456) up through Blakedown and Hagley (or worse through Belbroughton). The submission does not address this
- The junction to Chester Road North and Birmingham Road (A456) are already congested
- HGVs would use Hurcott Lane as a cut through is the proposal goes ahead
- Hurcott Lane is unsuitable for HGVs and the current signage warning of this if not effective in preventing HGVs using this lane. Consider it should be a condition of the application that Hurcott Lane is restricted access only (to the houses and Nature Reserve car park)
- Consider the junction of Park Gate Road and Stourbridge Road are not sufficiently wide enough for HGV usage
- Accident data only reviews accidents involving HGVs and does not include all other users
- Considers that back-hauling should not be taken into account in the vehicle numbers provided, as may not occur
- The Transport Statement implies HGVs would deliver to the former Lea Castle Hospital site development, but no contract in place and may travel further afield
- Consider that a ghost island is required for the safety of all users
- Question if any road capacity studies have been undertaken on the roads around Kidderminster and what the safety record is on the road between Sion Hill and Wolverley
- The base traffic data relates to 2016 and, therefore, is out of date
- Underestimate of traffic levels
- The Transport Statement fails to take into account that there are major bypasses or highway relief measures around the nearby conurbations, particularly Kidderminster. This means all roads west and south have existing congestion issues, particularly Wolverley Road (B4189), Stourbridge Road (A449), Chester Road North (A449) and St Mary's Ringway (A451)
- Concerned vehicles would not be able to exit the site without straying onto the opposite side of the road
- The road that would be used by HGVs has a 7.5-ton weight limit, and a nearby road has already collapsed (Lea Lane) because of use by HGVs taking short cuts
- Nothing to stop HGVs turning left out of the site, turning around and driving through Wolverley. This would be legal
- A number of fatalities have occurred at the exit point (Castle Road) in Cookley onto Wolverhampton Road (A449)
- Considers that the data referred to in the application is out of date and makes no allowances for the additional traffic congestion that would be caused by the additional housing at the former Lea Castle Hospital site
- Considers that no proper traffic modelling has been completed to show impact on local roads
- Traffic flow data does not take account of cyclists or pedestrians

- Consider cannot control drivers (to make them turn left out of the site), even with CCTV installed
- Bridleway WC-626 is the only access to the Bungalow and equestrian centre
- Adverse traffic impact on Hagley, with much of the A456 and A491 being single carriageways that run through residential areas, with junctions over capacity
- HGVs would have to cross a lane of traffic to enter the site
- Adverse impact on cyclists due to the number of additional HGVs on the local roads
- The transport model for Wyre Forest District demonstrates that all roundabouts and most junctions in the area are already over capacity at peak times and that congestion would continue to grow with no foreseeable plans for relief
- Questions if there are going to buses, as the site is in the middle of nowhere
- Questions if HGVs importing inert material to the site would be travelling through Wolverley and turning left into the site
- Questions is HGVs would travel through the Horse Fair in Kidderminster, with unsuitable narrow roads and is heavily polluted
- Questions how a central splitter island at the site access would prevent HGVs turning right out of the access
- Questions how HGVs are going to get to the motorway network and main trunk roads
- Questions why the 85th percentile is used in the traffic calculations, discounting 15% of the fastest vehicles
- Comments that Sion Hill is particularly steep (14%), therefore, no HGVs should be allowed to travel along this road, particularly because there is also a Primary School (St Oswald's CE Primary School) with just a Zebra Crossing to protect children crossing to the school
- States that there should be no HGVs traveling towards Wolverley as many children walk along these footways to Wolverley CE Secondary School
- Considers that there should be extra highway funding as Stourbridge Road (A449) between Old Broadwaters Inn and the Rose Theatre is in poor state of repair and could collapse into the watercourse

Public Rights of Way

- Adverse impact and disruption of public rights of way, which have been in situ for 200 years
- The public rights of way across the site are well used and valued by the public, particularly during the COVID-19 pandemic. To demonstrate this, local residents monitored the public rights of way over 1 week (Monday to Friday) in August 2021, and extrapolated the results concluding that the public rights of way on the site are used by a minimum of 22,309 users by annum
- The public rights of way across the site would become unusable due to disruption
- Adversely impact ability to ride horse around the site's bridleways
- Adversely impact the setting of public rights of way
- The existing public rights of way through the site provide an alternative off road route, particularly for exercise and would be a great shame to lose them
- Stopping up or diversion of public rights of way would reduce their usage
- Consider that some of the proposed public rights of way routes would have limited value or would be difficult to implement
- The proposals are inadequate and do not provide the access improvements that are potentially available both for recreation and to provide a safe footway alternative adjacent to the A449 and linking to the existing footway

- Full and ongoing discussion should take place with the Public Rights of Way Team at the Council, as there are many legal and practical considerations including issues of path widths, shared use, gradients and status continuity if proposals are for bridleways / cycleways rather than for footpaths
- If operationally possible, the proposed public right of way immediately to the east of Phases 4 and 5 should be established as early as possible (in preference, if necessary, to the proposed route further east, immediately adjacent to the very noisy A449). The higher route would be a more attractive route
- The route proposed immediately adjacent to Wolverhampton Road (A449) is probably not a priority from a recreational point of view but could be of value if access to it could be provided from the footway on Wolverhampton Road (A449) to enable pedestrian (and potentially cyclist) segregation away from the busy and dangerous road. An exit point back onto the footway further north would also be required. The same consideration should be given to provide access to the proposed route in the south-east corner of the site from the footway on Wolverley Road (B4189)
- Question what would happen when the conveyor tunnel is installed under the public right of way, which also provides access to a residential property and equestrian centre
- Considers an additional public right of way should be provided around the edge of the north-west of the site (Phase 1). This is a quiet and attractive part of the site, and a route here would be popular with local residents and link to one of the proposed pocket parks
- The proposed public right of way in the south-west corner of the site should be moved a short distance further north than that as proposed to take it away from the noisy Wolverley Road (B4189)

Green Belt

- Adverse impact upon the Green Belt
- Highly visible Green Belt location
- Inappropriate development in the Green Belt, which is harmful to the Green Belt
- Destruction of the Green Belt
- Loss of openness of the Green Belt
- Consider if granted planning permission, then there would be double standards as residents have applied for planning permission in the area which have been refused on Green Belt grounds
- Kidderminster is at real risk of coalescence with the West Midlands conurbation
- The purpose of the Green Belt in this location is to prevent incremental encroachment of development into the open countryside and to prevent the sprawl of Kidderminster along the A449. The proposal would conflict with this purpose
- The earthworks and bunds would have an adverse impact on the Green Belt
- Would conflict with the main purposes of Green Belt
- Visual impact upon the Green Belt
- The proposed bunds are engineering operations and should be considered in the context of Green Belt policy
- No very special circumstances have been demonstrated

Landscape Character and Visual Impact

- The site forms part of the approach to the villages of Cookley and Wolverley and forms part of the special rural character of the area, and the proposal would be inappropriate development for this area and land use
- Adverse landscape character and visual impacts, with views into the site from Wolverhampton Road (A449)
- Would industrialise the area
- Change the character of the area, turning 110 acres of beautiful greenery into a nightmare landscape
- Unacceptable restored landform at a lower level
- Adverse impact upon the open and beautiful countryside
- The proposal would be an eyesore and an unsightly mess
- Loss of private views
- Loss of visual amenity
- Cumulative loss of countryside, when considered with other developments in the area, including at the former Lea Castle Hospital site
- Development of greenfield site
- Loss of natural beauty spot
- Would destroy an Area of Outstanding Natural Beauty (AONB)
- Consider would be able to see straight into the quarry from first floor windows from Wolverhampton Road (A449)
- Proposed visual screening bunds would have an adverse visual impact themselves
- Not possible to visually screen the processing plant, which is the same size of a 4-storey building
- There are no visual impressions of what the site would look like once quarrying has finished
- Considers that the visual appearance of the proposal would be similar to that of an open cast mine and provided a photograph of a quarry to support this assertion
- Considers that a double row of trees not just whips along the crest of the hill would be beneficial to the residents in Harriers Green, James Road and Highfield Road, which are located to the south of the site in Broadwaters

Ecology and Biodiversity

- Adverse impact upon nature and wildlife
- Adverse impact upon birds including skylarks, kestrels, buzzards, sparrowhawks, barn owls, red kites, house martins, yellow hammers, thrushes, sparrows, lapwings, blackbirds, robins, long tailed tits, ravens, willow warblers, kingfishers, woodpeckers and pheasants
- Adverse impacts upon mammals, including otters, polecats, mice, bats, deer, rabbits, foxes, hedgehogs, dormice, weasels, field mice, muntjac, deer, and badgers
- Badgers and foxes would be driven to gardens and other adjoining land causing health and safety impacts
- Adverse impact upon amphibians, such as newts
- Adverse impact upon reptiles, including grass snakes and adders
- Adverse impact upon insects, including butterflies and grasshoppers
- Adverse impact upon mature trees, protected trees by TPOs and woodlands
- Adverse impact on ancient and veteran trees

- Devastation of flora and fauna including the removal of the avenue of trees, woodland, hedgerows and shrubland on the site
- In close proximity to the canal and River Stour
- Adverse impact upon nearby SSSIs
- Adverse impact upon wildlife due to leachate
- Consider a dormice survey is required as they are known to be present in Hurcott Wood LNR and a single nest was discovered on the former Lea Castle Hospital site
- Many local residents keep beehives, which would be adversely impacted, as bees are dependent on the application site
- Would destroy food chain
- Considers the application site should be designated a wildlife nature reserve
- Cannot find any ecological assessments of the site in the application submission
- Would adversely impact green corridors
- The proposal offers very little in the way of biodiversity net gain
- Adverse impact on habitats at the site and further down the Severn catchment
- Adverse light impact upon wildlife
- Adverse noise and air pollution impacts on animals and growth of vegetation
- Strong reservations regarding the submitted Dormouse Survey. The survey concentrates on hazel nuts, but dormice eat a variety of nuts, seeds, caterpillars etc and are not reliant on hazel nuts. Furthermore, the survey states a 2014 survey nearby did find evidence but only once. Evidence was found at the former Lea Castle Hospital site, and it was still there after 2014. In addition, dormice would migrate across sites
- Consider it is Government policy to refuse development that would result in the loss or deterioration of irreplaceable habitats; therefore, this application should be refused
- No assessment of otters

Geology

- Removing sand and gravel and replacing with inert materials would change the geology of the site

Historic Environment

- Adverse impact upon the nearby Canal Conservation Area
- Impact on the historical landscape and features, including removal of approximately 100 metres of boundary wall dating back to 1762
- Adverse impact upon the historic parkland of Lea Castle
- Adverse impact on Listed Buildings and non-designated heritage assets and their settings
- Archaeology would be destroyed
- Change in ground levels may impact stability of historic boundary wall
- If planning permission granted, an archaeological watching brief is essential
- The historic boundary wall should be repaired and protected
- Would destroy local heritage
- Insufficient public benefits to outweigh the harm to the harm to heritage assets
- The Listed Building of North Lodges and Gateway has been ignored in the Environmental Statement. There is reference to historic tree planting that used to be in place to screen the Lodges from the parkland, but these have been removed. The Lodges are now only partially screened by surviving trees and

there is strong intervisibility between the Lodges, their setting and the application site, this should have been assessed correctly

- The Environmental Statement is misleading in the way that the photographic plates are annotated. This is a major error in the visual impact assessment and highlights a bias in favour of the proposal, as it emphasises the views of the heritage assets when viewed from the application site, when it is also important to consider the view of the application site from the surrounding assets

Agricultural Land and Soils

- Would destroy valuable agricultural land
- Likely not possible to restore the site to Best and Most Versatile BMV agricultural land
- Arable farmland is precious for feeding the country's population so cutting down on food miles, particularly with Brexit, coronavirus and other future calamities making it more important to be self-sufficient
- As we now see with the war in the Ukraine and the effect this is having on food supplies production this land must be retained and used for agricultural purposes
- The soil type would be changed impacting what could be grown on the site
- Soil erosion
- Permanent pasture is a valuable resource, particularly for habitats and acting as a carbon sink

Restoration

- Likely not restored within 11 years, which is a minimum not a maximum
- The duration of the quarrying has already increased from 10 years to 11 years, therefore, questions if approved what is to stop the duration increasing further
- Needs to be a deadline in which restoration has to be completed
- Questions what would happen if the operator went out of business
- Concerned the site would be infilled with household waste
- Concerns that there would be insufficient inert materials in which to restore the site
- A bond or funding should be in place in the event the mineral operator goes out of business
- Following mineral extraction, the landscape should be returned to the pre-extraction existing landscape
- Consider there is no guarantee the site would be restored
- The restoration scheme would leave a significant crater in the landscape
- Previous quarry site in Wolverley was not reinstated
- Despite referring to 'restoration' the landscape would not be restored, as 3 million tonnes of sand and gravel removed, and 1,020,000 inert materials would replace it
- Sourcing 1,020,000 tonnes of inert material is outside the control of the applicant and is dependant of sourcing
- Consider that inert material would be hard to obtain, therefore, applicant could vary Environmental Permit to allow a landfill tip
- Would take a long time for the trees and vegetation to grow and mature, and thus have limited benefits

Business, Tourism and Recreation

- The area is well used by walkers, cyclists, canal users and tourists using the camp site would all be adversely impacted by the proposal

- Adverse impact upon the Broadwaters Green Flag Award Winning Park
- The area has been enjoyed by photographers, families, poets, painters, writers, ramblers and horse riders, which would abruptly come to an end
- Loss of valued parkland
- Adverse impact upon local businesses such as the camp site, sport pitches, mini golf course, tea rooms, public houses, shops, Bodenham Arboretum, livestock owners, stables and equestrian centre
- Adverse impact on local public houses as less tourists attracted to camp site / caravan park
- Loss of jobs
- The creation of proposed quarry jobs would be likely offset by loss of jobs as a result of the proposal and decline of tourism and closure of riding stables due to the proposal
- Adverse impact on livery yard, as no one would want to ride their horses at a quarry site
- The financial impact on the local area would be immense
- Adverse impact upon Nightingales Residential Home
- Adverse impact on users of the equestrian centre and their horses, including a horse who has special needs, with the private woods being a fantastic place for the horse to be relaxed, which would not happen if the quarry was to proceed
- Adverse impact upon racehorses who are trained in the local area who would be disturbed by the proposal
- Adverse impact on the canal and associated boaters, walkers, runners, cyclists, and tourism
- No or limited economic benefit to the local area
- The quarry jobs created by the proposal would not be filled by local residents
- Only the applicant and landowner set to benefit from this financially
- Adverse economic impact on Heathfield Knoll School and First Steps Day Nursery
- The applicant's economic argument is that 11 jobs would be created but this ignores the loss of value to our homes or the negative affect on new property delivery, losses through congestion or the cost of poor health
- There is an animal centre at Wolverley School run by the Wildgoose Organisation, a charity which provides activities and learning opportunities for children and adults with learning disabilities and autism. They keep sheep, goats, meerkats outdoors plus a wide range of smaller mammals and other species. Questions what affect this proposal would have on this animal centre
- The applicant has failed to provide any detail behind its requirement to provide a positive economic impact in its application
- Since the submission of the application, development at the former Lea Castle Hospital site has commenced. These homes remain, in the main, unsold. The applicant has not taken into account the economic impact of future housing values and the economic impact to the area on the possible reduction in the commerciality of such new build
- Whilst it is accepted that there is a general positive impact on Gross Domestic Product of construction as a whole, the proposal not necessarily provide as significant a positive impact on the local economy as suggested
- No account has been taken of the devastating effect of the Coronavirus pandemic on local, national or world economies, on property markets and the development industry

- Considers that there would be no employment benefits to the local community, only increasing poor health, reduced resources, and depleted infrastructure

Safety

- Adverse impact on the safety of the area
- Children walk through the site to access school and also along Wolverley Road (B4189)
- Potential for children / teenagers to access the site and suffer serious harm from falls or to drown in waterlogged areas
- Hard to keep the public out of quarry sites with regular deaths
- Consider that young adults would drown in the proposed lagoon
- Refers to a recent death at Shavers End Quarry
- Considers there is a risk of sinkholes following the infilling
- Questions if there is a change of land movement while the infill settles
- Consider needs for extra fencing and protective barriers to prevent accidents
- Considers that additional fencing and protective barriers should be in place to prevent accidents
- Highlight that Broadwaters is one of the most deprived areas in the country, with young people who find reading challenging, therefore, stringent measures should be employed to ensure site safety and not just relying on signage

Climate Change and Sustainability

- Contributes to the climate emergency
- In a climate change emergency, so only responsible thing is to commit to allowing the site to be reclaimed by nature, planting trees and plants to absorb carbon
- Adverse carbon emissions, particularly from HGVs
- Would convert a carbon absorbing site into a carbon releasing site, as the soils would be disturbed and ripped open
- Emissions would be released from processing equipment, dump trucks and HGVs
- Disbenefits in terms of environmental sustainability
- Wyre Forest District Council's website refers to trees playing a major part in the reduction of our carbon footprint and are a vital part of the ecosystem and consider that the proposal is at odds with this statement
- Must preserve what we have for our community and future generations to enjoy
- The construction industry around the world now extracts more sand than the planet can produce, therefore, need to reduce the consumption of sand and gravel and build in a more sustainable manner
- Release of methane into the atmosphere from landfilling
- County Council would not be able to keep Climate Change Emergency pledge if allow the proposal
- Adverse impact upon global warming

Alternatives

- Consider there are other more suitable sites in the county, including brownfield sites or industrial areas, and extension to existing quarries
- Considers dredging the rivers and channels would be less environmentally damaging than the proposal
- Consider should use recycled aggregate rather than primary aggregate
- Consider plastic is a good alternative to sand and gravel

- Should cover the site in solar panels to help the County Council to achieve Climate Change Emergency pledge
- Better use of land would be for houses
- The proposal should be located in the middle of nowhere not on the edge of villages and a town
- Would have been more sensible to extract mineral from the former Lea Castle Hospital site before constructing housing on it
- No consideration in the application of alternative sites
- It has not been demonstrated that alternative modes of transport to that of HGVs are not practicable or are not environmentally preferable

Prematurity

- There is currently no approved Minerals Local Plan, and it would seem impossible to even consider any application without this being in place. The application should be deferred or refused on these grounds alone
- Considers that there is no overriding need to circumvent the Development Plan led process and to bring this site forward in advance of all options for meeting the need for minerals in the county

Track record of landowner / operator

- The previous quarry on land owned by the same landowner was not restored to an acceptable standard
- The landowner has not been very obliging in the past to villagers and has been known to prevent people accessing the footpaths across his land
- The landowner is a foreign company (Strong Farms (LS) Limited) and is allegedly in dispute regarding repayments for repairs to its boundary Lea Lane, located along the north-west boundary of the landowner's land. Lea Lane has been closed for some time causing significant issues for local residents
- NRS Aggregates Ltd have not adhered to their planning permission at Saredon Quarry, near Cannock with concerns including HGVs using the wheel wash and loaded HGVs not being sheeted

Human Rights

- Infringe on the human rights of local residents

Planning Policy

- The proposal would contravene important and very positive planning policies at both District and County level, which seek to protect and value local places, their character, environment nature conservation, viability, health and wellbeing as well as the visitor economy
- Considers that the proposal would be contrary to Policies LR8 and LR14 of a former Wyre Forest District Local Plan, Policy RST14 of the former County Structure Plan and the superseded Planning Policy Guidance 17
- The proposal is contrary to the Government's 25-year environment plan aims to manage land sustainably, enhance the beauty of landscapes and connect people to nature
- There is a conflict in policy between Wyre Forest District Council's / Homes England's push for new homes at Lea Castle Hospital site and the proposal within a few hundred metres that has been ignored

Consultation

- Considers that there has been insufficient open and fair consultation with the community
- The community consultation took place 18 months prior to the submission of a planning application. In that respect the development was considered theoretical to many in the local community and in no way reflects the feelings of the local community. There has clearly been a significant socio-economic change as a result of the COVID-19 pandemic. None of this was captured by the public consultation event several years ago. A fresh consultation event should be organised by the applicants to capture the public concerns based on a much more informed local population
- Residents on Stourbridge Road (A451) have not been consulted

Monitoring and Enforcement

- Concerned that the quarry owners and landowner would not perform to agreed standards as this has been deficient in other quarry workings. Although the subsequent restoration looks appealing and persuasive, are very sceptical that this would end up as indicated and that the landowner would be welcoming to people using this site as a public amenity
- Consider that County Council and District Council's Planning Teams already overstretched and do not have resource to effectively monitor the site
- Agreements with mineral operator / landowner should be legally binding
- Cost of monitoring should not be at taxpayers' expense
- Consider that the public have to be severely affected before enforcement action would be taken, which is unacceptable
- Questions who would ensure the reinstatement of the site
- Questions what the penalties for the operator / landowner if they do not comply with their planning permission
- Questions is anyone has investigated or visited the applicant's other sites to see what protocols and regulations they have breached
- Request that monetary penalties are imposed on the operator should they not comply with the proposed completion dates

Environmental Statement, HRA, Planning Statement and other documents

- Considers that the EIA is not fit for purpose
- Considers the Environmental Statement is a paper chase, contrary to EIA guidance
- Considers that the submitted EIA does not provide the MPA with the full knowledge of likely environmental effects of the project
- Consider the EIA approaches area of potential environmental effect within each chapter in the same way, to demonstrate there would be no impact
- The application is flawed by a fundamental issue it relies upon but cannot control. The development is assessed for impact over only 10 years. The time period cannot be guaranteed
- The Environmental Statement does not consider short-term, medium-term and long-term impacts. The site could be potentially operating 20 years if extraction takes longer than expected
- Consider that the submitted environmental reports seeks to "fudge" the environmental impact of the proposal, disguising or omitting the relevant issues
- No environmental report

- The Environmental Statement repeatedly justifies the impact due to the 11 jobs to be created but no account is taken of jobs lost as a consequence of the quarry, in agriculture, the equestrian centre, tourism, pubs, cafes, restaurants, schools, care homes etc. The 11 jobs are short-term and are likely to be transferred from existing quarries. The job losses would be local and could be permanent. This alone demonstrates the absolute absence of any balance in the Environmental Statement; this is consistent within all chapters
- Consider that a decision maker acting reasonably could not come to a positive decision on the application based on the environmental evidence presented. To do so would risk judicial review of the decision
- The Environmental Statement and supporting documents are out of date
- Surveys completed are inaccurate and were completed during lockdown when communities were not acting 'normal' in terms of activity / business
- There have been many further information submissions, which have not been consolidated into one document, making it difficult to review and comment
- Understand that NRS Aggregates Ltd should have only submitted 1 document by law, but have submitted 30 new documents, as part of the Regulation 25 submissions
- The Scoping Opinion report is 3 years out of date
- Considers that the planning application does not adequately or reasonably address the likely environmental impacts of the proposal
- The applicant has failed to provide substantive assessment of the sensitive receptors in the vicinity of the application
- There is a general lack of waste management planning in the report. The primary focus of the application is quarrying but an essential part of the application is infilling of the site. There should be an environmental impact statement for the processing of the infilling
- Whilst the noise surveys were being carried out noise generating activities were being undertaken nearby. As such the noise survey does not provide robust evidence on which to determine the impact of the proposal on the environment. The surveys were also not taken during the proposed site operational times and would not be representative of the existing environment
- The approach used in the Air Quality Assessment does not follow best practice
- The Environmental Statement does not address the effect of climate change on air quality or vice-versa
- Disagrees with the conclusions in the Environmental Statement, in particular in relation to impacts upon public rights of way, landscape and visual impact, ecology, transport and socio-economic impacts
- Considers that the application is very one sided. It would be expected that any application should consider not only the positive impacts of a development but also offset these with likely negative impacts. The application and Environmental Statement refer to no negative impacts
- The Environmental Statement is biased
- The Wyre Forest District Local Plan significantly expands residential allocation at the former Lea Castle Hospital site (known as Lea Castle Village) with a new school, village centre, transport initiative and significant additional housing. This invalidates reports in the subject application in respect of transport, environment, noise, air quality, health and safety amongst others and highlights conflict between adopted District Council housing needs and the application for minerals extraction. Under EIA Regulations the application for the quarry may not be considered without taking into consideration the cumulative impact of the full

allocation of the Lea Castle Village development. As such all aspects of the data provided by the applicant are now redundant and need to be resubmitted or the application should be refused

- The HRA screening is effectively uninformed personal opinions
- The HRA is an attempt at repeating and justifying some of the erroneous claims in the other reports even though an ecologist would not be an expert in areas such as traffic or health and safety, therefore, it is not an independent report

Need / Landbank

- Consider no local need for minerals
- Do not need any further landfill capacity
- The reports state there would be local demand for sand and gravel. However, new houses are already built, and local housing initiatives will be completed many years before gravel extraction concludes

Other Matters

- Adverse impact upon house prices
- Request an impact study to understand the effect of the proposal on house prices
- Monetary compensations would be demanded if this proposal goes ahead
- No benefits to the local community
- Loss of green open space for dog walkers and the community which is particularly important during the Covid-19 pandemic. Should be protecting such spaces
- Overcrowding
- Would have an adverse impact upon the image of Kidderminster, which would impact the ability for Kidderminster to get the investment it needs
- Moved to this area because of the countryside but would have to relocate if quarry is approved
- Likely to facilitate development of housing on the site as a future development
- Compared the development to fracking
- A number of drawings by children, accompanied objections to the proposal
- Request an independent examination of the application submission
- Consider that the residential development at nearby former Lea Castle Hospital site must be relevant consideration to the determination of the proposed quarry application and that Homes England should be consulted
- Morally wrong to propose a quarry in this location
- The money could be better spent on finding a cure for the coronavirus
- A golf course was previously approved at the site but in the planning permission there was a condition preventing the removal of minerals from the site. Whilst the planning permission lapsed without being implemented, if removal of minerals was not appropriate then then it is not appropriate now
- Cumulative impact of another major development in the local area (combined with the development at the former Lea Castle Hospital site), of a disproportionate scale to the local area
- The proposal would prevent the ashes of a loved one being scattered at the site, which is cherished by local residents
- Concerned that the part removal of the historic boundary wall may cause structural instability of their property
- Consider the application is based on commercial greed
- Due to the coronavirus pandemic the Planning and Regulatory Committee have not visited the site

- Bund 11 is coloured brown, but there are no legends in the key to describe what it would do or to describe it clearly
- The applicant has not spoken with the owners of the Bungalow and equestrian centre about installing a conveyor under their means of access to their properties
- Questions if their Council tax would be reduced if their property reduces in value due to the proposal
- Questions what additional infrastructure is proposed
- There are too many documents to review and comment on

The Head of Planning and Transport Planning's Comments

367. 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.

Worcestershire's landbank of sand and gravel reserves

368. National planning policy for minerals is contained within Section 17 'Facilitating the sustainable use of minerals' of the NPPF. Paragraph 209 of the NPPF states *"it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation"*. Paragraph 211 of the NPPF states *"when determining planning applications, great weight should be given to the benefits of mineral extraction, including the economy"*.

369. Paragraph 213 of the NPPF states *"minerals planning authorities should plan for a steady and adequate supply of aggregates by...maintaining landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised"*. As required by the NPPF the County Council has produced a Local Aggregate Assessment (LAA), to assess the demand for and supply of aggregates in Worcestershire.

370. The LAA (published June 2020) covers the period up to 31 December 2017, and in accordance with the NPPF (paragraph 213) calculates annual provision requirements on a rolling average of 10 years' sale data in Worcestershire and other relevant local information. In 2017, sales of sand and gravel in Worcestershire were 0.455 million tonnes. The 10-year average of sales from 2008 to 2017 including combined data with Herefordshire Council for 2012 and 2013 is 0.572 million tonnes. On 31 December 2017, the total permitted sand and gravel reserves for Worcestershire was about 3.465 million tonnes, which is equivalent to a landbank of approximately 6.06 years. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued, then the landbank of permitted reserves at 31 December 2020 would have been approximately 1.749 million tonnes of sand and gravel, equating to about 3.06 years. Consequently, on 31 December 2020 the County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance.

371. Since 31 December 2020, the MPA granted planning permission on 25 March 2021 (MPA Ref: 18/000036/CM, Minute No. 1069 refers) for a proposed sand quarry,

infilling void using inert materials only with restoration to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire. Based on the proposed extraction of approximately 1.35 million tonnes, this has increased the landbank by approximately 2.36 years, equating to a landbank of approximately 5.42 years in total, which is still below the minimum landbank for at least 7 years for sand and gravel.

372. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued in 2021, then the landbank of permitted reserves at 31 December 2021 would be approximately 2.527 million tonnes of sand and gravel, equating to about 4.42 years. Consequently, on 31 December 2021 the County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance.

373. Should this planning application be granted permission, it would increase the landbank by approximately 5.24 years, equating to a landbank of approximately 9.66 years, albeit it should be noted that sales of sand and gravel would have continued in 2022, so the landbank would be likely to be less than 9.66 years.

374. The latest Aggregate Minerals Survey for England and Wales (dated 2021), which is usually undertaken at four-yearly intervals since 1973, but at five yearly intervals for the current and previous survey, covers the period of 2019. This survey sets out details of regional and national sales, consumption and permitted reserves of primary aggregates. It also presents data on the movement and consumption of primary aggregates at a sub-region. The survey sets out that Worcestershire's sales of sand and gravel was approximately 648,000 tonnes in 2019. This demonstrates that sales in 2019 were above the 10-year average of sales from 2008 to 2017 and indicates there is likely to be an even lower landbank of sand and gravel in Worcestershire than that stated above.

375. It is also noted that there are also a number of planning applications for mineral extraction pending consideration, namely:

- Bow Farm Quarry, Bow Lane, Ripple – Proposed extraction of approximately 1.44 million tonnes of sand and gravel over a total of 11 phases (MPA Ref: 19/000048/CM). Should this planning application be granted permission, it would increase the landbank by approximately 2.52 years
- Pinches Quarry Phase 4, Wildmoor Lane, Wildmoor, Bromsgrove – Proposed extraction of approximately 1 million tonnes of sand and gravel (MPA Ref: 19/000056/CM). Should this planning application be granted, it would increase the landbank by approximately 1.75 years
- Ryall North Quarry, Land off Ryall's Court Lane, Holly Green, Upton-upon-Severn – Proposed extraction of approximately 475,000 tonnes of sand and gravel (MPA Refs: 20/000009/CM and 20/000015/CM). Should this planning application be granted, it would increase the landbank by approximately 0.83 years
- (Western portion of the former) Sandy Lane Quarry, Wildmoor - Proposed importation of inert restoration material and extraction of approximately 245,000 tonnes of sand to enable engineering operations for stability purposes and

completion of site restoration (MPA Ref: 21/000029/CM). Should this planning application be granted permission, it would increase the landbank by approximately 0.43 years.

- Former Motocross site, Wilden Lane, Wilden, Stourport-on-Severn – Proposed extraction of approximately 250,000 tonnes of sand (MPA Ref: 21/000036/CM). Should this planning application be granted, it would increase the landbank by approximately 0.44 years. Application currently invalid
- Ripple East, Bow Lane, Ripple – Proposed extraction of approximately 475,000 tonnes of sand and gravel with restoration to agriculture and nature conservation, including ponds, wetlands, hedgerows and lowland mixed deciduous woodland and meadows (Ref: 22/000015/CM). Should this planning application be granted permission, it would increase the landbank by approximately 0.83 years

376. It noted that Draft Policy MLP 14: 'Scale of Sand and Gravel Provision' of the emerging Minerals Local Plan states that *"the scale of provision required over the life of the plan [2036] is at least 14.872 million tonnes of sand and gravel"*.

377. The Government's Planning Practice Guidance (PPG) (Paragraph Reference ID: 27-082-20140306) states *"for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates"*. Notwithstanding this, as indicated by the PPG (Paragraph Reference ID: 27-084-20140306) *"there is no maximum landbank level and each application for mineral extraction must be considered on their own merits regardless of length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need"*.

378. Paragraph 2.24 of the emerging Minerals Local Plan states that *"as aggregates are bulky, costly to transport and generally fairly low value, they are typically only transported about 30 miles from their source. However, where a particular resource serves a distinct market, or where suitable resources are not available more locally, materials may travel further to meet demand"*.

379. It is considered that the proposal would contribute to providing a balanced geographical spread of mineral reserves and provide an additional mineral site, contributing to a steady and adequate supply of mineral (sand and gravel) and adding to resilience to the mineral (sand and gravel) supply in Worcestershire, which is currently provided by a limited number of active sites (Wildmoor Quarry and Chadwich Lane Quarry, north of Bromsgrove; Clifton Quarry, south of Worcester; and Ryall North Quarry, north of Upton-upon-Severn).

380. The proposal is considered to be consistent with paragraph 213 f) of the NPPF as it would contribute towards the MPA's landbank for sand and gravel.

Sieve test / methodology and Best and Most Versatile (BMV) agricultural land

381. The adopted Minerals Local Plan allocates Preferred Areas for the working of sand and gravel in the County. Policy 1 states that planning permission will be granted for Preferred Areas of sand and gravel extraction, subject to an evaluation against other relevant Development Plan policies. This is in order to limit the environmental and blighting effects of proposals for sand and gravel working in the County to a minimum. The proposed development is not within an identified preferred

area for sand and gravel extraction; therefore, Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan falls to be considered.

382. Policy 2 and paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan sets out the methodology against which new proposals for sand and gravel extraction not in an identified Preferred Area are to be assessed. If the area is subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission will not normally be granted unless there are exceptional circumstances.

383. Paragraph 5.3 of the adopted Minerals Local Plan states that *"in the context of the best and most versatile agricultural land; this will involve assessment of whether restoration to a high standard is practicable and, therefore, whether the land is subject to a primary or secondary constraint"*.

384. Under Stage 1, a primary constraint is where this includes *"best and most versatile agricultural land where restoration to a high standard seems unlikely. Where small areas of best and most versatile agricultural land are contained (or appear from the Agricultural Land Classification Survey information to be contained) within sites of predominantly lesser agricultural quality, the location has been included in those of least environmental objection, where no other constraint exists. In such cases detailed fieldwork may be needed to establish the extent of the quality of agricultural land and an appraisal of the prospects of restoring the high-grade land to a high standard"*. Also, under Stage 1, a secondary constraint is where this includes *"best and most versatile agricultural land where restoration to a high standard is possible"*.

385. Using the methodology set out in paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan, it is considered that the site would be affected by one primary constraint and two secondary constraints, namely:

- Primary constraint – *"A buffer strip of 200 metres from the boundary of a potential working area to the nearest main walls of the nearest property in a settlement group of 6 or more dwellings"*
- Secondary constraints - *"Best and most versatile agricultural land where restoration to a high standard is possible"* and *"Groundwater Source Protection Zone..."*

386. The proposed mineral working area would be located within 200 metres from the nearest main walls of the nearest property in a settlement group of 6 or more dwellings (primary constraint), namely the properties located along Brown Westhead Park and at Castle Barns. The impacts of noise, dust, air quality, vibration, lighting and health impacts are considered in more detail in the 'Residential Amenity' section of this report, but it is noted that the Environment Agency and Worcestershire Regulatory Services have both raised no objections, subject to appropriate conditions. In view of this and based on the conclusions of the Residential Amenity' section of this report, the Head of Planning and Transport Planning considers that refusal of planning permission on the grounds of conflict with Policy 2 of the adopted Minerals Local Plan could not be justified.

387. The NPPF defines BMV agricultural land as Grades 1, 2 and 3a of the Agricultural Land Classification. An Agricultural Land Classification and Soil Resource Report accompanied the application.

388. The Agricultural Land Classification survey covered an area of approximately 46.9 hectares. It concluded that the site was dominated by Grade 3a, although it identified 3 areas in the eastern area of the site which were Grade 2 and an area of Grade 3a. The distribution of Agricultural Land Classification grades across the existing site are summarised as approximately 21.3% (10 hectares) Grade 2, approximately 66.5% (31.2 hectares) Grade 3a, approximately 1.7% (0.8 hectares) Grade 3b. Approximately 10.5% (4.9 hectares) of the site is non-agricultural.

389. The Environmental Statement states that *“the final restoration scheme would provide for approximately 32.26 hectares of BMV agricultural land, which would, therefore, be a loss of BMV agricultural land of approximately 8.94 hectares, where it would be restored with an alternative land use (acidic grassland, woodland planting and pocket parks). Therefore, the loss of BMV would be offset with a restoration scheme that provides for measurable net gains in biodiversity...however, all of the existing BMV soil profile comprising topsoil, subsoil and overburden would be placed for restoration. This in effect replicates the BMV agricultural land characteristics”*.

390. Notwithstanding the above, Natural England originally commented that whilst some of the restoration proposals on part of the BMV agricultural land are for non-agricultural purposes (woodland), they considers the proposed reclamation to a biodiversity and amenity after use is acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high quality resource for the future. Acid rich grassland can be considered as agricultural land, therefore, assuming that the restoration profile is similar to that of the agricultural restoration areas the acid grassland can contribute to the restored BMV total, similarly for the woodland areas.

391. As part of the Regulation 25 Request Submission (October 2020), the applicant clarified that the restored land, including acid grassland and woodland areas would retain their longer-term capability to be farmed to its identified land classification potential. Therefore, there would be no permanent loss of BMV agricultural land. Furthermore, Natural England have been consulted and have raised no objections on agricultural land / soil handling grounds. Consequently, the Head of Planning and Transport Planning considers that refusal of planning permission on these grounds could not be justified.

392. The development is located upon a Ground Source Protection Zone (Zone 3 – total catchment). This is considered in more detail in the ‘Water Environment’ section of this report, but it is noted that the Environment Agency have raised no objections, subject to appropriate conditions. Consequently, the Head of Planning and Transport Planning considers that refusal of planning permission on these grounds could not be justified.

393. Stage 3 of the sieve test in the adopted Minerals Local Plan refers to a *“feasibility check on viability, availability lead times and markets. Viability and availability concern the existence of an economically workable deposit, and the likelihood of it becoming available to the minerals industry within the plan period”*. It is noted that the applicant states that *“detailed geological investigations behalf of the landowner (Strong Farms Ltd) were carried out in October 2015 and January 2016...the results from the investigations have confirmed that workable deposits of*

sand and gravel are present across the site, together with substantial reserves of weathered bedrock sandstone (solid sand), which could be worked on the site”.

394. *“Laboratory testing of the sand and gravel samples collected during the borehole drilling investigations confirms that the sand and gravel would be suitable for a range of construction and ready-mix concrete products. The 12 samples tested confirm that the deposit is generally sand rich (54%), with a mean gravel content (+4mm) of 37%, ranging from 20% to 60%. Testing indicates that material greater than 20mm is present and oversize (+40mm) materials form 7% of the samples. The sand fraction is mainly comprised of medium sized grains (50%), while the fine and coarse fractions make up 19% and 17% of the samples respectively. Laboratory testing of solid sand confirms that the material is mainly fine to medium grained and would be suitable for a range of mortar, concrete and building sand end uses”.* The applicant goes on to state that *“the nature of the geology of the site also with a variety of sand and gravel and solid sand, offers the wide product range for construction including building sand, concrete, mortar and drainage material”.*

395. In view of the above, the Head of Planning and Transport Planning considers that the MPA have no reason to consider the deposit is not viable or not economically workable.

396. Policy 2 of the adopted Minerals Local Plan should be given limited weight, in that it is out of date and not in accordance with the NPPF which does not operate a sieve test, or impose a blanket ban on all development within primary constraints, for example within AONBs, SSSIs or within a buffer strip of 200 metres from the boundary of a potential working area to the nearest main walls of the nearest property in a settlement group of 6 or more dwellings, or more than one secondary constraint. The emerging Minerals Local Plan also does not include a similar sieve test. Furthermore, even if Policy 2 did apply, the circumstances of this application in accordance with the analysis above, including the date and status of the policy, is capable of amounting to “exceptional circumstances” which would justify departure from the strict outcome of the sieve test.

397. With regard to the soil resource and BMV agricultural land, it is noted that letters of representation and the CPRE object to the proposal on the grounds of permanent loss of agricultural land.

398. Policy DM.32 ‘Agricultural Land Quality’ of the adopted Wyre Forest District Local Plan states *“applications for development on best and most versatile agricultural land of higher quality grades will be resisted where the site has not been allocated in the Local Plan and is considered worthy of protection”.*

399. Paragraph 174 of the NPPF states that *“planning policies and decision should contribute to and enhance the natural and local environment by a) protecting and enhancing...soils (in a manner commensurate within their statutory status or identified quality in the development plan);...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.* Footnote 58 of the NPPF states that *“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.*

400. The Environmental Statement recommends that the site is restored to an agricultural soil profile of a depth of at least 1.2 metres (approximately 0.33 metres topsoil, 0.37 metres subsoil and 0.5 metres sand overburden). The applicant has confirmed that no soil resource would leave the site. The target profile on which the working and restoration plans are based could achieve potential Grade 3a, assuming a moderate subsoil structure, which could be uplifted to Grade 2 with a good subsoil structure.

401. The Environmental Statement outlines a number of measures to conserve the soil resource to ensure the land can be restored to BMV agricultural land. This includes soils only being handled when in a dry and friable condition, in particular soils would only be handled between April and October inclusive, regardless of condition, unless approved by the MPA. The reason for this is to ensure that a grass cover can be established in suitable weather conditions. Soils would be handled using hydraulic excavators, articulated dump trucks and low ground pressure bulldozers. Soils would be transported on specific haul routes or travelling only on the mineral surface (not trafficking over stored soils). Topsoils, subsoils and overburden should be stored in septate storage bunds. Soil storage bunds which remain in-situ for more than 3 months would be seeded. Topsoil, subsoil and overburden bunds should be prepared so that they are stored 'like on like'.

402. The Environmental Statement recommends that in advance of each phase of working and restoration, a detailed soil balance is prepared identifying separate soil resources for lifting, storage and direct placement. At the end of each soil moving phase, a soils audit should be undertaken to measure the predicted soil movements against the actual events. On completion of each phase or part phase of restoration the restored land should be seeded before entering the winter period.

403. Whilst the Head of Planning and Transport Planning considers that the proposal would result in significant development of agricultural land, it is noted that if the soils are managed in accordance with the submitted Environmental Statement and accompanying appendix (Agricultural Land Classification and Soils) then the proposal would result in no adverse effects in terms of land conditions on the site, with the soil resource being conserved and the area of BMV agricultural land being reinstated as part of the final restoration of the site.

404. As set out above Natural England have been consulted in respect of soils and BMV agricultural land and raises no objections. They comment that they are satisfied that the Soils and Agricultural Land Classification Report in the submitted Environmental Statement Appendix G constitutes a record of the pre-working Agricultural Land Classification grading and physical characteristics of the agricultural land within the application site boundary. Natural England consider that all the matters they previously raised regarding soils and land quality, including restored soil profile depths and composition, and an outline aftercare scheme have been satisfactorily addressed.

405. Based on this advice, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions relating to soil handling and placement including requiring the development being carried out in accordance with the 'Agricultural Land Classification and Soils Resource Report' and Defra's '*Good Practice Guide for Soil Handling*', and requiring a detailed aftercare scheme then the

objectives of the NPPF in respect of soils and their use in the restoration of BMV agricultural land would be met.

Alternatives

406. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 outlines the information for inclusion within Environmental Statements. Paragraph 2 states *"a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"*.

407. The PPG states that *"the 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied...and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"* (Paragraph Reference ID: 4-041-20170728).

408. The applicant has confirmed that they considered a number of alternatives during the preparation of the proposed development. The alternatives considered were:

- Do nothing
- Alternative sand and gravel sources within Worcestershire
- Alternatives to primary aggregates
- Alternative methods of working
- Alternative restoration options
- Alternative means of transport

409. In relation to the 'do nothing' option, the applicant states that *"in practical terms this would involve leaving the proven economic source of sand and gravel in situ, with the existing land use continuing. The 'do nothing option' is not the preferred option for the Company as it would prevent the creation of 11 potential direct jobs as well as the impact on associated indirect jobs and input to the local economy and the sterilization of a viable and high-quality mineral supply to meet identified need, as required by both adopted and emerging Minerals Local Plan Policy"*.

410. The applicant goes on to state that *"the County cannot provide a sufficient landbank. This leaves the County vulnerable to maintaining the supply of sand and gravel should there be a downturn in production at any of the active sites either as an operational constraint or the quality of reserves is not as anticipated. In the Do-Nothing scenario, there would be a continued shortfall within the Worcestershire mineral landbank. This would be exacerbated within the north-west of the County where there are no active sand and gravel supply quarries. Considerable built growth is also permitted / proposed in and around Kidderminster which would require a local sand and gravel / solid sand quarries range of products. As a result, it is essential that sites such as Lea Castle Farm come forward to contribute to the sand and gravel supply."*

411. *In terms of economic considerations, there are limited alternative employment opportunities in the immediate locality and granting planning permission for the*

proposed development at Lea Castle Farm would create employment for 11 jobs for approximately ten years if the scheme is approved. Aside from the sand and gravel need, the proposed development would help provide and secure jobs for people directly and indirectly employed as part of the quarry operations and which contribute to the local economy through wages, business rates, use of local suppliers, and at a national level, to the economy through aggregates levy and other taxation processes. The proposed quarry would provide a significant contribution to the local economy...it is estimated that this contribution would equate to approximately £750,000 to £1,000,000 per annum (based on the applicant's other operations) on external suppliers and on goods and services over the lifetime of the development, as well as contributing to the national and local tax base”.

412. For the above reasons, the applicant discounted the ‘do-nothing’ option.

413. In relation to ‘alternative sand and gravel sources within Worcestershire’ option, the applicant states that *“Worcestershire has a clear divide in available resource. The northern half of the County in which Lea Castle Farm is located contains the solid sands (building and mortar markets) with the concreting sand and gravels from the terrace and glacial deposits in the south of the county. The two different resources serve different and distinct markets. Their location within the county would affect the distance they need to travel to market as well as the demand / pull on resources from outside the county to meet demand. The number of active and permitted sites (but non-operational) sites are also small in number which may affect the distance the reserves travel to market.*

414. *When looking at the supply of mineral within a county a balanced spread of geographical location supply sources is very important in promoting sustainable development. Aggregates being bulky in nature, costly to transport / typically only transported about 30 miles from source. The proposed Lea Castle Farm mineral site would help provide a balanced geographical spread of mineral supply sources”.*

415. For the above reasons, the applicant discounted the ‘alternative sand and gravel sources within Worcestershire’ option.

416. Furthermore, the Head of Planning and Transport Planning notes that Draft Policy MLP 1: ‘Spatial Strategy’ of the emerging Minerals Local Plan seeks to direct minerals extraction within the Strategic Corridors stating that *“for most types of mineral, the majority of development over the life of the plan will be located in the Avon and Carrant Brook, Lower Severn, North East Worcestershire, North West Worcestershire and Salwarpe Tributaries Strategic Corridors: i. Development for sand and gravel...will be supported within the strategic corridors and will not normally be supported elsewhere in the county”.* The reasoned justification to Draft Policy MLP 1 states that *“to serve market demand for mineral resources in and around Worcestershire, and to support the local and wide economy five strategic corridors are identified [within the emerging Minerals Local Plan]...The identification of the strategic corridors has been informed by the distribution of the mineral resources which are found in Worcestershire...The strategic corridors are the areas in the county where these are the greatest concentrations of sand and gravel, silica sand, and brick clay resources which are not affected by significant viability, environmental and amenity constraints”.* The reasoned justification to Draft Policy MLP 1 goes onto state that *“concentrating mineral development in the strategic corridors will enable a co-ordinated approach to the working and restoration of mineral sites, giving greater*

opportunities to deliver integrated social, economic and environmental gains than if sites are considered in isolation. The character and distinctiveness of each of the strategic corridors sets a framework for the cost-effective delivery of multifunctional green infrastructure priorities”.

417. Draft Policy MLP 3: ‘Strategic Location of development – Areas of Search and Windfall Sites within the Strategic Corridors’ of the of the emerging Minerals states that: *“a) planning permission will be granted for new mineral developments and extensions to extant sites within allocated areas of search where there is a shortfall in supply as demonstrated by Part c)”.*

418. Part c) of the draft policy states: *“a shortfall in supply for a broad mineral type will be considered to exist where: i) there is a shortfall in extant sites and allocated specific sites and / or preferred areas to meet the scale of provision required over the life of the plan...”*

419. The Head of Planning and Transport Planning notes that the site is located within a strategic corridor and within an area of search as set out in the emerging Minerals Local Plan.

420. The need for the development is discussed above in the ‘Worcestershire’s landbank of sand and gravel reserves’ section of this report, which demonstrates that the landbank is below the minimum of 7 years for sand and gravel, which demonstrates that there is a shortfall in supply. Furthermore, specific sites and preferred areas are due to be allocated in the emerging Mineral Site Allocations DPD. It is noted that the site was submitted in response to calls for sites and is under consideration, but that the emerging Mineral Site Allocations DPD is at an early stage and preferred options for site allocations have not yet been consulted on.

421. It is understood that all but four sites: Aston Mill, Ripple, Ryall North and Strensham have been worked in the adopted Minerals Local Plan. The preferred area for extraction for Ripple forms part of the submitted Bow Farm Quarry application (MPA Ref: 19/000048/CM) which is pending consideration. Aston Mill is understood to have not been worked due to the quality and quantity of the mineral deposit. The wider Ryall North site (MPA Ref: 15/000013/CM, Minute No. 939 refers) has planning permission for the majority of the preferred area for extraction allocation.

422. An application at Strensham (MPA Ref: 407619) was submitted in March 2005 but was subsequently withdrawn due to concerns about the transportation of aggregate along the local road network passing through Upper Strensham village. A further application (MPA Ref: 09/000085/CM) was submitted in January 2010 seeking a means of access to the site directly from the M5 and M50 Motorway roundabout interchange but was also subsequently withdrawn due to a holding objection from Highways England (now known as National Highways) directing that planning permission is not granted for an indefinite period of time. This demonstrates that there are no other remaining viable preferred areas for extraction sites in the adopted Minerals Local Plan.

423. Letters of representation and the CPRE object to the proposal and suggest alternative sites. The CPRE refer to the whole of the area between A449 and A451, and comment that there should be plenty of space within that area (north of the former Lea Castle Hospital site) to find a site for a quarry.

424. The Head of Planning and Transport Planning notes that it is only in exceptional circumstances that an alternative proposal will be relevant. The court has held that consideration of alternative sites would only be relevant to a planning application in exceptional circumstances and that generally *“such circumstances will particularly arise where the proposed development, though desirable in itself, involves on the site proposed such conspicuous adverse effects that the possibility of an alternative site lacking such drawbacks necessarily itself...becomes a relevant planning consideration upon the application in question”* [In R (oao J (A.Child) v North Warwickshire BC [2001] PLCR 31]. For such an alternative to be a candidate for consideration there must at least be a likelihood or real possibility of them eventuating in the foreseeable future [Mount Cook v Westminster City Council [2003] England and Wales Court of Appeal (EWCA) Civ 1346]. In the case of R (oao Brommell) v Reading BC [2018] England and Wales High Court (EWHC) 3529 (Admin), it was held: *“the task of the local planning authority is to consider the planning merits of the particular application for planning permission. Generally, land may be developed in any way which is acceptable for planning purposes and so planning law does not require the local planning authority to consider whether the proposed development would be more appropriately located at an alternative site. Exceptionally, the circumstances may be such that a potential alternative site is a material consideration which the local planning authority either must have regard to, or may have regard to, in the exercise of its planning judgment”*. In addition, Richards J held in Laing Homes Ltd v Secretary of State for Transport, Local Government and the Regions [2002] EWHC 1967 (Admin); [2003] 1 (Property, Planning and Compensation Reports) P & CR 18 that a decision by a planning authority not to take account of an alternative site could be challenged only on the grounds of Wednesbury unreasonableness. In R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3, Carnwath LJ stated:

“30. The approach of the court in response to such an allegation has been discussed in a number of authorities. I sought to summarise the principles in Derbyshire Dales District Council v Secretary of State for Communities and Local Government [2009] EWHC 1729 (Admin); [2010] 1 P & CR 19. The issue in that case was whether the authority had been obliged to treat the possibility of alternative sites as a material consideration. I said:

“17. It is one thing to say that consideration of a possible alternative site is a potentially relevant issue, so that a decisionmaker does not err in law if he has regard to it. It is quite another to say that it is necessarily relevant, so that he errs in law if he fails to have regard to it ...

18. For the former category the underlying principles are obvious. It is trite and long-established law that the range of potentially relevant planning issues is very wide (Stringer v Minister of Housing and Local Government [1970] 1 Weekly Law Reports (WLR) 1281); and that, absent irrationality or illegality, the weight to be given to such issues in any case is a matter for the decisionmaker (Tesco Stores Ltd v Secretary of State for the Environment and West Oxfordshire District Council [1995] 1 WLR 759, 780). On the other hand, to hold that a decisionmaker has erred in law by failing to have regard to alternative sites, it is necessary to find some legal principle which compelled him (not merely empowered) him to do so”.

425. The Head of Planning and Transport Planning notes that the alternative site suggested by the CPRE, as an application is not before the MPA, and whilst a proposed mineral site known as 'Cookley, Beechtree Lane', located within the area referenced by the CPRE has been submitted as part of the 'Call for Sites', it is understood that the proponent of the site has not provided appropriate geological evidence of mineral resources and there is no confirmed operator interest for this site. In view of this, it is considered that there is insufficient information and evidence to demonstrate that there is a real possibility of it coming to fruition in the foreseeable future. There can be no confidence that the alternative scheme is a realistic prospect for mineral extraction. The Head of Planning and Transport Planning considers that this is not one of the exceptional cases where an alternative scheme is relevant. Vague alternative schemes should be given very little if any weight and does not constitute a valid reason for refusing this planning application in this instance.

426. In relation to 'alternatives to primary aggregates' option, the applicant states that *"there are two alternatives to Primary Aggregates – Recycled Aggregates and Secondary Aggregates. Recycled Aggregates: derived from reprocessing materials previously used in construction. Examples include recycled concrete from construction and demolition waste material (C&D) and railway ballast. Secondary Aggregates: usually by-products of other industrial processes not previously used in construction. Secondary Aggregates can be further sub-divided into manufactured and natural, depending on their source. Examples of manufactured secondary aggregates are pulverised fuel ash (PFA) and metallurgical slags. Natural secondary aggregates include china clay sand and slate aggregate.*

427. *The aggregates market supplied from recycled and secondary sources has risen to 29%. This 29% market share is nearly three times higher than the European average of 10%, highlighting the fact that the use of recycled and secondary materials in Britain is close to full potential (Source: Profile of the UK Mineral Products Industry - 2018 Edition). The use of recycled and secondary aggregates is widely supported. However, they would never be able to wholly replace primary aggregates as there can never be a guarantee of supply of material of an appropriate quality to meet a specific demand. Therefore, there still remains a need for the provision of primary aggregate and this is reflected in the continuation of apportionment figures for primary aggregate and the provision of a landbank".*

428. For the above reasons, the applicant discounted the 'alternative to primary aggregates' option.

429. In relation to 'alternative methods of working' option, the applicant states that *"the design of the working scheme has been an iterative process that has taken on board the findings of the reports that comprise the EIA. A number of different schemes have been considered by the company principally considering the options of phasing, extent / direction of extraction, and transportation of materials to the processing plant.*

430. *Based upon the location of proven mineral, alternatives were considered for both a larger quarry footprint and a deeper quarry. This included land which runs down from the proposed extraction area eastwards toward the Wolverhampton Road. A preliminary development scheme was initially prepared having regard to geology, preliminary environmental studies, maximising mineral resource recovery and taking account of operational requirements. This extraction boundary and method of site*

working was refined throughout the period of baseline environmental assessments and engagement with regulatory bodies and public consultation to take account of emerging opportunities and constraints”.

431. The applicant goes on to state that *“the schemes design influences have limited the footprint and depth of the proposed quarry with the desire to:*

- To concentrate the extraction area within a small footprint which is geographically contained and capable of successful screening*
- To allow the operator to blend both sand and gravel and solid sand to supply a range of required aggregate products*
- To limit the duration of active quarry extraction and restoration*
- To limit the volume of imported inert material (soils and overburden) to help restore the quarry to an agricultural parkland*
- To allow the progressive restoration of extracted land to provide landscape, wildlife and public amenity benefits”*

432. In view of the above, the applicant discounted the alternatives to extend the footprint and depth of the quarry.

433. The applicant also considered an alternative method of conveying minerals from the proposed western extraction area across the site’s internal track / bridleway WC-626 was considered. The alternative being a conveyor bridge. This was discounted by the applicant on visual and landscape grounds. Instead, the submitted scheme proposes a section of conveyor tunnel below ground, beneath bridleway WC-626.

434. In relation to ‘alternative restoration options’ option, the applicant states that *“the preparation of the proposed development scheme, including the restoration proposals, has been an iterative process. The company has given careful consideration to findings of the EIA work and the Development Plan.*

435. *Two alternative restoration schemes were considered. Firstly, a scheme to restore the site back to original ground levels through the use of large volumes of imported inert materials. This was discounted on the grounds of both high numbers of vehicle movements and the slower delivery of progressive restoration.*

436. *Secondly, a pure agricultural restoration scheme alternative was considered, with all land being restored back to commercial agricultural land uses with no additional public access. This alternative was discounted based upon the opportunity of diversifying the site land uses for amenity and wildlife enhancement”.* Instead, the proposal seeks to restore the site to an estate parkland setting which provides opportunities for living, leisure, recreation and enjoyment for local communities. A landscape to include a matrix of wildlife habitat and biodiversity enhancement and public connectivity via footpaths, bridleways and cycleways and pocket parks to enhance physical activity and wellbeing.

437. In relation to ‘alternative means of transport’ option, the applicant states that *“in terms of alternatives to road transport, the potential to transport the sand and gravel extracted at Lea Castle Farm by other alternatives is limited given the site’s distance to both the existing rail network and the navigable waterway network - both of which would necessitate delivering aggregate by vehicle to the railhead / wharf. In this*

regard, the use of such transport methods is not considered to be feasible nor financially viable”.

438. In terms of accessing the site, the applicant had considered alternative access points to the site, but the proposed access was selected as part of an iterative design process.

439. In view of the above, the Head of Planning and Transport Planning considers that the applicant's approach to the consideration of alternatives is acceptable in this instance.

Green Belt

440. The proposal is located within the West Midlands Green Belt. Letters of representation have been received objecting on the grounds of adverse impacts upon the Green Belt.

441. Wolverley and Cookley Parish Council consider that there would be a cumulative adverse impact on the openness of the Green Belt and that there are no very special circumstances to justify the proposal. Wyre Forest District Council consider that the proposal would represent inappropriate development in the Green Belt, resulting in loss of openness, visual amenity and character to the Green Belt, failing to maintain the purposes of Green Belt, as the development would result in coalescence between the villages of Cookley and Wolverley and would not assist in safeguarding the countryside from encroachment. The CPRE also object on these grounds but consider that the proposal would result in the coalescence between Cookley and Kidderminster.

442. In terms of the Development Plan, Policy WCS 13 of the adopted Worcestershire 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 Policies SP.7 - ‘Strategic Green Belt Review’ and DM.22 - ‘Safeguarding the Green Belt’ of the adopted Wyre Forest District Local Plan. Policy SP.7 states that *“there is a general presumption against inappropriate development within the Green Belt, and such development will not be permitted unless very special circumstances exist”*. The Policy goes on to state that *“opportunities to enhance the beneficial use of the Green Belt and improve public access to Green Belt areas will be supported in line with the National Planning Policy Framework and Policy DM.22 (Safeguarding the Green Belt)”*. Policy DM.22 states that development will not be permitted, except in very special circumstances, or unless one of the specified circumstances applies which are listed in the policy. This includes *“other operations...which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*.

443. Draft Policy MLP 27: ‘Green Belt’ of the emerging Minerals Local Plan, which should be given substantial weight in the determination of this application as set out earlier in this report, largely reflects and is consistent with the NPPF in relation to Green Belt, stating that:

“a) Mineral extraction and / or engineering operations within the Green Belt will be supported where a level of technical assessment appropriate to the proposed development demonstrates that, throughout its lifetime, the mineral extraction and / or engineering operations will:

- *preserve the openness of the Green Belt; and*
- *not conflict with the purposes of including land within the Green Belt.*

b) Where any aspect of the proposed development is inappropriate in the Green Belt - including mineral extraction and / or engineering operations that cannot satisfy the tests in part (a) above - it will only be supported where a level of technical assessment demonstrates that very special circumstances exist that mean 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.

444. 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. Paragraph 138 of the NPPF states that "Green Belt serves five purposes:*

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

445. Paragraph 147 of the NPPF states in respect of proposals affecting the Green Belt that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 148 of the NPPF states "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".*

446. Minerals can only be worked where they are found, and mineral working is a temporary use of land. Paragraph 150 of the NPPF identifies certain forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and engineering operations, *"provided they preserve its openness and do not conflict with the purposes of including land within it".*

447. Given an essential characteristic of Green Belt is 'openness', it is important to understand what this means. There has been significant argument around the concept of openness and the extent to which it encompasses visual effects as opposed to just the physical / volumetric effect of new development. This was largely resolved by the Court of Appeal in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where Sales LJ said: *"The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents".*

448. Subsequently, in February 2020, the Supreme Court in *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 generally supported the Turner decision but provided further analysis of openness: *“The concept of “openness” in paragraph 90 of the NPPF [2012 version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”, and: “[Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector”.*

449. Thus, harm to the Green Belt, and specifically its openness, is a planning judgement which can be shaped by a number of factors including:

- The extent to which there is urban sprawl
- How built up the Green Belt is now and would be
- The extent to which a proposal conflicts with the five purposes served by Green Belt
- Visual impact on the aspect of openness which the Green Belt presents.

450. The PPG provides useful guidance when *“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:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*
- *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*
- *the degree of activity likely to be generated, such as traffic generation” (Paragraph Reference ID: 64-001-20190722)*

451. The proposal includes a new sand and gravel quarry with the subsequent infilling of the resultant void with site derived and imported inert waste material to restore the site to a lower level than the previous ground levels. It would include progressive restoration of the land to agricultural parkland, public access (creation of new and upgrading of existing public rights of way and creation of pocket parks) and nature enhancement (including creation of acid grassland), the construction of a new access,

haul road, bunds and landscaping (including new hedgerows, woodland blocks and tree planting), the creation of ephemeral ponds and associated temporary works, plant and machinery, including hard surfaced (concrete) plant area, conveyor, mineral processing plant and associated stockpiles, silt management / water cleansing system, site office and welfare facilities, wheel wash, weighbridge and car parking. It is considered that the ancillary works and facilities are all part and parcel of the proposed mineral extraction for the purposes of applying Green Belt policy.

452. In terms of “openness”, which as set out above is capable of having both spatial and visual aspects, the site contains two distinct landscape characteristics. The western area and the majority of the eastern area are contained and physically constrained by a combination of landform, topography, woodland blocks, established vegetation and in parts a stone / brick wall. These morphological and structural elements combine to help visually screen the periphery of the site. However, the outer eastern area of the site displays a distinct character of a much more open nature due to the topography, easterly sloping landform and limited amount of established vegetation. This results in this area being more visually prominent, with potentially a greater number of visual receptors including residents of Castle Barns, Four Winds, Broadwaters and properties off Wolverhampton Road (A449) and Stourbridge Road (A451) as well as users of the public highway and public rights of way located to the east of the site.

453. The applicant is proposing a number of visual mitigation and enhancement measures, which include only extracting mineral from the identified more enclosed and contained visual landscape in the eastern and central / eastern areas of the site, use of temporary soil storage / screening bunds (seeded and maintained) to screen potential views of quarrying activities together with agricultural straw bales, distance standoffs from residential properties including the Bungalow and Castle Barns, and tree and shrub planting to help both visually screen and integrate the proposed development. It is also proposed to limit the actual area of disturbed land / quarrying activities through phased progressive extraction and restoration, ensuring that the area of land required for the processing plant site and mineral extraction land would be contained to below 10 hectares during any one phase.

454. With regard to the proposed plant site area, this would measure approximately 3.8 hectares in area, and as such would be relatively small in the context of the much wider agricultural landscapes that surround it. The plant area would be contained to a distinct area of the site, located in the centre of the site, near to the Wolverley Road (B4189) limiting the amount of haul road required and utilising the existing site levels to locate the plant site on lower ground. The site offices and welfare facilities would only consist of three relatively small portacabins as set out in ‘The Proposal’ section of this report, with stocks of product limited to 5 metres high. Furthermore, the applicant is proposing to set the plant site about 7 metres below existing ground levels and surrounded by a soil storage / visual screening bund, which would measure approximately 3 metres high to the south and north and between 4 to 5 metres to the west, with higher ground to the east, which would ensure the processing plant site, which measures approximately 12 metres high would be visually screened from public vantage points. Whilst the proposed soil storage / visual screening bunds would in themselves have both a visual and spatial impact, the applicant is proposing that these bunds are seeded and would have maximum outer slopes of 1:3, which would soften their visual appearance and assist with assimilating them in their landscape setting. Furthermore, the bunds would be limited in height

and would be temporary, with their soils being used in restoration when they are no longer required for visual screening or noise attenuation purposes.

455. In terms of the duration of the development, the applicant estimates that extraction and restoration works would only take approximately 11 years to complete, which is relatively modest in the context of mineral operations. On completion of the infilling, the ancillary site infrastructure would be uplifted and removed, with the site being restored. As such, the Head of Planning and Transport Planning considers that there would be no permanent spatial or visual impact on the Green Belt.

456. In terms of the degree of activity likely to be generated, the applicant anticipates that only approximately 11 employees would be on site at any one time. The mineral would be extracted utilising only about 1 tracked 360-degree hydraulic excavator or where appropriate a rubber-tyred front end loading shovel to create stockpiles from which about 1 front end loading shovel would be used to load approximately 2 articulated dump trucks. The applicant states that the maximum number of total articulated dump truck internal movements per day is anticipated to be in the order of 66 movements (33 loads to the processing plant). The proposal would result in a combined total HGV movements (HGVs associated with export of mineral and import of inert waste material) of 154 HGV movements per day (about 77 entering the site and about 77 exiting the site per day). This equates to approximately 13 HGV movements per hour. In addition to the HGV traffic, there would also be staff movements to / from the site. Based on the worst-case scenario whereby all 11 employees travel independently in a private vehicle, a further 22 vehicle movements would be anticipated on the highway network, with 11 arrivals in the morning and 11 departures in the evening.

457. The Transport Statement identifies that the highest anticipated increase in traffic as a result of the proposal (over any baseline flow) was found to be approximately 1.8% on Wolverley Road (B4189) to the east of the proposed access, which falls well below the 5% threshold considered to represent a material increase in traffic. The Transport Statement goes on to state that *“this insignificant impact is highlighted by the fact that the development traffic represents less than 8% of the observed day to day variations currently experienced on the routes”*.

458. In view of the above, on balance, the Head of Planning and Transport Planning considers that the proposed development, including restoration to a lower level, access, haul road, bunds, mineral processing plant, ancillary facilities and activity associated with the proposed mineral extraction when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would be visible, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bunds, existing historic boundary walls and proposed planting, with any views being contained to relatively few receptors. It is considered that the visual impact on openness does not make this development “inappropriate”.

459. Neither would the development result in urban sprawl, as set out earlier in this report, in *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] Carnwath LJ considered that *“as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”*. In this respect, whilst the proposal would be located between

Kidderminster, Cookley, Wolverley and the development of the former Lea Castle Hospital site (Lea Castle Village), and it would include infrastructure, this would be largely contained to a discrete area of the overall site and would be relatively small in the context of the much wider agricultural landscapes that surround it. The mineral extraction would be phased, with progressive restoration limiting its visual impact and spatial extent at any one time. There would also be vehicle movements, but not very many in the context of the existing highway network, and certainly not an unexpected level for an operation of this type and scale, so it would not be able to operate where these minerals are found if it did not have this level of infrastructure and vehicle movements, even when considered cumulatively with other developments, so this in itself could not make it inappropriate. The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be progressively returned to an open state following completion of extraction and would be no more built up on completion of the development as a result of the proposal as it is now. In this respect, it is noted that in *Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government* [2013] EWHC 2643 (Admin), Ouseley J noted the special status of mineral extraction under Green Belt policy. As he said:

“67. One factor which affects appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects. Those are of particular importance to the thinking which makes mineral extraction potentially appropriate in the Green Belt. Another is the fact that extraction, including exploration, can only take place where those operations achieve what is required in relation to the minerals. Minerals can only be extracted where they are found...”

68. Green Belt is not harmed by such a development because the fact that the use has to take place there, and its duration and reversibility are relevant to its appropriateness and to the effect on the Green Belt ...”

460. In the Samuel Smith Judgment, Carnwath LJ further commented at paragraph 28 of his judgment, affirming his decision in the Court of Appeal, Richards LJ said (paragraph 41):

“The key point, in my judgment, is that the inspector approached the effect on Green Belt openness and purposes on the premise that exploration for hydrocarbons was necessarily inappropriate development since it did not come within any of the exceptions. He was not considering the application of the proviso to paragraph 90 [2012 version] at all: on his analysis, he did not get that far. Had he been assessing the effect on Green Belt openness and purposes from the point of view of the proviso, it would have been on the very different premise that exploration for hydrocarbons on a sufficient scale to require planning permission is nevertheless capable in principle of being appropriate development. His mind-set would have been different, or at least it might well have been different...”

Although the decision turned principally on a legal issue as to the meaning of “mineral extraction”, it is significant that the impact on the Green Belt identified by the inspector (including a 35 metre drill rig and related buildings) was not thought necessarily sufficient in itself to lead to conflict with the openness proviso. That was a matter for separate planning judgement.

33. *Hickinbottom J in the High Court held in summary that consideration of visual impact was neither an implicit requirement of the openness proviso, nor obviously relevant on the facts of this case. He said:*

64. I stress that we are here concerned with differential impact, i.e., the potential adverse visual impact over and above the adverse spatial impact. On the facts of this case ... it is difficult to see what the potential visual impact of the development would be over and above the spatial impact, which, as Mr Village concedes, was taken into account. In any event, even if there were some such impact, that does not mean that openness would be adversely affected; because, in assessing openness, the officers would still have been entitled to take into account factors such as the purpose of the development, its duration and reversibility, and would have been entitled to conclude that, despite the adverse spatial and visual impact, the development would nevertheless not harm but preserve the openness of the Green Belt”.

461. It is considered that the proposal is in line with any typical mineral development in the Green Belt, and it is assessed that this site should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a temporary duration, and relatively short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 150, and this proposal should benefit from those exemptions as it comes within the intended scope.

462. In view of above, the Head of Planning and Transport Planning considers that the exceptions for mineral extraction and engineering operations at paragraph 150 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.

463. Letters of representation and the CPRE have expressed concerns that the proposal may generate add-on development, such as a vehicle repair workshop, and a takeaway kiosk within the quarry. The Head of Planning and Transport Planning notes that these uses are not included in the application and considers that should future planning applications be made for other uses, these applications would be considered on their own merits, and as set out earlier, should be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

464. Given that the location of the development is within the Green Belt and as the above assessment is based on the development as proposed, it is considered prudent to impose a condition restricting permitted development rights.

465. Under the Town and Country Planning (Consultation) (England) Direction 2021, should local planning authorities be minded to grant planning permission for applications which are for Green Belt development, development outside town centres, World Heritage Site development, playing field development, flood risk area development or commemorative object development, in certain circumstances as outlined by the Direction, these applications have to be first referred to the Secretary of State for Levelling Up, Housing and Communities, this includes “*development*

which consists of or includes inappropriate development on land allocated as Green Belt in the development plan and which consists of or includes:

- a) The provision of a building or buildings where the floor spaces to be created by the development is 1,000 square metres or more; or*
- b) Any other development, which by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt”.*

466. As the proposed development is not considered to constitute inappropriate development, the Head of Planning and Transport Planning considers that there is no need under the Town and Country Planning (Consultation) (England) Direction 2021, to refer this application to the Secretary of State, if members are minded to grant planning permission for this development for the purposes of impacts upon the Green Belt. Notwithstanding this, the Secretary of State has received a request to call-in this application for his own determination. The Planning Response Unit, on behalf of the Secretary of State have contacted the MPA to seek agreement not to issue a decision until the Secretary of State has considered the application for call-in under Section 77 of the Town and Country Planning Act 1990 (as amended).

467. Section 77 (1) states:

“The Secretary of State may give directions requiring applications for planning permission or permission in principle, or for the approval of any local planning authority required under a development order, a local development order or a neighbourhood development order, to be referred to him instead of being dealt with by local planning authorities”.

468. The Secretary of State has the power to take the decision-making power on a planning application out of the hands of the local planning authority by calling it in for his own determination. This can be done at any time during the planning application process, up to the point at which the local planning authority makes the decision. The power to call-in planning applications is very general and the Secretary of State can call-in an application for any reason. In practice, very few applications are called-in every year. They normally relate to planning applications raising issues of more than local importance. If a planning application is called-in, there will be a public inquiry usually chaired by a planning inspector, who will make a recommendation to the Secretary of State. The Secretary of State can reject these recommendations if he wishes and will make the final decision.

469. The list of instances (call-in indicators) when the Secretary of State might decide to use call-in powers, is known as the “Caborn principles”. Such cases may include, for example, those which in his opinion:

- may conflict with national policies on important matters
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority
- could have significant effects beyond their immediate locality
- give rise to substantial cross-boundary or national controversy
- raise significant architectural and urban design issues
- may involve the interests of national security or of foreign Governments

470. However, each case will be considered on its individual merits.

471. In view of the above, the Committee are able to refuse the application without first referring it to the Secretary of State, but should they wish to approve the application, they can only be “minded” to approve the application, as the Council must first consult the Secretary of State for Levelling Up, Housing and Communities. The Council may not grant planning permission (sign and issue the Decision Notice) until the Secretary of State has notified the Council that he does not intend to call-in the application for his own determination.

Traffic, highway safety and impact upon public rights of way

472. Objections have been received from local residents, objecting to the proposal on the grounds of adverse impact upon traffic, highway safety and public rights of way.

473. Wolverley and Cookley Parish Council also object to the proposal on the grounds of adverse traffic impacts, particularly HGVs travelling through Wolverley village. Kidderminster Town Council also object on the grounds of adverse traffic impact.

474. The District Council consider that the proposal would result in significant vehicular movements, which would have an adverse impact on highway safety of the network. They comment that the assessment does not appear to have taken into account the growth of Lea Castle Village development.

475. The CPRE consider the proposal would have a devastating effect on the setting of several public rights of way that cross the site. The CPRE also comment with regard to traffic impacts that to access the motorway network, Birmingham, or the eastern part of the Black Country, HGVs would have to travel along the A456, which is extremely congested at peak times.

476. Policy WCS 8: ‘Site infrastructure and access’ of the adopted Worcestershire Waste Core Strategy seeks to ensure that... *“b) the site is well connected to the strategic transport network and uses alternatives to road transport where practicable; and c) vehicular and pedestrian access to the site is safe and adequate to support the proposed waste management facility, either as it is or with improvements that form part of the application; and d) proposals will not have an unacceptable adverse impact on safety or congestion on the transport network or amenity along transport routes.*

477. Policy SP.27 - ‘Transport and Accessibility in Wyre Forest’ of the adopted Wyre Forest District Local Plan refers to proposals demonstrating that they address road safety issues and in particular they are consistent with the delivery of the Worcestershire Local Transport Plan objectives. Policy SP.27 also states that *“Transport Assessments are required for all major developments and must be carried out in accordance with relevant national and local policies and guidance, including the Worcestershire Local Transport Plan compendium”*. Policy DM.24 - ‘Quality Design and Local Distinctiveness’ of the adopted Wyre Forest District Local Plan refers to *“vehicular traffic from the development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development”* and *“satisfactory access and provision for the parking, servicing and manoeuvring of vehicles should be provided in accordance with the recognised standards”*.

478. It is noted that paragraph 111 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"*.

479. As set out in 'The Proposal' section of this report, the applicant is seeking to construct a new access located along Wolverley Road (B4189), to serve the proposed quarry. Sand and gravel would be exported by road in HGVs to customers within the West Midlands. This access would also be used for the importation of inert waste material to be used in the restoration of the site.

480. The proposed new access would be located approximately 220 metres east of the junction between Wolverley Road (B4189) and Sion Hill (C2136) and approximately 50 metres west of Broom Cottage. The proposed access would take the form of a simple priority junction with a kerbed central island within the bellmouth to prevent HGVs from turning right onto the Wolverley Road (B4189) when leaving the site. The bellmouth would also be configured to prevent HGVs from turning left into the access in order to enforce the routeing strategy, which directs all HGV traffic to / from the Wolverhampton Road (A449) to the east; thereby avoiding travelling through the village of Wolverley and along Sion Hill (C2136). The applicant is also proposing to further reinforce the routeing restriction via the installation of CCTV at the access. The applicant has confirmed that vans and private cars would be able to turn left into the site access without any difficulty, even with the small radius proposed (the access entry lane is proposed to measure approximately 6.9 metres wide) to prevent HGVs making the same manoeuvre.

481. The proposal seeks to provide visibility splays of approximately 102.6 metres to the west and approximately 122.3 metres to the east. The applicant states that it is possible to achieve these visibility splays within the land controlled by the applicant and / or County Highway Authority.

482. The applicant states that based on other similar sites, the average payload of HGVs exporting sand and gravel is predicted to be 20 tonnes, whilst the imports would average 17 tonnes due to the fact that some soils and overburden are taken directly from construction sites where there is no weighbridge to fully load the vehicles. The characteristics of the soils and overburden can also vary in terms of their bulking properties and resulting void space when loaded into the HGVs at the construction sites.

483. The applicant anticipates that approximately 25% of the exported sand and gravel would be transported on a back-haul basis, whereby a vehicle importing a load of infill is emptied then loaded with sand and gravel for their outbound journey. Back-hauling is desirable from an operational perspective as it reduces transportation costs and maximises driver efficiency, given they can only drive for a limited number of hours per day. The applicant states that a 25% ratio is considered to be achievable based upon their experience of similar sites. Notwithstanding the proposed back-hauling, the County Highways Officer has confirmed the assessment should be based on the worst-case scenario whereby no back-hauling takes place.

484. Based on the proposed 5.5 day working week and allowing for the extended shut-down between Christmas and New Year, the typical working year equates to 275

operational days. Based on the exporting approximately 300,000 tonnes of sand and gravel in 20 tonne average payloads over 275 working days per annum, the proposal would result in an average of 55 loads per day, equating to 110 HGV movements per day associated with mineral extraction (55 HGVs entering the site and 55 HGVs exiting the site per day).

485. Based on importing approximately 102,000 tonnes of inert waste material 17 tonne average payloads over 275 working days per annum, the proposal would result in an average of 22 loads per day, equating to 44 HGV movements per day associated with the importation of waste material (22 HGVs entering the site and 22 HGVs exiting the site per day).

486. This results in combined total HGV movements of approximately 154 HGV movements per day (77 entering the site and 77 exiting the site per day). This equates to approximately 13 HGV movements per hour.

487. In addition to the HGV traffic there would also be staff movements to / from the site. Based on the worst-case scenario whereby all 11 employees travel independently in a private vehicle, a further 22 movements would be anticipated on the network, with 11 arrivals in the morning and 11 departures in the evening. The applicant states that given the proximity of the site to Wolverley, Broadwaters, the north-east part of Kidderminster and Cookley, which are all within a reasonable walking distance, and the majority of Kidderminster falling within an acceptable cycling distance, it is likely that some employees would either choose to walk, cycle or car-share, resulting in reduced car journeys.

488. The applicant states that if allowing for approximately 25% of sand and gravel exports predicted to be transported on a back-haul basis, the number of HGV movements associated with exporting saleable product would reduce to approximately 41 loads, equating to 82 HGV movements per day (41 entering the site and 41 exiting the site per day), resulting in a combined total of 126 HGV movements per day (63 HGVs entering the site and 63 exiting the site per day). This equates to approximately 11 HGV movements per hour.

489. Based on the market locations, taking into account alternative mineral and waste sites in the area, the applicant predicts 60% of the development traffic would travel to / from the north and 40% to / from the south. This assumption is further supported by the information that was submitted as part of the Regulation 25 Request Submission (October 2020), which provides further clarification regarding HGV routing assignment. The submission states that the applicant has done a review of fixed outlets, such as ready-mix concrete plants, mortar manufacturers, builders merchants, and volumetric concrete manufacturers. This type of outlet represents roughly 70% of sales at other NRS Aggregates Ltd quarries. The review showed that there are approximately 23 fixed outlets which could be supplied with material from the proposed Lea Castle Farm Quarry (within approximately 16-mile radius (approximately 25.7-kilometre radius). In view of this, traffic routes can be broken down into either 'left or right turn' at the junction to the A449. The review shows 13 'left turns', and '10 right turns'. This appears to show a trend that reflects the population densities, and hence the level of customers (57% to 43%). NRS Aggregates Ltd already has a trading arrangement at other quarries with 3 of the companies identified. These 3 companies between them operate 4 of the fixed outlets

which would be main supply targets. Of these 4 sites, 3 are potential 'lefts turns'. Applying such weighting would take the figures in the region of 62% to 38%.

490. The Transport Statement states when considering the HGV activity, based on the observed Automatic Traffic Counters Survey (2016 and 2019) results recorded to the east of the site access, the average weekday flows varied between 10,287 and 11,603 vehicles with daily variations ranging between 2,236 and 2,542 movements.

491. The highest increase in traffic over any baseline flow was found to be 1.8% on Wolverley Road (B4189) to the east of the proposed access, which falls well below the 5% threshold considered to represent a material increase in traffic. The Transport Statement states that *"this insignificant impact is highlighted by the fact that the development traffic represents less than 8% of the observed day to day variations currently experienced on the routes"*.

492. The Environmental Statement recommends a number of mitigation measures and best practice measures which includes sheeting of loaded vehicles, maintaining cleanliness of the access road and public highway, requiring vehicles when leaving the site to turn left and monitoring of this via CCTV.

493. The Transport Statement concludes that *"the cumulative impact of the proposed development has been assessed taking into account the permitted mixed-use development at the former Lea Castle Hospital site off Park Gate Road and also the permitted 91 dwellings off Stourbridge Road. It was found that neither of these developments would compromise the acceptability of the proposed quarry or vice-versa. Indeed, the availability of the proposed quarry to supply sand and gravel to the construction sites and accept arisings from their excavations offers significant potential to support the principles of sustainable transport by reducing the need to travel and minimising transport distances"*.

494. The Transport Statement states that *"in order to review the safety performance of the local highway network, Personal Injury Accident data recorded over the most recent 5-year period (2014 – 2018 inclusive) was reviewed, paying particular attention to incidents involving HGVs. It was found that there had been a single accident involving a HGV between the Sion Hill and Stourbridge Road (A451) junctions inclusive. This occurred at the signal controlled A449 junction in October 2017 and involved a collision between a HGV turning right and a car continuing ahead through the junction. In the event there is a particular feature of the local highway network that results in compromised safety for its users, it is normal to find a number of incidents at that point which have the same characteristics. In this case, only a single Personal Injury Accident involving a HGV has been recorded, which suggests that there are no inherent characteristics of the local road network that unacceptably compromise safety for or as a result of HGV use, given the apparent activity on the network, as demonstrated by the traffic survey results"*.

495. As part of the Regulation 25 Request Submission (October 2020), the applicant submitted a Stage 1 Road Safety Audit, which reviewed all collision data (not just involving HGVs as outlined above) for the highway network in the vicinity of the proposed access, over a 5-year period (2015 to 2019). The review identified 12 collisions between (and inclusive of) Sion Hill / Wolverley Road (B4189) junction and the Wolverhampton Road (A449) / Wolverley Road (B4189) junction. Of these 12 collisions, 9 were recorded at the Wolverhampton Road (A449) / Wolverley Road

(B4189) signalised junction and all resulted in 'slight' injuries; 3 of these collisions involved motorcyclists. Of the remaining 3 collisions, 2 were recorded on the Wolverley Road (B4189) between Sion Hill and Wolverhampton Road (A449). 1 of these collisions resulted in fatal injury to a pedestrian and was recorded adjacent to a private access, located approximately 75 metres to the east of Sion Hill. The second collision occurred on the Wolverley Road (B4189) approach to the Wolverhampton Road (A449) junction and resulted in 'serious' injury to a motorcyclist. The final collision took place on the immediate westbound approach to the Sion Hill junction and resulted in 'serious' injury to a vehicle occupant.

496. The County Highways Officer has been consulted and raised no objections subject to appropriate conditions regarding implementation of submitted details relating to access, parking and turning facilities; provision and maintenance of visibility splays; surfacing of first 5 metres of access from the public highway; provision of electric vehicle charging space, sheltered and secure cycle parking, and accessible car parking spaces; and a HGV Management Plan.

497. The County Highways Officer states that they have undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, the County Highways Officer concludes that there would not be a severe impact and, therefore, there are no justifiable grounds on which an objection could be maintained, subject to imposition of appropriate conditions.

498. With regard to highway safety, the County Highways Officer states that access visibility is acceptable. The access has been subject to a Stage 1 Road Safety Audit. The access layout has been accepted as being suitable, however the layout would still be subject to further review at the detailed design stage prior to full technical approval.

499. With regard to the review of accident data, the County Highways Officer states that they accept that there is no common factor or patterns to the collisions recorded, and they occurred in both dry and wet conditions and at different times of the day, with causation factors that varied from poor due care and attention, driver error and poor judgement at the traffic signal junction.

500. The Canal and River Trust comment that Wolverley Road (B4189) passes directly over the Staffordshire and Worcestershire Canal. Any failure of this bridge crossing would prevent navigation of the canal. The bridge has been recently assessed and the Trust will be advising the County Council of a recommended weight restriction in the future. In view of this, the Canal and River Trust have no objections to the proposal, subject to the site entrance being laid out in such a way as to physically prevent turning movements into or out of the site, which would result in HGVs serving the site passing over the canal bridge. The Head and Planning and Transport Planning notes that the proposed access has been designed to include a physical kerbed central island and tight kerbed radius, to prevent HGV movements from turning left into the site and right out of the site. In view of this, it is considered that the implementation of the development as proposed together with the condition recommended by the County Highways Officer requiring a HGV Management Plan which would include a requirement for HGV routing and regular monitoring of the access using CCTV to ensure HGVs travel only left out of the site and right into the site, would address the concerns of the Canal and River Trust.

501. The Head of Planning and Transport Planning notes that the District Council highlight the Transport Statement has not taken account of the mixed-use development at the former Lea Castle Hospital site. However, as indicated above, the Transport Statement has taken into account the cumulative impact from nearby developments, including the mixed-use development at the former Lea Castle Hospital site. It is also noted that the County Highways Officer has considered the proposal taking into account development traffic associated with committed developments in the local area. The County Highways Officer states an improvement scheme at the A449 traffic signals junction has been identified as part of the Lea Castle Hospital planning application. The Transport Assessment for that development indicates that the development will open in phases with 45 dwellings constructed each year until 2031. As such the planned development may not be generating full traffic flows until 2031 for which the improvement scheme has been identified. The improvement scheme will only provide additional capacity in this location. Given that the peak hour trips associated with the proposed quarry generate low volumes and are temporary, in another words generate traffic over a 10-year development cycle, it is considered that proposals would not have a material impact on the local or wider highway network. The County Highways Officer is, therefore, satisfied the development traffic can be accommodated within the existing highway infrastructure.

502. West Mercia Police raise no objections to the proposal but do state that the road (Wolverley Road) is well used in the morning and afternoon by pupils going to and from Wolverley CE Secondary School. With the increase in large vehicles using the road West Mercia Police think it important to ensure their safety, therefore, the applicant needs to put in place measures that would ensure pedestrian safety. These comments were referred to the County Highways who considers that this a generalised comment, which is not expressly true and raises no objections to the proposal on safety grounds.

503. Letters of representation have been received which request extra highway funding as Stourbridge Road (A449) is in poor state of repair. The Head of Planning and Transport Planning notes that the County Highways Officer has raised no objections to the proposal, subject to conditions and considers that this would not pass the tests for planning obligations (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development). As set out at paragraph 57 of the NPPF, planning obligations must only be sought where they meet all of these tests.

504. With regard to public rights of way, Policy SP.16 - 'Health and Wellbeing' of the adopted Wyre Forest District Local Plan states that *"development should help minimise negative health impacts and maximise opportunities to ensure that people in Wyre Forest District lead healthy, active lifestyles and experience a high quality of life by: a) providing easy to maintain, safe and attractive public realm and green infrastructure including green spaces, footpaths, bridleways and cycle routes that encourage active travel opportunities..."*

505. Paragraph 100 of the NPPF states that *"planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails"*.

506. The proposal would have a direct impact upon footpath WC-624, which is located within the western area of the site, and currently runs east to west for approximately 340 metres, connecting footpaths WC-622 and WC-623 with bridleways WC-625 and WC-626. The applicant is seeking to upgrade this footpath to bridleway standard on the completion of the restoration of Phase 3. As part of the proposal this public right of way would be diverted to enable the working and restoration of land within Phases 1 and 2. The applicant states that this public right of way would be temporarily diverted for approximately 1 year to the south of its current route by approximately 120 metres. This diverted route would continue to provide access between footpath WC-622 and bridleway WC-626. On completion of the working and restoration of Phase 1, this footpath would be relocated approximately 20 to 30 metres north of its original route for the duration of approximately 1.5 years to allow for the working and restoration of Phase 2. On completion of the working and restoration of Phase 2, this public right of way would be relocated to its original position.

507. The proposed development would also have a direct impact upon bridleway WC-626, which is located along an internal track which separates the western and eastern areas of the site, running north to south for approximately 360 metres. It is proposed to install a below ground mineral conveyor linking the western extraction area with the proposed mineral processing plant site, in the eastern area of the site. The conveyor would be set on rubber anti-vibration brackets to prevent any vibration that could startle horses. The installation of the conveyor tunnel would take approximately 1 to 2 weeks. During this period, a short section of approximately 30 metres of bridleway WC-626 would be closed to allow the installation and make good the surface of the track. During this period the bridleway / track would be diverted approximately 30 metres to the west. The applicant states that this would be done in advance of the conveyor works to ensure full access is maintained at all times and to the standards required. Once the conveyor is installed, the bridleway / track would be reinstated on its original route. Once all mineral extraction and restoration works have been completed within Phases 1, 2 and 3, the bridleway / track would again be temporary diverted to allow the removal of the conveyor tunnel. This temporary diversion would last for approximately 1 to 2 weeks, thereafter the bridleway / track would be reinstated to their original route.

508. The applicant states that an application under Sections 257 and 261 of the Town and Country Planning Act 1990 (as amended) for temporary diversions of the legal routes would be made to Worcestershire County Council (Public Rights of Way Team).

509. During the Initial Works Phase of the proposal, a new bridleway would be provided. It would connect bridleway WC-625 in the north-eastern area of the site on a new route along the north-eastern, eastern, southern and south-western boundaries of the site, connecting to proposed upgraded bridleway WC-624, creating a circular route. The proposed new bridleway route would measure approximately 2.3 kilometres in length. The applicant states that this new section of bridleway would cross the proposed site entrance. At this point, traffic and footpath management measures would be in place. The new bridleway would be in place throughout the duration of the phased working and restoration of the site. A kissing gate (foot access only) would be provided adjoining Wolverhampton Road (A449).

510. The applicant states that the existing and new sections of public rights of way within the site would be supplemented by 5 small pocket parks. The purpose of the parks being to provide a place to sit and observe the landscape. Signage / educational information on the past history of the site and local area, and biodiversity enhancements would be provided along with sports stations to help promote health and wellbeing.

511. In addition to the initial creation of a new bridleway measuring approximately 2.3 kilometres in length, the applicant is also proposing permissive routes (bridleway standard) measuring approximately 0.4 kilometres in length (combined) as part of the final restoration of the site. These would be located in the western part of the site connecting the proposed new bridleway and public right of way WC-624 to a proposed new pocket park; and in the eastern part of the site, running north to south (along the eastern extraction boundary of Phase 4) connecting to the new bridleway.

512. In addition to the direct impacts upon the route of the public rights of way within the application site, the proposal has the potential for amenity impacts upon users of these routes. The applicant states that the potential for visual impact associated with the proposed processing plant site and extraction areas would be reduced / mitigated through the use of soil bunds and hay bales. The bunds are to be seeded and maintained and hay bales are part of the general agricultural land uses. The processing plant site would also be situated approximately 7 metres below the existing ground levels. Visual mitigation from users of the local public rights of way network would also be in the form of progressive phased restoration of extracted areas. Thus, minimising areas of disturbed land at any one time. In relation to noise and dust impacts upon users of the public rights of way. The applicant states that the processing plant site is proposed to be located below the existing ground levels, combined with the construction of soil bunds, which would be seeded, and hay bales, and soil stripping operations are not to take place in windy conditions and a wheel wash system in operation would ensure that the proposal would not have an unacceptable impact upon the amenity of users of the public rights of way. Furthermore, all impacts to users of the public rights of way across the site are temporary and although regular users of the site would experience inconvenience, the proposed mitigation measures would reduce this impact as far as possible.

513. The Environmental Statement concludes that taking account of the proposed temporary diversions, the restoration scheme and proposed enhancement measures, the Lea Castle Farm mineral extraction and restoration scheme can be worked without posing unacceptable harm to the public rights of way network. The proposal includes a new system of public rights of way of approximately 2.7 kilometres (walkers, bridleway users and cyclists) providing additional connectivity and alternative routes to local communities and visitors and is considered to be a significant benefit. When combined with existing public rights of way within the site (including those to be upgraded), the total distance of public rights of way would be approximately 3.78 kilometres.

514. The Ramblers Association and Malvern Hills District Footpath Society raise no objections to the proposal stating they are content with the revised public rights of way proposals. The Open Space Society have made no comments, and Sustrans comments that the proposal does not interact with the National Cycle Network, but the canal to the west of the site could be improved to form an extension to National

Cycle Network Route 54 from Kidderminster. Any development funds from this site to fund the canal towpath improvements would be a benefit to the community.

515. The Head of Planning and Transport Planning considers that as the proposal would not directly impact National Cycle Network Route 54 as noted by Sustrans, and the proposal is not considered to have an unacceptable impact upon the Canal and its associated Conservation Area as set out in the 'Historic Environment' section of this report. In view of this, it is considered that the request from Sustrans would not pass the tests of Planning Obligations (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development).

516. As part of the original submission the applicant proposed to upgrade footpaths WC-622 and WC-623 to bridleways. In response, the County Footpath Officer raised a number of concerns regarding this proposed upgrade, including:

- The route has steps at both ends which would be unsuitable for horses, and at Lea Lane there is a significant rise in level
- The northern end of the route does not currently follow the definitive line but exits through the brick wall opposite Lea House and the County Footpath Officer considers that this is an informal rerouting of long standing. The exit at this point is not wide enough for horses
- In order for the current route to be upgraded to a bridleway the width would need to be a minimum of 3 metres wide, and possibly wider if the area is enclosed. This width is not currently possible along much of the route

517. In view of the above, the County Footpath Officer recommended that it may be more suitable to look at alternative routes which could be dedicated rather than a try to upgrade the existing route.

518. In response to the above concerns, the applicant amended the scheme to provide a bridleway within the site rather than upgrading footpaths WC-622 and WC-623 to bridleways. The County Footpath Officer has confirmed that their original concerns above have been addressed, and has no objections to the proposal, subject to the applicant adhering to their obligations to the public rights of way.

519. The British Horse Society raise no objections to the proposal, subject to all footpaths within the site being upgraded to public bridleways, the legal status and maintenance responsibility for the proposed additional routes is confirmed, and the surface and dimension standards on the upgraded and additional routes are as required for public bridleways. They also consider that more detail is required in relation to where the new section of public access would cross the proposed site entrance. The British Horse Society are satisfied with the proposed mitigation measures to minimise the impact of the proposal on Bridleways WC-625 and WC-626. However, they do object to the removal of the originally proposed upgrade of footpath WC-623 to a public bridleway. They state that they are not objecting to the proposed quarry development but consider that the originally proposed upgrade to footpath WC-623 was a key element of their initial discussions with the applicant because it would deliver the benefit to riders of an access point on the western side of the site via Lea Lane.

520. In response to the British Horse Society's objection to the removal of the proposed upgrade to footpath WC-623. The County Footpath Officer states that their concerns about the originally proposed upgrades still exist, as summarised above.

521. The Head of Planning and Transport Planning acknowledges the request of the British Horse Society to upgrade footpath WC-623 but considers that there are considerable site constraints and practicalities of upgrading this route to bridleway status, as highlighted by the County Footpath Officer. The Head of Planning and Transport Planning considers that the development as proposed would protect and enhance the public rights of way network and the requested upgrade is not necessary to make the development acceptable in planning terms. Furthermore, the requested upgrade would likely have environmental impacts which have not been assessed as part of the application, including impacts upon the retained boundary woodlands.

522. In view of the above, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or public rights of way, in accordance with paragraphs 100 and 111 of the NPPF, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policies SP.16, SP.27 and DM.24 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions as recommended by the County Highways Officer, and conditions regarding access to be gained only via the proposed new access off Wolverley Road (B4189), site speed limit, wheel washing facilities; sheeting of loaded HGVs, signage requiring all HGVs to turn left out of the site, the site not being open to the general public for commercial purposes; a scheme for the upgrading and proposed new public rights of way and permissive bridleways; and a scheme for the safe crossing by the public over the haul road of any rights of way or permissive bridleways.

Residential amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts)

523. Letters of representation have also been received objecting the proposal on the grounds of health and wellbeing, amenity, noise, vibrations, odour, pests, lighting, pollution and contamination of land, dust, and air quality impacts.

524. Wolverley and Cookley Parish Council are concerned regarding the impact upon air quality, particularly an increase in NO₂ levels in an already recognised pollution hotspot area. They are also concerned about noise impacts upon residents, schools, recreation facilities, local businesses and tourist attractions.

525. Kidderminster Town Council also raise objections on the grounds of adverse impact upon residential amenity, air quality noise, and mental health of the local community. Wyre Forest District Council raise objections on the grounds of adverse amenity impacts (noise, dust and vibration) of existing and future residential dwellings. The CPRE also raise objections on residential amenity grounds, including noise, dust and health (risk of silicosis) impacts.

526. 'The Site' section of this report sets out the nearest residential properties to the proposed development.

527. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy states that *"waste management facilities will be permitted where it is demonstrated that the operation of the facility and any associated transport will not have*

unacceptable adverse impacts on amenity...”. Policy SP.16 - ‘Health and Wellbeing’ of the adopted Wyre Forest District Local Plan refers to “minimising and mitigating the impacts of negative air quality and reducing people’s exposure to poor air quality”. Policy SP.33 - ‘Pollution and Land Instability’ of the adopted Wyre Forest District Local Plan states “development proposal must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on any of the following: human health and wellbeing...the effective operation of neighbouring land uses. An existing or proposed Air Quality Management Area (AQMA)”.

528. Paragraph 185 of the NPPF sets out that *“planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [Footnote: see Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010); b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*

529. Paragraph 186 of the NPPF goes onto states that *“planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement...”*

530. Paragraph 187 of the NPPF advises that *“planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established”.*

531. With specific regard to minerals, paragraph 211 of the NPPF states that *“when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:...b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties...”.*

532. The Noise Policy Statement for England was published in March 2010 and includes an Explanatory Note. The aim of the document is to *“provide clarity regarding current policies and practices to enable noise management decisions to be*

made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion". It sets 3 aims, which are:

533. *"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- *avoid significant adverse impacts on health and quality of life*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life*".

534. The proposed development has the potential for noise generation through on-site activities such as soil stripping, the extraction of sand and gravel, tipping of inert waste material and transportation of "as dug" material, and internal traffic movements. Mineral processing operations can also typically result in noise emanating from processing plant being detected off-site, when plant and machinery are operational. Off-site noise generated by traffic movements associated with the mineral operations have the potential for impact on roadside receptors.

535. The PPG is the most up to date Government Guidance relating to noise emissions associated with mineral extraction. It recommends noise levels for normal daytime operations (07:00 to 19:00 hours) should not exceed 55dB(A) LAeq, 1h (free field), and a higher limit of up to 70dB(A) LAeq 1h (free field) at specified noise sensitive properties for noisier, but temporary operations, such as soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, but for only up to 8 weeks a year. This is to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this would bring longer-term environmental benefits to the site or its environs (Paragraph Reference IDs: 27-021-20140306 and 27-022-20140306).

536. The submitted Environmental Statement and accompanying Noise Assessment Report considered the impacts of noise and dust emissions on the nearest sensitive receptors, which included Broom Cottage, South Lodges, Heathfield Knoll School and First Steps Day Nursery, Brown Westhead Park, the Bungalow, Keeper's Cottage and Castle Barn. The Noise Assessment assumed that all proposed plant on-site would be operating simultaneously in the closest likely working areas to each receptor, thus assessing the worst-case scenario. The predicted noise impacts have been calculated using the known noise output of mineral activities and specific plant and equipment proposed to be used on the site.

537. The Noise Assessment Report predicts the noise levels at the nearest sensitive receptors for normal daytime operations and for temporary operations and recommends a site noise limit in relation to each receptor, which are outlined in the tables below:

Table 1: Normal daytime operations noise impacts

Receptor	Calculated Site Noise Level – Normal Daytime Operations (dB LA90eq, 1-hour free field)	Recommended Site Noise Limit – Normal Daytime Operations (dB LA90eq, 1-hour free field)
Broom Cottage	51	53
South Lodges	54	55
Heathfield Knoll School	53	55
Brown Westhead Park	45	46
The Bungalow	45	45
Keeper's Cottage	46	49
Castle Barns	48	51

Table 2: Temporary operations noise impacts

Receptor	Calculated Site Noise Level - Temporary Operations (dB LA90eq, 1-hour free field)	Recommended Site Noise Limit – Temporary Operations (dB LA90eq, 1-hour free field)
Broom Cottage	68	70
South Lodges	70	70
Heathfield Knoll School	60	70
Brown Westhead Park	63	70
The Bungalow	66	70
Keeper's Cottage	54	70
Castle Barns	58	70

538. The Noise Assessment Report concludes that the calculated site noise levels due to operations at the proposed site comply with the recommended site noise limits at the nearest sensitive receptors, in accordance with the noise limits set out in the PPG for both normal daytime operations and temporary operations.

539. The Environmental Statement concludes that with the implementation of appropriate mitigation measures, the proposals would not result in an unacceptably adverse impact on the nearest sensitive receptors to the application site, or the wider area. The Environmental Statement outlines a number of mitigation measures which include:

- Stand-offs between extraction areas and off-site sensitive receptors
- Construction of soil storage / noise attenuation bunds
- Implementation of noise limits at the nearest properties

540. With regard to noise impacts, Worcestershire Regulatory Services raise no objections commenting that the submitted Noise Assessment Report conforms with national guidance in relation to noise and mineral extraction and that the measured noise levels and calculated predictions are robust. The initial phase of site preparation would involve topsoil stripping and the formation of acoustic bunds some of which would be in close proximity to residents. The impact of this work would be similar to what would be expected from the preparation of a normal construction site for housing development and is short in duration when considering the proposed quarry

life expectancy (no more than 8 weeks in duration). It is also acknowledged that the Government's PPG makes allowances for this. Following this phase, it is expected that noise impact would reduce to levels not dissimilar to the existing climate with the occasional identifiable noise being heard from use of machinery associated with the extraction. Worcestershire Regulatory Services are, therefore, satisfied that there are no adverse noise impacts associated with these proposed workings provided that the quarry operator adheres to good industry practices and maintains all plant and machinery to a high standard. Notwithstanding this, Worcestershire Regulatory Services do raise concerns with regard to the overall amenity in the area and, therefore, recommend the imposition of a condition restricting operating hours to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours Saturdays with no working on Sunday, Bank or Public Holidays. A condition is recommended to this effect.

541. In view of the above, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions that the proposal would not have an unacceptable noise impact.

542. The proposed development has the potential to generate dust and other airborne pollutants. A Dust Impact Assessment accompanied the application.

543. With regard to dust emissions, the Head of Planning and Transport Planning notes that the IAQM: 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (2016) states that *"from the experience of the Working Group, adverse dust impacts from sand and gravel sites are uncommon beyond 250 metres. In the absence of other information, it is commonly accepted that the greatest impacts would be within 100 metres of a source and this can include both large (>30 micrometres) and small dust particles. The greatest potential for high rates of dust deposition and elevated PM10 concentrations occurs within this distance. Intermediate-sized particles (10 to 30 micrometres) may travel up to 400 metres, with occasional elevated levels of dust deposition and PM10 possible. Particles less than 10 micrometres have the potential to persist beyond 400 metres, but with minimal significance due to dispersion"*. This guidance goes onto states the *"type of material being extracted and processed can have a significant influence on potential emissions. Sand and gravel deposits may possess an inherently high moisture content, which can cause particles to adhere and thereby affords a high degree of natural mitigation. However, this does not negate the potential for dust emissions from this material if it dries out, especially during high wind conditions"*.

544. The Dust Impact Assessment states that *"a dust event would only occur if the necessary conditions are present. It is necessary to have a fine material available which is able to be picked up, carried and then deposited by the wind. Such materials are more readily available if dry and physically disturbed. Thus, not all site operations are dusty because of the lack of physical disturbance. There must also be a wind of sufficient strength to transport fine particles, and for a particular property to be at risk the wind must blow in that particular direction from the source. The critical wind speed at which a particle becomes airborne depends on many factors including particle size, shape and density. For most mineral dusts the critical wind speed is about 5.6 ms⁻¹ (12 mph - 11kts - Force 4 on Beaufort Scale)"*.

545. It goes onto state that *"for a dust event to occur there must also be a failure of dust control measures. Particles greater than 30µm [micrometre] make up the*

greatest proportion of dust emitted from mineral processing and largely deposit within 100 metres of sources. Particles between 10 and 30µm are likely to travel from 250 to 400 metres, while sub 10µm particles, which make up a small proportion of dust emitted from most mineral processing operations, may travel up to 1 kilometre from sources”.

546. The Dust Impact Assessment then considers the climatic conditions of the site stating that *“it is clear the winds would predominate from the south-west quadrant with an analysis of the number of dry windy working days giving a maximum of some 14 such days likely in a south-west direction in any one year”.*

547. The Dust Impact Assessment assesses the likely dust risk at the nearest sensitive receptors including Brown Westhead Park and Playing Fields, Heathfield Knoll School, statutory and non-statutory designed wildlife sites, and the residential properties of No.1 and No.5 Brown Westhead Park, South Lodges, Broom Cottage, Four Winds, No.10 Castle Barns, and the Bungalow. It predicts a negligible risk and negligible magnitude of effect at all receptors, except No.10 Castle Barns, which it predicts a low risk and slight adverse magnitude of effect, and the Bungalow in which it predicts a medium risk and moderate adverse magnitude of effect.

548. In respect of No.10 Castle Barns, the closest approach separation distance at this residential property would be approximately 121 metres to the north-east of Phase 5. The Dust Impact Assessment states that winds from the west, ‘west-south-west’ and ‘south-south-west’ would blow from the site towards No.10 Castle Barns. The property would be shielded from the quarry by proposed soil storage bunds around the quarry working area. A total of 11 dry windy working days are predicted, representing between 5% and 12% of all dry windy working days. The Assessment, therefore, categorises the dust impacts upon No.10 Castle Barns as “intermediate” (between 100 metres to 200 metres) from the source of dust and with the potential for dusty winds classed as “moderately frequent”.

549. The closest approach separation distance at the Bungalow to the proposed development area is approximately 77 metres east of Phase 1. The Dust Impact Assessment states that winds from the ‘north-north-west’, ‘west-north-west’ west, ‘west-south-west’ and ‘south-south-west’ would blow from the site towards the Bungalow. The Bungalow would be shielded from the quarry by proposed soil bunds around the quarry working area. The Assessment predicts a total of 14 dry windy working days, representing between 12% and 20% of all dry windy working days. The Assessment, therefore, categorises the dust impacts upon the Bungalow as “close” (less than 100 metres) to the source of dust and with the potential for dusty winds classed as “frequent”.

550. The Dust Impact Assessment considers that if dust mitigation and control measures effectively implemented, this would effectively mitigate any potential dust impact at No.10 Castle Barns and the Bungalow. It recommends a number of mitigation measures which include:

- Progressive working and restoration
- Speed limits for onsite vehicle movements
- Minimising drop heights
- Dust suppression with the use of an on-site water bowser, road sweeper, and sprinkler systems to be implemented as required to mitigate dust generation

- Internal haul roads to consist of compacted material around the processing plant and be regularly maintained by grading in order to minimise dust generation
- Mobile plant exhausts and cooling fans to be discharged away from the ground to prevent dust mobilisation
- Regular maintenance of all mobile plant
- Spray rails to be utilised on all screening and crushing plant
- All lorries leaving site loaded with aggregate to be sheeted and to travel via vehicle washing facilities
- Use of a road sweeper on the site access road
- Vehicles to use extensive cleaning facilities provided before accessing public roads
- Any soils handled as part of restoration activities to be seeded as soon as is practicable
- A complaints log would be held on site. In the event of receiving a dust complaint, the site foreman would investigate the complaint and take any remedial action which is deemed appropriate
- In the event of a failure of dust mitigation measures, for example in extreme weather conditions, the dust generating activity shall be temporarily suspended, until appropriate dust mitigation is implemented or until a change in weather condition occurs

551. The Dust Impact Assessment concludes that it is unlikely that any significant decrease in local air quality would occur due to the proposed development. Any dust occurrence event would be limited and of short duration and would be minimised by implementation of the recommended dust mitigation measures.

552. The Dust Impact Assessment state that *“the greatest potential for an air quality impact is from changes in traffic flows affecting new or existing residents. The pollutants of concern are nitrogen dioxide and fine particles”*, therefore, an Air Quality Assessment, which included dispersion modelling also formed part of the Dust Impact Assessment.

553. With regard to particulate matter, which is generally categorised on the basis of the size of the particles. Particulate Matter (PM)₁₀ particles are those with a diameter of less than 10 micrometres or less, with the smaller PM_{2.5} particles being defined as those with a diameter of less than 2.5 micrometres or less. The Dust Impact Assessment modelled the predicted PM₁₀ impacts of the proposal and concludes that *“the proposed mineral extraction operations at Lea Castle Farm would satisfy the UK Air Quality Objectives for PM₁₀ of no more than 35 exceedances per year of a 24 hour mean of 50 µg/m³ [micrograms (one-millionth of a gram) per cubic meter air] and an annual mean of 40 µg/m³”*. The Assessment predicted less than 1 exceedance per year of 50 µg/m³ at all modelled locations, and the highest annual mean of 15.69 µg/m³ at Hurcott and Podmore Pools (Pastures) LWS.

554. The Dust Impact Assessment states that sub 10 micrometre particles, which make up a small proportion of dust emitted from most mineral operations, may travel up to 1 kilometre from sources. Of the total PM₁₀ dust fraction there would be a percentage of the smaller PM_{2.5}. For quarries most of this suspended dust would be in the coarse sub-fraction (PM_{2.5} to PM₁₀), rather than in the fine (PM_{2.5}) fraction. The Assessment modelled the worst-case scenario for PM_{2.5} emissions from the proposal (an additional burden of 0.5 µg per cubic metres to the annual mean), and

concludes that if the development is permitted, an increase in the annual mean concentration of PM2.5 would not exceed the UK Air Quality Objectives for PM2.5 (the highest annual mean of 10.91 µg per cubic metres is predicted at Hurcott and Podmore Pools (Pastures) LWS). The Assessment concludes that in relation to PM10 and PM2.5 the impact of the development is considered to be negligible for all of the assessed sensitive receptors.

555. As outlined in 'The Site' Section of this report, the Horsefair / Coventry Street, Kidderminster AQMA is the nearest AQMA to the site, located approximately 1.7 kilometres south of the application site, and is declared as the annual mean air quality objective for NO2 is exceeding the objectives.

556. The Air Quality Assessment identified a negligible impact at all of the sensitive receptors other than at Sensitive Receptor 6 (42 Wolverhampton Road) where a slight impact is predicted for NO2 (34.64 µg/m³). The Assessment states that as per IAQM guidance impact descriptors relate to individual receptors and are not representative of the impact of the whole development. Therefore, due to the fact that the predicted impact of the development at the majority of the assessed receptors is negligible and that the development would not result in increases in target pollutants that would lead to breaches of relevant objective levels the overall impact of the development is considered to be negligible. Furthermore, the Assessment has assumed no improvement in background concentrations or engine emissions and the predicted results are, therefore, considered to be conservative.

557. The Environmental Statement concludes that *"overall, the effect on air quality of this development with the implementation of suitable dust mitigation measures is considered to be not significant"*.

558. In relation to objections from local residents regarding Silicosis, the applicant states that *"the extraction of silica sand does not generate significant quantities of dust. The sand is generally damp on extraction and there are not large quantities of smaller particles within the sand. Silica dust is usually generated from operations which work stone, such as masonry, demolition or blasting operations at hard rock quarries, where stone is pulverised. None of these operations would take place at Lea Castle Farm"*.

559. The Head of Planning and Transport Planning notes that the Health and Safety Executive guidance states that *"one of the health risks from working in the quarry industry is that of exposure to fine dust containing crystalline silica (otherwise known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as "silicosis". It usually takes a number of years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease"*.

560. The Health and Safety Executive have set the occupational exposure limit for dust at 10 mg per cubic metre as an 8-hour time weighted average. The Air Quality Assessment demonstrates that such a figure may have significance within a site if

workers are immediately adjacent to a particular operation prone to high dust emissions. However, due to dilution and dispersion it is extremely unlikely that any residential property around a site would ever experience concentrations of dust as high as this, with environmental dust levels some 100 times less being the norm.

561. Given the applicant is proposing to restore the site by importing inert waste materials, the proposed development would require an Environmental Permit from the Environment Agency. It is noted that paragraph 188 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: 27-012-20140306 of the PPG elaborates on this matter, stating that *"the planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest...this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution. In doing so 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 regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively"*.

562. The Environment Agency have made no adverse comments in respect to noise, dust and air quality impacts, and have confirmed that applicant would be required to operate the infilling element of the scheme under an Environment Agency Environmental Permit, which would likely include requirements to undertake monitoring to assess any potential impact on the environment and local receptors. The Head of Planning and Transport Planning notes that an Environmental Permit would regulate and control matters such as waste acceptance, including quantity; emissions, including noise, dust and vibration; and monitoring, records and reporting in relation to the infilling operations. The Environment Agency state that in relation to pollution issues arising from the extraction phase, they recommend that the MPA consults Worcestershire Regulatory Services.

563. Worcestershire Regulatory Services have raised no objections in respect to air quality and dust impacts, stating that they are satisfied with the submitted Dust Impact Assessment's methodology and conclusions, and recommended that the mitigation measures set out in the Dust Impact Assessment are conditioned. They state that in respect of air quality, they have reviewed the traffic impacts of the proposal upon local air quality and note that pollutant concentrations were modelled by the applicant at six sensitive receptors proximal to the application site, and no exceedances of air quality objectives for main pollutants was predicted, resulting in a negligible to slight impact for NO₂ and negligible for particulates. Worcestershire Regulatory Services consider that appropriate modelling was undertaken, and the results presented, therefore, they have no adverse comments in respect of air quality.

564. In response to letters of representation raising concerns regarding adverse dust and health impacts, Worcestershire Regulatory Services reviewed the comments and reiterated that they are satisfied with the development's onsite dust and noise impact

strategy, and as long as Worcestershire Regulatory Services' recommendations are appropriately conditioned, they consider that the strategy should be strong and flexible enough to deal with any subsequent issues. They have also confirmed they have no objections to the Dust Management Plan to include dust monitoring.

565. Letters of representations were received objecting to the proposal on the grounds omitting new and existing housing (no reference to the development of the former Lea Castle Hospital site and reference to the residential properties in Cookley or Sion Hill), and miscalculation and under estimation of onsite and offsite vehicle movements in the Dust Impact Assessment. In response, Worcestershire Regulatory Services have confirmed that their original comments remain unchanged. With regard to omitting housing, Worcestershire Regulatory Services are satisfied that the distance between the proposed quarry and the new developments at Lea Castle, Sion Hill and Cookley are such that the impact of dust on these developments would not be significant, noting that the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning states that *“adverse dust impacts from sand and gravel sites are uncommon beyond 250 metres and beyond 400 metres from hard rock quarries measured from the nearest dust generating activities”*.

566. The applicant has also clarified that in terms of the assessment locations in the Dust Impact Assessment, a range of the closest receptors to the site have been identified. These are the receptors which are considered to have the highest potential for dust impacts. The Assessment concludes that there is unlikely to be any significant decrease in local air quality as a result of the proposal. The development at the former Lea Castle Hospital site is approximately 450 metres from the proposed mineral extraction, which is a significant greater distance than the receptors assessed within the Dust Impact Assessment. In terms of consideration of other residential developments, Appendix 4: Air Quality Assessment gives consideration of potential impact to housing development on Stourbridge Road.

567. With regard to under estimation of vehicle movements, Worcestershire Regulatory Services state that the Transport Assessment states that there will be 110 outgoing HGVs with 44 infilling operations equal to 154 on days of operation (275 working days per annum) as a worst-case scenario. The Air Quality Assessment used the worst-case traffic data for the dispersion model which predicted no significant change in NO₂, PM₁₀ or PM_{2.5} concentrations at all sensitive receptors on comparison of the 'with' and 'without' development scenarios. The applicant has also clarified that dumper trucks with a payload of 30-40 tonnes would be used on site, rather than dump trucks with a payload of 8 to 12 tonnes as referenced in the letter of representation.

568. In response to comments from local residents, Worcestershire Regulatory Services re-confirmed that they are satisfied that the impact of HGV movements would not have a significant impact on air quality in the area on the basis that all HGV traffic would enter and exit the site from the A449 junction and away from Wolverley and Sion Hill.

569. With regard to impacts upon the Horsefair AQMA, Worcestershire Regulatory Services state that the impact of the increase in HGVs through the AQMA is expected to be negligible.

570. In response to concerns from local residents that the new WHO 'Global Air Quality Guidelines' would be exceeded, Worcestershire Regulatory Services comment that until the new WHO guidelines are incorporated into UK law, the air quality objectives set by the Air Quality (England) Regulations 2000 as amended 2002 are the objectives that air quality are compared to. The applicant also states that the *"WHO Guidelines advises that they are for guidance only and that various countries are in different stages of tackling air pollution. Therefore, the implementation of this document is a matter for each government. Currently there are no proposed changes to the UK laws on this matter and therefore as Lea Castle had been considered under the existing UK laws and guidance and is compliant. Should the UK government change the laws then the operator would be duty-bound to comply"*.

571. Based on the above advice, the Head of Planning and Transport considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable dust and air quality impact.

572. The Environmental Statement considers that due to the nature of the proposal, it would not result in adverse vibration impacts, stating that there would be no blasting associated with the proposal. The in-situ sand and gravel and solid sand would be extracted by an excavator and transferred to the plant site via a dump truck and / or small section of field conveyor. The nature of the mineral means that that there is no requirement for a large crusher as part of the fixed plant as the deposit contains minimal oversize gravel. The processing plant would be located a minimum of 7 metres below adjacent ground levels and contained. These items of plant would not result in any adverse vibration to local residents. It is noted that Worcestershire Regulatory Services have been consulted and made no adverse comments in relation to vibration impacts.

573. The Head of Planning and Transport Planning also considers that, due to the nature of the proposal, it would not give rise to adverse odour impacts or pests.

574. With regard to health and wellbeing impacts, the PPG states that *"it is helpful if the Director of Public Health is consulted on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it. This would allow them to work together on any necessary mitigation measures. A health impact assessment is a useful tool to use where there are expected to be significant impacts"* (Paragraph Reference ID: 53-005-20190722).

575. The applicant submitted an HIA, and the Environmental Statement also included a 'Health Impact Assessment' Section. The HIA concludes that the development is temporary, is contained geographically, and is limited through a combination of progressive extraction and sequential restoration. Subject to standard good practice, mitigation and standard working practices that significant adverse effects to community / population health would not occur due to the environmental changes as a result of the proposal.

576. The Environmental Statement acknowledges that the uncertainty associated with change can result in increased stress for individuals / the local community. In view of this, the Environmental Statement recommends that should planning permission be granted a Community Liaison Group would be set up with representatives of the

applicant, local residents, parish councillors and statutory bodies, to monitor and share findings, and to advise on operations and their accordance with requirements and good practice. Should planning permission be granted, the Head of Planning and Transport Planning recommends the imposition of a condition requiring the setting up of a Community Liaison Group.

577. The Environmental Statement and HIA also identified the potential benefit to health and wellbeing resulting from the proposed development, including increased public access which would provide new links between town and county for walkers, horse riders and cyclists. The creation of pocket parks with sport stations and reflection design proposals to stimulate mind and body. The recreation of an agriculturally managed parkland setting would raise the visual amenity, which would include the reinstatement of avenue trees and create new habitats to promote biodiversity, adding to the quality of life of the local community.

578. The County Public Health Practitioner has been consulted and has no objections stating that a full HIA was submitted addressing their recommendations. The UK Health Security Agency (formerly Public Health England) refer the MPA to Worcestershire Regulatory Services to comment in relation to public health from local air quality, noise and contaminated land as they are only a statutory consultee on Environmental Permits from the Environment Agency, and will, therefore comment at that stage.

579. The Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, the proposal would not have an unacceptable impact upon human health or wellbeing of the local population.

580. With regard to lighting impacts, the applicant states that general temporary lighting would be required to ensure the safe movement of personnel and equipment. Lighting would typically be provided by mobile towers and light balloons; however, more compact lighting units may be required for task lighting. The height of the proposed lighting would vary dependent upon the application but would typically be approximately 3 to 5 metres above ground level.

581. The proposed mineral processing plant would have safety lighting attached to the plant and equipment to illuminate operational areas and walkways. The processing plant would only be illuminated when operational. All lighting would be directed downwards illuminating the operational area only. There would be periphery lighting column at the HGV entrance to the aggregate processing area which would only be illuminated during operational hours.

582. The proposed conveyor would have safety lighting attached to the loading and off-loading points to illuminate operational areas. The safety lighting would have a motion sensor; therefore, it would only be illuminated when operational. All lighting associated with the conveyor would be below 1.5 metres in height and directed downwards.

583. The proposed weighbridge and wheel washing facilities would have a lighting column installed measuring approximately 3 metres in height. The office buildings would have external motion sensor safety lights. The car parking area would have column lighting, measuring approximately 3 metres in height and which would be on timer.

584. The Environmental Statement confirms that there are no proposals to install permanent lights along any access track within what would become the mineral extraction area because all mobile plant used would have its own lighting installed by manufacturer.

585. The applicant states that lighting would be deployed in accordance with the proposed hours of operation and would typically be used at dawn and dusk, however this would be dependent upon natural lighting levels and local weather conditions. Prior to the installation of any lighting, the location and details will be agreed in writing with the MPA. A condition is recommended to this effect.

586. In view of the above matters, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions relating to progressive working scheme; operating hours; restricting permitted development rights; lighting scheme; noise and vibration management plan; noise limits and monitoring; dust management plan, including dust monitoring; dust suppression; limiting height of stockpiles; all vehicles, plant and machinery being maintained in accordance with the manufacturers' specification; use of white noise mobile plant and vehicle reversing alarms; pollution control measures; maximum on site speed limit; maintenance of internal road surfaces; repair, maintenance and fuelling of vehicles, plant and machinery on impervious surfaces; wheel washing facilities; sheeting of loaded HGVs; and setting up of a Community Liaison Group, there would be no adverse air pollution, noise, dust, vibration, odour or lighting impacts on residential amenity or that of human health, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.16 and SP.33 of the adopted Wyre Forest District Local Plan.

Landscape character and appearance of the local area

587. Local residents have objected to the proposal on the grounds of adverse landscape and visual impacts, in particular views into the site from Wolverhampton Road (A449), and the restoration scheme resulting in a crater.

588. Policy WCS 12: 'Local characteristics' of the adopted Worcestershire Waste Core Strategy refers to permitting waste management facilities where it is demonstrated that they contribute positively to character and quality of the local area. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy refers to considering visual intrusion.

589. Policy SP.20 – 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan refers to *"all development within Wyre Forest District will be expected to exhibit high quality design"* and *"Wyre Forest District has an existing character that is determined by the qualities of the existing buildings and landscape. New development should respond to these existing qualities and ensure that it represents a positive addition to the streetscape or landscape"*.

590. Policy SP.22 - 'Landscape Character' of the adopted Wyre Forest District Local Plan states that *"new development must protect and where possible enhance the unique character of the landscape including individual settlements or hamlets located within it. Opportunities for landscape gain will be sought alongside new development, in order that landscape character is strengthened and enhanced"*.

591. Policy SP.28 - 'Green Infrastructure' of the adopted Wyre Forest District Local Plan refers to *"new development will be expected to retain, protect and enhance and provide Green Infrastructure (GI) assets (and associated blue infrastructure) by integrating GI into developments and contributing positively to the District's green infrastructure network"*.

592. Policy DM.24 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan refers to all development will be expected to be of a high design quality. Policy DM.24 goes on to state that applications should demonstrate, through a Design and Access Statement or other supporting evidence, how the objectives outlined in Criterion 1 of the policy referring to quality design have been addressed. They will also need to address matters such as relationship to surroundings and to other development; and landscaping, in particular development should provide high quality hard and soft landscaping. The importance of soft landscaping, using appropriate species and incorporating arrangements for long-term management is emphasised. Existing trees should be incorporated into development or replacements provided where a tree survey demonstrates trees are not worthy of retention or retention is not possible.

593. Policy DM.26 - 'Landscaping and Boundary Treatments' of the adopted Wyre Forest District Local Plan refers to *"landscape schemes must demonstrate that they: a) are informed by the Landscape Character Assessment and / or Historic Landscape Characterisation, protecting existing trees, hedges and other landscape features where possible...c) predominantly use local native species to protect and improve biodiversity d) incorporate features to clearly mark desire lines, enhance or create views or vistas...i) have a sustainable management plan providing maintenance and aftercare"*.

594. The site is located within the Worcestershire County Council Landscape Character Assessment Kinver Sandlands landscape character area, Sandland Estatelands landscape character type and Churchill Sandland Estatelands landscape description unit. Typical features of these character areas include soft sandstone with an intermediate, undulating topography and impoverished sandy soils. The land use is arable, and the tree cover comprises an ordered pattern of large plantations, together with parkland and belts of trees. The site landscape formed part of a now degraded agricultural parkland with the loss of trees, woodland and hedgerows.

595. With regard to landscape character, the Environmental Statement and accompanying Landscape and Visual Impact Assessment (LVIA) identifies that the proposal has the potential to affect the landscape character via the progressive disturbance of land, temporary land use change from agriculture to quarrying operations; new site access and associated vehicle movements; processing plant site and associated activities; temporary soil storage; loss of vegetation; temporary diversion of public rights of way; and temporary removal of a section of existing boundary wall. Post restoration, potential effects include changes to original landform and levels; changes to vegetation; and changes to human (receptor) use of the site / character.

596. The LVIA states that it is considered that the Sandstone landscape character types are generally robust and retain the key elements and features which define its character over a large geographical area. During the operational stage of the proposal, temporary built forms would be introduced within relatively small phased

geographical areas. The LVIA considers that these can be integrated and absorbed into the landscape character type with a slight to moderate adverse effect. Although this would be a higher level of disturbance than is currently being experienced as a result of agricultural and temporary motocross activities, the advanced and progressive vegetation and amenity enhancement measures including the proposed reinstatement of parkland avenue trees would limit the potential for adverse effects. In specific consideration of the landscape character impacts upon the Churchill Sandstone Estatelands landscape description unit, the LVIA states that there is predicted to be a moderate adverse effect. This is balanced by the ability of the scheme to be worked progressively with restoration minimising areas of potentially disturbed grounds along with parkland / amenity and bridleway enhancement. Post restoration, there would be a strengthening of appropriate landscape elements and features which respects and replicates the sites historic past whilst providing new and increased diversity and net gain of individual landscape elements along with the promotion and integration of amenity and wellbeing opportunities and biodiversity net gain. This includes pocket parks based around a green infrastructure strategy. New habitats would also be created including approximately 7.5 hectares of acidic grassland; approximately 3.42 hectares of new woodland blocks; new planting and strengthening of existing hedgerows, totalling approximately 1,018 metres in length; and planting of approximately 170 avenue and parkland trees. The LVIA assesses the impact as a notable beneficial level of significance as a result of the continued landscape, amenity and bridleway enhancement proposals.

597. In respect of visual impacts, it is considered that the main visual elements and features which would be introduced as part of the proposed development are a new vehicle access, proposed processing plant site (including plant and stocks), soil stripping, mineral extraction and restoration operations.

598. The LVIA states that the site comprises two types of visual landscape. Firstly, the western area and the western and central areas of the eastern area which are generally on enclosed land visually contained by a combination of landform, topography and vegetation structure, with a limited number of existing and potential visual receptors with views of this area. The principal receptors being residents at Broom Cottage, Keepers Cottage, The Bungalow / Lea Castle Equestrian Centre, South Lodges, Castle Barns and users of the site internal public rights of way. Secondly, the eastern area which due to a combination of an easterly sloping landform and topography combined with a limited amount of vegetation make this area a part of a wider visual envelope, with potentially a greater number of visual receptors, including residents of Castle Barns, Four Winds, Broadwaters and properties off the Stourbridge Road (A451) as well as users of the local road and public rights of way networks located to the east of the site.

599. The LVIA considers that without mitigation measures in place there would be the potential for significant adverse effects. It is proposed, however, to integrate into the scheme advanced and progressive visual mitigation measures including tree, shrub and hedge planting; locating the processing plant site approximately 7 metres below adjacent ground levels; construction of temporary seeded / planted soil screening bunds and use of agricultural straw bales for visual screening purposes; and progressive restoration. Subject to the implementation of these mitigation measures, the LVIA considers that no visual receptors would receive a significant adverse effect during the proposed development. It is noted that two public rights of way (WC-624 and WC-626) would require temporary diversions, which would result in a temporary

change of view to that which is currently experienced. However, users of these public rights of way are transient receptors assessed as receiving moderate adverse effects during the diversion period where alternative routes would be provided. Post restoration it is assessed that landform and land uses would reflect and enhance the visual amenity of the site to the benefit of local receptors.

600. The Environmental Statement and LVIA recommend a number of mitigation measures, these include progressive working / restoration; detailed aftercare scheme; limiting extraction areas to include only areas with more enclosed and contained visual landscape in the eastern area, to exclude the easternmost section of the application site; use of distance standoffs from residential properties; advanced avenue tree, shrub and hedgerow planting; seeded and maintained temporary soil storage and screening bunds; lowering the processing plant site to approximately 7 metres below adjacent ground levels; the creation of agriculturally managed parkland with pocket parks; and provision of additional public rights of way and permissive routes.

601. The LVIA considers the visual impacts of the proposal from a number of specific viewpoints. In relation to views from the former Lea Castle Hospital site, the LVIA states that the proposed development extraction phases would be screened behind the existing outer eastern facing ridge / higher ground of the site combined with proposed temporary screening bund measuring approximately 4 to 5 metres high and tree and shrub planting. The vast majority of the outer eastern facing fields within the application would not be disturbed. The magnitude of effect would be low, and the overall effect would be slight adverse. Post-restoration the view would be very similar to the existing baseline, resulting in a neutral effect.

602. With regard to views from Wolverhampton Road (A449) and Park Gate Road (B4189) to the east of the proposal, the LVIA considers that the proposed extraction phases would not be observed from this location. They would be screened by existing landform and / or hedgerows, and / or screened along this road corridor by new planting and soil bunds measuring approximately 4 to 5 metres high. The magnitude of effect is assessed as very low, and the overall effect would be minimal adverse. Post-restoration the view would be very similar to the existing baseline, resulting in a neutral effect.

603. The Head of Planning and Transport Planning also notes that the applicant is proposing to continue to farm the far eastern bund (bund 18), which would visually screen the proposal from views from the east, including from the former Lea Castle Hospital site and Wolverhampton Road (A449). By continuing to farm this bund, it would further assist with merging the bund into the eastern ridge and its landscape setting.

604. With regard to the views from the residential properties at North Lodges located to the north-east of the application site, the LVIA states that the proposed western extraction phases would be screened from view by a combination of landform and vegetation. The proposed eastern extraction phases would be observable from upper rear windows. Proposed mitigation measures include initially working eastwards within Phase 4 and then northwards within Phase 5. This would allow the quarry to develop behind the face / undisturbed ground. The southern slopes of Phase 4 would be progressively restored which would ensure views of the upper margins of this phase would be minimal in physical area and duration of disturbance. The magnitude

of effect is assessed as low, particularly because the potential views from the properties / curtilage would be panoramic of the wider landscape and the overall effect would be slight adverse. Post restoration the LVIA states that the view would be very similar to the baseline with a variation in topography and landform designed to be similar to that of the local area, resulting in a neutral to slight adverse effect.

605. With regard to views from Castle Barns, located adjacent to the north-eastern boundary of the application site, the LVIA states that the proposed eastern extraction phases would be screened from potential view by existing topography and landform, together with hedgerows combined with the proposed mitigation / soil screening bunds measuring approximately 3 metres high and tree, shrub and hedgerow planting and strengthening. The extraction phases would also operate behind the existing ridge line. The magnitude of effect is assessed as very low to low, principally associated with the creation of mitigation screening works and the overall effect would be slight to moderate adverse. Where there are external views from receptors in Castle Barns, they would be panoramic and not directed towards the site boundary. Post restoration the views would be very similar to the baseline resulting in a neutral effect.

606. With regard to views from the private access track into Castle Barns, the LVIA states that the eastern extraction area would be observed from points along this vehicle track. To limit and mitigate potential views of the development, it is proposed to place a temporary soil screening bund, measuring approximately 3 metres high, located along the northern boundary of Phase 5 which would be seeded and maintained combined with extracting mineral within Phase 4 in an easterly direction and Phase 5 a northerly direction, so that the working face is generally set behind higher ground, set down below the skyline. A new hedgerow would also to be planted along the northern boundary of Phase 5 during the initial works phase which would allow for approximately 7 years growth before Phase 5 is worked. Soil stripping operations and initial extraction would be visible. This disturbance would be short-term and reduced by progressive restoration of initially worked higher ground within Phase 4. The LVIA considers that the magnitude of effect would be low to medium, and the overall effect would be slight to moderate adverse. Post restoration the view would be very similar to the baseline with a variation in topography and landform designed to be similar to that of the local area, resulting in a neutral to slight adverse effect.

607. With regard to view from the village of Cookley, the LVIA states that all aspects of the proposed western extraction area and processing plant site would be screened by the existing landform. For some parts of Cookley (such as Woodlands Road / Westhead Road located in the south-west of Cookley), it may be possible to see higher ground within the proposed eastern extraction area from the upper rear windows of these properties. The magnitude of effect is assessed as neutral to very low, and the overall effect would be neutral to slight adverse. Post restoration there would be no noticeable change in baseline views, resulting in a neutral effect.

608. With regard to views from Keepers Cottage to the north of the application site, the LVIA states that all extraction phases and the proposed processing plant site would be screened from view by a combination of existing landform and vegetation structure, and temporary soil screening bunds measuring approximately 3 metres high. The magnitude of effect is assessed as very low, and the overall effect would be

slight adverse. Post restoration the view would be similar to the baseline resulting in neutral to slight beneficial effect, resulting from enhanced planting.

609. With regard to views from Lea Castle Equestrian Centre, the LVIA states all mineral extraction phases, and the proposed processing plant site would be screened from view by temporary soil screening bunds measuring approximately 3 metres and 6 metres high. The magnitude of effect would be low, and the overall effect would be slight adverse. Post restoration the view would be very similar to the baseline but with enhanced avenue tree planting, resulting in a low magnitude of effect, and an overall moderate beneficial effect.

610. With regard to views from the Bungalow, located to the north of the site, the LVIA states that without any mitigation measures in place residents of the Bungalow would have the potential to view quarry operations within the proposed western and eastern extraction areas. To prevent views of the operations and to mitigate / reduce potential effects, the applicant is proposing to initially create a screening bund in an arc around the north-eastern boundary of Phase 1, measuring approximately 6 metres high, and to restrict mineral extraction to approximately 77 metres from this property. This bund would be seeded and maintained and be in place for approximately 9 months. At this point a new temporary soil bund measuring approximately 3 metres high would be created on the northern boundary of Phase 2 and seeded, and the initial bund in Phase 1 would be removed. This bund would be in place for approximately 12 months to allow for mineral extraction and restoration within Phase 2. As mineral extraction and restoration progresses southwards to Phase 3 a third temporary screening bund would be constructed, measuring approximately 4 metres high to restrict views of the operations from receptors at the Bungalow, at a distance of approximately 230 metres from the Bungalow. Progressive restoration would also take place behind the temporary bunds to help ensure that when they are removed views of restored agricultural parkland, and the wider peripheral woodland block and higher ground in the distance would be returned. The magnitude of effect is assessed as medium, and the overall effect would be moderate. Post restoration the view would be very similar to current baseline, with a low beneficial magnitude from the re-establishment of parkland trees resulting in a moderate beneficial effect.

611. With regard to views from bridleway WC-626, the LVIA states that to the east, mineral extraction phases would be screened by a seeded and vegetated bund measuring approximately 4 to 5 metres high, with the processing plant site being located below ground level. To the west, approximately a third of the existing views along the track would be temporarily changed at any one-time during Phases 1, 2 and 3. The change involving a combination of temporary seeded soil screening bunds measuring approximately 3 and 4 metres high, and agricultural hay bales containing and screening the individual operational phases, working and restoration and placement of bunds / bales being progressive. The magnitude of effect is assessed as medium, and the overall effect would be moderate. Post restoration the LVIA consider that there would be a similar adjacent landform to the existing, dipping westwards within an agricultural parkland setting to wildlife enhanced southern, western and northern boundaries. New tree avenue planting would line the access track / bridleway. To the east, restored land would be undulating and integrate into the agricultural parkland setting. This would result in a medium magnitude of effect with the overall effect of moderate beneficial with the re-establishment of Lea Castle Parkland features.

612. Notwithstanding the above assessment by the LVIA, the Head of Planning and Transport Planning considers that there would be views from the bridleway WC-626 of Phase 1, albeit some of the views would be distant, and views would be partially constrained by soil screening bunds and minimised due to the direction of working, being contained behind the quarry face. During Phase 2, views from bridleway WC-626 would be largely screened by a combination of soil screening bunds and hay bales, although distant contained views from the south of bridleway WC-626 would be possible. During Phase 3, views from the north of bridleway WC-626 would be screened, but there would be open views from the south of bridleway WC-626 into Phase 3, albeit users of the bridleway would be transient. In view of this, conditions are recommended requiring details of hay bales and soil screening bunds to assist with further visually screening the proposed extraction phases, particularly from bridleway WC-626 during Phase 3.

613. With regard to views from residential properties off Brown Westhead Park located immediately to the west of the application site, the western extraction area extraction phases would be located between approximately 76 to 127 metres from the boundary of these properties, set behind a temporary seeded soil screening bund, measuring approximately 5 metres high. The LVIA states that the magnitude of effect is assessed as very low to low, and the effect would be slight to moderate adverse. Post restoration, the view would be very similar to the current baseline, resulting in a neutral to very low beneficial magnitude of effect and a neutral to slight beneficial effect.

614. With regard to views from the grounds of Heathfield Knoll School and First Steps Day Nursery, the LVIA states that the proposed extraction Phases 1 to 3 are located to the north of school. The extraction phases would be set back from Wolverley Road (B4189), behind an existing wall, trees / shrubs and during Phase 3 when the mineral extraction is closest to the school, a proposed temporary soil screening bund, measuring approximately 3 metres high. The magnitude of effect is predicted to be neutral, and the overall effect would be neutral. Post restoration the view would be similar to the current situation, resulting in a neutral effect.

615. With regard to views from South Lodges, which are located adjacent to the southern boundary of the application site, the LVIA states that the proposed Phases 1 to 3 and processing plant site would be visible if no mitigation measures were in place. However, the applicant is proposing to install temporary soil screening bunds measuring approximately 3 metres high and straw bales to restrict views of the proposal. The magnitude of effect is assessed as low, and the overall effect would be moderate adverse. Post restoration the LVIA considers that the view would be similar to the baseline, resulting in a very low beneficial magnitude of effect and a slight beneficial effect.

616. The view looking north towards the site from Sion Hill Road (C2136) is contained by existing walls, railings, vegetation and built structures. The extraction phases and other quarry development operations would be generally screened from view by existing built and established vegetative. During Phase 3, a soil screening bund measuring approximately 3 metres high, running along the southern boundary of the extraction area is also proposed. The magnitude of effect is assessed to be very low and overall effect would be minimal. Post restoration the view would be very similar to the baseline, resulting in a neutral effect.

617. With regard to the view from Broom Cottage, located to the east of the proposed access on the southern boundary of the site, from this bungalow and its garden, the LVIA considers that there would be views towards the propped processing plant site, new vehicle access and extraction Phases 4 and 5 and potentially towards the western extraction area. However, existing walls, vegetation and immediate local landform features screen the majority of potential views of the development. Proposed seeded soil bunds measuring approximately 3 metres and 4 metres high, and the mitigation of placing the processing plant at a low level would further limit the potential for views. It is also proposed to allow the hedges around the bungalow / garden periphery to further grow up by approximately 2 metres high, which would screen views of the potential site operations. The magnitude of effect would be low, and the overall effect would be moderate adverse. Post restoration the view would be very similar to the baseline, resulting in a neutral effect.

618. The Environmental Statement and LVIA conclude that the landscape and visual effects resulting from the proposed development would be temporary, progressive and localised and not significant. Progressive restoration to the post restoration scheme provides opportunities for both enhanced landscape, visual and amenity wellbeing which would result in beneficial effects. In considering the potential for cumulative visual effects, the Environmental Statement and LVIA confirm that the permitted residential development and the allocated site in the adopted Wyre Forest District Local Plan at the former Lea Castle Hospital site have been considered. The cumulative effect upon visual amenity for both operational and restoration periods was assessed to be neutral and not significant.

619. As part of the Regulation 25 Request Submission (October 2020), in response to the County Landscape Officer and Hereford and Worcester Gardens Trust recommending that the applicant undertakes a review of the landscaping strategy in order to give greater priority to tree and hedge planting in those areas not constrained by extraction works. The applicant clarified that some advanced planting has already taken place along the north-eastern boundary of the site and that the underplanting and strengthening of existing hedgerows within the eastern area of the site would take place (including hedgerow trees) in the first available planting season should planning permission be granted. An additional native woodland block measuring approximately 30 metres wide is also proposed along the western boundary of Phases 2 and 3.

620. In response to the original comments from the County Landscape Officer and Hereford and Worcester Gardens Trust requesting the protection measures for the avenue of trees, in particular the proximity of proposed bunds, the applicant submitted a detailed drawing demonstrating the proposed bund would be set back from the root protection zone of the trees within the avenue. The applicant also confirmed that the avenue of trees would be protected in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction'.

621. The County Landscape Officer has been consulted and raises no objections to the proposal, subject to the imposition of conditions requiring the implementation of a CEMP, LEMP and longer-term aftercare scheme.

622. The County Landscape Officer welcomes the proposals to plant trees as part of parkland-style restoration (approximately 170 avenue and parkland trees), together

with a network of acidic grassland, and the applicant's confirmation that planting along the eastern boundary would be prioritised and notes that a native woodland block would also be planted along the western boundary of Phases 2 and 3.

623. In response to the Regulation 25 Submission (July 2021), the County Landscape Officer states that he welcomes the clarification provided by the applicant to their previous comments regarding tree protection assurances, phased and prioritised restoration, landscape planting, tree avenue species selection and a long-term aftercare period, which addresses all his previous concerns / comments.

624. The Hereford & Worcester Gardens Trust raise no objections to the proposal stating that they are satisfied that their previous concerns (which included clarification regarding the timing of planting, visual impact of restored landform, consider the avenue should be planted with a single tree species, oak added to the planting specification for hedgerows, beating up of hedgerows (replacing trees which have died) and planting of additional parkland trees) have now been addressed. They also acknowledge the revised landscape sections that indicate that the retained and replanted avenue would not be seen as a strip of elevated land across the site.

625. The Head of Planning and Transport Planning notes the concerns of local residents, Wyre Forest District Council and the CPRE regarding the visual impact of the proposal, particularly the eastern section of the site; and the CPRE's comment that extraction from the slope above A449 would have a considerable landscape impact. However, the Head of Planning and Transport Planning concurs with the conclusions of the LVIA, noting the proposed mineral extraction would be effectively screened from views from the former Lea Castle Hospital site and Wolverhampton Road (A449) by a combination of the existing topography, proposed visual screening bund, which would measure approximately 4 to 5 metres high (and would be farmed) and the advance planting. It is also noted that the field immediately adjacent to Wolverhampton Road (A449) although contained within the redline boundary, no mineral extraction or development is proposed within this area.

626. The Head of Planning and Transport Planning acknowledges the concerns of local residents in relation to visual impacts upon the residents of Harriers Green, James Road and Highfield Road, but given the distance from these properties, which are located approximately 885 metres to the south of the site and due to the distance and intervening built development, it is considered that there would not be an unacceptable visual impact upon these dwellings.

627. In response to concerns from local residents and Wolverley and Cookley Parish Council that the proposal would create a crater in the parkland and concerns regarding the amount of infill, it is noted that the 0.6 million tonnes in fact refers to 0.6 million cubic metres, rather than tonnes. This equates to approximately 1,020,000 tonnes. Notwithstanding this, the Head of Planning and Transport Planning concurs that in certain areas of the site there would be a significant reduction in ground levels (approximately 7 metres) compared with the current baseline, however, the applicant has sought to grade the site levels, with the proposed restored ground levels and gradients being generally between approximately 1 in 8 and 1 in 30, gradients which are currently present within the site and the adjoining land area. In addition, the proposed planting would help to further assimilate the site into its landscape setting. In view of this, the Head of Planning and Transport Planning does not consider the proposed restoration scheme would appear as a crater.

628. The Head of Planning and Transport Planning considers that should planning permission be granted, conditions should be imposed requiring a long-term aftercare period; restoration scheme; phasing; detailed design of plant, structures and buildings; limiting height of stockpiles; details of boundary treatments; details of soil screening bunds and hay bales; lighting scheme; annual topographical survey; CEMP for biodiversity; BEMMP; LEMP; and interpretation scheme for landscape.

629. In view of the above and based on the advice of the County Landscape Officer and Hereford and Worcester Gardens Trust, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including views from public rights of way, in accordance with Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Historic Environment

630. Letters of representation have also been received objecting to the proposal on heritage grounds, in particular impacts upon the Conservation Area, Listed Building and non-designated heritage assets, archaeology, the historic park of Lea Castle and the associated historic boundary wall.

631. Wolverley and Cookley Parish Council object to the proposal on the grounds of adverse impact upon the historic boundary wall and notes that the wall is already in poor state of repair, and any vibration impacts may cause the wall to collapse causing a health and safety issue. They also consider the proposal would have an adverse impact upon the Staffordshire and Worcestershire Canal Conservation Area.

632. There are a number of heritage assets within the vicinity of the application site, as outlined within 'The Site' section of this report.

633. Policy WCS 9: Environmental assets within the adopted Worcestershire Waste Core Strategy refers to considering the effect of the proposal on designated and non-designated heritage assets and their setting.

634. Policy SP.20 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan states that *"all development within Wyre Forest District will be expected to exhibit high quality design...and where appropriate, enhance cultural and heritage assets and their settings"*. Policy SP.21 - 'Historic Environment' of the adopted Wyre Forest District Local Plan states that *"development proposals should protect, conserve and enhance all heritage assets and their settings, including assets of potential archaeological interest, subject to the provisions of Policy DM.23 (Safeguarding the Historic Environment). Their contribution to the character of the landscape or townscape should be safeguarded and protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of Wyre Forest District"*. Policy DM.23 - 'Safeguarding the Historic Environment' of the adopted Wyre Forest District Local Plan states that *"proposals likely to affect the significance of a heritage asset (including the contribution made by its setting or any important vistas or views) should be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed by a qualified and / or experienced heritage professional. This will usually be in the form of*

a Heritage Statement. Where there is potential for heritage assets with archaeological interest to be affected, this description should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets”.

635. Policy DM.28 - ‘Wyre Forest Waterways’ of the adopted Wyre Forest District Local Plan states that *“all development proposals affecting the Staffordshire and Worcestershire Canal Conservation Area (a designated heritage asset) must comply with the requirements of Policy DM.23 Safeguarding the Historic Environment”.*

636. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.* 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”.*

637. With regard to heritage assets, paragraph 195 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”.*

638. Paragraphs 199 and 200 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... should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II* listed buildings...should be wholly exceptional”.*

639. Paragraphs 201 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...”*

640. The PPG at Paragraph Reference ID: 18a-018-20190723 states *“whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an*

important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting...".

641. 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..."*.

642. The PPG at Paragraph Reference ID: 18a-013-20190723 states that *"the extent and importance of setting is often expressed by reference to 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..."*.

643. The application was accompanied by an Archaeological Desk-Based Assessment and Written Scheme of Investigation, which includes Geophysical Surveys. The Assessment identified 3 Listed Buildings in the study area (The Grade II Listed Buildings of 'Sion Hill House', 'Wolverley Court' and 'North Lodges and Gateway to Lea Castle').

644. With regard to potential impacts upon Sion Hill House, the Assessment states that it is an early 18th century house which was remodelled in the early 19th century and has been subject to some later alterations. Historic and current mapping indicate it was set in landscaped grounds which were limited to the south of Wolverley Road (B4189) and east of Sion Hill Road (C2136). As a Grade II listed building the Assessment considers it to be of regional significance, but as there is no intervisibility between the house or its landscape setting, it was effectively scoped out of further assessment because there are no identified potential impacts.

645. With regard to potential impacts upon Wolverley Court, the Assessment states that it is a house located on the edge of the study area, which was built around 1600 and heavily remodelled in the early 19th century. It is now a nursing home. As a Grade II listed building, the Assessment considers it to be of regional significance but as there is no intervisibility between the house or its setting, it was effectively scoped out of further assessment because there are no identified potential impacts.

646. With regard to potential impacts upon North Lodges and Gateway to Lea Castle, the Assessment states that it was built in the early 19th century as one of two formal entrances into the Lea Castle estate and has been subject to some mid-20th century

alterations. Historic mapping indicates much of the estate was parkland, with the lodges set in a belt of woodland designed to screen the parkland from the Broadwaters to Cookley Road, with further blocks of trees providing additional screening between the lodges and the rest of the estate. The lodges remain set in a block of mature woodland but much of the remains of the estate has been converted from parkland to farmland, and a new road entrance built to the north. As a Grade II listed building, the Assessment identifies it is of regional significance. The Assessment identifies that there would be a minor adverse impact on the setting of this listed building. However, it is considered that the proposed restoration of the parkland features, including tree lined avenue and Broom Covert (woodland block) would reduce the long-term impact of the proposal to an insignificant level. It is noted that the LVIA states that the proposed eastern extraction phases would be observable from upper rear windows of North Lodges. Proposed mitigation measures include initially working eastwards within Phase 4 and then northwards within Phase 5. This would allow the quarry to develop behind the face / undisturbed ground. The southern slopes of Phase 4 would be progressively restored which would ensure views of the upper margins of this phase would be minimal in physical area and duration of disturbance, and any potential views would be panoramic of the wider landscape.

647. With regard to potential impacts upon Staffordshire and Worcestershire Canal Conservation Area, the Assessment states that no intervisibility exists between canal and the site due to the presence of mature trees and the natural topography. As such, the Assessment effectively scoped it out of further assessment because there are no identified potential impacts.

648. Wyre Forest District Council Conservation Officer originally stated that they have no issues with the assessment criteria or the conclusions of the assessment in general, however, they had concerns in relation to impacts upon the Staffordshire and Worcestershire Canal Conservation Area, as it was excluded from further assessment because it is totally screened by trees and topography. The Conservation Officer was concerned that the nature of the proposed development may create noise, dust or other environmental conditions which have a harmful impact on the intrinsic character of the Canal Conservation Area as experienced by those within it. Therefore, the potential noise, dust or other environmental impacts affecting flora and fauna within the Conservation Area should be considered by the relevant consultees.

649. In response, the applicant submitted further information as part of the Regulation 25 Request Submission (October 2020) stating that the Canal Conservation Area is located at a distance of approximately 80 to 500 metres from the proposed mineral extraction and progressive restoration scheme and set down and contained by both higher ground and a strong vegetation cover. A Noise Assessment Report accompanied the application, which identified the land between the Canal Conservation Area and residential area as a receptor. The Assessment concluded that the calculated noise levels to noise receptors were in accordance with the objectives of the NPPF and PPG, complying with specified noise limits. The applicant states that the Canal Conservation Area is located further away from this receptor and the proposed development and is also set at a lower elevation further reducing and dispersing potential effects from noise.

650. In respect of potential air quality / dust impacts upon the Canal Conservation, the submitted Dust Impact Assessment considered that any dust occurrence event would be limited and of short duration and would be minimised by implementation of dust

control mitigation means. The site's immediate western boundary is also heavily vegetated with trees and shrubs. Overall, the Assessment concludes that the effect on air quality / dust impacts of the proposed development would not be significant. In view of previous desktop and site survey investigations, the applicant considers that there would be no physical change to the Canal Conservation Area and the historic setting, the intrinsic character and the general amenity experience of being within the Conservation Area would not visually change because of its enclosed wooded nature nor be harmed by either noise or dust from the proposed application.

651. Wyre Forest District Council Conservation Officer has subsequently raised no objections to the proposal, stating that the assessments have identified and described the significance of the various heritage assets and is thus in accordance with the NPPF. The Conservation Officer states that he has no issues with the assessment criteria or the conclusions of the assessment in general. However, with regard to noise and dust and other environmental impacts upon the Conservation Area, the Conservation Officer raises no objections subject to the relevant technical consultees also raising no objections to the proposal. The Head of Planning and Transport Planning notes that the Environment Agency and Worcestershire Regulatory Services both raise no objections to the proposal, subject to the imposition of appropriate conditions. Based on this advice, the Head of Planning and Transport Planning considers that the proposal would not harm the significance of the designated heritage of the Staffordshire and Worcestershire Canal Conservation Area.

652. In view of the above matters, the Head of Planning and Transport Planning considers that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage asset of North Lodges and Gateway to Lea Castle. Notwithstanding this harm is less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of the designated heritage asset. Consequently, the fact of harm to a designated heritage asset is still to be given more weight than if it was simply a factor to be taken into account along with all other material considerations.

653. Paragraph 202 of the NPPF states *"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"*.

654. The PPG at Paragraph Reference ID: 18a-020-20190723 confirms that *"public benefit 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 should 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"*.

655. Having given 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 66), and paragraph 202 of the NPPF, it is considered that subject to the imposition of a number of appropriate conditions including a progressive phasing scheme; restoration schemes; long-term aftercare period; LEMP; restricting the

working hours; requiring the permission to be restored within a set timescale; lighting details; noise and dust management plans; and interpretation scheme for historic environment, that on balance, in view of the public benefits of the proposal, namely the creation of a small number of direct employment opportunities (approximately 11 employees), as well as contributing to the wider growth aspirations for the County through the supply of local aggregates to the construction market, that this outweighs the temporary and less than substantial harm to the designated heritage asset.

656. Paragraph 194 of the NPPF states that "*where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".

657. With regard to archaeology, the Archaeological Desk-Based Assessment considers that overall, there is limited evidence of prehistoric and Roman activity in the study area (the site and 1 kilometre radius) in the form of isolated find spots of various dates and the identification of the geological deposits which may have potential for Palaeolithic remains to survive. There is also limited evidence for early medieval and medieval activity in the study area, and early prehistoric mapping indicates that the site was probably agricultural (or common) land until the late 18th or early 19th century. Evidence for any activity of the prehistoric, Roman, early medieval and medieval periods would likely be considered informative at local or regional level and, therefore, of local to regional significance. However, given the very limited representation of such material within the study area the Assessment indicates that the potential for survival of assets dating to these periods within the site is low.

658. The Assessment states that historic mapping and other documents indicates that the site was developed as parkland around Lea Castle during the early 19th century. The park was sold off around the 1930s or 1940s and the parkland was converted to agricultural use which has compromised the value of the park. The western part of the site was also used as a grass landing strip. Any archaeological evidence from the post medieval and modern periods would probably relate to agriculture, parkland, and / or the landing strip and, therefore, considered as only locally informative, and of low or negligible significance.

659. Historic England has been consulted and comment that they do not wish to offer any comments on the application and recommend that the MPA seeks the views of the District Council's / County Council's specialist conservation and archaeological advisers, as relevant.

660. In respect to archaeological impacts, the County Archaeologist has no objections to the proposal, subject to the imposition of appropriate conditions including a programme of archaeological work.

661. The County Archaeologist broadly concurs with the assessment presented in the Cultural Heritage Statement and Desk-Based Assessment with regard to archaeological resource and impacts upon the historic environment. The County Archaeologist considers that the applicant has submitted enough information in order to determine the application in accordance with paragraph 194 of the NPPF.

662. There is a wide range of non-designated features within and in the vicinity of the proposal, in particular the proposal would be located within the former Lea Castle

Park. The Assessment states that generally preservation of the former Lea Castle Park is poor, and its quality has been compromised by its use as agricultural land for 50 or more years. As such the park is only considered of local significance. The Assessment states that the proposed development does not directly impact on any of the surviving park features except one short section (approximately 50 metres long) of former park boundary wall to form the site access, and the restoration scheme would ultimately result in the reinstatement of the wall, as well as the tree-lined avenues and Broom Covert (woodland block). As such the impact of the development is overall considered to be not significant on the former park.

663. In response to Wolverley and Cookley Parish Council's comments regarding the historic boundary wall, the applicant has confirmed that the wall's structural integrity has been assessed and is considered safe. There are sections of the wall where upper brick courses have been removed. The landowner has confirmed that these sections would be repaired, separate to this application. Based on the advice of the County Archaeologist, a condition is recommended to be imposed requiring a scheme for the removal, protection and reinstatement of the historic boundary wall.

664. The Assessment also identifies 17 non-designated built heritage assets in the study area, including the locally listed South Lodges, adjacent to the southern boundary off the site, located approximately 64 metres from the proposed mineral extraction; animal sheds and threshing barn are recorded at the Lea Castle Farm, located about 150 metres north of the application site; the red brick boundary wall which surrounds the Lea Castle Park; Broom Cottage is located adjacent to the southern boundary of the application site, approximately 65 metres from the proposed mineral extraction. Keepers Cottage, which is located approximately 170 metres north of the proposed mineral extraction. The remains of a ha-ha (a type of sunken fence that was commonly used in landscaped gardens and parks in the 18th century) are visible under undergrowth adjacent to the northern site boundary. A lodge for Sion Hill House (locally listed) is located on the south side of Wolverley Road (B4189), opposite the South Lodges, located approximately 20 metres south of the application site, and approximately 84 metres from the proposed mineral extraction. The Assessment states that the remaining undesignated built heritage assets recorded in the study area are not associated with Lea Castle Park, and as they are visually screened from the site they are effectively scoped out of further assessment because there are no identified potential impacts.

665. The Assessment considers that due to the proposed mitigation measures, such as construction of visual screening soil bunds, phased extraction and restoration, and locating the proposed processing plant area approximately 7 metres below existing ground levels, any impact to these non-designated heritage assets would be minor adverse during mineral extraction. Given that the proposal includes reinstatement of the site to agricultural activity, replanting the parkland avenues with rows of trees, and restoration of Broom Covert (woodland block), the long-term impact of the mineral extraction on the setting of these features is considered to be not significant. The Assessment states that other built heritage assets in the study area are visually screened from the site and have been scoped out of further consideration.

666. The Gardens Trust wish to make no comments, as the proposal is unlikely to impact upon any Registered Park or Garden and note that their colleagues in the Hereford and Worcester Gardens Trust have responded to this consultation on their behalf, and they have no further comments to make.

667. The Hereford and Worcester Garden Trust note that the application site extends over approximately half the area of the 19th Century Park at Lea Castle, which is not a Registered Park or Garden, however, it is still of considerable local interest and contributes to the landscape character and cultural and historical understanding of the Parish of Wolverley. The central and eastern sections of the park are within the application site boundary and still retain a parkland character, albeit a degraded one. There are few parkland trees remaining, and only the remnants of the original tree avenue to the Castle and the grassland have generally been converted to agriculture.

668. The Hereford and Worcester Garden Trust have no objections to the proposal stating that they are satisfied that their previous concerns (which included clarification regarding the timing of planting, visual impact of restored landform, consider the avenue should be planted with a single tree species, oak added to the planting specification for hedgerows, beating up of hedgerows (replacing trees which have died) and planting of additional parkland trees) have now been addressed.

669. The advice contained at paragraph 203 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 Wyre Forest District Council's Conservation Officer, the County Archaeologist and the Hereford and Worcester Garden Trust, the Head of Planning and Transport Planning 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.

670. In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon heritage assets, in accordance with Section 16 of the NPPF, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.21, DM.23 and DM.28 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Ecology, Biodiversity and Geodiversity

671. Letters of representation have been received objecting to the proposal on the grounds of adverse impacts upon ecology and biodiversity, in particular adverse impacts on statutory protected wildlife sites, birds, insects, amphibians, reptiles, mammals including dormice, otters, bats and badgers.

672. Wolverley and Cookley Parish Council raise concerns regarding the ecological impacts of the proposal including impact on roosting bats, breeding birds, invertebrates, hedgerows and trees.

673. The District Council raise concerns that the proposal would result in the loss of mature trees, including a significantly important veteran tree. Furthermore, the trees shown to be retained are close to the development and would be under immense pressure to be felled or have works carried out to the detriment of the visual amenity of the locality. The loss or potential loss of these trees adversely impacts on the visual amenity of the area, the character of the landscape and ecologically.

674. Policy WCS 9: 'Environmental Assets' of the adopted Worcestershire Waste Core Strategy, includes ensuring that proposals will have no unacceptable adverse impacts on international, national or locally designated or identified habitats, species or nature conservation sites. Policy WCS 10: 'Flood risk and water resources' of the adopted Worcestershire Waste Core Strategy refers to ensuring that proposals would *"have no likely significant effects on any internationally designated sites"*.

675. Policy SP.22 - 'Landscape Character' of the adopted Wyre Forest District Local Plan refers to *"planning policies and decisions should contribute to and enhance the national and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils"*.

676. Policy SP.23 - 'Protecting and Enhancing Biodiversity' of the adopted Wyre Forest District Council refers to delivering measurable net gains in biodiversity through the promotion and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations.

677. Policy SP.24 - 'Protecting and Enhancing Geodiversity' of the adopted Wyre Forest District Local Plan states that *"new development must strive to enhance and not have a detrimental impact on geodiversity of the District"*.

678. Policy SP.28 - 'Green Infrastructure' of the adopted Wyre Forest District Local Plan states that *"the existing green infrastructure (and associated blue infrastructure) network will be safeguarded from inappropriate development. New development will be expected to retain, protect, enhance and provide Green Infrastructure (GI) assets (and associated blue infrastructure) by integrating GI into developments and contributing positively to the District's green infrastructure network"*.

679. Policy DM.24 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan refers to trees stating that *"existing trees should be incorporated into development or replacements provided where a tree survey demonstrates trees are not worthy of retention or retention is not possible"*.

680. Policy DM.26 – 'Landscaping and Boundary Treatments' of the adopted Wyre Forest District Local Plan refers to landscapes schemes must demonstrate a range of criteria including *"predominantly use local native species to protect and improve biodiversity"*.

681. Paragraph 131 of the NPPF states that *"trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that...opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible"*.

682. Section 15 of the NPPF paragraph 174 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including "a) protecting and enhancing...sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan); ...d) minimising impacts on and providing*

net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

683. Paragraph 180 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".*

684. Details of the nearest statutory and non-statutory designated wildlife sites are set out in 'The Site' section of this report.

685. The application submission includes an Environmental Statement which contains an 'Ecology and Biodiversity' section and accompanying Ecological Impact Assessment and a suite of ecological surveys, including Preliminary Ecological Appraisal Report, Breeding Bird Survey, Bat Roost Survey, Bat Activity Survey, Updated Bat Report, Reptile Survey, Dormouse Survey Report and Otter Survey Report.

686. The Environmental Statement considers the impacts upon air quality and potential dust emissions arising from the proposal effecting designed and non-designated wildlife sites. The impacts of dust are considered in further detail in the 'Residential amenity' section of this report. The Environmental Statement concludes that there are likely to be negligible effects due to the distance of these wildlife site from the application site.

687. The Environmental Statement also considers hydrological changes as a result of the proposal impacting upon designed and non-designated wildlife sites, which is considered in further detail in the 'Water environment' section of this report. The Environmental Statement concludes that that the proposed mineral extraction is not anticipated to impact the hydrological levels in the wider area due to the operations not intercepting the water table and, therefore, there would be no sub-water table working or dewatering and no drawdown-related impact upon groundwater levels and flows.

688. Notwithstanding the above, Natural England, the County Ecologist and Wyre Forest District Council's Countryside and Parks Manager considered that the proposal has the potential to have significant environmental effects upon Hurcott and Podmoor Pool SSSI, Hurcott Pasture SSSI, Stourvale Marsh SSSI and Puxton Marshes SSSI. In view of this, further information was requested on how the potential for continuity between the aquifer and the designated sites have been considered; clarification in relation to the proposed land drainage scheme to ensure long-term efficacy; and clarification in relation to monitoring and mitigation scheme.

689. In response, the applicant demonstrated that groundwater beneath the site is located down hydraulic gradient of the protected Hurcott and Podmore Pool SSSI and Hurcott Pasture SSSI and hence is not contributing to flows through these protected

sites and Stourvale Marsh SSSI and Puxton Marshes SSSI are separated from the proposed development by the Staffordshire and Worcestershire Canal and, therefore, there is negligible potential for the development to result in negative impact to these SSSIs.

690. Natural England also raised concern with regard to the long-term efficacy of the proposed drainage scheme in relation to the potential for degradation of groundwater quality (through accidental spillages during operations or through placement of inert waste) and potential for reduced groundwater recharge and disruption of recharge patterns due to placement of lower permeability inert waste.

691. In response, the applicant confirmed that the submitted Hydrological and Hydrogeological Impact Assessment recommends for a fluid handling protocol in order to limit the potential for accidental spillages during site operations. The protocol includes requirements for maintenance and checking of plant, for safe fuel storage and for inclusion of contingency spill kits to be held on site.

692. With regard to the potential for degradation of water quality due to inert infill placement, which is considered in further detail in the 'Water environment' section of this report, the applicant confirmed that this would be governed by regulation through the Environmental Permitting process. This would include requirement for a Hydrogeological Risk Assessment to be completed. The Hydrogeological Risk Assessment would assess the site setting and risks to / sensitivity of local receptors, the proposed nature of imported material and the need or otherwise, for additional controls (e.g., a liner or specific limitation on quality of waste imported).

693. In view of the above, the Environment Agency and Natural England raised no objections subject to the imposition of appropriate conditions, which include a groundwater, surface water and quality monitoring scheme, and maintenance of the proposed soakaways in perpetuity. The Head of Planning and Transport Planning also recommends the imposition of a condition requiring details of pollution control measures and pollution incident response procedures.

694. With to protected species, the Ecological Impact Assessment considered the impacts upon a range of species including dormouse, stating that the site offers small areas of sub-optimal habitat for dormouse in the form of hedgerows and woodland. The hedgerows present on the site are mostly defunct and poorly connected to other areas of more suitable habitat. The woodland that surrounds the site provides sub-optimal habitat for this species, due to the lack of varied structure. The woodland is generally without an understorey (a layer of vegetation beneath the main canopy of a woodland) that dormice can use to forage, nest and commute between. This woodland would be retained and unaffected by the proposals. No dormouse nest or characteristically chewed hazel nuts were recorded on the site throughout the surveys, however, only one of the surveys was completed during the optimum time for nut searches (between mid-August and December). Due to the lack of suitable habitat on the site that would be impacted by the proposals, and the lack of connectivity to any habitat that would be impacted by the proposals, the Ecological Impact Assessment assessed the site as being of negligible importance for this species.

695. Notwithstanding the above, in response to comments from the District Council's Countryside and Parks Manager and County Ecologist, as part of the Regulation 25

Request Submission (October 2020), the applicant conducted further dormouse / nut searches. No dormouse nests or chewed hazel nuts were found. During these surveys, all hedgerows within the site boundary were surveyed and the full extent of the woodland surrounding the site was also surveyed as part of the nut searches. This included a small area of hazel located approximately 200 metres to the north of the site boundary.

696. In addition, the applicant states that areas of hedgerow are proposed to be created within the overall site boundary as part of the proposed restoration strategy. This would increase the overall connectivity within the site boundary providing optimal dormouse habitat within the medium to long-term. The creation and enhancement of hedgerows along with planting of native woodland blocks to include hazel and other fruiting, nut and seeding species during the advanced planting and progressive restoration would help ensure that areas of optimal habitat for dormice are created, should dormice migrate to or are introduced to the area over time.

697. In response, the District Council's Countryside and Parks Manager comments that in some locations, the proposed mineral extraction and associated perimeter activities are likely to be close to habitat that may be used by dormice, and he is concerned that whilst woodland and hedgerow may be physically retained, there is potential for disturbance that would result in this retained habitat becoming unusable to dormice. In view of this, he considers that further information is required regarding the levels of offset of quarrying activities from the habitat, and what sort of activities would be permitted at the limit of this offset and whether these levels of disturbance would suffice to cause disturbance to dormice and impact on the amount and connectivity of habitat available to them.

698. Noting the comments of the District Council's Countryside and Parks Manager, the County Ecologist has considered the potential impact upon dormice (should they be present) in detail, as set out in the 'Consultations' section of this report. The County Ecologist states that only nut searches and habitat assessments have been provided and Natural England's standing advice is clear that nut searches cannot, as a method, be used as evidence that dormice are absent from a site. The applicant has stated that *"this project is not considered as a damaging project [for dormice], due to the areas of suitable habitat being retained"*, however, the submitted Ecological Assessment identifies significant and negative impacts from noise, dust and light upon these woodlands, in the absence of mitigation measures. The County Ecologist considers that, even while tolerant to a degree of effects of disturbance, the significant degradation or deterioration of the woodland habitats would inevitably have an adverse effect upon the associated woodland flora and fauna. Therefore, the County Ecologist considers that appropriate mitigation measures to control effects of mineral working to acceptable levels of impact would be required. Assuming appropriate avoidance and mitigation strategies can be implemented regarding control of artificial light at night, dust control and stand-off buffers, the County Ecologist does not anticipate a European Protected Species derogation licence application to Natural England would be needed.

699. In terms of potential effects of fragmentation on dormice, should they occur here, the County Ecologist considers any severance effects are unlikely because the habitat network here is already significantly fragmented by highway and watercourses and the lack of connectivity to other blocks of ancient woodland significantly reduces risk of dormice dispersal to and occupation of woodland or hedgerow features.

700. The County Ecologist concludes by raising no objections, stating that impacts from mineral working which may potentially adversely impact dormice (if present here), could be reasonably controlled through an appropriate avoidance or mitigation strategy. Conditions are recommended to this effect. The Head of Planning and Transport Planning also notes that neither Worcestershire Wildlife Trust nor Natural England have raised objections regarding dormice.

701. With regard to roosting bats the Ecological Impact Assessment states that there were 5 trees on the site that were considered to offer roosting potential for bats. Bat roost surveys were conducted on all 5 trees and a confirmed bat roost was recorded in tree T8 (as referenced in the Tree Condition Survey). This was a single common pipistrelle in 2018. In addition, 1 possible brown long-eared bat roost was recorded in a further tree (tree T9) during 2018. During a survey completed in 2016, one further possible brown long-eared bat roost was also recorded in tree T10. The other 2 trees (trees T25 and T26) did not have any bat roosts recorded during the surveys. Due to the presence of individual bats of common species only (common pipistrelle and possible brown long-eared), the value of the site for roosting bats is considered to be of district, local or parish value.

702. As part of the Regulation 25 Request Submission (October 2020) additional bat surveys were also carried out and tree T5 was assessed to provide a high suitability for roosting bats. Therefore, there are 6 trees (trees T5, T8, T9, T10, T25 and T26) present on the site that were considered to offer roosting potential for bats. The further bat roost survey conducted in 2020 confirmed that there was no evidence of any emerging or re-entering bats recorded during the surveys.

703. The Regulation 25 Request Submission (October 2020) states that although no bats were recorded during the 2020 surveys, bats were present previously during the bat roost surveys in 2016 and 2018. 1 common pipistrelle was seen emerging from tree T8 during the second survey. No other emergence or re-entry activity was observed from this tree during any of the other 2 surveys. It is, therefore, considered that this tree is used as an occasional roost by a single bat. 1 possible brown long-eared bat emergence was recorded from tree T9 during the second survey. No other emergence or re-entry activity was observed from this tree during any of the other 2 surveys.

704. Trees T8, T9 (subject to a TPO), T10 (subject to a TPO) and T26 are proposed to be removed as part of the proposal. As a result, the Regulation 25 Request Submission (October 2020) recommends that should more than 2 years pass between the last survey (September 2020) and the removal of these trees, an update bat roost survey would be required. Should any bats or signs of bats be discovered, then no works can be undertaken on these trees without a licence for the destruction of a roost first being granted by Natural England.

705. The Regulation 25 Request Submission (October 2020) recommends that bat and bird boxes are erected within the boundary woodlands surrounding the western site boundary, recommending that 5 bat boxes and 15 bird boxes should be erected within these woodlands.

706. With regard to commuting and foraging bats, a total of 9 bat species were recorded at the site, therefore, the value of the site for foraging and commuting bats is

considered to be at the district, local or parish scale. The applicant states that the majority of bats were recorded commuting and foraging along the woodland boundaries in the western section of the site. As part of the Regulation 25 Request Submission (October 2020) the applicant submitted dark corridor drawings in relation to commuting and foraging bats. The applicant confirms that these woodlands would be retained during the proposed works. In addition, there would be a bund located along the western boundary of the proposed plant site to ensure these corridors are protected from light pollution during the extent of the works. The applicant states that the hedgerows in the eastern section of the site, although form suitable foraging habitat for bats, there are areas of existing light pollution from the Wolverley Road (B4189), therefore, these hedgerows are not considered to provide optimal foraging corridors for bats. These corridors would be lost during the proposed works but would subsequently be replaced and where existing hedgerows are to be retained, these hedgerows would be enhanced. Following the implementation of the restoration scheme, further areas of woodland planting and hedgerow creation would ensure further dark corridors are provided post restoration and the overall habitats for foraging and commuting bats would a positive impact in the long-term.

707. With regard to otters, the Ecological Impact Assessment states that there are no waterbodies on the site and, therefore, no areas that provide suitable habitat for otter. The River Stour is the closest suitable waterbody for this species. Due to the lack of suitable habitat present on the site, the site is considered to be of negligible importance for this.

708. Notwithstanding the above, in response to comments from the District Council's Countryside and Parks Manager and the County Ecologist, as part of the Regulation 25 Request Submission (October 2020), the applicant submitted an Otter Survey. The Survey concluded that no otters were recorded within the site, or within the adjacent mixed plantation woodland during the surveys. The Survey states that typically, otter holts and resting sites are usually within 50 metres of a watercourse and, therefore, due to the absence during the survey and the distance from the waterbodies, it is considered unlikely that the woodlands are being used by otters for breeding and resting purposes. Furthermore, the presence of a public right of way located between the canal and the River Stour may cause disturbance preventing otters from creating holts. Although no otters were recorded during the time of survey, otters occupy a large home range and, therefore, new otter holts could be created between the time of survey and the proposed extraction of Phase 1. The Survey, therefore, recommends that an update walkover survey to check for otter holts or signs of otters is conducted prior to the commencement of works.

709. With regard to great crested newts, the Ecological Impact Assessment states that no ponds were recorded on the site during the surveys completed in 2016 and 2018 and no ponds were identified within 500 metres of the site boundaries, with the River Stour being the closest waterbody to the site. The River Stour is considered unsuitable for great crested newt due to its fast-flowing nature. The Ecological Impact Assessment notes that during an update survey at the site (February 2019), some habitat removal had been completed immediately outside of the site boundary. The removal of this dense scrub and woodland (presumed to have been removed due to the damage to the external wall) revealed the presence of a very small pond. At the time of the update survey, the pond was full of leaf litter and plastic rubbish. The pond was lined and had a very limited amount of water present. It was of poor quality and was considered highly unlikely to support great crested newt as it had been

previously heavily choked with vegetation and was likely to dry out during the spring and summer months. This pond was assessed using a Habitat Suitability Index method and the pond scored as 'poor' habitat suitability for great crested newts. The site offers small areas of suitable terrestrial habitat for great crested newt in the form of hedgerows and semi-improved grassland. Due to the lack of suitable waterbodies in close proximity to the site, the site is considered to be of negligible importance for great crested newt.

710. With regard to reptiles, the Ecological Impact Assessment states that the site offers small areas of suitable habitat for reptiles in the form of the hedgerows, semi-improved grassland and woodland edge habitat that could be used to forage, bask and commute. Reptile surveys were conducted across the site in 2016 under suitable weather conditions. No reptiles were recorded during these surveys. Subsequent surveys were not considered necessary to be completed in 2018 due to the lack of habitat change on the site or in close proximity to the site. Anecdotal information of inspections of reptile refugia throughout 2018 did not reveal any reptile recordings. It is considered unlikely that grass snake would occur on the site due to the lack of suitable habitat. Due to the lack of reptile records following surveys, the site is considered to be of negligible importance for reptiles.

711. With regard to birds, the Ecological Impact Assessment states that the site supports diverse habitats for nesting and breeding birds in the form of grassland, woodland, defunct hedgerows and arable fields and offers potential as a good farmland bird site. A total of 40 bird species were recorded using the site during the breeding bird surveys in 2018. Of the recorded species, 32 were listed as confirmed, probable or possible breeding species. The site is considered to be of local importance to breeding birds due to the presence of common and widespread habitats and species. The Ecological Impact Assessment also evaluated the site as being of local importance for over-wintering birds.

712. In terms of farmland birds, the 2018 breeding bird surveys identified farmland bird species such as skylark, yellowhammer, linnet and stock dove. It is considered that the works may have a minor disturbance for these farmland bird species, particularly due to the temporary loss of suitable nesting habitat in the form of loss arable fields, tussocky semi-improved grassland and hedgerows, however, it is considered that the proposed phasing strategy would ensure that favourable habitat would be present within the site during the extent of the works.

713. Notwithstanding the above, in response to comments from the District Council's Countryside and Parks Manager and the County Ecologist, as part of the Regulation 25 Request Submission (October 2020), the applicant considered the impact of the proposal upon skylark, stating that as part of the proposed restoration works, the majority of the site would be restored to agricultural land largely similar to what is currently present within the site. In addition, there would be a large area of lowland acid grassland created as part of the restoration works. The applicant considered that the creation of the acid grassland would create greater nesting opportunities for skylarks as this is a constant managed habitat that would be available every year. Whereas with the agricultural land that is currently in place, the chosen crop can vary from year to year, or some years can be left in situ. This means that the quality of nesting habitat available for skylarks can vary depending on the planted crop. Therefore, it is considered that the overall restoration strategy would have a positive impact on the suitable habitats available for skylarks within the local area. Further

benefits of the proposals for skylarks include the phasing of the works. The acidic grassland creation is to be created within Phase 1, so this would ensure that this grassland creation is in place for a large extent of the works. In addition, the phasing plan ensures that by the time the works extend into the eastern boundary of the site, large areas of restoration would be created in the west. This would ensure large areas of skylark nesting and foraging habitat are available during the extent of the works.

714. The applicant states that the creation of additional public rights of way are to largely be created surrounding the site boundary. Skylarks are mainly found in the centre of fields and, therefore, additional disturbance should have minimal impact on nesting skylarks. In addition, the Regulation 25 Request Submission (October 2020) proposes to create skylark plots (bare patches in fields designed to help skylarks to forage) as part of the proposed restoration works.

715. With regard to barn owls, the Regulation 25 Request Submission (October 2020) states that during the surveys conducted in 2020, barn owls have been recorded on multiple occasions roosting in tree T9. This tree has subsequently been checked and no evidence of nesting barn owls has been observed within the tree and, therefore, it is assessed that this species is using the site for roosting and foraging purposes only. As tree T9 is proposed to be removed as part of the works it is recommended that update barn owl surveys are conducted prior to any tree removal. Mitigation for barn owls should include the erection of a barn owl box within the southern boundary woodland (situated as close as possible to tree T9). The applicant states that further enhancements for barn owls include the creation of approximately 7.5 hectares of acid grassland as part of the proposed restoration works.

716. With regard to invertebrates, the Ecological Impact Assessment states that the site supports semi-improved grassland and hedgerows which offer suitable habitat for a range of invertebrates. It is therefore anticipated that a number of invertebrates are likely to occur on the site, as well as in the wider area. The Ecological Impact Assessment assesses the site's ecological value for Invertebrates as of local importance.

717. The Ecological Impact Assessment recommends a number of mitigation and compensation measures which include:

- The creation of arable land, acid grassland, native woodland, scattered and parkland trees, wet grassland / pools and enhanced and new hedgerows
- The retention of external boundary features
- All external hedgerows within the site would be 'beaten up' (replacing trees which have died), to encourage a denser hedgerow with a wider range of native species present
- A minimum of a 10 metres stand-off from the boundary woodland
- Briefing staff as part of their site induction by a suitably qualified Ecologist regarding ecological sensitivities of the site
- Production and implementation of a LEMP
- Phased working and restoration of the site
- Any trenches or holes created by the development would be covered overnight or have a ramp fitted to allow any mammals that may climb into these excavations to escape safely
- Timing of vegetation removal

- Any lighting used must be directed away from the external boundaries and the tree-lined driveway
- As no identified active bat roosts are predicted to be impacted by the scheme, a European Protected Species Licence from Natural England is not considered to be required. However, as a precaution, immediately prior to the felling of trees with bat roost potential, an arboriculturalist and a suitably qualified ecologist would inspect these trees for any signs of bats. Should no signs of bats be present the trees would be soft felled. However, should any bats or signs of bats be discovered, then no works would be undertaken on these trees until a licence for the destruction of a bat roost first being granted

718. The Ecological Impact Assessment states that subject to implementation of the proposed mitigation and compensation measures, the proposed development would not have an unacceptable impact on flora or fauna, and the restoration of the site is considered to provide an overall net biodiversity gain through the creation of enhanced habitats such as acid grassland, woodland and additional hedgerows.

719. The Environment Agency originally commented that the proposed restoration plan does not go far enough to create robust ecological networks that could be utilised by a range of species within the landscape. They recommend that the restoration plan would benefit from creating some areas of permanent water with ephemerally wet pools dispersed between.

720. In response, the applicant states in the Regulation 25 Request Submission (October 2020) that the site is not within a wetland environmental setting. There is no opportunity to create permanent on-site water bodies due to the depth of the water table at the site. It is proposed to include soakaway ponds and SuDS which could contribute to biodiversity. There are significant gains for biodiversity and ecological benefits and associated ecological linkages through the creation, establishment and management of native woodland, hedgerows and acid grassland as part of the advanced and progressive restoration of the site, as demonstrated by the submission of the Biodiversity Net Gain calculations (Defra Biodiversity Metric) for the proposed scheme.

721. The County Ecologist welcomes the submission of the Biodiversity Net Gain Report and accompanying Defra Biodiversity Metric, which presents a headline figure of plus 87.21% net gain for biodiversity when compared to the baseline, which is considered to be commendable. However, the County Ecologist comments that a number of proposed habitats have been identified with 'high' or 'very high' difficulty for creation, with a time to target condition of 30 plus years, therefore, the County Ecologist requests a long-term aftercare scheme covering a period of 30 years, or the metric should be resubmitted so as to demonstrate what biodiversity gain would realistically be secured during an agreeable period of aftercare.

722. The Head of Planning and Transport Planning recommends the imposition of a condition requiring a 30-year aftercare period, should planning permission be granted.

723. The Wyre Forest District Council Countryside and Parks Manager initially raised concerns in relation to a number of matters including potential impacts on nearby SSSIs, bats, otters, skylark, and location of proposed acid grassland, but he confirms that these have now been addressed by the submission of further information.

724. Worcestershire Wildlife Trust have no objections to the proposal, welcoming the submitted restoration strategy, and wish to defer to the opinions of the County Ecologist for all other on-site biodiversity issues. They recommended the imposition of conditions regarding a CEMP, LEMP, lighting scheme, SuDS, and noise and vibration management plans.

725. The County Ecologist has no objections to the proposal, subject to the imposition of conditions requiring a CEMP, LEMP, monitoring and control of groundwater and surface water, lighting strategy, Dust Mitigation Strategy, BEMMP, and long-term aftercare scheme.

726. With regard to arboriculture, paragraph 131 of the NPPF states: *“trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that ... opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”*.

727. In relation to ancient woodland and veteran trees, paragraph 180 of the NPPF states that *“when determining planning applications, local planning authorities should apply the following principles: ...c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [Footnote: for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat] and a suitable compensation strategy exists”*.

728. A Tree Condition Survey accompanied the application. The Environmental Statement states that *“trees present on-site are predominately located at the north-western, western, and south-western boundaries of the site in the form of established woodland. Some of the parkland trees associated with the former Lea Castle estate remain on-site and are located within the large arable field to the western portion of the site. Other trees are present as a tree-lined avenue which runs northwards from South Lodge towards the former formal entrance to Lea Castle. Further east, the site boundaries are defined by mature hedgerow in combination with a brick boundary”*.

729. Tree Condition Survey identified that the site supports 33 individual trees, 14 tree groups and 4 hedgerows. 6 of the 33 individual trees identified have been assessed as Category ‘A’ (of high quality and value), with 13 Category ‘B’ (moderate quality and value), 12 Category ‘C’ (low quality and value), and 2 Category ‘U’ (trees in such condition that cannot be retained as living trees in the context of the current land use for longer than 10 years).

730. Tree Condition Survey states that in total, 4 trees are proposed for removal to facilitate the proposed development, comprising trees T8, T9, T10 and T26. 3 of these trees (trees T8, T9 and T10) are located within the western area of the site, in the southern part of Phase 3, with tree T26 located within hedgerow north of Broom Covert, in the eastern part of the site. Of the 4 trees proposed to be removed, tree T8 (common oak) is classed as a Category U tree, as it was assessed as dead, as such the impacts arising from its removal are considered to be negligible. Tree T10

(Common oak), which is protected by a TPO is classified as a Category C tree. The Environmental Statement states that tree T10 shows a number of defects which were present throughout and bark wounding, including a large area of decay at its base, poor unions, major dead wood, and decay pockets. It assesses the oak tree as having limited future potential. Tree T9 (Common oak) was identified as a Category B and is also protected by a TPO. The Environmental Statement states that it is important to note that this tree has defects, including decay pockets, apical die back and major dead wood. On balance, because it is a Category B tree, and because it is protected by a TPO, the resulting impact of its removal is considered to be moderate. Tree T26 (Common oak) was identified as a Category A tree. Due to the high categorisation of this tree the impact of its removal is considered to be high.

731. Tree T22 (Sweet chestnut), which is a veteran tree was assessed as being of poor structural and physiological condition. This was originally proposed to be removed, but due to comments from consultees including the District Council's Tree Officer, the County Ecologist and Worcestershire Wildlife Trust, it is now proposed to be retained with the implementation of a buffer zone around the tree (the radius of which measures a minimum of 18 metres) in line with Natural England's standing advice on veteran trees.

732. It should be noted that tree T25 (Common oak) is a veteran tree, which is located in the north-east of the application site, to the east of Phase 5. The applicant is seeking to retain and protect this tree.

733. The applicant has clarified that tree T5 (Common oak) a veteran tree would also not be impacted by the proposed development, with a significant standoff from the mineral workings of approximately 95 to 150 metres. The applicant has also clarified that no works are proposed to be undertaken within the root protection area of trees T4 (Wellingtonia) and T19 (Common beech) which are high-category trees located close to the proposed mineral extraction boundary.

734. In addition to the above tree removal, two stretches of hedgerow would also be required to be removed to facilitate the proposed development, comprising approximately 89 metres of the western extent of hedgerow H3, located along on the boundary between Phases 4 and 5, and approximately 94 metres of the western extent of hedgerow H4, located within Phase 4.

735. To help provide mitigation for the trees and hedgerow proposed for removal, it is proposed that new tree planting is undertaken as part of the restoration scheme. The proposed planting would be on a like-for-like basis, using native species, of local provenance, and that extra heavy standard tree stock is specified (for the individual tree planting in the avenue and parkland). Extra heavy standard trees would be in the order of approximately 4 metres in height.

736. In relation to the removal of trees T9 and T10 which are protected by TPOs. Paragraph Reference ID: 36-083-20150415 of the PPG confirms that *"the Local Planning Authority's consent is not required to carry out work on trees subject to an TPO so far as such work is necessary to implement a full planning permission. For example, the Order is overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted. Conditions or information attached to the permission may clarify what work is exempt"*.

737. Wyre Forest District Council Tree Officer also objects to the proposal from an arboricultural and landscape perspective, as the proposal would require a number of mature trees to be removed. The Tree Officer acknowledges that tree T22, is now proposed to be retained but does not consider that this is a workable solution. Should planning permission be granted the Tree Officer recommends the imposition of a condition requiring an Arboricultural Method Statement and an Arboricultural consultant retained for Phases 1 to 3 to prevent unnecessary damage to retained trees.

738. The County Landscape Officer noted the comments from the District Council's Tree Officer in respect of tree T22 but is reassured that the proposed stand-off would provide a satisfactory buffer and, therefore, has no further concerns regarding the protection of this tree. The County Landscape Officer also welcomes measures aimed at ensuring the retention and protection of trees T4 T5, T19, T22 and T25, and recommends the imposition of appropriate conditions to adequate root protection zones.

739. It is noted that Worcestershire Wildlife Trust have no objections to the principle of the proposal and are pleased to note that tree T22 is now proposed to be retained with an appropriate buffer. They are now content that the tree can be retained and protected in line with current guidance.

740. The Woodland Trust comment that they welcome the retention of the veteran tree T22, and the root protection zone and protection measures proposed in line with Natural England's Standing Advice. As such they consider their original concerns regarding the protection of tree T22 have been addressed.

741. With regard to veteran and ancient trees, the County Ecologist welcomes the proposal to retain and protect veteran trees T5, T22 and T25. With specific regard to tree T22, the County Ecologist notes that a minimum protective buffer of 18 metres (adhering to Natural England's standing advice) is proposed, demonstrating that the tree's root system and hydrology would be adequately protected. The County Ecologist also welcomes the proposed retention of trees T4 and T19, which would be retained and protected in full, with appropriate tree root protection zones.

742. In view of the above, the Head of Planning and Transport Planning is satisfied that, subject to the imposition of appropriate conditions, the trees proposed to be retained, including veteran trees would be protected for the life of the development, with appropriate tree root protection zones, in accordance with Natural England's standing advice.

743. With regard to ancient woodland, Natural England's and the Forestry Commission's guidance on Ancient Woodland identifies that it *"takes ancient woodland hundreds of years to establish and is defined as an irreplaceable habitat...It's any area that's been wooded continuously since at least 1600 AD. It includes:*

- *Ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration*
- *Plantations on ancient woodland sites - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi".*

744. The County Ecologist originally commented that the Worcestershire Habitat Inventory identifies Wolverley Lodge (located on the north-west boundary of the site), Reservoir Wood (located just beyond Wolverley Lodge, to the north) and Wolverley Carr (located just beyond Wolverley Lodge, on the western bank of the Staffordshire and Worcester Canal) as part of the local Ancient Woodland Catalogue, and so should be treated as an irreplaceable ancient woodland habitat.

745. In response, the applicant provided further clarification outlining why they consider the woodlands were not ancient woodlands, stating that the earliest known map covering this area in detail is dated 1838, but it does not clearly distinguish between woodland and grassland. The first map to clearly show the extent of the woodland in this location is dated 1881. Thus, failing to qualify as ancient woodland by the pre-1600 criterion. The applicant also has examined the general history of the site and provided supporting information.

746. In response, the Woodland Trust recommend that Natural England are consulted for their opinion on the antiquity of the wood.

747. Natural England commented that they and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances. Natural England comment that their ancient woodland inventory is not an all-exhaustive resource of information which lists all ancient woodlands. Ancient woodlands smaller than 2 hectares are unlikely to appear on this inventory. They advise that consideration should be given to any potential impacts on ancient woodlands and ancient and veteran trees in line with paragraph 180 of the NPPF, whether they are on the Natural England's ancient woodland inventory or not.

748. The District Council's Countryside and Parks Manager wished to defer to the opinion of the County Ecologist on whether the boundary woodland was classed as ancient woodland.

749. In response to the further clarification from the applicant, the County Ecologist liaised with Worcestershire Archives and Archaeology team who provided additional interpretation of the information held in the Council's archives, and the County Ecologist concludes that Wolverley Lodge and Reservoir Woods are not ancient woodlands. The County Ecologist states that the status of Wolverley Carr may be more complex to determine. Nevertheless, the County Ecologist is content that due to the location of Wolverley Carr, at approximately 100 metres from the proposed site, and effectively sheltered by Wolveley Lodge and Reservoir Woods, means that damage or deterioration of this woodland from effects of mineral development is not considered to be of particular concern.

750. Proposed mitigation pertinent to the woodland areas includes a 10-metre fenced stand-off area, phased operations, minimising material drop heights, and a number of other minor measures intended to suppress dust emission at origin, transport and on handling of materials, together with a dust monitoring programme. The County Ecologist also recommends the imposition conditions requiring a Dust Mitigation

Strategy, which includes protective fencing with a fine gauge netting around these woodlands, and BEMMP.

751. The County Landscape Officer also concurs with the view of the County Ecologist in respect of the potential ancient woodland on the site's boundaries and concludes that the Council can demonstrate woodland cover was established no earlier than the early 19th century. In view of this, the County Landscape is satisfied that it is not ancient woodland.

752. The closest European designated site to the application site is the Fen Pools SAC, which is located approximately 11.5 kilometres north-east of the application site. The application site is also located approximately 70 kilometres north-east of the Severn Estuary SPA, SAC and Ramsar site. The River Wye SAC is located about 40 kilometres south-west of the site. The Walmore Common SPA and Ramsar site is located approximately 40 kilometres south-west of the proposal. Despite the distance from the Severn Estuary SPA, SAC and Ramsar site and River Wye SAC, the River Stour is located in close proximity to the application site (within 135 metres of the application site) and is hydrologically linked to these European sites. The Walmore Common SPA and Ramsar site is hydrologically linked when the River Severn is in flood. In view of this, and due to the nature and location of proposed project, there is potential the proposal may affect the interest features of these European designated sites through functional hydrological connectivity and the potential presence of migratory species within the upper River Severn catchment. The Fen Pools SAC is located within 15 kilometres of the application site, therefore, it is considered to fall within the upper limit of potential dry deposition of pollutants from mineral extraction sites, and thus its interest features may be affected. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

753. The Government's Planning Practice Guidance (PPG) provides advice and guidance in relation to planning applications which may impact upon European sites. *"HRA refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites and European Offshore Marine Sites identified under these regulations are referred to as 'habitats sites' in the NPPF.*

754. 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 'HRA 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 of 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 Reference ID: 65-001-20190722).

755. 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” (Paragraph Reference ID: 65-002-20190722).*

756. As set out in the PPG at Paragraph Reference ID: 65-005-20190722, *“in April 2018, the Court of Justice of the European Union delivered its judgment in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta (‘People over Wind’). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures. As a result, a competent authority may only take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of an appropriate assessment itself”.*

757. As part of the Regulation 25 Submission (March 2022) the applicant submitted a shadow HRA screening. The shadow HRA screening concludes that *“it is not anticipated the proposed development would present any likely significant effects on the qualifying interest of any relevant designated sites for the Severn Estuary SPA, SAC and the River Wye SAC. It is also not anticipated that the proposed works would have any impact on the statutory, non-statutory and ancient woodland sites within the site zone of influence”.*

758. An ecological consultant on behalf of the MPA as the competent authority, has carried out a HRA screening to identify whether the proposal would result in likely significant effects upon European sites. The HRA screening concludes that no likely significant effects have been identified on any European sites.

759. The County Ecologist notes that the HRA screening has identified that the proposed development, acting either ‘alone’ or ‘in combination’ with other plans and projects, is not predicted to cause any likely significant effects upon either habitat sites or their functionally linked habitats. The County Ecologist can see no reason to contest the findings of the HRA screening and, therefore, subject to confirmation by Natural England on the HRA screening conclusions, considers that the MPA now has sufficient ecological information on which to base its determination.

760. The Environment Agency and Natural England have both been consulted on the HRA screening, the Environment Agency state that they wish to defer to Natural England on this matter. Natural England initially made a number of comments on the HRA screening and highlighted the importance of water quality. Following the ecological consultant, on behalf of the MPA updating the HRA screening responding these comments, Natural England commented that the HRA screening concludes that the proposal can be screened out from further stages of assessment because

significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

761. In view of the above, the Head of Planning and Transport Planning considers that no likely significant effects, including cross-boundary effects upon European sites are anticipated either alone or in-combination.

762. With regard to geology, the Hereford and Worcester Earth Heritage Trust has no objections to the proposal, but requests that the applicant be required to provide access to the site for geologists to support investigation and recording of the geological features, vigilance on the part of the operator to identify fossils and fossiliferous material, and an information board in relation to the geology of the site be provided. In response, the applicant has confirmed that the request to permit access to the site for geologists was acceptable and that they would be happy to work with the Earth Heritage Trust. In response the Earth Heritage Trust reconfirmed that they had no objections, subject to conditions regarding interpretation strategy for cultural heritage and a Written Scheme of Investigation which would include specialist geoarchaeological monitoring. Conditions are recommended to this effect.

763. In view of the above, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity and geodiversity.

764. The Head of Planning and Transport Planning considers that the proposed development accords with Policies WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.22, SP.23, SP.24, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Water Environment

765. Objections have been received from residents relating to the water environment, in particular the impact upon flooding, water quality and impact on drinking water and water supply.

766. Policy WCS 10: 'Flood risk and water resources' of the adopted Worcestershire Waste Core Strategy refers to considering flood risk as well as any potential impacts on surface and ground water.

767. Policy SP.29 - 'Water Conservation and Efficiency' of the adopted Wyre Forest District Local Plan refers to *"the Council will require development to demonstrate that it: a) incorporates design features that will reduce water consumption...b) incorporates design features that will support recycling / re-use of water through measures such as rainwater harvesting and grey water recycling..."*.

768. Policy SP.30 - 'Sewerage Systems and Water Quality' of the adopted Wyre Forest District Local Plan states that *"proposals that would result in an unacceptable risk to the quality and / or quantity of a watercourse or groundwater body will not be permitted. Strategies to help mitigate the impact of development on water quality will be required at planning application stage. Proposals should seek opportunities to*

improve water quality and help achieve good ecological Water Framework Directive (WFD) status”.

769. Policy SP.31 - ‘Flood Risk Management’ of the adopted Wyre Forest District Local Plan states that *“in line with the NPPF and PPG the Council will steer new development to areas with the lowest probability of flooding. In order to minimise the impacts of and from all forms of flooding, the Council requires all development in areas thought to be at risk of flooding to: a) Ensure development proposals are located in accordance with the Sequential and Exception Test where appropriate and also take account of the latest versions of the Strategic Flood Risk Assessment, the Worcestershire Local Flood Risk Management Strategy, and the Worcestershire Surface Water Management Plan, b) Submit a site specific Flood Risk Assessment...”*.

770. Policy SP.32 - ‘Sustainable Drainage Systems (SuDS)’ of the adopted Wyre Forest District Local Plan states that *“effective on-site management of surface water can improve water quality, water conservation, the replenishment of ground water supplies and reduce instances of flooding. The Council therefore requires all development with surface water drainage impacts to ensure that flows and volumes of surface water runoff leaving a development site do not exceed Greenfield levels...”*.

771. Policy SP.33 - ‘Pollution and Land Instability’ of the adopted Wyre Forest District Local Plan states that *“development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on any of the following: ...the water environment...”*.

772. The submitted Environmental Statement included a chapter on the ‘Water Environment’ and was accompanied by a Flood Risk Assessment and Drainage Strategy, and Hydrological and Hydrogeological Impact Assessment.

773. With regard to hydrogeology, the applicant is proposing mineral extraction of the sands and gravels from the geological formations of the Kidderminster Station Member and Wildmoor Sandstone Member, which forms part of the Sherwood Sandstone Group.

774. The Hydrological and Hydrogeological Impact Assessment states that the Sherwood Sandstone Group strata to which the Wildmoor Sandstone Member of the site belongs forms a ‘Principal Aquifer’. The Principal Aquifer designation implies that the strata possess high intergranular and / or fracture permeability, meaning they usually provide a high level of water storage. They may support water supply and / or river base flow on a strategic scale. The Assessment states that the Sherwood Sandstone Group aquifer provides a source for large-scale abstraction meeting a high percentage of the total water requirement for public supply, agriculture, industry and private use throughout the region.

775. The Assessment states that the sands and gravels of the Kidderminster Station Member within the application site are classified as a ‘Secondary A’ aquifer, a definition which implies permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers.

776. The proposal is located upon a Groundwater Source Protection Zone (Zone 3 – total catchment) of several groundwater abstraction boreholes used for large-scale public water supply. The closest public water supply groundwater source to the site is operated by South Staffordshire Water Limited at Cookley Pumping Station, which is located approximately 1.3 kilometres to the north of the site. There are 7 non public water supply licensed groundwater abstractions within a 3-kilometre radius of the site.

777. The applicant states that the aquifer is in 'Poor' quantitative status, as it is over licensed and / or over abstracted, and there is insufficient water available for new consumptive licensing. The site does not form part of any Drinking Water Safeguard Zone.

778. The average depth to groundwater below ground surface was recorded as approximately 34.4 metres below ground level, with the minimum being approximately 34.25 metres below ground level and maximum being approximately 34.7 metres below ground level, equating to a modest seasonal range of less than 0.5 metres. The Assessment states that the average groundwater elevation within the site is broadly 36.6 metres AOD.

779. The Assessment states that a groundwater level data supplied by the Environment Agency for their boreholes in the area indicates that the most elevated groundwater levels within the site are likely to be along the north boundary. Interpretation of this data suggests that groundwater levels in this area are likely to reside at broadly 40 metres AOD. An estimate of 5 metres is considered appropriate to represent likely effects of seasonal variations and longer-term trends, providing a conservative indicator elevation for the highest groundwater levels within the site of approximately 45 metres AOD.

780. The Assessment states that the lowest proposed sections of mineral extraction (and thus subsequent infilling) at the site reside well above (between approximately 16 metres and approximately 24 metres) the level of the water table. In view of this, no dewatering of the base of the excavation is required and, therefore, there would be no lowering of the water table and no drawdown-related impact upon groundwater levels and flow.

781. With regard to flood risk, the proposal is situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. As the application site measures approximately 46 hectares in area (red line boundary), a Flood Risk Assessment is required to accompany the application, in accordance with paragraph 167 and Footnote 55 of the NPPF, as the site exceeds 1 hectare in area.

782. The PPG at Paragraph Reference ID: 7-033-20140306 states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding). The PPG at 'Table 3: Flood risk vulnerability and flood zone 'compatibility', as updated by Annex 3 of the NPPF: 'Flood risk vulnerability classification' indicates that 'water compatible' development, such as the proposed sand extraction operations and 'more vulnerable' development, such as the subsequent infilling are considered acceptable in Flood Zone 1.

783. The Environmental Statement states that in relation to Flood Risk, the site is entirely free from risk of fluvial flooding for all events up to and beyond the 1:1,000

flood level typical of land within Flood Risk Zone 1. The Flood Risk Assessment states that there are no significant surface watercourses draining from the site; all but extreme rainfall is, therefore, drained by percolation to the ground (underlying strata). As at present, it is proposed that rainfall would be drained by percolation to underlying strata through the base of the quarry. The closest approach of the proposed development to any area mapped within Flood Zone 2 (medium probability of flooding) is located approximately 95 metres west of the proposal, associated with the River Stour, which flows broadly north to south, and where ground levels are approximately 30 metres below those of the lowest boundary of the proposed development.

784. The Flood Risk Assessment concludes that there would be negligible potential for significant flooding of the application site from surface water from adjacent lands. With regard to groundwater flooding, it states that groundwater resides at a minimum of 16 metres below the base of the proposed development (allowing for seasonal variation and a conservative estimate of likely long-term trends). In view of this, the Flood Risk Assessment considers there is no significant risk posed by flooding from groundwater, and there would be no discernible increase in off-site flood risk.

785. The Flood Risk Assessment goes on to state that the proposed development represents appropriate development in Flood Zone 1, passing the Sequential Test set out in the NPPF. The Flood Risk Assessment also states that as the proposed development is safe with respect to flood risk, there is no requirement to apply the Exception Test. It further states that the operational and post-restoration phases of the development would not increase flood risk elsewhere, and there would be no loss of floodplain storage.

786. With regard to surface water and sustainable drainage systems, paragraph 169 of the NPPF states that *“major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the Lead Local Flood Authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits”.*

787. Restoration of the site to agricultural parkland would be at a lower ground level than current ground levels, with drainage achieved by soakaway ponds. The proposed soakaway ponds would be situated at the margins of the infill material where they would abut and overly in-situ sandstone of the Sherwood Sandstone Group aquifer. In this way, drainage of surface water runoff within the restored site would, as at present, be made as percolation to underlying strata (via the soakaway ponds).

788. Whilst the overall volumes of rainfall recharge occurring within the site would remain unchanged, the effect of the proposed restoration drainage measures would be to alter the prevailing spatial pattern of rainfall recharge to the aquifer within the site, from one which is well distributed to one where recharge is markedly reduced over the majority of the site to become concentrated around the areas of the proposed soakaway ponds. The effect upon groundwater levels would be extremely localised and indiscernible at anything more than a scale of a few tens of metres. The

great depth of unsaturated aquifer material that would remain beneath the restored landform and the permeability of the strata would ensure that any localised elevation of groundwater levels due to concentration of recharge at the soakaway ponds would have no significant secondary impacts.

789. In view of this, the Assessment considers that mitigation measures are not necessary but notes that a network of groundwater level and monitoring boreholes would be located around the site to support the application for an Environmental Permit from the Environment Agency. These would provide information upon both pre-development and post operational phases of the proposal for review and formulation of appropriate contingency action as may be required.

790. As a result of the reduced percolation to groundwater caused by the proposed infilling of inert waste at the site, the Flood Risk Assessment carried out modelling which indicates an additional 550 cubic metres of surface water runoff would be generated within the site during a 1:100-year storm plus 40% allowance for climate change. This is considered in the Assessment to be a *de-minimis* volume which, assuming a broadly even distribution of runoff, would be reflected in a temporary 0.25 metre increase of water level within the proposed on-site soakaway ponds, therefore, subject to the implementation of the soakaway ponds there would be no material increase in flood risk within the application site or beyond its boundaries, either during the operation or following completion of the infilling and restoration.

791. In terms of impacts upon water quality, and to minimise the risk of pollution from accidental spillages or leaks, the applicant is proposing a number of mitigation measures, these include:

- Refuelling and maintenance of machinery would only be carried out on a surface area equipped with fluid interceptors
- Any oil storage tanks would be sited upon impermeable bases and bunded
- Vehicles inspected daily for leaks prior to use
- Oil sorbent material to be available on site, which would be equal to the total fluid content of the largest item of plant to be used in the event of a spill / leak
- Regular services and maintenance of plant and equipment

792. With regard to landfilling of inert waste materials, the Assessment states that the proposal would be subject to a separate Environmental Permitting application to be made to the Environment Agency. If granted, the Permit would impose conditions requiring:

- All incoming materials would be subject to inspection and segregation prior to landfilling. Any wastes requiring testing (such as potentially contaminated soils) would be assessed in accordance with formalised and enforceable Waste Acceptance Criteria to ensure that they are classed as inert materials before being accepted for landfill
- In the eventuality that a load of unacceptable waste has to be stored temporarily on site, it would be necessary to ensure that any rainfall-generated leachate from this waste does not result in unacceptable runoff. This would be implemented by provision of a bunded storage area (with an impermeable base and sides) to contain any leachate from temporary storage of a rogue load. Both the

unacceptable waste and any leachate would be removed as soon as practicable for appropriate permitted disposal. A sealed skip would provide temporary containment of small quantities of unacceptable materials prior to disposal off-site in accordance with the regulatory requirements. Both the bunded storage area and the sealed skip would be placed within the plant yard and not within the quarry void

- Prior to landfilling with inert waste, the void would be lined with suitable inert material (approximately 1 metre thick). The liner system, comprising base and sidewalls would be tested in accordance with a Construction Quality Assurance plan mandated by the Environmental Permit. This liner would provide the containment necessary to reduce the risk of contamination of the underlying aquifer to an acceptable level
- Although the inert waste should not impact upon the water environment, this would be demonstrated with a programme of monitoring of groundwater quality stipulated by the Environmental Permit. The purpose of the monitoring is to record the baseline condition and to detect any impacts on water quality or level, should they occur

793. The Assessment states that adherence to the above measures would provide appropriate safeguarding of groundwater quality in relation to the landfilling aspect of the application.

794. The Assessment concludes that overall, the proposed development would not result in primary impacts on water resources (such as derogation of groundwater and surface water levels / flows / quality) and, therefore, there would be no secondary impacts on water resources (such as volumes / quality of water available to existing or potential abstractions and / or flora / faunal communities).

795. In response to North Worcestershire Water Management's original comments requesting further information in relation to an assessment of any changes in 'exceedance' overland flow routes leaving the site following the development; details regarding the phasing of when the land drains and soakaway ponds would be installed; details of who would maintain the proposed drainage features and questioning whether the use of above ground SuDS features rather than buried land drains could be explored. The applicant clarified that the proposal is designed to capture surface runoff and direct accumulated water via discrete, shallow depressions to concentrate and direct surface water towards soakaway areas, which would be a maximum of 2 metres deep. In the eastern area of the site, surface water would be directed to a soakaway area (ephemeral surface water management pond) to be located in the approximate location of the proposed processing plant site (to be installed on completion of Phase 5). In the western area of the site, surface water would be directed both northwards in the area of proposed acid grassland in the north-west corner of the site (to be installed on completion of Phase 1), and southwards within the agricultural land to a pond in the south-west corner of the site (to be installed on completion of Phase 3). Each of these soakaway areas would be constructed to remain in continuity with in-situ aquifer forming the base and western flanks of each soakaway area. The applicant has demonstrated that the soakaways would provide significant volumes of storage in comparison to the expected volume of surface runoff generated during storm events and the infiltration rate to the underlying aquifer. As such, overland surface water flow from the soakaway areas / general

restoration landform is not expected, with rainfall being managed within the application site boundary. The applicant also confirms that the establishment of SuDS features, and soakaway ponds would be installed progressively, concurrently with restoration to ensure they are operational as soon as they are required. The responsibility for maintenance of the soakaway areas and SuDS would initially be the mineral operators for a period of aftercare and subsequently responsibility would revert to the landowner.

796. The Environment Agency has been consulted and raised no objections to the proposal, subject to the imposition of conditions regarding a groundwater, surface water and quality monitoring scheme. They go on to state that a good amount of monitoring has been done to establish the groundwater levels across the site. They consider that the proposal should have little impact on the water resources in the area, if greenfield runoff rates are maintained. The application presents a detailed risk assessment and mitigation plan for pollution prevention during the proposed works. This should reduce to a minimum the likelihood of spills etc. causing contamination of the groundwater, providing that best practice is followed.

797. Notwithstanding the above, the Environment Agency are concerned about the ongoing impacts of reduced permeability over the site and the need for soakaway ponds once restoration is complete. These would act to concentrate recharge and reduce the depth of unsaturated zone and hence potentially increase the risk of groundwater pollution in this area. In view of this, the Environment Agency consider that the next stage would be to devise a groundwater, surface water and quality monitoring programme, and recommend that this is imposed as a condition.

798. The Environment Agency recommend that the MPA consult the Lead Local Flood Authority in respect of surface water management and matters associated with ordinary watercourses / ditches / groundwater flooding during the operation and post restoration of the site.

799. Natural England have no objections, subject to the imposition of conditions regarding groundwater monitoring scheme and maintenance of the proposed soakaways in perpetuity.

800. North Worcestershire Water Management (on behalf of the Lead Local Flood Authority) have raised no objections to the proposal, subject to the imposition of conditions requiring a detailed surface water drainage scheme and associated maintenance scheme.

801. North Worcestershire Water Management conclude that their previous comments have been sufficiently addressed and that in their opinion there are no reasons to withhold approval of this application on flood risk or water management grounds, subject to the imposition of appropriate conditions.

802. Severn Trent Water Limited has raised no objections to the proposal, as the proposal would have minimal impact on the public sewerage system. In respect of groundwater and impacts upon active Severn Trent Water Limited's sources, they recommended the imposition of a condition requiring groundwater monitoring, as recommended by the Environment Agency

803. Based on the advice of the Environment Agency, Natural England, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Planning and Transport Planning considers that the proposal would have no adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.29, SP.30, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.

Restoration and Aftercare of the Site

804. Local residents have raised objections regarding the proposed use of inert waste material to restore the site, consider there is a shortage of inert infill material, consider the 11 years in which to restore the site is a minimum rather than maximum period, and consider the proposed vegetation and trees would take a substantial time to mature.

805. The NPPF states in relation to the restoration of mineral workings, *that "planning policies should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place"* (paragraph 210 h). It goes on to state that mineral planning authorities should *"provide for restoration and aftercare at the earliest opportunity, to be carried out to a high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances"* (paragraph 211 e). This is reiterated in the National Planning Policy for Waste in relation to landfill sites, which states *"when determining waste planning applications, waste planning authorities should...ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary"* (paragraph 7).

806. The PPG provides more detailed guidance on restoration and aftercare of mineral workings. To ensure that applicants deliver sound restoration and aftercare proposals, the PPG states at Paragraph Reference ID: 27-041-20140306 that *"mineral planning authorities should secure the restoration and aftercare of a site through the imposition of suitable planning conditions and, where necessary, through planning obligations"*.

807. The applicant states that *"the vision for the progressive restoration of the site is 'to create a high-quality estate parkland setting which provides opportunities for living, leisure, recreation and enjoyment for local communities'. A landscape to include a matrix of wildlife habitat and biodiversity enhancement and public connectivity via footpaths, bridleways and cycleways and pocket parks to enhance physical activity and wellbeing. It is hoped that the development will create and enhance benefits and create opportunities for health and wellbeing, biodiversity and social enjoyment in the long-term"*.

808. An Outline Aftercare Strategy has been submitted which outlines the measures for the establishment and management of advanced planting and restored land at the site. It identifies that approximately 9,750 trees would be planted to create woodland blocks (approximately 3.42 hectares in area); approximately 50 parkland trees to be planted in agricultural grassland / cropping and approximately 120 trees to be planted along the parkland avenue to reflect the former parkland setting; approximately 7.5

hectares of acid grassland creation; and approximately 1,018 metres of linear hedgerow planting and strengths (approximately 439 metres of existing strengthened hedgerows and approximately 579 metres proposed new hedgerows).

809. The applicant states that a new agricultural parkland would be created, designed to enhance local access, amenity and wellbeing. This would be achieved by the provision of an agricultural parkland, provision of approximately 2.7 kilometres of new routes of public bridleways and permissive routes, and creation of 5 pocket parks, including information / interpretation boards regarding the site's history, biodiversity, geology and landscape.

810. Draft Policy MLP 11: 'North West Worcestershire Strategic Corridor' of the emerging Minerals Local Plan states that:

"A level of technical assessment appropriate to the proposed development will be required to demonstrate how, throughout its lifetime, the development will, where practicable, optimise the contribution the site will make to delivery of the following green infrastructure priorities:

- a) conserve, enhance and restore characteristic hedgerow patterns and tree cover along watercourses and streamlines;*
- b) slow the flow of water in upper reaches and increase flood storage and floodplain connectivity in lower parts of the catchment;*
- c) create accessible semi-natural green space, incorporating information or routes which increase the legibility and understanding of the geodiversity, heritage and character of the area;*
- d) in the Riverside Meadows, conserve and restore permanent pasture, incorporating wetland habitats such as fen and marsh, wet grassland, reedbed and lowland meadows alongside pastoral land use;*
- e) in the Sandstone Estate lands, conserve, enhance and create lowland heathland, acid grassland and scrub".*

811. The reasoned justification to this draft policy states:

"The balance of priorities in this strategic corridor is intended to reduce habitat fragmentation and integrate features that will slow the flow of water in the upper reaches of the catchment or increase flood storage and floodplain connectivity in lower parts of the catchment, alongside conserving and enhancing pasture or lowland heathland where these are important to the local economy or the character of the area, or alongside semi-natural green spaces where they enhance existing recreation networks or provide an alternative visitor destination. The priorities have the potential to contribute to multiple green infrastructure components, including improving recreation provision for local communities and delivering social and economic benefits through flood betterment, as well as providing climate change adaptation and mitigation".

812. It is considered that the proposal would broadly accord with this draft policy, in that existing hedgerows would be improved, and new hedgerows planted, new tree and woodland planting, including the planting of the former parkland avenue of trees and Broom Covert woodland block, provision of acid grassland, creation of ephemeral ponds (SuDS) to manage surface water on site, provision of new and upgraded public rights of way and permissive routes, and creation of pocket parks.

813. The applicant states that *“to aid in this process approximately 60,000 cubic metres of restoration material would be imported onto site per annum, approximately 600,000 cubic metres in total, to help create restoration formation levels onto which the original site soil profile would be placed”*. The applicant has confirmed that the imported inert material would consist of clean excavated materials consisting of clays, overburden and soil making material.

814. Policy WCS 5 of the adopted Worcestershire Waste Core Strategy identifies that no capacity gap has been identified for the landfill or disposal of waste. The Policy then states that planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated it meets one of the 3 listed criteria. In this instance, it is considered that Part iii) is relevant, which states *“the proposal is essential for operational or safety reasons or is the most appropriate option”*. Paragraph 4.45 of the explanatory text states *“landfill or disposal may also be necessary for a variety of operational or safety reasons. Landfill is often an essential component in the restoration of mineral workings”*.

815. The applicant states *“to achieve the restored landform depicted on the proposed ‘Concept Restoration Plan’, the importation of restoration materials is required as there is insufficient quarry material to achieve this and provide an acceptable final landform. To achieve a satisfactory standard of reclamation, it is necessary to import a quantity of suitable material. In addition to being the minimum necessary to achieve the restoration objectives, the volumes proposed for importation are considered to be available. They are based on discussions and interest shown from earthworks contractors operating within the surrounding area”*.

816. The applicant states that *“the use of restoration materials in restoring the quarry is considered to be the most sustainable option open to the applicant....it is considered that utilising inert materials for the benefit of facilitating a sustainable restoration scheme is preferable to landfill with no other purpose than waste disposal”*.

817. The applicant goes on to state that *“the restoration scheme proposed returns land to a high agricultural land quality and would provide a well-draining and visually congruous landform, with a mix of end uses appropriate for its location...The benefits of providing additional, albeit limited, capacity for inert waste materials at an environmentally acceptable site with purpose-built access are considered to add weight to the benefits of the proposed development. The utilisation of the exposed extraction areas for the deposit of restoration materials to create beneficial final profiles are considered logical and beneficial and would provide a permanent sustainable legacy for public enjoyment and wellbeing.*

818. *A further key consideration is the number of proposed and permitted large-scale residential schemes in close proximity to the Lea Castle Farm site. Large quantities of inert waste would arise from these large-scale schemes and the potential transport to and use of this material in the restoration scheme, aligns with the ethos of achieving sustainable development”*.

819. The applicant goes on to state that they are *“confident that market demand, growth projects in the area, increased housing demand would support the need for inert void at Lea Castle Farm over and above that permitted for the life of the site.*

Given the above, the deliverability of the restoration scheme at Lea Castle Farm with the importation of 60,000 cubic metres per annum is considered achievable”.

820. Draft Policy MLP 26: ‘Efficient Use of Resources’ of the emerging Minerals Local Plan refers to *“mineral development will be permitted where it is demonstrated that the proposed development will make efficient use of natural resources. A level of technical assessment appropriate to the proposed development will be required to demonstrate that, throughout its lifetime, the proposed development will... c) balance the benefits of maximising extraction with any benefits of allowing sterilisation of some of the resource, taking account of:... v) the appropriateness of importing fill materials on to site, and the likely availability of suitable fill materials”.*

821. The Head of Planning and Transport Planning considers that given the nature of the proposed working, which would extract minerals to a maximum depth of 18 metres, in principle the restoration of the site by the importation of inert materials is acceptable in this instance, and the risk of a lack of availability of suitable fill materials can be satisfactorily addressed by the imposition of appropriate conditions relating to progressive working and restoration schemes, annual topographical survey, and long-term aftercare scheme. This would ensure that there was limited disturbed land at any one time, and the site is restored at the earliest opportunity and to high environmental standards. A condition is also recommended requiring the site to be restored within 11 years of commencement of the development. Worcestershire Wildlife Trust, the County Landscape Officer, Hereford and Worcester Gardens Trust and the County Ecologist have both requested a longer-term aftercare and maintenance. In particular the County Ecologist has requested a 30-year aftercare scheme, stating a number of proposed habitats have been identified with ‘high’ or ‘very high’ difficulty for creation, with a time to target condition of 30 plus years. The applicant has agreed to this longer-term aftercare scheme. The Head of Planning and Transport Planning recommends the imposition of a condition requiring a 30-year aftercare period, should planning permission be granted.

822. In view of the above matters, the Head of Planning and Transport Planning considers that the proposal is in accordance with Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

823. In relation to financial guarantees, the responsibility for the restoration and aftercare of mineral sites lies with the operator, and in case of default the landowner. Paragraph Reference ID: 27-048-20140306 of the PPG states that *“a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases include:*

- *very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

824. The application proposes progressive restoration over a total of 6 phases, and it is not considered that 11 years to restore the site is very long-term in the context of mineral extraction and restoration. The development does not propose a novel approach or technique to mineral extraction or restoration, and the Head of Planning

and Transport Planning has no reason to believe that there is a likelihood of financial or technical failure. Therefore, it is not necessary for the MPA to seek a financial guarantee in this instance.

Economic impact

825. Letters of representation have been received objecting to the proposal on the grounds of adverse economic impacts.

826. The UK Minerals Strategy (July 2018) prepared by the UK minerals and mineral product industry, facilitated by members of the Confederation of British Industry (CBI) Minerals Group and Mineral Products Association states *“minerals and mineral products underpin the economy. They are critical to the development and maintenance of the built environment, our infrastructure and our quality of life”*. It goes on to state that *“the continued extraction of minerals is essential to the UK for our economy and quality of life. Minerals provide the main constituents for most construction materials, such as asphalt, cement, concrete, bricks, mortar, glass, plaster, ceramics, and for uses as diverse as chemicals manufacture, pharmaceutical products, agriculture, and the production of paper and steel”*.

827. 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 independent 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. In particular the NPPF sees the economic role of planning as *“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”* (paragraph 8).

828. The NPPF at paragraph 81 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”*.

829. In addition, paragraph 209 of the NPPF states that *“it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”*.

830. The applicant states that the proposal would employ up to 11 full-time members of staff with further employment benefits provided in connection with transportation and the employment of local trades.

831. In respect of potential local demand for sand and gravel and solid sand predicted within and around Kidderminster, the applicant states that *“a planning application for up to 600 dwellings and a mix of employment, retail and associated infrastructure was approved subject to the signing of a S106 agreement at the former Lea Castle Hospital (District Council Ref: 17/0205/OUTL), which is directly to the east of this proposed development. The redevelopment of the former Lea Castle Hospital was*

approved at Wyre Forest District Council's Planning Committee on 21 November 2017. The adopted Wyre Forest District Local Plan also allocates land centred on the former Lea Castle Hospital site and is bounded by the Wolverhampton Road (A449), Axborough Lane, Stourbridge Road (A451) and Park Gate Road (B4190) as part of a new sustainable village known as Lea Castle Village for approximately 1,400 new dwellings (600 of these already have planning permission as set out above), approximately 7 hectares of employment land, primary school, and village centre. The applicant states that there are also several more local developments allocated in the adopted Wyre Forest District Local Plan in and around Kidderminster, including the Kidderminster Eastern Extension for approximately 1,400 dwellings.

832. The application submission states that NRS group of companies are one of the largest independent suppliers of aggregates and waste management operators within the Midlands. Following the applicant's formation in 2005, NRS group now operate across the Midlands with over 70 people employed by the business in the haulage, road sweeper, waste management and quarrying facets of the business. The applicant supplies over 1 million tonnes of aggregates per annum to customers and runs a large fleet of vehicles ranging from tippers to concrete mixers, and also runs some of the largest inert tipping facilities, quarrying and recycling aggregate production operations in the Midlands. The applicant supplies primary and recycled crushed rock, gravel and ballast aggregates to market along with primary and recycled sharp sand, building sand and fill sand from their Midlands quarries. Clay soil and building clays are also sold, sourced from NRS Aggregates Ltd quarries at Meriden and Saredon. The applicant states that the proposed Lea Castle Farm site would provide a key south-western location and source of supply to help meet existing and new demand for aggregates for the company.

833. The submitted Planning Statement states that *"the proposed development at Lea Castle Farm would create employment for 11 jobs for approximately ten years if the scheme is approved...The proposed development would help provide and secure jobs for people directly and indirectly employed as part of the quarry operations and which contribute to the local economy through wages, business rates, use of local suppliers, and at a national level; to the economy through aggregates levy [a tax on sand, gravel and rock] and other taxation processes. The proposed quarry would provide a significant contribution to the local economy. It is estimated that this contribution would equate to approximately £750,000 to £1,000,000 per annum (based on the applicant's other operations) on external suppliers and on goods and services over the lifetime of the development, as well as contributing to the national and local tax base.*

834. *There are limited alternative employment opportunities in the immediate locality. Also, the extractive industries (i.e., mining and quarrying) are much more capital intensive than other sectors of the British economy and have very high levels of labour productivity (measured by Gross Value Added (GVA) per employee). GVA is defined by the Office for National Statistics (ONS) as the contribution to the economy of each individual producer, industry or sector.*

835. *In the mining / quarrying sector, workers generate over £110,000 of value added per year. This is more than 2.5 times the national average and higher than many sectors which are often described as high value activities (Source: Capital Economics - The Foundation for a Strong Economy, dated October 2012). The GVA in the mining and quarrying sector represents very good value to the economy and contributes*

positively to economic growth. In addition to high GVA, the mining / quarrying industry produces high levels of immediate consumption in comparison to other industry sectors i.e. purchases of goods and services (with spending particularly high in the transport and construction sectors)”.

836. The applicant states that *“the above considerations are important as they provide an indication of the wider / indirect effects of quarrying, including how the expenditure generated from this activity is likely to be distributed across other parts of the local economy, and hence whether jobs could be retained or generated in these sectors”.*

837. The Environment Statement seeks to predict the indirect effects of the proposal and estimates that an additional 25 indirect jobs and an additional 4 induced jobs (effect of increased household expenditure) would be created, totalling 40 jobs (taking into account the 11 jobs to be directly created by the proposal).

838. The Head of Planning and Transport Planning considers that the proposal in creating new job opportunities, would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

839. Furthermore, the adopted Wyre Forest District Local Plan sets out targets for growth from 2016 to 2036, including the building of approximately 5,520 new dwellings and the development of 29 hectares of land for employment. These developments will require aggregate raw material to allow the various development projects to proceed.

840. The Head of Planning and Transport Planning acknowledges that the NPPF affords significant weight to the need to support economic growth and notes that paragraph 209 of the NPPF states that *“it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs”.* Paragraph 216 of the NPPF also states that *“when determining planning applications, great weight should be given to the benefits of the mineral extraction, including to the economy”.* It is considered that the proposal would provide a small number (up to 11 full-time equivalent jobs) of direct employment opportunities, together with indirect employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighs in its favour.

Climate change

841. 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”* (paragraph 152).

842. Policy WCS 11: 'Sustainable design and operation of facilities' of the adopted Worcestershire Waste Core Strategy states that *"waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of sustainable development practices and climate change mitigation and resilience through: ...b) reducing water demand where possible and considering water efficiency in the design and operation of all new built development; and c) reducing energy demand where possible and considering energy efficiency in the design and operation of all new built development; and ...e) the consideration of land stability and subsidence; and f) landscaping which enhances, links and extends natural habitats, reflects landscape character or acts as a carbon 'sink'"*.

843. Policy SP.37 - 'Renewable and Low Carbon Energy- of the adopted Wyre Forest District Local Plan states that *"all new developments, and where possible redevelopment of existing buildings, should consider location, design, siting and orientation to maximise the use of natural heat and light and the potential for renewable energy micro-generation. Where possible, in appropriate locations, solar panels should be fitted"*. Policy SP.37 goes on to state that *"to reduce carbon emissions and secure sustainable energy solutions, all new developments over 100 square metres gross...should incorporate the energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make development unviable"*.

844. It is acknowledged that Wyre Forest District Council declared a climate emergency in May 2019 and also that Worcestershire County Council declared a climate emergency in July 2021 and a commitment to tackle its own impacts on climate change through the Worcestershire County Council Net Zero Plan (2020).

845. The applicant states that the effects of climate change and the vulnerability of the development proposal to these changes has been considered as part of the preparation of the EIA, particularly in terms of air quality, hydrology / flood risk and ecology (i.e., the impacts of climate change on habitats / species). The Environmental Statement considers that the development proposal would not result in any significant adverse impacts in respect of hydrology / hydrogeology or flood risk (even when taking account of the predicted effects of climate change).

846. In terms of the transportation of restoration materials for the infilling of the quarry void, it is proposed that 'back-hauling' methods which minimise traffic movements associated with the restoration are implemented. The applicant states that *"restoration provides a sustainable solution to the transportation of surplus inert materials to Lea Castle Farm to assist in delivering the restoration of the site"*.

847. The applicant states that the *"proposed development can significantly contribute to the supply of building materials that are likely to be required in the vicinity of the site"*.

848. The Environmental Statement states that *"the proposed development would enable the phased landscape-scale restoration of the site. The aims of the proposed restoration include enhancement of the value of the site for biodiversity conservation; to create new wildlife habitats throughout the site that can be sustainably managed and maintained to promote and increase the potential for biodiversity; and to establish a landform, together with land use features and elements, capable of integration and*

enhancement of the local landscape character and its wider setting whilst enabling public access and community enjoyment of the site. In the long-term, the restoration scheme would provide mixed habitat coverage on a scale not currently present at the application site. The site's restoration is an opportunity to tailor the final landform to a mix of habitat fabric that is designed to be the most appropriate for the site's location whilst also offering social and community wellbeing benefits through public access".

849. The Head of Planning and Transport Planning notes the restoration scheme would contribute to tackling climate change through the planting of approximately 9,750 woodland trees, 50 parkland trees, 120 avenue trees, and the planting and strengthening of existing hedgerows, measuring approximately 1,018 metres long, and the creation of approximately 7.5 hectares of acid grassland, resulting in plus 87.21% net gain for biodiversity. SuDS features would be provided on site, which are designed to take into account the impacts of climate change, ensuring no surface water discharges from the site. Public access would be enhanced, improving access between Wolverley, Cookley and the former Lea Castle Hospital mixed-use development site.

850. The applicant states that they propose to *"undertake best practice measures in all aspects of the facilitation of mineral operations, mineral extraction and processing, and in the final restoration stages of the proposal. Site operations would be carried out as efficiently as possible"*. The applicant goes on to state that they recognise the importance of a commitment to mitigate and manage any exacerbation of climate change. To this end, they aim to ensure that energy efficiency and decarbonization performance continually improve by exploring ways to reduce the carbon footprint of all of their operations.

851. The Environmental Statement concludes that the proposed development represents an appropriate use of the site whilst avoiding increased vulnerability to the range of impacts arising from climate change.

852. Furthermore, given that the proposed site offices and welfare facilities would measure approximately 114.8 square metres in total, a condition is recommended to be imposed requiring that 10% of their predicted energy requirements comes from renewable or low carbon sources, to comply with Policy SP.37 of the adopted Wyre Forest District Local Plan.

853. The County Sustainability Officer has been consulted and raises no comments on the proposal.

854. The CPRE considers much of the site is solid sand and, therefore, a considerable amount of energy would be required to convert the solid sands into sand. In light of climate change, converting sandstone to sand should be a low priority and pursued when easier options have been exhausted. In response the applicant clarified that the geological drilling and assessment has confirmed that the sandstone is not heavily bonded and would be easily broken down into friable sand.

855. Given that it is considered the proposal is well located close to the potential markets it would serve; located close to the primary road network; the applicant would seek to utilise backloading of vehicles to reduce vehicle movements where possible; the proposal would upgrade existing and create new public rights of way; the restoration scheme would make provision for SuDS and extensive tree, woodland and

habitat creation, the Head of Planning and Transport Planning considers that overall, the proposal would contribute to mitigating and adapting to climate change, in accordance with Policy WCS 11 of the adopted Worcestershire Waste Core Strategy and Policy SP.37 of the of the adopted Wyre Forest District Local Plan.

Cumulative effects

856. Regulation 4 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on a number of factors this includes the interaction between the factors of population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape. Schedule 4, Part 5 states in relation to information for inclusion within Environmental Statements, this includes "*the cumulation of effects with other existing and / or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources*".

857. Paragraph 211 of the NPPF states that "*in considering proposals for mineral extraction, minerals planning authorities should:...b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality*".

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

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

860. With regard to combined impacts of multiple developments, the Environmental Statement states "*with any quarry operation the key environmental impacts are generally noise, dust, and traffic. Due to the topography, relatively enclosed nature of the site along with the proposed layout and stand-offs, the environmental impacts are generally localised to an area within the quarry boundaries and, therefore, would not give rise to impacts significant enough to be able to combine with other off-site impacts and thereby result in an accumulation of impacts*".

861. "*Noise, dust and traffic can all have effects beyond the site boundary, however, investigations have been undertaken and the scheme has been designed to ensure that any such effects continue to comply with the existing limits and restrictions that apply to the quarry. No other operations in the area are likely to have profiles that would exacerbate noise and dust to unacceptable levels.*

862. *In terms of traffic impacts...the Transport Assessment states that the traffic data confirms that the local roads routinely accommodate HGV traffic and that the*

proposed access has been designed based on observed speed data in accordance with current guidance and the County Highway Authority's preference in terms of the visibility standards to be applied. Therefore, in circumstances where a suitable access with appropriate visibility splays can be achieved on a road which currently safely accommodates similar vehicle types and where the normal day to day variations in flow significantly exceed the quantum of development traffic it would be difficult to conclude that there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

863. *No hydrological or flood risk impacts are expected from the scheme and no other activities around the site are likely to interact with hydrology and flood risk to result in cumulative worsening”.*

864. In view of the above, the Environmental Statement anticipates that there would be no local affects that might, through accumulation with other activities from either within or outside the site, result in a significant worsening of the environment, as a result of the proposal.

865. The Environmental Statement goes onto examine this in more detail, in particular in relation to recent planning permissions / developments, the two most relevant for consideration are in relation to the former Lea Castle Farm Hospital (District Council Ref: 17/0205/OUTL), which is located approximately 450 metres from the eastern most extent of proposed mineral extraction and Land off Stourbridge Road (District Council Ref: 18/0163/FULL), which is approximately 660 metres from the south-eastern most extent of proposed mineral extraction, and also in relation to the anticipated allocation of Lea Castle Village, now allocated in the adopted Wyre Forest District Local Plan for around 1,400 dwellings (600 of these already have planning permission) with a mix of employment and retail provision.

866. The applicant states that the proposal would be temporary (approximately 11 years) of progressive phased extraction and restoration. Less than 10 hectares of land would be utilised for the development at any one time. The former Lea Castle Hospital site and additional Lea Castle Village and Kidderminster Eastern extensions would be permanent developments. It is likely that all three developments could be progressively constructed and / or operational in the same time.

867. Due to the topography, relatively enclosed nature of the site along with the proposed layout and stand-offs, the Environmental Statement considered that the only potential simultaneous impact that could arise is from transport and traffic. It states that *“in terms of traffic, the Transport Assessment concludes that the cumulative impact of the proposed development has been assessed taking into account the permitted and proposed mixed-use development at the former Lea Castle Hospital site off Park Gate Road and also the permitted 91 dwellings off Stourbridge Road. It has found that neither of these developments would compromise the acceptability of the proposed quarry or vice-versa. Indeed, the availability of the proposed quarry to supply sand and gravel to the construction sites and accept arisings from their excavations offers significant potential to support the principles of sustainable transport by reducing the need to travel and minimising transport distances”.*

868. It is also noted that the County Highways Officer has considered the proposal taking into account development traffic associated with committed developments in

the local area. The County Highways Officer states an improvement scheme at the A449 traffic signals junction has been identified as part of the Lea Castle Hospital planning application. The Transport Assessment for that development indicates that the development will open in phases with 45 dwellings constructed each year until 2031. As such the planned development may not be generating full traffic flows until 2031 for which the improvement scheme has been identified. Given that the peak hour trips associated with the proposed quarry generate low volumes and are temporary (over 10 years), it is considered that proposals would not have a material impact on the local or wider highway network. The County Highways Officer is, therefore, satisfied the development traffic can be accommodated within the existing highway infrastructure.

869. In terms of potential air quality impacts from traffic movements on the local road network, an Air Quality Impact Assessment accompanied the application and demonstrates that the Air Quality Objectives would not expect to be exceeded. In view of this, the Environmental Statement concludes that the potential for simultaneous cumulative effects is considered negligible.

870. It is also noted that there are no active mineral or mining related development in close proximity to the application site.

871. The Environmental Statement concludes that there are no cumulative impacts that would arise from the scheme in combination either within itself or with other existing / proposed developments that would render the proposed quarry extension unacceptable.

872. On balance, the Head of Planning and Transport Planning does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

Prematurity

873. Letters of representation have been received objecting to the proposal on the grounds of prematurity, in particular the proposal coming forward before the adoption of the emerging Minerals Local Plan and emerging Mineral Site Allocations DPD.

874. As set out earlier, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraphs 48 to 50 of the NPPF sets out how weight may be given to policies in emerging plans, and the limited circumstances in which it may be justified to refuse an application on the basis that it is premature.

875. The NPPF states that *“arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area” (paragraph 49).*

876. The NPPF goes on to state that *“refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process”* (paragraph 50). This is reiterated within the PPG Paragraph Reference ID: 21b-014-20190315.

877. As set earlier in the report, the Council is now in receipt of the Independent Inspectors’ Report, which concludes that the emerging Worcestershire Minerals Local Plan provides an appropriate basis for the planning of minerals for the County, provided that a number of main modifications are made to it, as set out in the schedule of main modifications appended to their report. As the Inspectors have recommended main modifications, the Council may only adopt the emerging Minerals Local Plan if these are included in their entirety. The Council cannot choose to adopt it without those main modifications. If the Council did not want to accept the recommended main modifications, the only alternative is to resolve to withdraw the plan, modify it, undertake further consultation on it, and resubmit it to the Secretary of State for further examination.

878. However, the Council does have discretion in relation to the additional modifications. Additional modifications were also published alongside consultation on the main modifications, and no comments were received on them. Some further additional modifications are required to update specific references to the revised NPPF.

879. If Cabinet and Council adopt the emerging Minerals Local Plan, they will therefore have to adopt it with the main modifications, though it is intended that they are recommended to adopt it with both the main modifications and additional modifications. There can, therefore, only be one variation in the emerging Minerals Local Plan from the date of the Inspectors’ Report to the date of adoption by Council, namely the additional modifications which cannot materially affect the policies to be included in the Minerals Local Plan anyway.

880. In view of the above, it is the Head of Planning and Transport Planning’s view that from the date of the Inspectors’ Report until adoption by resolution of full Council the emerging Minerals Local Plan should be given substantial weight in development management terms in the determination of planning applications, including this application.

881. The Head of Planning and Transport Planning considers that on the whole, the proposal is broadly in accordance with the emerging Worcestershire Minerals Local Plan.

882. It is considered that as the emerging Mineral Site Allocations DPD is at an early stage of preparation, and has not been subject to consultation, tested at examination or adopted by the County Council, that it should be given very limited weight in the determination of this application.

883. In view of the above, the Head of Planning and Transport Planning considers that refusal of planning permission on the grounds of prematurity could not be justified in this instance.

Other Matters

Schools, Businesses, Tourism, Leisure and Recreation

884. Letters of representation have been received objecting to the proposal on the grounds of adverse impacts upon local schools, businesses, tourism, leisure, and recreation.

885. Kidderminster Town Council object to the proposal on the grounds of detrimental impact upon local tourism.

886. The Environmental Statement assessed the impact of the proposal upon 'Leisure and Recreation'. It states that 9 leisure and recreational resources (receptors) and associated users have been identified within or within close proximity to the application site, namely: Keepers Cottage Strong Farms 1988 Equestrian Centre; Lea Castle Equestrian Centre; public rights of way within the site; Brown Westhead Park and Playing Fields; Wolverley Camping and Caravanning site; Lock Inn (Public House) and Smithy Tea Room; Mini Pro Golf; Staffordshire and Worcestershire Canal; and Park Gate Inn.

887. Keepers Cottage Strong Farms 1988 is a private equestrian centre with stables, associated land with local customers / users, including a polo horse client. The proposed development would physically take land (Phases 4 and 5) from the current rotational agricultural and equestrian land use. The land would be taken for mineral extraction progressively. Land from within Phase 4 (approximately 1 hectare) would be about 4.5 years into the development period for approximately 3.25 years. Land from Phase 5 (approximately 1 hectare) would also be taken about 7.75 years into the development period for approximately 3.25 years.

888. The applicant states that Keepers Cottage Strong Farms 1988 is under their control, and they have alternative land to rotate the associated agricultural and equestrian uses onto during the operational period. On completion of works, the restored land would have the potential to be used again for equestrian and agricultural uses. Keepers Cottage Strong Farms 1988 also operate a camp site on land located within the valley west of Keepers Cottage. The valley is wooded to north, east and west and is separated from the wider landscape setting and from the proposed development.

889. The Environmental Statement assesses that the impact upon Keepers Cottage Strong Farms 1988 is of medium sensitivity and the proposal would result in a high magnitude of effect during the operational period (Phases 4 and 5). This would result in a notable adverse effect. Post Restoration it is assessed that the magnitude would be medium, which would result in a moderate beneficial effect.

890. In relation to Lea Castle Equestrian Centre, which is a private equestrian centre with stables and associated land with local customers / users. The proposal would not physically take land from the receptor's control. The applicant states that it is understood that the current facility utilises its own land for riding, in addition to bridleways WC-625 and WC-626.

891. The proposal would result in a temporary change in the landscape and visual ambience / setting of the receptor's users due to the proximity of the proposal to the stables and the two bridleways. This impact would principally be associated with operations in Phase 1 and the Initial Works Phase. A section of bridleway WC-626 would be diverted for approximately 1 to 2 weeks pre-Phase 1, and 1 to 2 weeks post Phase 3 to allow for the installation / removal of the proposed below ground section of conveyor / conveyor tunnel. The applicant states that alternative arrangements would also be provided for vehicle access to the Bungalow and Lea Castle Equestrian Centre either from Castle Road (C2283) / North Lodges access or a new diverted route would be provided running parallel with the existing track accessed from South Lodge, off Wolverley Road (B4189). This would ensure access is maintained at all times. It is considered that mineral extraction and the proposed processing plant site would be screened behind a combination of soil bunds which would be seeded, shrub planted and maintained, and agricultural hay bales.

892. The Environmental Statement states that subject to the mitigation measures being implemented, the impact upon the Lea Castle Equestrian Centre receptor and its users is assessed as medium sensitivity and that during the operational period of the proposal would result in a medium magnitude of effect. This would result in a moderate adverse effect.

893. The Environmental Statement states that as part of advanced enhancement measures for an increase in leisure and recreation opportunities through the site, it is proposed to create new bridleways. The new bridleways would be accessed off bridleway WC-625 and would measure approximately 2.7 kilometres in length. Based upon the current limited opportunity that Lea Castle Equestrian Centre have for its users riding off road within the local area, the Environmental Statement assesses that proposal including the proposed mitigation and enhancement measures upon restoration of the proposal would result in a medium beneficial magnitude of effect, which combined with the medium sensitivity of the receptor / users would result in a moderate beneficial effect.

894. Impacts upon public rights of way are considered in detail within the 'Traffic, highway safety and impact upon public rights of way' Section of this report, but in summary the proposal would physically result in the temporary diversion of footpath WC-624 for 2.5 years, and a section of bridleway WC-626 would also be temporarily diverted for approximately 1 to 2 weeks pre-Phase 1 and 1 to 2 weeks post Phase 3 to allow for the installation of an underground conveyor / conveyor tunnel. Approximately 2.7 kilometres of new public rights of way are proposed as part of the proposal (including approximately 2.3 kilometres of bridleway to made available prior to mineral extraction).

895. The Environmental Statement states that users of public rights of way WC-624, WC-625 and WC-626 would observe temporary visual changes as the proposal progresses. These changes specifically relating to temporary seeded planted and maintained soil storage / screening bunds, screening agricultural hay bales and a new avenue of tree planting. The Environmental Statement assesses users of the public rights of way as of a medium sensitivity, due to their transient nature. With mitigation measures in place, the Environmental Statement considers that the public right of way network and users would receive between a low to medium adverse magnitude of effect. This would result in a slight to moderate adverse effect. Post Restoration,

the public rights of way network and users were assessed to receive a high beneficial magnitude of effect, resulting in a notable beneficial effect.

896. With regard to Brown Westhead Park and Playing Fields, which is a series of grass sports pitches with changing room facilities, users include football players and other potential field sports players, spectators and local walkers. The Environmental Statement states that the proposal would not physically affect the receptor and considers that the existing landform and established vegetation would prevent views of proposal. Mitigation including soil storage / screening bunds would further contain the mineral extraction and restoration operations. There would be an increase in vehicle traffic onto the Wolverley Road (B4189) from the proposed quarry access located approximately 600 metres to the east of the playing fields with traffic only heading east away from the playing fields. The Environmental Statement assesses this receptor and its users as of medium sensitivity and the proposal would result in none to low adverse magnitude of effect. This would result in a neutral to slight adverse magnitude of effect. Post restoration the magnitude of the proposal would be none resulting in a neutral effect.

897. With regard to Wolverley Camping and Caravanning Club Site, similar to Brown Westhead Park and Playing Fields, the Environmental Statement confirm that the proposal would not physically affect this receptor. The existing landform and established vegetation would prevent views of the proposals. Mitigation measures would help to further contain quarry / restoration activities. The Environmental Statement assesses this receptor to be of medium sensitivity and that during the operational phase there would be a low adverse magnitude of effect relating to users of the site who may travel east on a walk and notice the mitigation measures in place, along with vehicle movement to and from the site. From the applicant's observations of the site, most people appear to either stay on site and / or travel west to the canal area. This low magnitude of effect combined with medium sensitivity would result in a slight adverse effect. Post restoration, the provision of additional public rights of way and the enhanced parkland landscape, pocket parks, could be accessed by users of the site. This is assessed as resulting in a potential medium beneficial magnitude of effect. When combined with the medium sensitivity of the receptor, this is predicted to result in a moderate beneficial effect.

898. With regard to the Lock Inn (Public House) and Smithy Tea Room, which is located adjacent to a lock on the Staffordshire and Worcestershire Canal, and the Mini Pro Golf, which is located to the west of the Lock Inn and accessed off Wolverley Road (B4189), the proposed development would not physically affect these receptors. These receptors and their users are located approximately 500 metres and 615 metres west of the site's western boundary, respectively, set down at a lower elevation with the site screened by both landform and vegetation structure. There would be an increase in vehicle traffic onto the Wolverley Road (B4189) from the proposed quarry access located approximately 1 kilometre to the east of these receptors with traffic only heading east away from these receptors. The Environmental Statement assessed these receptors to be of medium sensitivity and that the proposal would result in a none to low magnitude, resulting in neutral to slight adverse effect during the operational period. Post restoration it is considered that the magnitude of effect would be none with a resulting neutral effect.

899. With regard to the Staffordshire and Worcestershire Canal, which is located about 80 metres north of the site at its closest point, the canal is within a lower valley

feature along with the River Stour. The Canal receptor and its users are not in the visual envelope of the site which is screened by intervening landform, topography, building structures and established vegetation. The Environmental Statement states that the Canal is located within a Conservation Area. This combined with its links to the wider recreational and leisure network has resulted in its value and susceptibility being considered of high sensitivity. This receptor would not be physically affected by the proposal. The Environmental Statement states that if users access the Canal from the Wolverhampton Road (A449) or Park Gate Road (B4189) they may notice an increase in traffic accessing and leaving the proposal. The overall magnitude of effect resulting from the proposal is assessed as none-to-low. This would result in a neutral to moderate effect. Post restoration and as a result of increased public access routes and enhancement landscape planting and amenity opportunities, it is assessed that a none to low beneficial magnitude of effect would occur, resulting in a neutral to moderate beneficial effect.

900. With regard to Park Gate Inn, which is located approximately 480 metres east of the application site (red line boundary), accessed off Park Gate Road (B4189), the Environmental Statement states that the proposed development would result in a small increase in vehicle traffic along this road. The Environmental Statement assessed that the receptor as being of medium sensitivity. The proposal would not physically affect the Inn and the additional vehicle traffic passing by would be of a minor increase. This would result in a none to low adverse effect during the operational period of the proposed quarry which would be of a neutral to slight adverse effect. Post restoration there would be a neutral effect.

901. The nearest school to the proposal is that of Heathfield Knoll School and First Steps Day Nursery, which is located approximately 15 metres south of the application site (red line boundary) and approximately 75 metres from the mineral extraction at its closest point. The school is accessed off Wolverley Road (B4189). The impacts of noise, odour, dust, air quality, vibration, lighting and health impacts upon the school have been considered within the 'Residential amenity' section of this report and considered to be acceptable subject to the imposition of appropriate conditions. Impacts of traffic and highway safety have been considered in the 'Traffic, highway safety and impacts upon public rights of way' section of this report, and also considered to be acceptable subject to the imposition of conditions, particularly because the proposed access is designed to ensure HGVs turn left out of the site, and can only turn right into the site, and thus ensuring HGVs associated with the proposal would not be travelling past the school. In view of the above, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable impact upon Heathfield Knoll School and First Steps Day Nursery or schools further afield.

902. In view of the above assessment, and noting the conclusions of the submitted Environmental Statement and associated assessments and the conclusions of this report, particularly in relation to residential amenity (including noise, dust, air quality, vibration, lighting and health impacts), landscape character and appearance of the local area, traffic, highway safety and impact upon public rights of way, and restoration and aftercare of the site, which are considered to be acceptable subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that refusal of planning permission on the grounds of adverse impacts upon schools, businesses, tourism, leisure, and recreation could not be justified in this instance.

Crime and safety

903. Letters of representation have been received objecting to the proposal on safety grounds, in particular in relation to potential trespass and accidents. In response to these letters of representation, the applicant has stated that the design and operations at the site would conform to The Quarries Regulations 1999 and associated Approved Code of Practice and Guidance. The Quarries Regulations aim to protect those working at a quarry and others who may be affected by quarrying activities e.g., those living, passing, or working nearby, or visitors to site. It is important to note that the operator would be under a legal duty which cannot be passed on to a third party to ensure that appropriate Health and Safety aspects associated with the site are assessed and implemented with due care and diligence. As the Quarries Regulations state, the obligation to ensure health and safety aspects relates to all, including potential for trespass. NRS Aggregates Ltd have company Health and Safety personnel, who would produce Health and Safety audits and procedures, post determination of the application and in advance of any quarry operations on the ground.

904. West Mercia Police have been consulted and has raised no objections to the proposal but do make reference to pedestrian safety which is considered in further detail in the 'Traffic, Highway Safety and public rights of way' section of this report. Based on the advice of West Mercia Police and in view of the above, it is considered that the proposal is acceptable in terms of its impact upon crime and safety.

Overhead power lines

905. 11kV overhead power lines are located in the eastern and north-eastern part of the site, crossing Phases 4 and 5.

906. The applicant states that they would enter into discussions with Western Power Distribution to disconnect and divert these overhead lines should planning permission be granted.

907. Western Power Distribution have been consulted and they raise no adverse comments to the proposal, stating that the applicant should contact them should any diversions be required. They also state that any works in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive Guidance 'GS6, Avoidance of Danger from Overhead Electric Lines'.

908. In view of the above, the Head of Planning and Transport Planning is satisfied that the proposed development would not have an unacceptable impact upon the overhead power lines.

Adequacy of the Environmental Statement and EIA team and expertise

909. Letters of representation have been received objecting to the proposal on the grounds that the Environmental Statement is inadequate and a paper chase.

910. The Head of Planning and Transport Planning notes that the aim of EIA is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. The aim of EIA is

also to ensure that the public are given early and effective opportunities to participate in the decision-making procedures.

911. The Environmental Statement must include at least the information reasonably required to assess the likely significant environmental effects of the development specified in Regulation 18 (3) and meet with the requirements of Regulation 18 (4) and include any additional information specified in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

912. The applicant is responsible for the preparation of the Environmental Statement. In order to ensure the completeness and quality of the Environmental Statement, Regulation 18 (5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires the applicant to ensure that the Environmental Statement is prepared by competent experts and the Environmental Statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

913. The Environmental Statement was compiled and coordinated by Kedd Limited, an environmental design and master planning consultancy, partnership with other specialist consultancies and subsequently Alder Mill planning and design consultants.

914. The applicant states that *“the irritative design of the scheme being produced by NRS Aggregates Ltd, Kedd Limited and Greenfield Environmental [consultancy specialising in geology, surveying and ground engineering particularly relating to quarrying operations]. This included the operational requirements, mitigation and enhancement measures which have been incorporated within the phased working and restoration scheme”*. As part of the submission, the applicant included the experience, qualifications and membership to professional bodies of the authors of each of the chapters of the Environmental Statement.

915. In view of this, the Head of Planning and Transport Planning is satisfied that the applicant has engaged competent experts to prepare the Environmental Statement. The Head of Planning and Transport Planning has also reviewed the Environmental Statement and accompanying documents and undertaken extensive public and technical consultation on the submission. Taking into account the submitted Environmental Statement, the Regulation 25 submissions (further environmental submissions) and consultation responses, the Head of Planning and Transport Planning is satisfied with the adequacy of the Environmental Statement and considers it accords with Regulations 18 (3) and 18 (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Monitoring and enforcement

916. Letters of representation have been received questioning the effectiveness of environmental monitoring.

917. The Environment Agency have confirmed that the storage, treatment and disposal of inert extractive wastes resulting from the extraction of mineral resources and the importation of any inert waste post extraction for restoration purposes (landfilling) would require an Environmental Permit under the Environmental Permitting Regulations, which would be monitored by the Environment Agency.

918. The County Council, as the MPA also has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development. When development takes place without permission the MPA has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is being caused as a result of the breach, how to remedy the situation and whether it is expedient to take enforcement action. Furthermore, the MPA carryout proactive monitoring of minerals and landfill sites, as under Regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended), MPAs dealing with county matter applications can charge to monitor mineral and landfill permissions. This covers initial implementation to the end of the period of aftercare required by a condition of the planning permission (Paragraph Reference ID: 22-046-20180222 of the PPG).

919. It should also be noted that the imposition of a condition is recommended should planning permission be granted, requiring the applicant to submit a scheme that sets out measures for liaison arrangements with the local community, and for this local liaison to be carried out for the duration of the development.

Consultation

920. Letters of representation have been received objecting on the grounds of insufficient open and fair consultation with the community.

921. It is noted that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised by the NPPF (paragraphs 39 and 40) and in the County Council's Statement of Community Involvement (October 2021).

922. The application was accompanied by a Statement of Community Involvement, which states that both formal and informal consultation has taken place by the applicant over a two-year period preceding the application submission. The applicant states that formal consultation included consultation with Worcestershire County Council, Environment Agency, Natural England, and Wyre Forest District Council to establish the scope of the Environmental Statement. Community consultation has involved liaison with the nearest local residents, together with local schools and leisure and recreation providers.

923. The applicant states that they have engaged with County and District Councillors and the landowner and tenant farmer. Meetings with Wolverley and Cookley Parish Council, residents of Castle Barns and residents / owners of the Lea Castle Equestrian Centre, residents of Broom Cottage, residents of Brown Westhead Park Road, tenants of South and North Lodges and representatives of Heathfield Knoll School and First Steps Day Nursery.

924. In June 2019, the applicant held two public consultation events on:

- Friday 14 June 2019, at Cookley and Wolverley Village Hall, Cookley
- Monday 17 June 2019, Wolverley Memorial Hall, Wolverley

925. Across the two events a total of 400 people attended. In summary the main concerns received related to traffic and transport and possible increase in accidents and emissions from HGVs; dust and air quality and potential increase in pollution adversely affecting local residents including school children and those with respiratory problems; noise, lack of trust – concern that that applicant would not perform to agreed standards as has been observed at other quarries and lack of trust in consultation process and lack of trust of the landowner; health concerns, including potential for silicosis; concern the proposal would result in closure of public right of way network; adverse impacts upon property prices; and concern that proposal was coming forward at the same time as the delivery of the permitted housing development at former Lea Castle Hospital site (cumulative effects).

926. As a result of the concerns raised during the public consultation, the applicant has set out a number of mitigation measures, these include:

- Standoffs to extraction areas to residential properties
- Construction of noise attenuation and visual screening soil bunds
- Advanced tree and shrub planting
- Planting of historic park features including former avenue of trees
- Provision of acidic grassland, which is a Biodiversity Target Habitat
- The proposed processing plant site would be located a minimum of 7 metres below existing adjacent ground levels
- Locating the processing plant site in close proximity to the Wolverley Road to limit traffic movements within the site
- HGV's visiting and leaving the site would meet emission standards, which would be checked and monitored by the operator
- When leaving the site, a no right-hand turn would be in operation. This would both physically prevent and monitor via a CCTV traffic to ensure HGVs head directly to the main highway network and do not travel through the village of Wolverley
- The proposal would incorporate progressive restoration
- Proposed setting up of a Local Community Liaison Group
- Creation of new public rights of way and permissive routes
- Creation of 5 new open spaces (pocket parks)

927. The statutory requirements for consultation on planning applications by local planning authorities are outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and subsequent Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

928. The statutory requirement is for a site display in at least one place on or near the land to which the application relates for not less than 30 days and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

929. For the consultations that took place between February and March 2020 and between March and April 2022, 15 Public Notices were erected on and in the vicinity of the application site; a Press Notice was published in the Kidderminster Shuttle, giving at least 30 days' notice and neighbour consultation letters were sent out to local residents.

930. The public consultation that took place in November 2020 and January 2021 was undertaken in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended by The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020. For the consultation that took place in August 2021 and September 2021, public consultation was undertaken in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended by The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020. This was because the applicant was not able to make copies of an Environmental Statement available at a named address because it was not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement. For these consultations, additional methods of consultation were undertaken to that listed above, including publishing details of the application on the County Council's social media accounts and the applicant writing to the local residents, businesses and the Parish Council.

931. A letter of representation objects to the proposal on the grounds that the Health Impact Assessment was not made available online. The Head of Planning and Transport Planning confirms that the Health Impact Assessment together with the other documents that accompanied the application were made available online for public viewing, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

932. In view of the above, the Head of Planning and Transport Planning is satisfied that the MPA has complied with the appropriate procedures.

Human Rights Act 1998

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

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

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

Obligations under the Equality Act 2010

936. The MPA in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. The Head of Planning and Transport Planning considers that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

Other points

937. Various other matters have been raised as set out under the 'Other Representations' heading of this report. The Head of Planning and Transport Planning notes their concerns but advises members that property values are not a relevant material consideration in the determination of this planning application.

938. Comments have also been received about the history and background of the landowner and applicant. The applicant has explained that the NRS group of companies which was formed in 2005 is one of the largest independent suppliers of aggregates and waste management operators within the Midlands. The applicant supplies over 1 million tonnes of aggregates per annum to customers and is committed to undertaking their operations in an efficient and sustainable manner meeting the highest quality standards with associated certification and accreditation which include ISO9001, 17001 and 18001 and appropriate licences. Notwithstanding this, it is considered that the background and history of the applicant is not a material planning consideration, and as set out in the PPG planning permission usually runs with the land (Paragraph Reference ID: 21a-016-20140306).

Summary

Proposal

939. The proposed development is seeking to extract approximately 3 million tonnes of sand and gravel from approximately 26 hectares (although the full extent of the red line application boundary is about 46 hectares) on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster. Extraction would take place at a rate of approximately 300,000 tonnes of sand and gravel per annum. The depth of extraction would vary as the base of the mineral deposit undulates but is anticipated to be typically between about 5 to 7 metres in the western area and about 7 to 12 metres in the eastern area, with a maximum depth of 18 metres. The site is proposed to be worked dry, above the water table, with no de-watering proposed. It is estimated that the site would be exhausted of mineral and restored within 11 years of the commencement of the development.

940. The land would be progressively restored using site derived and imported inert material to agricultural parkland, public access and nature enhancement. The land would be worked in a total of 6 phases (Initial Works, Phases 1, 2, 3, 4 and 5), beginning by working and setting up the processing plant site in the centre of the site,

then commencing extraction in the western area working north to south, crossing over to the eastern area working south to north.

941. To restore the site the applicant is proposing to import approximately 600,000 cubic metres of inert material (equating to about 1,020,000 tonnes), importing approximately 60,000 cubic metre of inert material per annum (equating to about 102,000 tonnes per annum). Inert materials include uncontaminated or treated sub-soils, clays, overburden, as well as construction, demolition and excavation waste such as, but not limited to concrete, bricks, tiles, and ceramics that will not undergo any physical, chemical or biological transformations of significance and will not give rise to environmental pollution or risk harm to human health as a result of coming into contact with other matter.

942. The proposed restoration scheme includes the creation of a new agricultural parkland, providing approximately 2.7 kilometres of new public bridleways and permissive bridleways and 5 pocket parks. Native woodland blocks would be re-established to reflect previous historic land uses (approximately 3.42 hectares of additional native woodland, which equates to 9,750 woodland trees), approximately 439 metres of hedgerows would be strengthened, approximately 579 metres of proposed new hedgerow planting (3,474 hedging plants) and new acidic rich meadow grassland, measuring approximately 7.5 hectares in area would be developed to promote biodiversity and educational opportunities. In addition, the restoration scheme includes the planting of approximately 170 avenue and parkland trees reinstating the historic avenue of trees along bridleways WC-625 and WC-626.

Worcestershire's landbank of sand and gravel reserves

943. Paragraph 213 of the NPPF states "*minerals planning authorities should plan for a steady and adequate supply of aggregates by...maintaining landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised*". As required by the NPPF the County Council has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

944. The LAA (published June 2020) covers the period up to 31 December 2017, and in accordance with the NPPF (paragraph 213) calculates annual provision requirements on a rolling average of 10 years' sale data in Worcestershire and other relevant local information. In 2017, sales of sand and gravel in Worcestershire were 0.455 million tonnes. The 10-year average of sales from 2008 to 2017 including combined data with Herefordshire Council for 2012 and 2013 is 0.572 million tonnes. On 31 December 2017, the total permitted sand and gravel reserves for Worcestershire was about 3.465 million tonnes, which is equivalent to a landbank of approximately 6.06 years. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued, then the landbank of permitted reserves at 31 December 2020 would have been approximately 1.749 million tonnes of sand and gravel, equating to about 3.06 years. Consequently, on 31 December 2020 the County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance.

945. Since 31 December 2020, the MPA granted planning permission on 25 March 2021 (MPA Ref: 18/000036/CM, Minute No. 1069 refers) for a proposed sand quarry, infilling void using inert materials only with restoration to agricultural use together with

new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire. Based on the proposed extraction of approximately 1.35 million tonnes, this has increased the landbank by approximately 2.36 years, equating to a landbank of approximately 5.42 years in total, which is still below the minimum landbank for at least 7 years for sand and gravel.

946. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued in 2021, then the landbank of permitted reserves at 31 December 2021 would be approximately 2.527 million tonnes of sand and gravel, equating to about 4.42 years. Consequently, on 31 December 2021 the County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance.

947. Should this planning application be granted permission, it would increase the landbank by approximately 5.24 years, equating to a landbank of approximately 9.66 years, albeit it should be noted that sales of sand and gravel would have continued in 2022, so the landbank would be likely to be less than 9.66 years.

Sieve test / methodology

948. The adopted Minerals Local Plan allocates Preferred Areas for the working of sand and gravel in the County. Policy 1 states that planning permission will be granted for Preferred Areas of sand and gravel extraction, subject to an evaluation against other relevant Development Plan policies. This is in order to limit the environmental and blighting effects of proposals for sand and gravel working in the County to a minimum. The proposed development is not within an identified preferred area for sand and gravel extraction; therefore, Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan falls to be considered.

949. Policy 2 and paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan sets out the methodology against which new proposals for sand and gravel extraction not in an identified preferred area are to be assessed. If the area is subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission will not normally be granted unless there are exceptional circumstances. It is considered that the site would be affected by one primary constraint and two secondary constraints. Notwithstanding this, the impacts upon the constraints has been considered in detail, as set out in the 'Sieve test / methodology and Best and Most Versatile (BMV) agricultural land' section of this report and are not considered to constitute a reason for refusal in this instance. Furthermore, it is considered that Policy 2 of the adopted Minerals Local Plan should be given limited weight, in that it is out of date and not in accordance with the NPPF which does not operate a sieve test or impose a blanket ban on all development within primary constraints. The emerging Minerals Local Plan also does not include a similar sieve test. Furthermore, even if Policy 2 did apply, the circumstances of this application in accordance with the analysis in this report, including the date and status of the policy, is capable of amounting to "exceptional circumstances" which would justify departure from the strict outcome of the sieve test.

Best and Most Versatile (BMV) agricultural land

950. With regard to the soil resource and BMV agricultural land, the site is dominated by Grade 3a, although it identified 3 areas in the eastern area of the site which were Grade 2 and an area of Grade 3a. The distribution of Agricultural Land Classification

grades across the existing site are summarised as approximately 21.3% (10 hectares) Grade 2, approximately 66.5% (31.2 hectares) Grade 3a, approximately 1.7% (0.8 hectares) Grade 3b. Approximately 10.5% (4.9 hectares) of the site is non-agricultural. The Environmental Statement states that the final restoration scheme would provide for approximately 32.26 hectares of BMV agricultural land, which would, therefore, be a loss of BMV agricultural land of approximately 8.94 hectares, where it would be restored with an alternative land use (acidic grassland, woodland planting and pocket parks). Notwithstanding this, Natural England consider that the proposed reclamation to a biodiversity and amenity after use is acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high-quality resource for the future. The applicant has clarified that the restored land, including acid grassland and woodland areas would retain their longer-term capability to be farmed to its identified land classification potential. Therefore, there would be no permanent loss of BMV agricultural land. Furthermore, Natural England have been consulted and have raised no objections on agricultural land / soil handling grounds.

951. Based on this advice, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions relating to soil handling and placement including requiring the development being carried out in accordance with the 'Agricultural Land Classification and Soils Resource Report' and Defra's 'Good Practice Guide for Soil Handling', and requiring a detailed aftercare scheme then the objectives of the NPPF in respect of soils and their use in the restoration of BMV agricultural land would be met.

Alternatives

952. With regard to the consideration of alternatives, the PPG states that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 does not require an applicant to consider alternatives. However, where alternatives have been considered, Paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. The applicant considered a number of alternatives including do nothing; alternative sand and gravel sources within Worcestershire; alternatives to primary aggregates; alternative methods of working; alternative restoration options; and alternative means of transport. In view of the above, the Head of Planning and Transport Planning considers that the applicant's approach to the consideration of alternatives is acceptable in this instance.

953. Letters of representation and the CPRE object to the proposal recommending alternative land for mineral extraction. The Head of Planning and Transport Planning considers this is not one of the exceptional cases where an alternative scheme is relevant. Vague alternative schemes should be given very little if any weight and does not constitute a valid reason for refusing this application in this instance. Members are advised that this application should be determined on its own merits, in accordance with the development plan, unless material considerations indicate otherwise.

Green Belt

954. The proposal is located within the West Midlands Green Belt. Minerals can only be worked where they are found, and mineral working is a temporary use of land. Paragraph 150 of the NPPF identifies certain forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and

engineering operations, provided they preserve its openness and do not conflict with the purposes of including land within it.

955. The Head of Planning and Transport Planning considers that the proposed development, including restoration to a lower level, access, haul road, bunds, mineral processing plant, ancillary facilities and activity associated with the proposed mineral extraction when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would be visible, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bunds, existing historic boundary walls and proposed planting, with any views being contained to relatively few receptors. It is considered that the visual impact on openness does not make this development “inappropriate”.

956. Neither would the development result in urban sprawl. In *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] Carnwath LJ considered that “*as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land*”. In this respect, whilst the proposal would be located between Kidderminster, Cookley, Wolverley and the development of the former Lea Castle Hospital site (Lea Castle Village), and it would include infrastructure, this would be largely contained to a discrete area of the overall site and would be relatively small in the context of the much wider agricultural landscapes that surround it. The mineral extraction would be phased, with progressive restoration limiting its visual impact and spatial extent at any one time. There would also be vehicle movements, but not very many in the context of the existing highway network, and certainly not an unexpected level for an operation of this type and scale, so it would not be able to operate where these minerals are found if it did not have this level of infrastructure and vehicle movements, even when considered cumulatively with other developments, so this in itself could not make it inappropriate. The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be progressively returned to an open state following completion of extraction and would be no more built up on completion of the development as it is now, as a result of the proposal.

957. It is considered that the proposal is in line with any typical mineral development in the Green Belt, and it is assessed that this site should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a temporary duration, and relatively short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 150, and this proposal should benefit from those exemptions as it comes within the intended scope.

958. In view of above, the Head of Planning and Transport Planning considers that the exceptions for mineral extraction and engineering operations at paragraph 150 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.

Traffic and highway safety

959. A new access serving the proposed development would be constructed off Wolverley Road (B4189). The proposed access would take the form of a simple priority junction with a kerbed central island within the bellmouth to prevent HGVs from turning right onto the Wolverley Road (B4189) when leaving the site. The bellmouth would also be configured to prevent HGVs from turning left into the access in order to enforce the routeing strategy, which directs all HGV traffic to / from the Wolverhampton Road (A449) to the east; thereby avoiding HGVs travelling through the village of Wolverley and along Sion Hill (C2136). The applicant is also proposing to further reinforce the routeing restriction via the installation of CCTV at the access. This routing restriction would apply to HGVs only, with vans and private cars still being able to negotiate the access (e.g., left in or right out) without any difficulty, even with the small radius proposed.

960. The applicant anticipates that the proposal would generate approximately 154 HGV movements per day (77 entering the site and 77 exiting the site per day). This equates to approximately 13 HGV movements per hour. This is the worst-case scenario as the applicant intends to take advantage of back-hauling where possible. In addition, there would also be staff movements associated with the proposal. Based on the worst-case scenario whereby all 11 employees travel independently in a private vehicle, a further 22 movements would be anticipated on the network, with 11 arrivals in the morning and 11 departures in the evening.

961. The highest increase in traffic over any baseline flow was found to be 1.8% on Wolverley Road (B4189) to the east of the proposed access, which falls well below the 5% threshold considered to represent a material increase in traffic.

962. The County Highways Officer has been consulted and raised no objections subject to appropriate conditions regarding implementation of submitted details relating to access, parking and turning facilities; provision and maintenance of visibility splays; surfacing of first 5 metres of access from the public highway; provision of electric vehicle charging space, sheltered and secure cycle parking, and accessible car parking spaces; and HGV Management Plan. The County Highways Officer states that they have undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, they conclude that there would not be a severe impact and, therefore, there are no justifiable grounds on which an objection could be maintained, subject to imposition of appropriate conditions.

963. Based on the advice of the County Highways Officer, it is considered that the proposal would not have an unacceptable impact upon traffic or highway safety in accordance with paragraph 111 of the NPPF, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Impacts upon public rights of way

964. With regard to public rights of way, the proposal would have a direct impact upon footpath WC-624, which is located within the western area of the site, running east to west. The applicant is seeking to upgrade this footpath to bridleway standard on the completion of the restoration of Phase 3. As part of the proposal, this public right of way would be diverted to enable the working and restoration of land within Phases 1 and 2. On completion of the working and restoration of Phase 2, this public right of

way would be relocated to its original position. The proposed development would also have a direct impact upon bridleway WC-626, which is located along an internal track which separates the western and eastern areas of the site, running north to south. It is proposed to install a below ground mineral conveyor linking the western extraction area with the proposed mineral processing plant site. The installation and the subsequent removal of the conveyor tunnel would take approximately 1 to 2 weeks, respectively. During these periods, a short section of bridleway WC-626 would be closed to allow the installation / removal and make good the surface of the track. During these periods the bridleway / track would be diverted to the west to ensure full access is maintained at all times. Once the conveyor is installed / removed, the bridleway / track would be reinstated on its original route.

965. During the Initial Works Phase of the proposal, a new bridleway would be provided measuring approximately 2.3 kilometres in length. In addition, permissive routes (bridleway standard) measuring approximately 0.4 kilometres in length (combined) are proposed as part of the final restoration of the site, equating to 2.7 kilometres of proposed public bridleways and permissive bridleways.

966. The County Footpath Officer has been consulted and raised no objections to the proposal, subject to the applicant adhering to their obligations to the public rights of way. Based on this advice, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable impact upon public rights of way in accordance with Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policy SP.16 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Residential amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts)

967. With regard to impacts upon residential amenity, the applicant has carried out a Noise Assessment, which demonstrates that the predicted site noise levels would be in compliance with the recommended site noise limits set out in the Government's Planning Practice Guidance (PPG) for both normal daytime operations and temporary operations.

968. A Dust Impact Assessment accompanied the application which assessed the impact of the proposal on the nearest sensitive receptors and concludes that it is unlikely that any significant decrease in local air quality would occur due to the proposed development. Any dust occurrence event would be limited and of short duration and would be minimised by implementation of the recommended dust mitigation measures.

969. The Dust Impact Assessment considers that the greatest potential for an air quality impact is from changes in traffic flows affecting new or existing residents. The pollutants of concern are nitrogen dioxide and fine particles (PM10 and PM2.5), therefore, an Air Quality Assessment, which included dispersion modelling also formed part of the Dust Impact Assessment. The Assessment concludes that in relation to PM10 and PM2.5, the impact of the development is considered to be negligible for all of the assessed sensitive receptors, and concludes that overall, the effect on air quality of this development with the implementation of suitable dust mitigation measures is considered to be not significant.

970. In response to letters of representation raising concerns regarding adverse dust and health impacts, Worcestershire Regulatory Services reviewed the comments and reiterated that they are satisfied with the development's onsite dust and noise impact strategy, and as long as Worcestershire Regulatory Services' recommendations are appropriately conditioned, they consider that the strategy should be strong and flexible enough to deal with any subsequent issues.

971. The Head of Planning and Transport Planning notes that the Health and Safety Executive guidance states that *"one of the health risks from working in the quarry industry is that of exposure to fine dust containing crystalline silica (otherwise known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as "silicosis". It usually takes a number of years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease"*.

972. The Health and Safety Executive have set the occupational exposure limit for dust at 10 mg per cubic metre as an 8-hour time weighted average. The Air Quality Assessment demonstrates that such a figure may have significance within a site if workers are immediately adjacent to a particular operation prone to high dust emissions. However, due to dilution and dispersion it is extremely unlikely that any residential property around a site would ever experience concentrations of dust as high as this, with environmental dust levels some 100 times less being the norm.

973. Based on the advice of Worcestershire Regulatory Services, Environment Agency, and the County Public Health Practitioner, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions that there would be no adverse air pollution, noise, dust, vibration, odour or lighting impacts on residential amenity or that of human health, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.16 and SP.33 of the adopted Wyre Forest District Local Plan.

Landscape character and appearance of the local area

974. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) which concludes that the landscape and visual effects resulting from the proposed development would be temporary, progressive and localised and not significant. Progressive restoration to the post restoration scheme provides opportunities for both enhanced landscape, visual and amenity wellbeing which would result in beneficial effects. In considering the potential for cumulative visual effects, the Environmental Statement and LVIA confirm that the outline permitted residential development and the allocated site in the adopted Wyre Forest District Local Plan at the former Lea Castle Hospital site have been considered. The cumulative effect upon visual amenity for both operational and restoration periods was assessed to be neutral and not significant.

975. The Head of Planning and Transport Planning notes the concerns of local residents, Wyre Forest District Council and the CPRE regarding the visual impact of the proposal, particularly the eastern section of the site. However, the Head of

Planning and Transport Planning concurs with the conclusions of the LVIA, noting the proposed mineral extraction would be effectively screened by topography, boundary visual screening bund and the advance planting from views outside of the site, particularly from the former Lea Castle Hospital site and Wolverhampton Road (A449). It is also noted that the field immediately adjacent to Wolverhampton Road (A449) although contained within the redline boundary, no mineral extraction or development is proposed within this area.

976. The County Landscape Officer and Hereford and Worcester Gardens Trust have been consulted and both raise no objections to the proposal, subject to the imposition of appropriate conditions. In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including views from public rights of way, in accordance with Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Historic environment

977. There are a number of heritage assets within the vicinity of the application site, as outlined within 'The Site' section of this report. The Head of Planning and Transport Planning considers that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage asset of North Lodges and Gateway to Lea Castle. Notwithstanding this harm is less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of the designated heritage asset. Consequently, the fact of harm to a designated heritage asset is still to be given more weight than if simply a factor to be taken into account along with all other material considerations.

978. The Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, that on balance, in view of the public benefits of the proposal, namely, the creation of a small number of direct employment opportunities (approximately 11 employees), as well as contributing to the wider growth aspirations for the County through the supply of local aggregates to the construction market, that this outweighs the temporary and less than substantial harm to the designated heritage asset.

979. Based on the advice of the County Archaeologist, the Head of Planning and Transport Planning considers that on balance, subject to the imposition of an appropriate condition, that the impact upon the non-designated archaeological assets is not of such significance as to constitute a refusal reason in this instance.

980. There is a wide range of non-designated features within and in the vicinity of the proposal, in particular the proposal would be located within the former Lea Castle Park. The Hereford and Worcester Garden Trust have no objections to the proposal, the Head of Planning and Transport Planning 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.

981. In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon

heritage assets, in accordance with Section 16 of the NPPF, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.21, DM.23 and DM.28 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Ecology, biodiversity and geodiversity

982. Four common oak trees are proposed to be removed as part of the proposal, comprising trees T8, T9, T10 and T26. Trees T8, T9 and T10 are located within the western area of the site, in the southern part of Phase 3, with tree T26 located within hedgerow north of Broom Covert, in the eastern part of the site. Trees T9 and T10 are protected by TPOs. Tree T22, located within the middle of Phase 1 which is a veteran tree was originally proposed to be removed, but due to comments from consultees it is now proposed to be retained with the implementation of a buffer zone around the tree. All other trees are also proposed to be retained and protected for the duration of the works.

983. The applicant was accompanied by a Biodiversity Net Gain Report and accompanying Defra Biodiversity Metric, which demonstrates the proposal would result in plus 87.21% net gain for biodiversity. However, the County Ecologist comments that a number of proposed habitats have been identified with 'high' or 'very high' difficulty for creation, with a time to target condition of 30 plus years, therefore, the County Ecologist requests a long-term aftercare scheme covering a period of 30 years. A condition is recommended to this effect.

984. Based on the advice of Natural England, Worcestershire Wildlife Trust, the District Council's Countryside and Parks Manager, the County Ecologist, Woodland Trust, Forestry Commission and the Earth Heritage Trust, it is considered that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable impacts on the ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity and geodiversity, in accordance with Polices WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.22, SP.23, SP.24, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Water environment

985. The proposal is located upon a Groundwater Source Protection Zone (Zone 3 – total catchment) of several groundwater abstraction boreholes used for large-scale public water supply. The closest public water supply groundwater source to the site is located approximately 1.3 kilometres to the north of the site. The site does not form part of any Drinking Water Safeguard Zone.

986. The submitted Hydrological and Hydrogeological Impact Assessment states that the lowest proposed sections of mineral extraction (and thus subsequent infilling) at the site reside well above (between approximately 16 metres and approximately 24 metres) the level of the water table. In view of this, no dewatering of the base of the excavation is required and, therefore, there would be no lowering of the water table and no drawdown-related impact upon groundwater levels and flow.

987. With regard to flood risk, the proposal is situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. The PPG, as updated by Annex 3 of the NPPF indicates that 'water

compatible' development, such as the proposed sand extraction operations and 'more vulnerable' development, such as the subsequent infilling are considered acceptable in Flood Zone 1. The application is accompanied by a Flood Risk Assessment which concludes that neither the operational or post-restoration phases of the development would increase flood risk elsewhere, and there would be no loss of floodplain storage. Restoration of the site to agricultural parkland would be at a lower ground level than current ground levels, with drainage achieved by soakaway ponds.

988. Based on the advice of the Environment Agency, Natural England, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Planning and Transport Planning considers that the proposal would have no adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.29, SP.30, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.

Restoration and aftercare of the site

989. The proposal would enable the phased landscape-scale restoration of the site. The aims of the proposed restoration include enhancement of the value of the site for biodiversity conservation; to create new wildlife habitats throughout the site that can be sustainably managed and maintained to promote and increase the potential for biodiversity; and to establish a landform, together with land use features and elements, capable of integration and enhancement of the local landscape character and its wider setting whilst enabling public access and community enjoyment of the site.

990. The Head of Planning and Transport Planning considers that given the nature of the proposed working, which would extract minerals to a maximum depth of 18 metres, in principle the restoration of the site by the importation of inert materials is acceptable in this instance, and the risk of a lack of availability of suitable infill materials can be satisfactorily addressed by the imposition of appropriate conditions relating to progressive working and restoration schemes, annual topographical survey, and long-term aftercare scheme. This would ensure that there was limited disturbed land at any one time, and the site is restored at the earliest opportunity and to high environmental standards. A condition is also recommended requiring the site to be restored within 11 years of commencement of the development. Worcestershire Wildlife Trust, the County Landscape Officer, Hereford and Worcester Gardens Trust and the County Ecologist have both requested a longer-term aftercare and maintenance. In view of this, and based on the comments of the County Ecologist, the imposition of a conditions requiring a 30-year aftercare scheme is recommended should planning permission be granted.

Economic impact

991. The Head of Planning and Transport Planning acknowledges that the NPPF affords significant weight to the need to support economic growth; it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs; and that great weight should be given to the benefits of the mineral extraction, including to the economy. It is considered that the proposal would provide a small number (up to 11 full-time equivalent jobs) of direct employment opportunities, together with indirect employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local

aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighs in its favour.

Climate change

992. The effects of climate change and the vulnerability of the development proposal to these changes has been considered as part of the preparation of the EIA, particularly in terms of hydrology / flood risk and ecology (i.e., the impacts of climate change on habitats / species).

993. The County Sustainability Officer has been consulted and raises no comments on the proposal.

994. Given that the proposal is well located close to the potential markets it would serve; located close to the primary road network; the applicant would seek to utilise backloading of vehicles to reduce vehicle movements where possible; the proposal would upgrade existing and create new public rights of way; the restoration scheme would make provision for Sustainable Drainage Systems (SuDS) and extensive tree, woodland and habitat creation, the Head of Planning and Transport Planning considers that overall, the proposal would contribute to mitigating and adapting to climate change, in accordance with Policy WCS 11 of the adopted Worcestershire Waste Core Strategy and Policy SP.37 of the adopted Wyre Forest District Local Plan.

Cumulative effects

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

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

997. With regard combined impacts of multiple developments, including the development at the former Lea Castle Hospital site (District Council Ref: 17/0205/OUTL), which is located approximately 450 metres from the eastern most extent of proposed mineral extraction and Land off Stourbridge Road (District Council Ref: 18/0163/FULL), which is approximately 660 metres from the south-eastern most extent of proposed mineral extraction. The adopted Wyre Forest District Local Plan also allocates the land centred on the former Lea Castle Hospital site as part of a new sustainable village known as Lea Castle Village for around 1,400 dwellings (600 of these already have planning permission) with a mix of employment and retail provision. The Environmental Statement anticipates that there would be no local affects that might, through accumulation with other activities / developments from either within or outside the site, result in a significant worsening of the environment, as a result of the proposal.

998. On balance, the Head of Planning and Transport Planning does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

Prematurity

999. With regard to prematurity, in particular in relation to the proposal coming forward before the adoption of the emerging Minerals Local Plan and emerging Mineral Site Allocations development Plan Document (DPD), the NPPF states that *“arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area” (paragraph 49).*

1000. The Council is now in receipt of the Independent Inspectors’ Report, which concludes that the emerging Worcestershire Minerals Local Plan provides an appropriate basis for the planning of minerals for the County, provided that a number of main modifications are made to it, as set out in the schedule of main modifications appended to their report. As the Inspectors have recommended main modifications, the Council may only adopt the emerging Minerals Local Plan if these are included in their entirety. However, the Council does have discretion in relation to the additional modifications. Additional modifications were also published alongside consultation on the main modifications, and no comments were received on them. Some further additional modifications are required to update specific references to the revised NPPF. If Cabinet and Council adopt the emerging Minerals Local Plan, they will therefore have to adopt it with the main modifications, though it is intended that they are recommended to adopt it with both the main modifications and additional modifications. There can, therefore, only be one variation in the emerging Minerals Local Plan from the date of the Inspectors’ Report to the date of adoption by Council, namely the additional modifications which cannot materially affect the policies to be included in the Minerals Local Plan anyway.

1001. In view of the above, it is the Head of Planning and Transport Planning’s view that from the date of the Inspectors’ Report until adoption by resolution of full Council the emerging Minerals Local Plan should be given substantial weight in development management terms in the determination of planning applications, including this application.

1002. The Head of Planning and Transport Planning considers that on the whole, the proposal is broadly in accordance with the emerging Worcestershire Minerals Local Plan.

1003. It is considered that as the emerging Mineral Site Allocations DPD is at an early stage of preparation, and has not been subject to consultation, tested at examination or adopted by the County Council, that it should be given very limited weight in the determination of this application.

1004. In view of the above, the Head of Planning and Transport Planning considers that refusal of planning permission on the grounds of prematurity could not be justified in this instance.

Referral to Secretary of State

1005. The Secretary of State has received a request to call-in this application for his own determination. The Planning Response Unit, on behalf of the Secretary of State have contacted the MPA to seek agreement not to issue a decision until the Secretary of State has considered the application for call-in under Section 77 of the Town and Country Planning Act 1990 (as amended).

1006. The Secretary of State has the power to take the decision-making power on a planning application out of the hands of the local planning authority by calling it in for his own determination. This can be done at any time during the planning application process, up to the point at which the local planning authority makes the decision. In view of this, the Committee are able to refuse the application without first referring it to the Secretary of State, but should they wish to approve the application, they can only be "minded" to approve the application, as the Council must first consult the Secretary of State for Levelling Up, Housing and Communities. The Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call-in the application for his own determination.

Conclusion

1007. In accordance with paragraph 11 d) of the NPPF, where 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 the NPPF taken as a whole. On balance, taking into account the provisions of the Development Plan and in particular Policy 2 of the adopted County of Hereford and Worcester Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy, and Policies SP.1, SP.6, SP.7, SP.16, SP.20, SP.21, SP.22, SP.23, SP.24, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.34, SP.35, SP.37, DM.10, DM.22, DM.23, DM.24, DM.26, DM.28 and DM.32 of the adopted Wyre Forest District Local Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety. However, this Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call in the application for his own determination.

Recommendation

1008. **The Head of Strategic Infrastructure and Economy recommends that:**

- a) **having taken the environmental information into account, the Committee resolves that it is minded to grant approval for a proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire, that**

the application be referred to the Secretary of State for Levelling Up, Housing and Communities, in accordance with Section 77 of the Town and Country Planning Act 1990 (as amended); and

- b) if the Secretary of State does not wish to intervene, planning permission be granted, subject to the following conditions:

Commencement

- 1) The development hereby approved must be begun not later than the expiration of three years beginning with the date of this permission;
- 2) The operator shall provide written notification to the Mineral Planning Authority at least five working days prior to:-
 - i. The commencement of the development hereby approved;
 - ii. The commencement of soil stripping operations in any phase;
 - iii. The commencement of mineral extraction in any phase;
 - iv. The completion of mineral extraction in any phase;
 - v. The commencement of infilling operations in any phase;
 - vi. The completion of infilling operations in any phase;
 - vii. The commencement of soil replacement operations in any phase;
and
 - viii. The completion of soil replacement operations in any phase;

Time Limits

- 3) All mineral extraction operations shall cease, and the site shall be restored in accordance with the approved restoration scheme as shown on drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021, except where otherwise stipulated by conditions attached to this permission, within 11 years of commencement of the development hereby approved. Should mineral extraction operations cease before this date, the Mineral Planning Authority shall be notified in writing within 1 month of mineral extraction operations ceasing;

Approved Plans

- 4) The development hereby approved shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:
 - Drawing numbered: 1, reference number: KD.LCF.001, titled: 'Location Plan', dated October 2019;
 - Drawing numbered: 2, reference number: KD.LCF.014, titled: 'Application Boundary / Other Land Under the Control of the Applicant', dated October 2019;
 - Drawing numbered: 3, reference number: KD.LCF.002, titled: 'Current Situation', dated October 2019;
 - Drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021;
 - Drawing numbered: 5, reference number: KD.LCF.011, titled: 'Disturbed Land', dated October 2019;
 - Drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019;

- Drawing numbered: 7, reference number: KD.LCF.022, titled: 'Plant Site Sections – Conveyor Routing beneath PORW 62 6(B)', dated October 2019;
- Drawing numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021;
- Drawing numbered: 9A, reference number: KD.LCF.004A, titled: 'Phase 1 – Working & Restoration', dated July 2021;
- Drawing numbered: 10A, reference number: KD.LCF.005A, titled: 'Phase 2 – Working & Restoration', dated July 2021;
- Drawing numbered: 11A, reference number: KD.LCF.006A, titled: 'Phase 3 – Working & Restoration', dated July 2021;
- Drawing numbered: 12A, reference number: KD.LCF.007A, titled: 'Phase 4 – Working & Restoration', dated July 2021;
- Drawing numbered: 13A, reference number: KD.LCF.008A, titled: 'Phase 5 – Working & Restoration', dated July 2021;
- Drawing numbered: 14A, reference number: KD.LCF.009A, titled: 'Final Works', dated July 2021;
- Drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021;
- Drawing numbered: 16A, reference number: KD.LCF.028A, titled: 'Restoration Sections', dated October 2020;
- L&R Figure 5A, reference number: KD.LCF.026A, titled: 'Current & Proposed Public Rights of Way', dated July 2021;
- Reference number: KD.LCF.032, titled: 'Surface Water Management', dated September 2020;
- Reference number: KD.LCF.033C, titled: 'Public Rights of Way Proposed', dated July 2021;
- Reference number: KD.LCF.034C, titled: 'The Post Restoration PROW Routes within and adjacent to the Site', dated July 2021;
- Reference number: KD.LCF.035, titled: 'Bund 2: Tree Root Protection Areas', dated September 2020;
- Reference number: KD.LCF.036, titled: 'Restoration Sections – The Avenue', dated September 2020;
- Reference number: KD.LCF.041, titled: 'Typical Sections through land around Tree 22', dated April 2021;
- Reference number: KD.LCF.042, titled: 'Root Protection: Existing Avenue Trees', dated July 2021;
- Drawing numbered: 476/220/02, titled: 'Bridle path conveyor diversion', dated June 2020;
- Pre-development Tree Condition Survey drawing number: TS71-001, titled: 'Tree Survey – Context Plan, dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-002, titled: 'Tree Retention & Removal Plan', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-003, titled: 'Tree Retention & Removal Plan 1', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-004, titled: 'Tree Retention & Removal Plan 2', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-005, titled: 'Tree Retention & Removal Plan 3', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-006, titled: 'Tree Retention & Removal Plan 4', dated May 2019;

- Pre-development Tree Condition Survey drawing number: TS71-007, titled: 'Tree Retention & Removal Plan 5', dated May 2019;
- Transport Statement drawing number: WY TA 18-1, titled: 'Proposed Site Entrance', dated July 2018; and
- Transport Statement drawing number: Figure 1, titled: 'Proposed Site Access Preliminary Design Layout', dated August 2019;

Extraction Boundary

- 5) No mineral extraction shall take place outside the limit of the extraction boundary shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021;

Waste Acceptance

- 6) No waste materials other than those defined in the application, namely construction, demolition and excavation wastes shall be imported to the site for infilling and restoration purposes;

Phasing

- 7) The site shall be progressively worked and restored in accordance with the phased working programme and contiguous restoration scheme as shown on the approved drawings numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021; 9A, reference number: KD.LCF.004A, titled: 'Phase 1 – Working & Restoration', dated July 2021; 10A, reference number: KD.LCF.005A, titled: 'Phase 2 – Working & Restoration', dated July 2021; 11A, reference number: KD.LCF.006A, titled: 'Phase 3 – Working & Restoration', dated July 2021; 12A, reference number: KD.LCF.007A, titled: 'Phase 4 – Working & Restoration', dated July 2021; 13A, reference number: KD.LCF.008A, titled: 'Phase 5 – Working & Restoration', dated July 2021; 14A, reference number: KD.LCF.009A, titled: 'Final Works', dated July 2021, except where otherwise stipulated by conditions attached to this permission;

Depth of Working

- 8) No excavation or extraction shall take place below 63.5 metres Above Ordnance Datum (AOD) in the eastern part of the site (Initial Phase, Phase 4 and Phase 5) and 60.4 metres AOD in the western part of the site (Phase 1, Phase 2 and Phase 3);

Working Hours

- 9) Except in emergencies to maintain safe quarry working, all operations and uses on the site including the running of any plant or machinery, shall only take place between 08:00 to 18:00 hours Mondays to Fridays, inclusive, and 08:00 to 13:00 hours on Saturdays, with no operations on the site at any time on Sundays, Bank or Public Holidays. The Mineral Planning Authority shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours;

Design

- 10) Prior to the commencement of the development hereby approved, detailed design drawings of all plant, structures and buildings, including the conveyors to be placed on the site shall be submitted to and approved in writing by the Mineral Planning Authority. Details shall include dimensions,

materials, colour and finishes. Thereafter, the development shall be carried out in accordance with the approved details;

Highways and Public Rights of Way

- 11) Access to and from the site shall only be gained via the haul road and access onto Wolverley Road (B4189) as shown on drawing numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021;
- 12) No soil stripping operations shall take place within Phase 1 as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the parking and turning facilities have been provided as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019 and the Transport Statement drawing number: Figure 1, titled: 'Proposed Site Access Preliminary Design Layout', dated August 2019;
- 13) No operations shall take place within the permitted working areas, as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the haul road and access have been constructed in accordance with a specification to be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- 14) No operations shall take place within the permitted working areas, as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material;
- 15) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 1.05 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 103 metres to the west and 122 metres to the east measured along the nearside edge of the adjoining carriageway and offset a vertical distance of 0.6 metres from the carriageway. Nothing shall be planted, erected and / or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above;
- 16) Within 3 months of the commencement of the development hereby approved, the specification, location and timetable for the provision of at least 1 electric vehicle charging space to be provided on site, shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the space(s) and power point(s) shall be kept available and maintained for the use of electric vehicles only;
- 17) Within 3 months of the commencement of the development hereby approved, details, location and a timetable for the provision of at least 2 accessible car parking spaces, shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in

accordance with the approved details and the spaces shall be kept available and maintained for use by disabled users only;

18) Within 3 months of the commencement of the development hereby approved, details, location and a timetable for the provision of sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the cycle parking shall be kept available and maintained for use by bicycles only;

19) The development hereby approved shall not commence until an HGV Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall include but not be limited to the following:

- i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- ii. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- iii. The hours that HGVs will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- iv. Details of HGV routing and the suitability of routes;
- v. A requirement to provide regular monitoring of HGVs accessing the site through the use of CCTV to ensure HGVs travel only left out and right in; and
- vi. A highway condition survey, timescale for re-inspections, and details of any reinstatement.

Thereafter, the measures set out in the approved Management Plan shall be implemented and maintained for the duration of the development hereby approved;

20) Notwithstanding the requirements of Condition 19) above, prior to the commencement of the development hereby approved, full details of the wheel wash, together with water supply, water storage, recycling and disposal shall be submitted to the Mineral Planning Authority for approval in writing. The wheel wash shall be implemented and operated in accordance with the approved details;

21) No HGVs shall enter the public highway from the site, unless their wheels and chassis have been cleaned in the wheel wash to prevent material being deposited on the highway;

22) All loaded vehicles entering and leaving the site shall be sheeted to prevent dust emission and spillage of materials on to the public highway;

23) No HGVs shall turn right when exiting the site. Prior to the commencement of the development hereby approved, details of signage requiring all HGVs to turn left onto Wolverley Road (B4189) along with the siting of the signage close to the site exit, and a programme for its installation, shall be submitted to and approved in writing by the Mineral Planning Authority. The signage

shall be erected in accordance with the approved details and thereafter shall be retained until the last Phase has been restored;

24) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, the alignment, width, surfacing, drainage, maintenance arrangements of all proposed and upgraded public rights of way and permissive bridleways as shown on drawing: L & R Figure 5A, Ref: KD.LCF.026A, titled: 'Current & Proposed Public Rights of Way', dated July 2021 and a timetable for their implementation shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the routes shall be provided and maintained in accordance with the approved details;

25) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme and programme for the proposed and upgraded public rights of way and permissive bridleways, as shown on drawing: L & R Figure 5A, Ref: KD.LCF.026A titled: 'Current & Proposed Public Rights of Way', dated July 2021, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme shall provide for the proposed and upgraded public rights of way and permissive bridleways to be constructed to bridleway adoptable standards and shall include details of:

- i. the alignment and width of the proposed and upgraded public rights of way and permissive bridleways;
- ii. surfacing materials;
- iii. drainage provision;
- iv. details of any gates, fences or barriers;
- v. maintenance arrangements;
- vi. timetable for their implementation.

Thereafter, the routes shall be provided and maintained in accordance with the approved details. All proposed new public rights of way or permissive bridleways shall be provided as permissive routes and shall remain in situ and available for public use until such a time that a Certificate of Completion under Section 25 Agreement has been issued and the Definitive Map routes have been dedicated;

26) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed scheme for the safe crossing by the public over the haul road of any rights of way or permissive bridleways, shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include the signage to be installed to alert users of the haul road of the crossing, any gates, fences or barriers and surfacing. The crossing shall be implemented in accordance with the approved details and made available prior to the first use of the haul road by any HGVs and thereafter shall be retained until the last Phase has been restored;

Boundary Treatment

27) Details of any new fences, walls and other means of enclosure shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details;

CCTV

- 28) Prior to the commencement of mineral extraction, details and locations of Closed-Circuit Television (CCTV) to be installed at the site shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

Lighting

- 29) Prior to commencement of the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The strategy shall include:

- i. Height of lights;
- ii. Intensity of the lights;
- iii. Spread of light in metres (Lux plan);
- iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
- v. Times when the lighting would be illuminated; and
- vi. Measures to minimise the impact of lighting upon protected species and habitats, including:
 - identifying those areas / features on site that are particularly sensitive for bats and invertebrates and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, such as for foraging; and
 - show how and where external lighting will be installed, through provision of appropriate technical specifications including optic photometric data and contour plans (in both horizontal and vertical planes), and glare rating, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Thereafter, the development shall be carried out and maintained in accordance with the approved details. Under no circumstances shall any other external lighting be installed without prior consent from the Mineral Planning Authority;

Topographical Survey

- 30) A topographical survey of the site shall be carried out during the 12th month of extraction operations and shall be provided to the Mineral Planning Authority within two months of the survey date. Thereafter, the survey shall be carried out annually and supplied to the Mineral Planning Authority within two months of the survey date. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within two months of a written request. The survey shall be at a scale of 1:1250, with all levels related to Ordnance Datum. The surveys shall include the extent of land open for quarrying or undergoing restoration and quarry floor levels;

Water Environment

- 31) No mineral extraction shall take place until a groundwater, surface water level and quality, monitoring scheme has been submitted to and approved in writing by the Mineral Planning Authority, in consultation with the Environment Agency. Thereafter the scheme shall be implemented in accordance with the approved details. The Scheme shall include, but may not be limited to:**
- i. pre-commencement, operational (extraction phase) and post extraction monitoring, of the existing onsite monitoring boreholes identified in environmental Statement Volume 2 – Technical Appendices – Appendix I: Water Resources. Additional monitoring points will be required to monitor the soakaway ponds post restoration;**
 - ii. method and nature of sampling / measurement;**
 - iii. a programme detailing frequency and duration of monitoring along with details of how and when the monitoring data and the Scheme itself shall be reviewed to assess if impacts (if any) are occurring;**
 - iv. trigger levels when action is required to protect a water feature;**
 - v. details of any contingency and mitigation proposals should a trigger level be breached and an impact be apparent at a water feature;**
 - vi. a clause (in the event that an adverse impact / risk of deterioration attributable to the mineral extraction is noted in the groundwater / surface water monitoring data) for the temporary cessation of mineral extraction whilst investigation into the apparent deterioration is undertaken; and**
 - vii. proposals to investigate the cause and measures to avoid, mitigate or remedy any such risks; and to monitor and amend any failures, shall be submitted to the Mineral Planning Authority for approval in writing in consultation with the Environment Agency;**
- 32) Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have been submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;**
- 33) No works in connection with site drainage shall commence until a Sustainable Drainage Systems (SuDS) Management Plan which shall include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework for their management and maintenance in perpetuity, has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall also detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the approved SuDS Management Plan shall be implemented in full and shall be managed and maintained in accordance with the approved maintenance plan;**
- 34) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water whether direct or via soakaways;**

- 35) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank or vessel overflow pipe outlets shall be detailed to discharge downwards into the bund;
- 36) Prior to the commencement of the development hereby approved, details of pollution control measures, including pollution incident response procedures shall be submitted to, and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- 37) Repair, maintenance and fuelling of vehicles, plant and machinery shall only take place on an impervious surface drained to a sealed interceptor and the contents of the interceptor shall be removed from the site;

Noise and Vibration

- 38) Notwithstanding the submitted details, no soil stripping operations shall take place until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;
- 39) The noise attributable to mineral operations from the site shall not exceed the levels set out below at the receptor locations identified in the Noise Assessment Report, dated 12 September 2019 when measured in terms of an LAeq 1-hour level (free field):
- Broom Cottage: LAeq, 1-hour 53dB;
 - South Lodges: LAeq, 1-hour 55dB;
 - Heathfield Knoll: LAeq, 1-hour 55dB;
 - Brown Westhead Park: LAeq, 1-hour 46dB;
 - The Bungalow: LAeq, 1-hour 45dB;
 - Keeper's Cottage: LAeq, 1-hour 49dB; and
 - Castle Barns: LAeq, 1-hour 51dB.
- 40) During the removal of soils and superficial deposits and the creation of any screen bunds or restoration works, the noise limit at the receptor locations identified in the Noise Assessment Report, dated 12 September 2019 shall not exceed 70dB LAeq 1-hour (free field) for a period of up to 8 weeks in any calendar year. Prior written notice of at least 5 working days, being Mondays to Fridays inclusive, shall be given to the Mineral Planning Authority of the commencement and the duration of such operations;
- 41) Within 21 days from receipt of a written request from the Mineral Planning Authority, the operator shall, at its expense, employ an independent qualified acoustic consultant to assess the noise impact from the development hereby

approved upon the receptor locations identified in the Noise Assessment Report, dated 12 September 2019. The scope, methodology and timescales for delivery of the noise assessment shall be agreed in writing with the Mineral Planning Authority before assessment begins. Thereafter the noise assessment shall be completed in accordance with the agreed scope and shall be presented to the Mineral Planning Authority within the timescales for delivery;

- 42) Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 41) including all noise measures and any audio recordings, where the Mineral Planning Authority is satisfied of an established breach of noise limits set out in the Conditions 39) and / or 40), and upon notification by the Mineral Planning Authority in writing to the quarry operator, the quarry operator shall within 21 days propose a scheme of mitigation for the written approval of the Mineral Planning Authority. The scheme of mitigation shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. Thereafter, the scheme shall be implemented in accordance with the approved details;
- 43) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times, and this shall include the fitting and use of silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed;
- 44) All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices;
- 45) Internal roads shall be maintained such that their surface remains in a good condition free of potholes or other defects;

Dust

- 46) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Dust Management Plan to include dust monitoring shall be submitted to and approved in writing by the Mineral Planning Authority. The Dust Management Plan shall be based upon Section 3.0 and Appendix 3 of the Dust Impact Assessment, dated 18 September 2019, Ref: R19.10059/3/AG, and shall follow the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (2016), set out and require compliance with the good practice mitigation measures set out in Tables 4 and 5 of the IAQM Guidance for both site design and planning and operational control, and be reviewed every six months and updated accordingly in light of good practice and developing evidence. Thereafter, the development shall be carried out in accordance with the approved plan;
- 47) Notwithstanding the provisions of Condition 46) of this permission, the following measures shall be undertaken to suppress dust emissions on the site arising from all operations, including vehicular movements, mineral extraction, infilling operations and restoration:

- i. The provision of a water bowser and spraying units which shall be used at all times when there is a risk of dust arising from operations at the site;
- ii. Road sweeper to be utilised during dry conditions or upon request of the Mineral Planning Authority;
- iii. Drop heights for material transfer (between plant, ground and transport) should be minimised;
- iv. All plant vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground; and
- v. There shall be a maximum speed limit of 10mph within the site;

Historic Environment

48) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Mineral Planning Authority. 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 and timetable for publication and dissemination of the analysis and records of the site investigation;
- v. Provision to be made and timetable 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.

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

49) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme for the part removal to create the vehicular access, protection and reinstatement of the historic boundary wall, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

Stockpiles

50) The height of any stockpiles of sand and gravel and inert waste restoration material shall not exceed 5 metres;

Soil Handling and Storage

51) The development hereby approved shall be carried out in accordance with the 'Agricultural Land Classification and Soils Resource Report', dated May 2018;

52) Soil handling and placement shall take place in accordance with the '*Good Practice Guide for Soil Handling*' produced by Defra and only when the soils are dry and friable and in dry ground conditions;

- 53) All topsoil and subsoil shall be permanently retained on site and used in restoration. All available soil forming materials shall be recovered during excavation to achieve restoration of the site;
- 54) All topsoil, subsoil and soil forming materials shall be stored in separate bunds which:
- i. Shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;
 - ii. Shall not be traversed by heavy vehicles or machinery except where essential for the purposes of bund construction or maintenance;
 - iii. Shall not be subsequently moved or added to until required for restoration;
 - iv. Shall have a minimum 3 metre stand-off buffer of undisturbed ground around each storage bund;
 - v. Shall only store topsoil on like textured topsoil and subsoil on like textured subsoil;
 - vi. Topsoil bunds shall not exceed 3 metres in height and subsoil bunds shall not exceed 5 metres in height; and
 - vii. Shall, if continuous bunds are used, have dissimilar soils separated by a third material previously approved in writing by the Mineral Planning Authority;
- 55) No plant or vehicles shall cross any area of unstripped soil or subsoil, except where such trafficking is essential for the purposes of undertaking permitted operations. Essential traffic routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated, traversed or used as a road for the stationing of plant or buildings or for the storage of subsoil, overburden, waste or mineral deposits, until all available topsoil has been stripped from that part. The exceptions are that topsoil may be stored on like topsoil and subsoil may be stored on like subsoil;
- 56) Prior to the commencement of soil stripping operations, a scheme for seeding and management of all soil and overburden storage bunds that will remain in situ for more than 3 months or over winter shall be submitted to and approved in writing by the Mineral Planning Authority. Seeding and management of the storage bunds shall be carried out in accordance with the approved scheme;
- 57) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in any phase, a scheme for the design, location, height, gradient, volume and details of all soil material contained within each soil bund within that phase shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

Ecology

- 58) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to the Mineral

Planning Authority for approval in writing. The CEMP for biodiversity shall include the following:

- i. Risk assessment of potentially damaging quarrying activities;
- ii. Identification of “biodiversity protection zones”, including tree root protection zones to be protected by suitable fencing in accordance with BS5837:2012;
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during quarrying (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during the works when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii. Use of protective fences, exclusion barriers and warning signs.

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

59) Prior to the commencement of the development hereby approved, a Biodiversity Enhancement, Monitoring and Management Plan (BEMMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The purpose of the strategy shall be to ensure the effectiveness of all delivered biodiversity measures for a period of no less than 30 years. The BEMMP shall deliver a minimum of 232.28 Habitat Biodiversity Units and 5.48 Hedgerow Biodiversity Units, as set out in the Biodiversity Net Gain Assessment Report, dated September 2020, and include all measures as shown on drawing numbered: 15B, reference number: KD.LCF.010B, titled: ‘Concept Restoration’, dated July 2021 and in Section 8 and 11 of the Environmental Statement Volume 2 ‘Technical Appendix B – Nature Conservation and Ecology’ (Ecological Impact Assessment document reference M16.176(a).R.006, dated April 2019, and the following:

- i. Aims and objectives of management and monitoring to match the stated purpose;
- ii. Identification of adequate baseline conditions prior to the start of development, description and evaluation of features to be managed and enhanced, identifying an adequate baseline of conditions prior to start of development, including provision of Habitat Condition Assessment sheets to describe baseline condition of all habitats retained and enhanced;
- iii. Extent and location / area of proposed enhancement works on appropriate scale maps and plans to include any mitigation and enhancement measures such as bat and / or bird boxes;
- iv. Ecological trends and constraints on site that might influence management;
- v. Methods for data gathering and analysis;
- vi. Location, timing and duration of monitoring;
- vii. Responsible persons and lines of communication;

- viii. **Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged, to include reference (where appropriate) to the target condition of habitats and hedgerows;**
- ix. **Appropriate management actions for achieving stated aims and objectives;**
- x. **An annual work programme (to cover an initial 5 year period);**
- xi. **Details of the specialist ecological management body or organisation responsible for implementation of the plan;**
- xii. **For each of the first 5 years of the plan, a BEMMP progress report to be sent to the Mineral Planning Authority reporting on progress of the annual work programme, to include an updated Biodiversity Net Gain metric supported by Habitat Condition Assessment sheets, and confirmation of any required actions for the next 12 month period; and**
- xiii. **The BEMMP will be reviewed and updated every 5 years and implemented for 30 years.**

The BEMMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMMP will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The BEMMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMMP are not being met) how contingencies and / or remedial action will be identified, agreed with the Mineral Planning Authority, and then implemented so that the development still delivers the Objectives of the originally approved BEMMP. The approved BEMMP shall be implemented in accordance with the approved details;

Landscape

60) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The LEMP shall comprise of a drawing and document that covers:

- i. **Aims and objectives of the scheme;**
- ii. **A plan with annotations showing the landscape and habitat or features to be retained, created and managed, including detailed advanced planting scheme covering each phase and any other areas of the site; the restoration, enhancement and management of existing boundary trees and hedgerows; and detailed design of pocket parks;**
- iii. **Measures (including establishment, enhancement and aftercare) for achieving the aims and objectives of management, with time-specific criteria denoting success or a need to implement contingency measures;**
- iv. **A work and maintenance schedule for 30 years and arrangements for beyond this time;**
- v. **The LEMP shall require the collection and removal of any plastic tree guards on completion of aftercare, or specify use of bio-degradable tree guards, and that the application of insecticide or fungicides shall be avoided as shall the use of peat anywhere within the**

restoration scheme. No fertilisers shall be required or are desirable within the acid grassland habitat.

- vi. Monitoring and remedial or contingency measures covering habitats, vegetation, breeding birds, bats, great crested newts, reptiles, notable invertebrates and mammals plus any invasive species or injurious weeds. This shall include measures setting out that in the event of any trees, shrub or hedgerow being damaged or removed by the development, they 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;
- vii. Measures to control and prevent the spread of non-native invasive species; and
- viii. Those responsible for implementation of the scheme.

The LEMP shall also include details of the funding mechanism(s) by which the long-term implementation of the scheme will be secured. Thereafter, the development shall be carried out in accordance with the approved details;

- 61) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in Phases 1 to 3 as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, measures, including details of locations and dimensions of hay bales to assist with visually screening the development hereby approved shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

Restoration

- 62) The site shall be restored in accordance with the approved restoration scheme, as shown on drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021, except where otherwise stipulated by conditions attached to this permission;
- 63) In the event that the winning and working of minerals ceases prior to the achievement of the completion of the approved restoration scheme referred to in Condition 62) of this permission which, in the opinion of the Mineral Planning Authority constitutes a permanent cessation, a revised scheme, to include details of restoration and aftercare, shall be submitted to the Mineral Planning Authority for approval in writing within 6 months of the cessation of the winning and working of minerals. The revised scheme shall be fully implemented within 12 months its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority;
- 64) In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Mineral Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Mineral Planning Authority;

Aftercare

- 65) The land within the application site shall undergo aftercare management for a 30-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority;
- 66) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an updated outline aftercare scheme shall be submitted to the Mineral Planning Authority for approval in writing to cover a period of 30 years. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the restoration scheme, as required by Condition 62) of this permission;
- 67) A Detailed Aftercare Scheme shall be submitted to the Mineral Planning Authority for approval in writing at least 9 months prior to the anticipated completion date for each Phase identified in Condition 7) of this permission. The approved scheme shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings;

Interpretation Strategy

- 68) Within 6 months of the commencement of the development hereby approved, an interpretation strategy for cultural heritage, landscape, biodiversity and geodiversity shall be submitted to the Mineral Planning Authority for approval in writing. The Strategy shall include the content topic headings, concept design and location of any interpretation panels. Thereafter, the development shall be carried out in accordance with the approved details;

Renewable / Low Carbon Energy

- 69) Prior to the commencement of mineral extraction, details of renewable or low carbon energy generating facilities to be incorporated as part of the approved development shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the site office and welfare facilities as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019, will be met through the use of renewable / low carbon energy generating facilities. The approved energy generating facilities shall be provided prior to the use of the site office and welfare facilities hereby approved;

Permitted Development Rights

- 70) Notwithstanding the provisions of Class L of Part 7 and Class A and Class B of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fixed or mobile plant, machinery, buildings, structures, erections or private ways shall be erected, extended,

installed, rearranged, replaced or altered within the site without the approval of the Mineral Planning Authority;

Other Matters

71) There shall be no crushing, screening, sorting or processing of any waste materials on the site;

72) The site shall not be open to the general public for commercial purposes;

73) No materials shall be burned on the site;

Local Liaison

74) No development shall commence until a scheme that sets out measures for liaison arrangements with the local community has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the approved scheme shall be implemented for the duration of the development hereby approved; and

Planning Permission

75) 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 duration 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

Specific Contact Points for this report

Case Officer: 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 Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 19/000053/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.

Glossary of Terms

ALC – Agricultural Land Classification

AOD – Above Ordnance Datum

AONB – Area of Outstanding Natural Beauty

AQMA – Air Quality Management Area

Ark – Isolated refuge sites where new populations of White-clawed crayfish can be established, safe from threats

Back-Hauling – Returning a vehicle to its original starting point, loaded on both outbound and inbound journeys, for example a vehicle importing a load of inert waste material is emptied on site and then the same vehicle is loaded with sand and gravel returning to the original site

BAP – Biodiversity Action Plan

BEMMP – Biodiversity Enhancement, Monitoring and Management Plan

BMV – Best and Most Versatile agricultural land

Category A Trees – Trees assessed as being of high quality and value

Category B Trees – Trees assessed as being of moderate quality and value

Category C Trees – Trees assessed as being of low quality and value

Category U Trees – Trees assessed to be in such a condition that they cannot be retained as living trees in the context of the current land for longer than 10 years

CBI – Confederation of British Industry

CCTV – Closed Circuit Television

C & D waste – Construction and Demolition waste

CE – Church of England

CEMP – Construction Environmental Management Plan

CO₂ – Carbon Dioxide

COPD – Chronic Obstructive Pulmonary Disease

CPRE – Campaign to Protect Rural England

dB – Decibel

DPD – Development Plan Document

ECoW – Ecological Clerk of Works

EIA – Environmental Impact Assessment

EWCA – England and Wales Court of Appeal

EWHC – England and Wales High Court

Free field noise level – Free field noise measurements are those undertaken away from any reflective surfaces other than the ground

GI – Green Infrastructure

GVA – Gross Value Added

HGV – Heavy Goods Vehicle

HIA – Health Impact Assessment

HRA – Habitat Regulations Assessment

HSE – Health and Safety Executive

IAQM – Institute of Air Quality Management

Inert waste – This includes waste uncontaminated or treated sub-soils, clays, overburden, as well as construction, demolition and excavation waste such as, but not limited to concrete, bricks, tiles, and ceramics that will not undergo any physical, chemical or biological transformations of significance and will not give rise to environmental pollution or risk harm to human health as a result of coming into contact with other matter

kV – Kilovolt

LAA – Local Aggregate Assessment

LAeq – Equivalent Continuous Sound Pressure Level

LEMP – Landscape and Ecological Management Plan

LiDAR – Light Detection and Ranging

LNR – Local Nature Reserve

LVIA – Landscape and Visual Impact Assessment

LWS – Local Wildlife Site

Mg – Milligram

MLP – Minerals Local Plan

MPA – Mineral Planning Authority

MPH – Miles per hour

NEU – National Education Union

NHS – National Health Service

NO₂ – Nitrogen Dioxide

NPPF – National Planning Policy Framework

NPPW – National Planning Policy for Waste

ONS – Office for National Statistics

OSL – Optically Stimulated Luminescence

Overburden – is unsaleable materials such as clay or un-saleable silty sand that lies above the mineral

P & CR – Planning (Property) and Compensation Reports

PM2.5 – Particulate matter where particles are less than 2.5 micrometres in diameter

PM10 – Particulate matter where particles are less than 10 micrometres in diameter

PPE – Personal Protective Equipment

PPG – Planning Practice Guidance

Ramsar site – Designated as internationally important wetlands

Regulation 25 – The submission of further environmental information associated with an Environmental Statement, made under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

SAC – Special Areas of Conservation

SPA – Special Protection Areas

SSSI – Site of Special Scientific Interest

SuDS – Sustainable Drainage Systems

TPO – Tree Preservation Order

UK – United Kingdom

USA – United States of America

WC – Water closet

WFD – Water Framework Directive

WHO – World Health Organisation

WLR – Weekly Law Reports

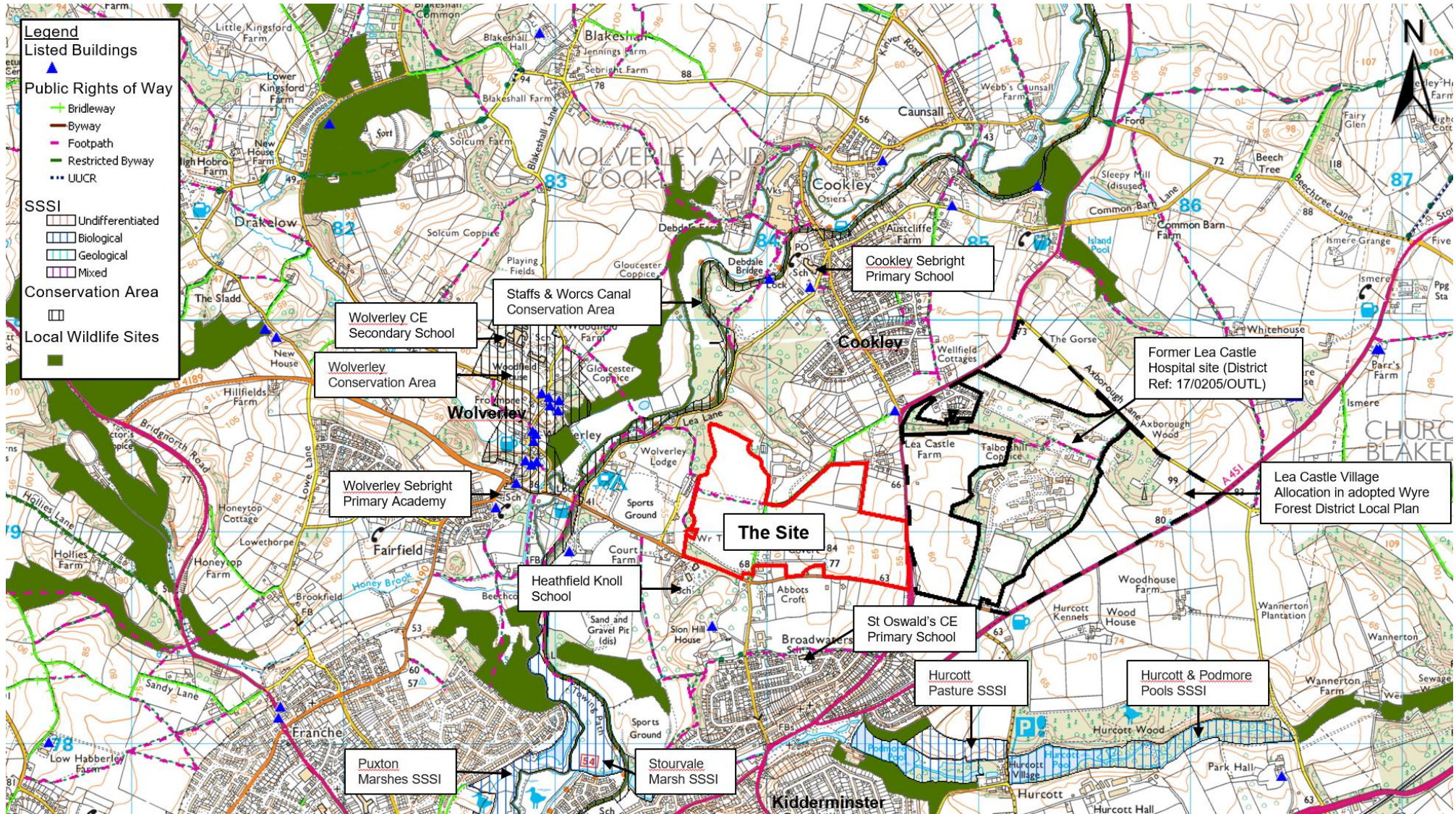
Plan 1



Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire. Ref: 19/00053/CM

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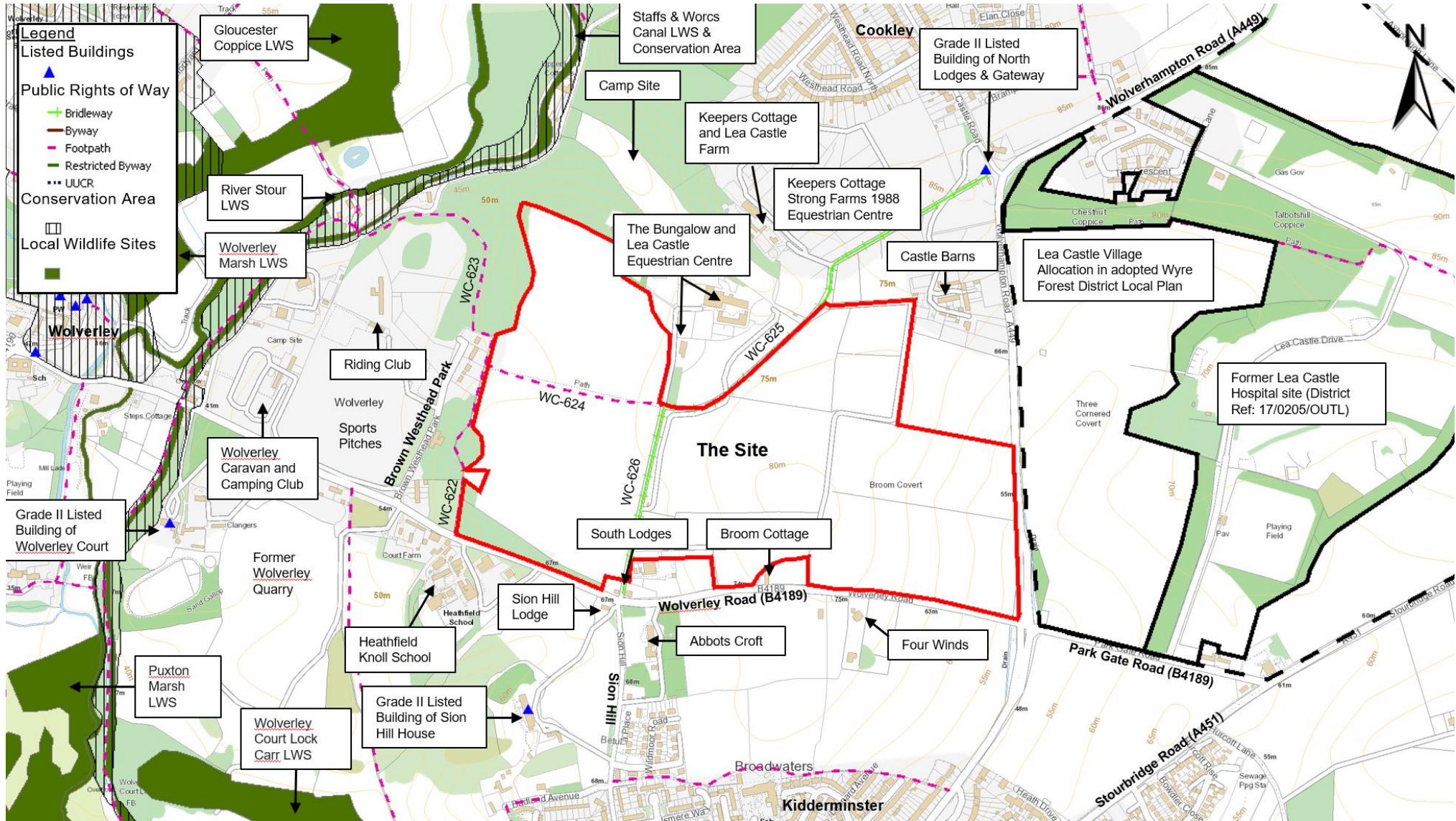
Plan 2



Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire. Ref: 19/00053/CM

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Plan 3



Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire. Ref: 19/000053/CM

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Current Situation
 Operations / Actions Currently Taking Place:

- The Site's main landuse is as Agricultural Land which is farmed for a variety of crops including potatoes, maize, barley and sugar beet.
- The land being contained by a combination of woodland blocks, walls and topography.
- There is a limited section of bridleway (ref: 62 6(B) and 62 5(B)) which runs from South Lodge to North Lodge before joining the local road network.
- There is a section of footpath (ref: 62 4(B)) which runs east to west in the Western part of the Site which connects the junction of 62 5(C) and 62 6(B).
- 33N° individual trees, 14° tree groups and 4N° hedgerows are recorded as being within or adjacent to the Site. 10N° individual trees forming the remains of a previous avenue of trees including Beech and Lime.
- Areas of the Site have been used for motorbike scrambling.
- The Site is accessed from Wolverley Road to the south and Castle Road to the north.

- LEGEND**
- Application Boundary
 - Existing Woodland, Trees & Scrub
 - Existing Hedgerows/Hedgerow Trees
 - Existing Public Rights of Way
 - Existing Buildings/Structures/Roads and Tracks
 - Existing Contours Meters above Ordnance Datum
 - Existing Water bodies
 - Agricultural land within the planning application boundary
 - Surrounding land

Page 227

Planning Application Drawing No. 3

PROJECT:
 Leaverhampton Farm

TITLE:
 Current Situation

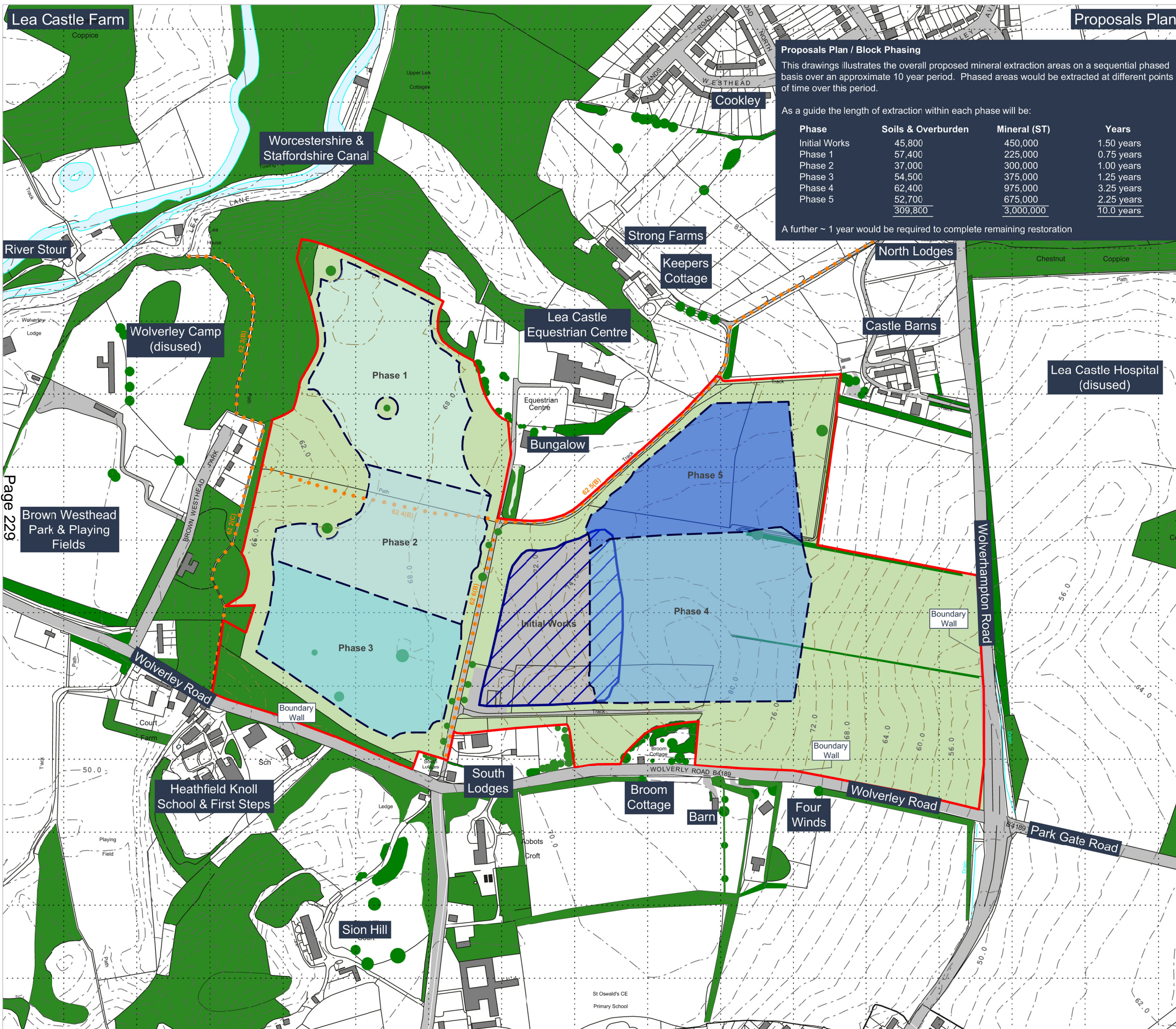
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 KD.LCF.002

DATE: October 2019 **SCALE:** 1:5,000 @ A3

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Proposals Plan

Proposals Plan / Block Phasing

This drawings illustrates the overall proposed mineral extraction areas on a sequential phased basis over an approximate 10 year period. Phased areas would be extracted at different points of time over this period.

As a guide the length of extraction within each phase will be:

Phase	Soils & Overburden	Mineral (ST)	Years
Initial Works	45,800	450,000	1.50 years
Phase 1	57,400	225,000	0.75 years
Phase 2	37,000	300,000	1.00 years
Phase 3	54,500	375,000	1.25 years
Phase 4	62,400	975,000	3.25 years
Phase 5	52,700	675,000	2.25 years
	<u>309,800</u>	<u>3,000,000</u>	<u>10.0 years</u>

A further ~ 1 year would be required to complete remaining restoration

LEGEND

- Application Boundary
- Initial Works
- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5
- Final Works

Soils and Overburden to be stripped (based on 1.2m soil profile) to remain on site and placed for restoration.

Page 229

Planning Application Drawing No. 4A



PROJECT:
Lea Castle Farm

TITLE:
Proposals Plan

REF NO:
KD.LCF.013A

DATE:
July 2021

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Initial Works
Operations to include:

- Re-establishment of tree avenue planting along Brdleyway FP 62 5(B) and FP 62 6(B)
- Woodland block W1 to be planted with hedgerows H1, H2 and H3 to be strengthened.
- Temporary removal of a section of wall adjacent to Wolverley Road / the proposed site access - bricks to be stored for re-use in re-building the wall on completion of scheme.
- Soil stripping along the route of the proposed internal access track and the plant site area. Stripped soils to be temporarily stored within Bunds 1 to 5 to be later utilised for progressive restoration. Bunds to be seeded with floristic meadow mix and maintained.
- Storage area 6 topsoil to be placed onto existing adjacent undisturbed field to an ~ thickness of 300mm and farmed.
- Exposed mineral within the southern area of the plant site is to be dug and removed "as dug" from the site. The temporary plant site will then be constructed a minimum of 7m below existing ground levels and further screened by a seeded soil bund. The proposed site internal access road will be graded down from the east to the lower plant site level.
- Silt management / water cleansing system established.
- New section of Public Right of Way to be established from point A off PROW ref: 62 5(B) to B connecting with PROW ref: 62 2(B). ~ length of new PROW 2.0km. Site internal (off road) new path with dedicated crossing over the Site access road. The new access will be suitable for walkers, cycling and as a bridleway.
- Sand and gravel will be extracted from the remainder of the Initial Works area, processed and sold off site.

- LEGEND**
- Application Boundary
 - Existing Woodland, Trees & Scrub
 - Existing Hedgerows/Hedgerow Trees
 - Existing Public Rights of Way
 - Existing Buildings/Structures/Roads and Tracks
 - Plant Site
 - Existing Contours Meters above Ordnance Datum
 - Proposed Contours Meters above Ordnance Datum
 - Base of Extraction (m aOD)
 - Silt and Fresh Water Lagoons
 - Agricultural land within the planning application boundary
 - Surrounding land
 - Proposed Soil Storage & Screening Bunds
 - Proposed Woodland / Tree Planting
 - Proposed New Public Rights of Way

Planning Application Drawing No. 8A

KEDD Limited

PROJECT:
Lea Castle Farm

TITLE:
Initial Works

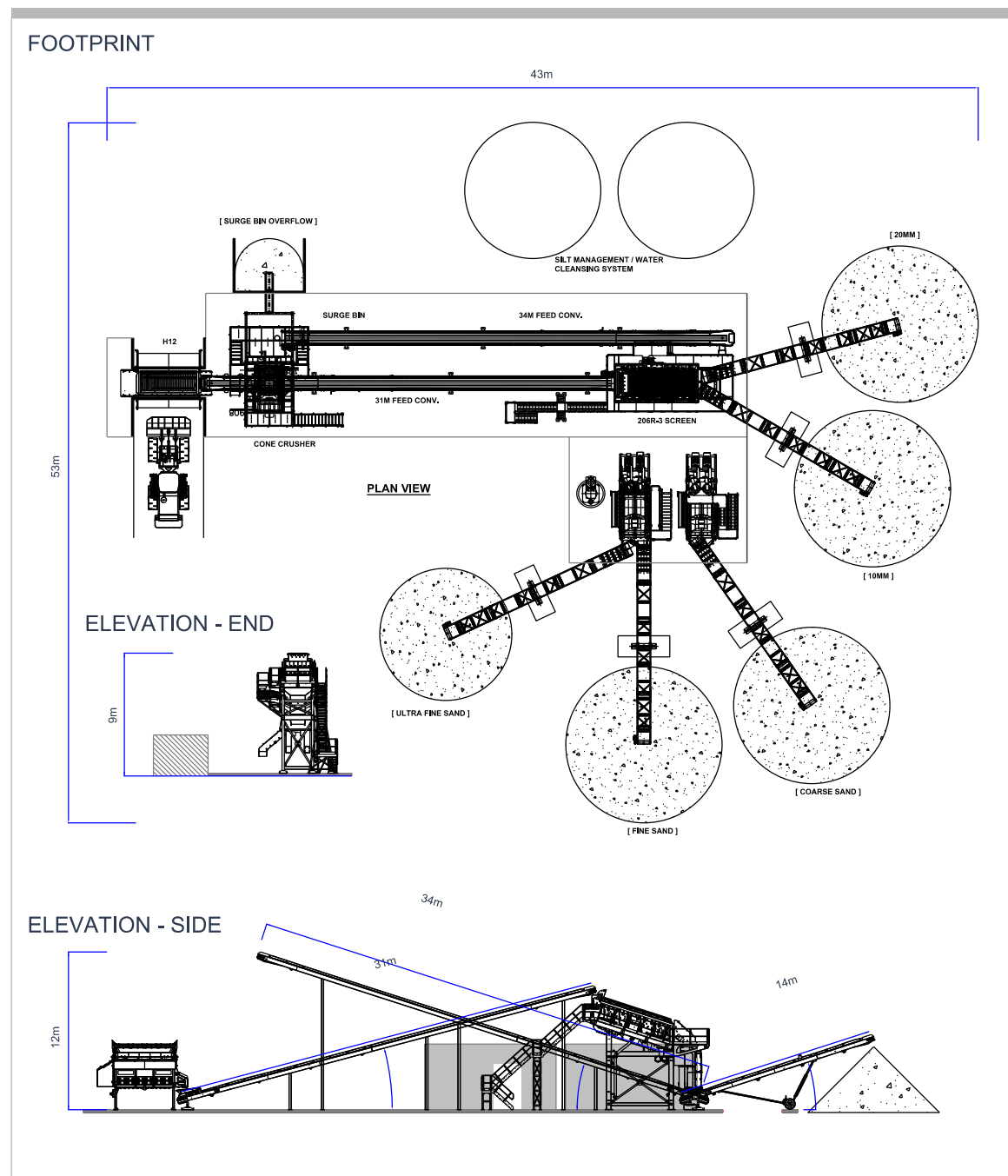
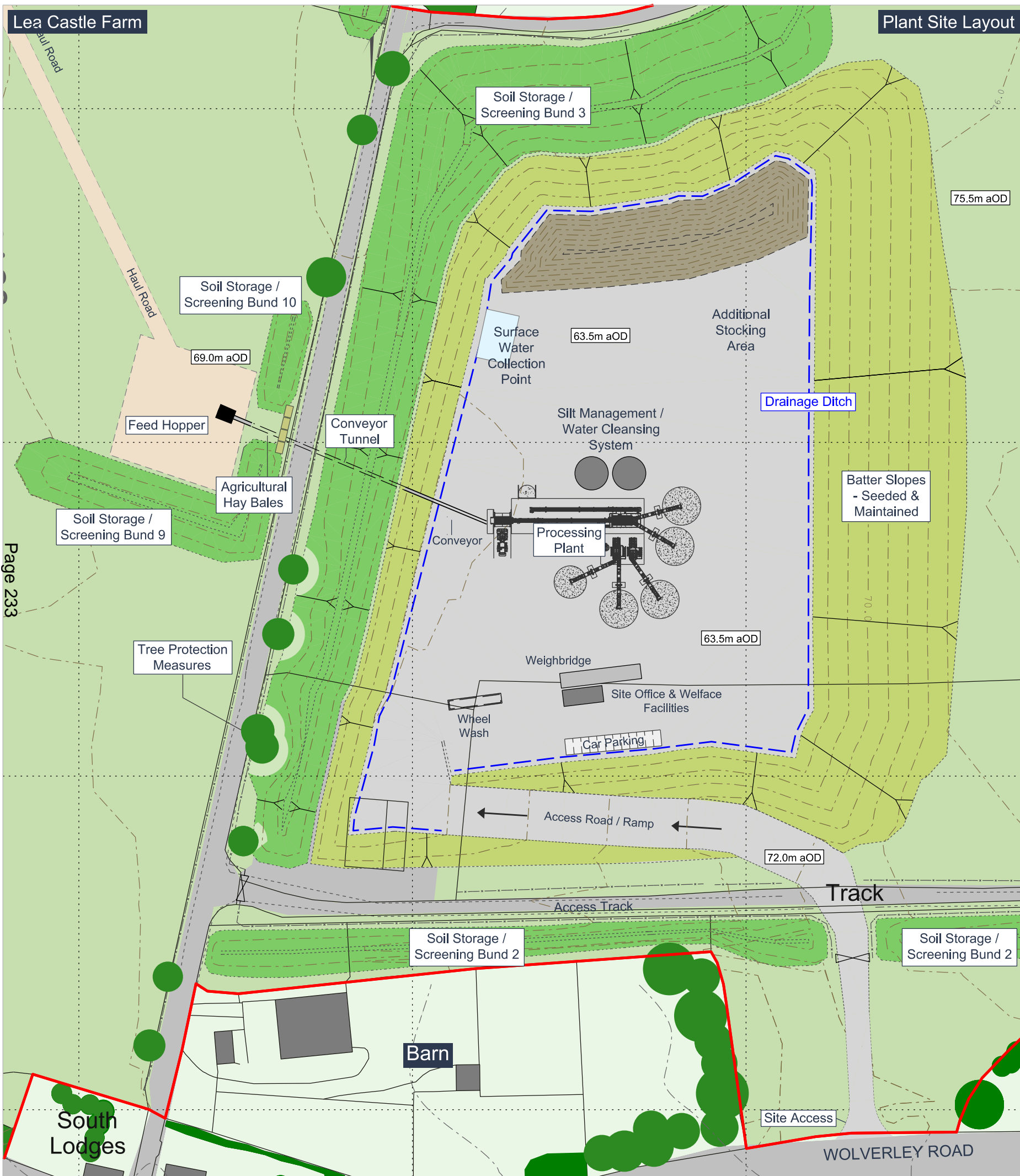
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Plant Site - Footprint & Elevations (1:500 @ A3)

LEGEND

- Application Boundary
- Plant Site Area (to be concreted / road tarmaced)
- Other Operational / Ancillary Land
- Soil Storage / Screening Bunds
- Temporarily Restored Batter Slopes
- Plant & Quarry Operational Structures
- Drainage Ditch
- Fencing

Planning Application Drawing No. 6

PROJECT:
Lea Castle Farm

TITLE:
Plant Site Layout - Plan & Elevations

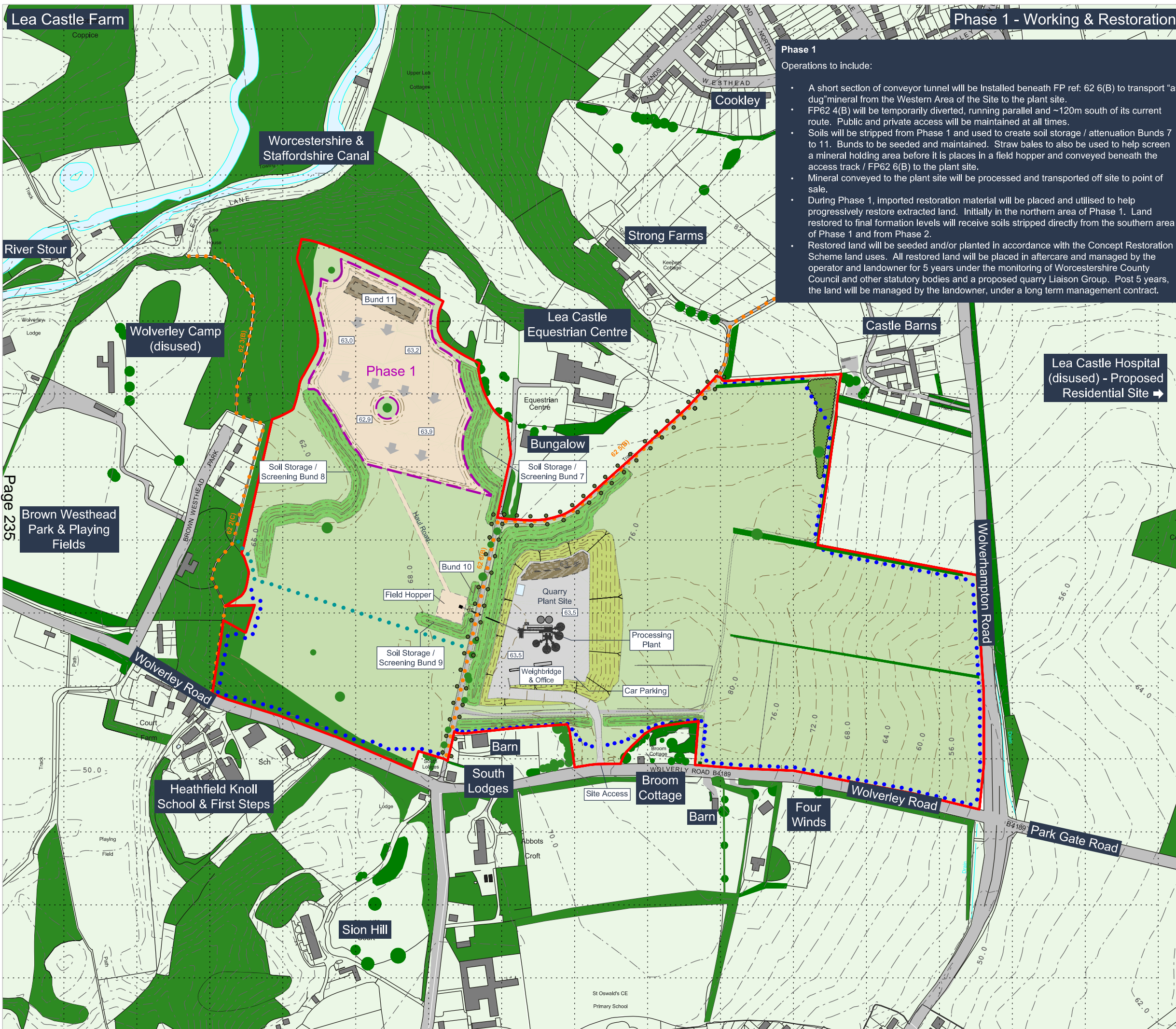
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Phase 1 - Working & Restoration

Phase 1
Operations to include:

- A short section of conveyor tunnel will be installed beneath FP ref. 62 6(B) to transport "as dug" mineral from the Western Area of the Site to the plant site.
- FP62 4(B) will be temporarily diverted, running parallel and ~120m south of its current route. Public and private access will be maintained at all times.
- Soils will be stripped from Phase 1 and used to create soil storage / attenuation Bunds 7 to 11. Bunds to be seeded and maintained. Straw bales to also be used to help screen a mineral holding area before it is placed in a field hopper and conveyed beneath the access track / FP62 6(B) to the plant site.
- Mineral conveyed to the plant site will be processed and transported off site to point of sale.
- During Phase 1, imported restoration material will be placed and utilised to help progressively restore extracted land. Initially in the northern area of Phase 1. Land restored to final formation levels will receive soils stripped directly from the southern area of Phase 1 and from Phase 2.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme land uses. All restored land will be placed in aftercare and managed by the operator and landowner for 5 years under the monitoring of Worcestershire County Council and other statutory bodies and a proposed quarry Liaison Group. Post 5 years, the land will be managed by the landowner, under a long term management contract.

LEGEND

- Application Boundary
- Existing Woodland, Trees & Scrub
- Existing Hedgerows/Hedgerow Trees
- Existing Public Rights of Way
- Existing Buildings/Structures/Roads and Tracks
- Plant Site
- Existing Contours Meters above Ordnance Datum
- Proposed Contours Meters above Ordnance Datum
- Base of Extraction (m aOD)
- Silt and Fresh Water Lagoons
- Agricultural land within the planning application boundary
- Phase 1 Boundary
- Proposed Soil Storage & Screening Bunds
- Operational / Working Area
- Completed Restoration
- Proposed Woodland / Tree Planting
- Temporarily Diverted Section of Public Rights of Way
- Proposed Public Rights of Way

Planning Application Drawing No. 9A



PROJECT:
Lea Castle Farm

TITLE:
Phase 1 - Working & Restoration

REF NO:
KD.LCF.004A

DATE:
July 2021

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Phase 2
Operations to include:

- Placement of temporary Agricultural Straw Balls adjacent to the eastern boundary of Phase 2 to visually screen the extraction area. FP 62 4(B) will be temporarily diverted ~30m north of its original alignment and along the outer side a temporary soil storage bund 9 to connect to FP 62 6(B).
- Progressive soil stripping in Phase 2, with soils either being placed directly to restore previously extracted land within Phase 1 and subsequently Phase 2, along with imported inert material to create restoration formation levels, or held temporarily in store within Bund 12.
- Mineral will be extracted and placed into the western field hopper where it will be conveyed to the plant site for processing and sale off site.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.
- All restored land will be placed in to aftercare and managed along with previously restored land.

LEGEND

- Application Boundary
- Existing Woodland, Trees & Scrub
- Existing Hedgerows/Hedgerow Trees
- Existing Public Rights of Way
- Existing Buildings/Structures/Roads and Tracks
- Plant Site
- Existing Contours Meters above Ordnance Datum
- Proposed Contours Meters above Ordnance Datum
- Base of Extraction (m aOD)
- Silt and Fresh Water Lagoons
- Agricultural land within the planning application boundary
- Phase 2 Boundary
- Proposed Soil Storage & Screening Bunds
- Operational / Working Area
- Completed Restoration
- Proposed Woodland / Tree Planting
- Temporarily Diverted Section of Public Rights of Way (ref: 62 4(B))
- Proposed Public Rights of Way

Planning Application Drawing No. 10A



PROJECT:
Lea Castle Farm

TITLE:
Phase 2 - Working & Restoration

REF NO:
KD.LCF.005A

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Phase 3
Operations to include:

- Progressive soil stripping into Phase 3, with soils either being placed directly to restore previously extracted land within Phase 2 along with imported inert material used to create restoration formation levels, or held temporarily in store within Bunds 13 to 16 until formation levels have been created before being placed to create the full soil profile within Phase 3.
- Mineral will be extracted and transported to the field hopper and conveyed beneath FP 62 6(B) to the plant site where it will be processed and transported off site to point of sale.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.
- FP 62 4(B) to be returned to its original route alignment.
- All restored land will be placed in to aftercare and managed along with previously restored land.

- ### LEGEND
- Application Boundary
 - Existing Woodland, Trees & Scrub
 - Existing Hedgerows/Hedgerow Trees
 - Existing Public Rights of Way
 - Existing Buildings/Structures/Roads and Tracks
 - Plant Site
 - Existing Contours Meters above Ordnance Datum
 - Proposed Contours Meters above Ordnance Datum
 - Base of Extraction (m aOD)
 - Silt and Fresh Water Lagoons
 - Agricultural land within the planning application boundary
 - Phase 3 Boundary
 - Proposed Soil Storage & Screening Bunds
 - Operational / Working Area
 - Completed Restoration
 - Proposed Woodland / Tree Planting
 - Proposed Public Rights of Way

Page 239

Planning Application Drawing No. 11A

PROJECT:
Lea Castle Farm

TITLE:
Phase 3 - Working & Restoration

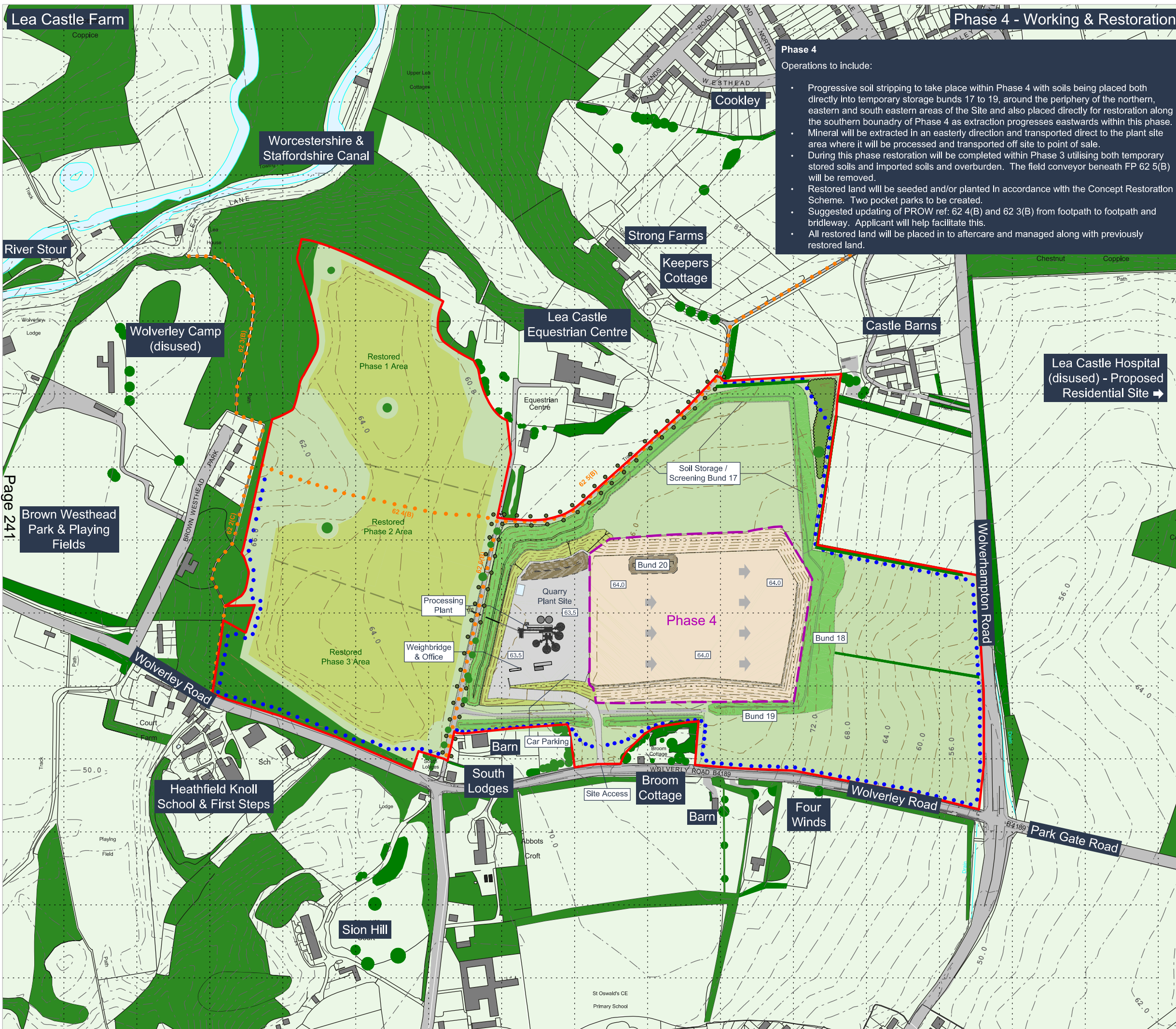
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Phase 4
Operations to include:

- Progressive soil stripping to take place within Phase 4 with soils being placed both directly into temporary storage bunds 17 to 19, around the periphery of the northern, eastern and south eastern areas of the Site and also placed directly for restoration along the southern boundary of Phase 4 as extraction progresses eastwards within this phase.
- Mineral will be extracted in an easterly direction and transported direct to the plant site area where it will be processed and transported off site to point of sale.
- During this phase restoration will be completed within Phase 3 utilising both temporary stored soils and imported soils and overburden. The field conveyor beneath FP 62 5(B) will be removed.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme. Two pocket parks to be created.
- Suggested updating of PROW ref: 62 4(B) and 62 3(B) from footpath to footpath and bridleway. Applicant will help facilitate this.
- All restored land will be placed in to aftercare and managed along with previously restored land.

LEGEND

- Application Boundary
- Existing Woodland, Trees & Scrub
- Existing Hedgerows/Hedgerow Trees
- Existing Public Rights of Way
- Existing Buildings/Structures/Roads and Tracks
- Plant Site
- Existing Contours Meters above Ordnance Datum
- Proposed Contours Meters above Ordnance Datum
- Base of Extraction (m aOD)
- Silt and Fresh Water Lagoons
- Agricultural land within the planning application boundary
- Phase 4 Boundary
- Proposed Soil Storage & Screening Bunds
- Operational / Working Area
- Completed Restoration
- Proposed Woodland / Tree Planting
- Proposed Public Rights of Way

Planning Application Drawing No. 12A



PROJECT:
Lea Castle Farm

TITLE:
Phase 4 - Working & Restoration

REF NO:
KD.LCF.007A

DATE:
July 2021

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Phase 5 - Working & Restoration

Phase 5
Operations to include:

- Progressive soil stripping from Phase 5, with soils either being placed directly to restore previously extracted land within Phase 4 along with imported inert material to create restoration formation levels, or held temporarily in store until formation levels have been created to re-place the full soil profile.
- Mineral will be extracted and transported direct to the plant site area where it will be processed and transported off site to point of sale.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.
- All restored land will be placed in to aftercare and managed along with previously restored land.

LEGEND

- Application Boundary
- Existing Woodland, Trees & Scrub
- Existing Hedgerows/Hedgerow Trees
- Existing Public Rights of Way
- Existing Buildings/Structures/Roads and Tracks
- Plant Site
- Existing Contours Meters above Ordnance Datum
- Proposed Contours Meters above Ordnance Datum
- Base of Extraction (m aOD)
- Silt and Fresh Water Lagoons
- Agricultural land within the planning application boundary
- Phase 5 Boundary
- Proposed Soil Storage & Screening Bunds
- Operational / Working Area
- Completed Restoration
- Proposed Woodland / Tree Planting
- Proposed Public Rights of Way

Planning Application Drawing No. 13A



PROJECT:
Lea Castle Farm

TITLE:
Phase 5 - Working & Restoration

REF NO:
KD.LCF.008A

DATE:
July 2021

SCALE:
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STATUS:
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Final Works

Final Works
Operations to include:

- The plant site will be decommissioned and removed from site along with all other quarry / ancillary equipment.
- The plant site void itself will be restored utilising both imported inert materials, and all remaining temporary soil storage bunds will be removed to achieve the full and complete restoration.
- The vehicle access to the Site will be removed and the section of wall which was temporarily taken down will be re-built on its original location. Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.
- All restored land will be placed in to aftercare and managed along with previously restored land.
- Additional section of new Public Right of Way along the eastern boundary of Phase 4.

LEGEND

- Application Boundary
- Existing Woodland, Trees & Scrub
- Existing Hedgerows/Hedgerow Trees
- Existing Public Rights of Way
- Existing Buildings/Structures/Roads and Tracks
- Existing Contours Meters above Ordnance Datum
- Proposed Contours Meters above Ordnance Datum
- Agricultural land within the planning application boundary
- Completed Restoration
- Proposed Public Rights of Way
- Proposed Permissive Right of Way
- Final Restoration Area
- Restoration Proposals**
- Restored Agricultural Grassland
- Proposed Woodland / Tree Planting
- Proposed Acid Grassland
- Proposed Ephemeral Pools
- Proposed Pocket Parks

Planning Application Drawing No. 14A



PROJECT:
Lea Castle Farm

TITLE:
Final Works

REF NO:
KD.LCF.009A

DATE: **July 2021** SCALE: **1:5,000 @ A3**

STATUS:
FINAL

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Concept Restoration

Concept Restoration
 The aim of the Restoration Scheme is the creation of a "High Quality Agricultural Parkland".
 Re-engaging, adapting and connecting the local landscape for efficient and profitable agricultural land management and for public amenity benefits in respect of enjoyment, access, and wellbeing, along with the creation of habitats to support wildlife Biodiversity.

Summary of Restoration Outcomes:

- Recreation of quality landscape/parkland and agricultural setting
- Additional connections both east - west and north - south to allow access for walkers, cyclists and horse riders, off and away from roads (over 2.6km)
- Establishment of benches along avenue and heritage / educational signage / pocket parks
- Planting of ~ 170 avenue and parkland trees
- Planting of ~ 9,750 native trees and shrubs
- Creation of ~ 7.5 hectares of Acidic Species Rich Meadow (a target Biodiversity Action Plan species)
- Approximately 1km of managed Native Hedgerows
- Reinstatement of all Best and Most Versatile Agricultural Land
- Permanent Aftercare and Management of All Land within the Site

LEGEND

- Application Boundary
 - Existing Woodland, Trees & Scrub
 - Existing Hedgerows/Hedgerow Trees
 - Existing Public Rights of Way (PROW)
 - Existing Buildings/Structures/Roads and Tracks
 - Existing Contours Meters above Ordnance Datum
 - Proposed Contours Meters above Ordnance Datum
 - Undisturbed Agricultural Land within the Planning Application Boundary
- Restoration Proposals**
- Restored Agricultural Grassland
 - Proposed Woodland / Tree Planting
 - Proposed Acid Grassland
 - Proposed Ephemeral Pools
 - Proposed Pocket Parks
 - Proposed PROW (Bridlway)
 - Proposed Upgraded PROW from Footpath to Bridlway
 - Proposed Permissive Bridlway
 - Section Locations (See Planning Application Drawing No. 16)

Planning Application Drawing No. 15B



PROJECT:
Lea Castle Farm

TITLE:
Concept Restoration

REF NO:
KD.LCF.010B

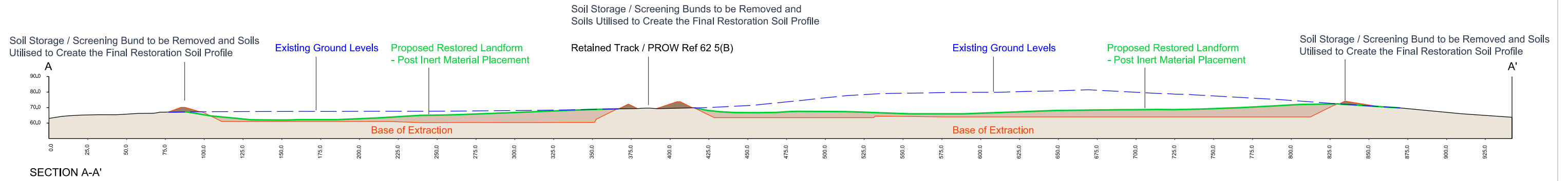
DATE:
July 2021

SCALE:
1:5,000 @ A3

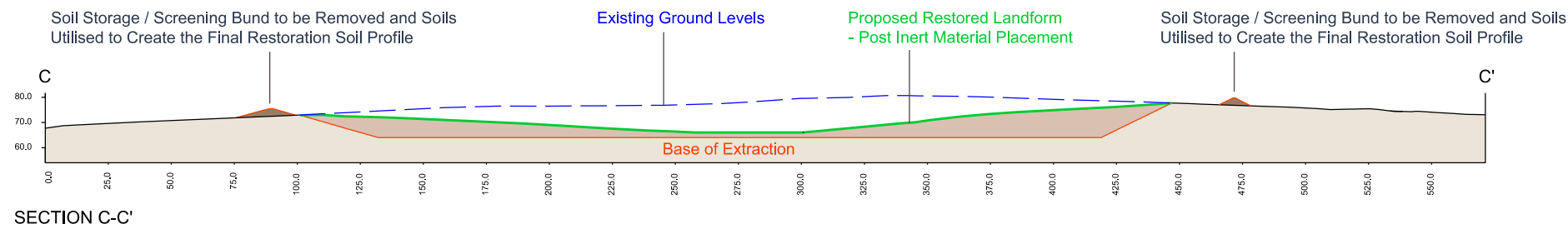
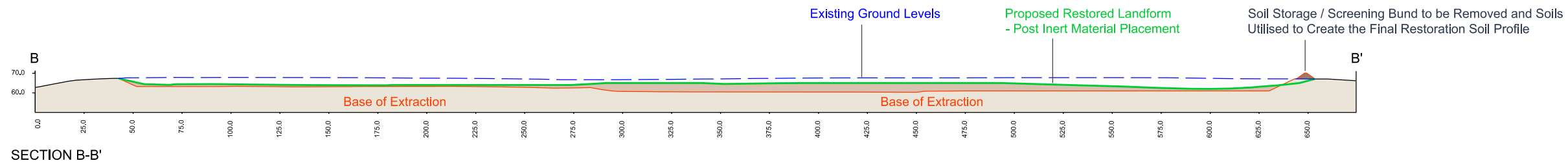
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Page 249



See Planning Application Drawing 15 (Concept Restoration) for Restoration Section Locations




Planning Application Drawing No. 16A

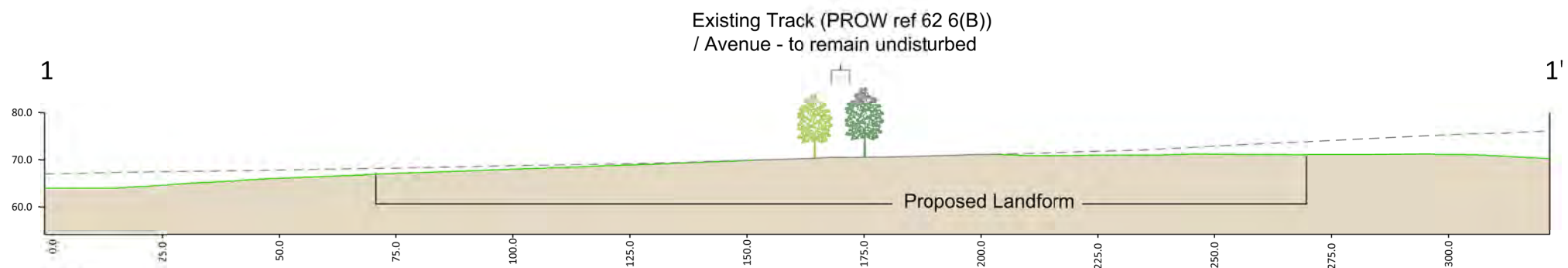
- LEGEND**
-  Existing Ground Levels
 -  Base of Extraction Levels
 -  Proposed Restored Landform Levels



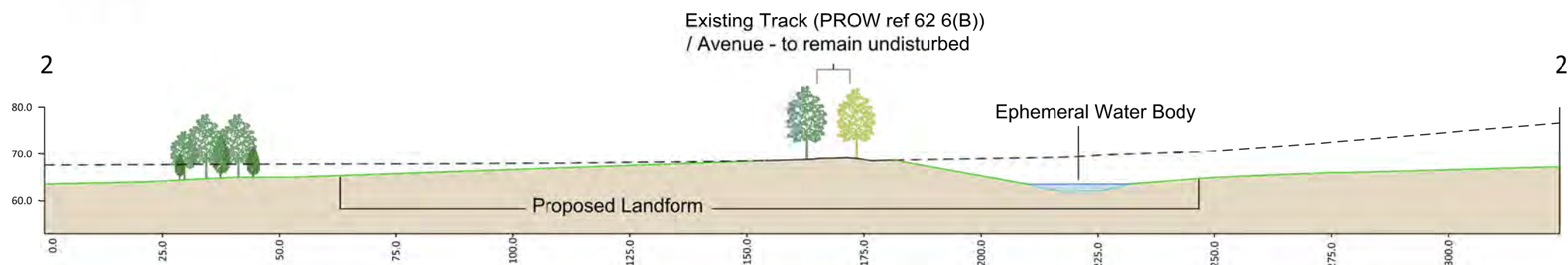
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LEGEND

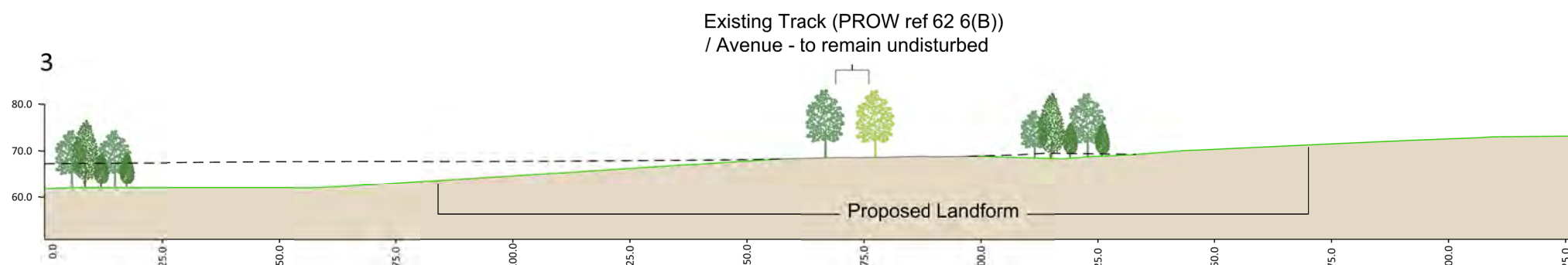
-  Existing Ground Levels
-  Proposed Restoration Landform
-  Proposed Restoration Parkland & Avenue Tree Planting



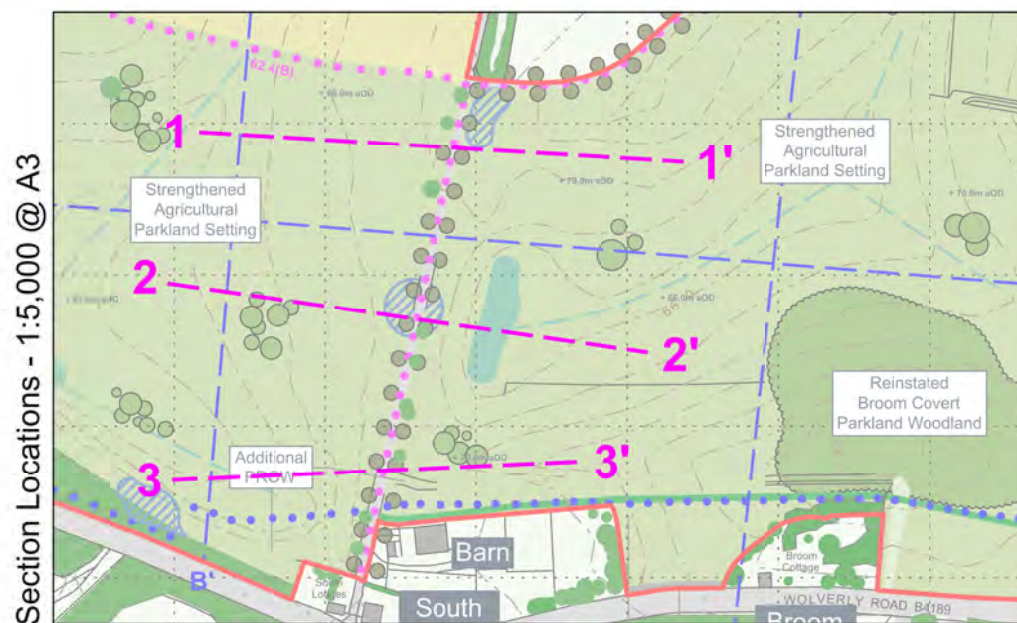
SECTION 1



SECTION 2



SECTION 3



Section Locations - 1:5,000 @ A3



PROJECT:
Lea Castle Farm

TITLE:
Restoration Sections - The Avenue

REF NO:
KD.LCF.036

DATE: September 2020 SCALE: 1:1,250 @ A3

STATUS:
FINAL



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PLANNING AND REGULATORY COMMITTEE

24 MAY 2022

PROPOSED REPLACEMENT BRIDGE TO PROVIDE UPGRADED SHARED USE PEDESTRIAN AND CYCLE BRIDGE ACCESS OVER THE A38 CORRIDOR WITH ASSOCIATED ACTIVE TRAVEL IMPROVEMENTS ON LAND BETWEEN FORDHOUSE ROAD WEST OF THE A38 AND CARNFORTH ROAD EAST OF THE A38, BROMSGROVE, WORCESTERSHIRE

Applicant

Worcestershire County Council

Local Members

Councillor Josh Robinson and Councillor Kit Taylor

Purpose of Report

1. To consider an application under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for a proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire.

Background

2. The A38 Bromsgrove Route Enhancement Programme (BREP) has been included in a priority list of schemes for government funding by the sub-national Transport Body, Midlands Connect. The schemes aim to promote active travel, such as walking and cycling, including the use of mobility scooters, for everyday journeys, improving connectivity and reducing the use of the car.
3. Active travel design criteria include the following:
 - coherent networks planned and designed along connecting routes, linking to the wider area;
 - direct, at least as direct as routes available for motorists;
 - safe routes must be safe and perceived to be safe, visibility distance is unobstructed where possible;
 - comfortable, adequate widths for two-way use, avoiding steep gradients; and
 - attractive, encourage more users and contribute to overall quality of the area.
4. BREP comprises several town wide improvement schemes that will enhance connectivity between the east and west sides of the A38 Bromsgrove for pedestrians

and cyclists. BREP comprises 13 highway improvement schemes and 6 sustainability improvement schemes. The proposed replacement bridge is referred to as Sustainable Scheme 5 in this package of schemes and shall be referred to as `Scheme 5` throughout this report.

5. An Environmental Impact Assessment (EIA) screening opinion request was submitted by Jacobs on behalf of Worcestershire County Council as the County Highways Authority, to the County Planning Authority (CPA) on 21 August 2020, and a screening opinion (CPA Ref: 20/000030/SCR) issued on 15 October 2020 confirming that an EIA was not required for BREP, which included Scheme 5.

6. Since the adoption of the 2020 screening opinion, amendments to the BREP schemes, including Scheme 5 meant that the survey information used to inform the previous screening opinion had changed and a revised EIA screening opinion request was submitted by Jacobs on behalf of Worcestershire County Council to the CPA on the 16 November 2021, and a screening opinion (CPA Ref: 21/000038/SCR) issued on 19 January 2022 confirming that an EIA was not required for the revised schemes. Scheme 5 is now the subject of this planning application.

The Proposal

7. As set out above, the proposed Scheme 5 is associated with the town wide improvement scheme known as the BREP, which aims to improve connectivity between the west and east sides of the A38 Bromsgrove for both pedestrians and cyclists. The primary driver being to improve connectivity for Non- Motorised Users (NMUs) travelling across the A38.

8. The application site area measures approximately 0.81 hectares and includes an area of open green space which would be used as temporary construction compound.

9. The existing bridge has an approximate span of 17.2 metres (m) and is approximately 2m wide and has 1 in 12 gradient approach ramps. The existing bridge is of substandard width and parapet height to facilitate safe cycling over the structure and does not comply with current standards despite being part of the National Cycle Network (NCN) Route 5, cyclists are currently required to dismount. The applicant states that the proposed replacement bridge would provide the missing link in the National Productivity Investment Fund (NPIF) Strategy.

10. The proposal includes the replacement of a non-compliant footbridge connecting Fordhouse Road to Carnforth Road, and is to include higher parapets, approach ramps, stairs and associated highway improvements all in accordance with the requirements of CD 353 of Design Manual for Roads and Bridges (DMRB) and Local Transport Note (LTN) 1/20.

11. The proposed design would comprise of the following:

- A proposed shared use pedestrian / cycle bridge, which would have a minimal clear usable width of approximately 4m, wider than the recommended 3.5m as per CD 353 of DMRB;
- A maximum of 1:20 ramp gradient to facilitate access for all users, particularly wheelchair, pushchair users and cyclists;

- Intermediate landings introduced every 30m of ramp length in accordance with LTN 1/20;
- The design of the eastern extent of the proposed cycle / footbridge would incorporate a staircase to offer a shorter route;
- Bridge parapet height increased to a minimum of 1.5m to enable cyclists to remain on bikes without having to dismount;
- Enhanced lighting and improved natural surveillance would provide increased user safety;
- Improvements to the existing NCN Route 5;
- Vehicle restraint barriers (VRS) on both sides of the A38 to protect the proposed structure;
- Headroom clearance in accordance with CD 127 of DMRB would measure approximately 5.78m;
- Sustainable Drainage System (SuDS) features are incorporated into the design to attenuate surface water flows;
- The design includes tubular side members and single column supports to the ramp, and a tapered arch form (tubular steel arched warren truss bridge);
- The cylindrical beams allow for the design to curve on plan as well as follow the profiles to achieve suitable gradients and are continued in the structure of the main span.
- Approach ramp steelwork and supports would be a painted dark green (or similar) colour. The bridge as it crosses the A38, including the trusses would be painted off white. Colours are indicative and to be agreed in writing with the CPA should planning permission be granted.

12. The proposed bridge deck span over the A38 would measure approximately 14.1m in length and the total length of the cycle / footbridge including approach ramps would measure approximately 257m in length. The total height of the bridge would measure approximately 14.4m.

13. A SuDS attenuation and infiltration feature would be located on the west side of the A38. The proposed drainage system would where possible infiltrate surface water to the ground, rather than discharge to a surface water body or existing sewer.

14. The applicant anticipates that subject to planning permission being granted, phased construction would commence summer 2023 and that general construction tasks would include the following:

- Traffic management for the temporary closure of the A38;
- Site clearance;
- Removal of the existing footbridge;
- Diversion/protection of existing utilities;
- Earthworks;
- Construction of the cycle / footbridge approach ramps, foundations (concrete pad or pile solution - to be confirmed), and steel superstructure (main footbridge arched truss span likely craned between supports at night to minimise disruption to the A38);
- Associated highway improvement works and the installation of a surface level

- SuDS on the western extent of the new cycle / footbridge; and
- Landscape improvements.

15. The precise location of the proposed cycle / footbridge, supporting columns and concrete pad foundations, are indicative at this stage, the exact location shall be confirmed during the detailed design and would be influenced by site constraints, further site investigation and conditions should the application be granted planning permission.

The Site

16. Scheme 5 is located approximately 1 kilometre (km) south-east of Bromsgrove Town Centre. The M42 Motorway (Junction 1) and the M5 Motorway (Junction 4a) are located approximately 5 km north-west of the site. Bromsgrove Highway (A448) is located approximately 0.3 km north of the site. The A38 corridor forms part of the strategic north to south spine route through much of Worcestershire, connecting Worcester, Droitwich, Bromsgrove to Birmingham to the north and Gloucester and Bristol to the south as an alternative to the M5 Motorway.

17. The application red line boundary measures approximately 0.81 hectares in area and includes the associated construction working area, site compound and proposed landscaping.

18. The existing footbridge spans the A38, a two-way dual lane road widening to a dual carriageway further to the south-west of the site and connects to Fordhouse Road west of the A38 and Carnforth Road east of the A38.

19. The wider area consists predominantly of high-density residential housing on both sides of the A38 supported by a range of primary schools, including Fininstall First School located close to the bridge access on Carnforth Road (east), secondary schools, including Aston Fields Middle School (east of the A38), Bromsgrove Preparatory School / Bromsgrove School and Bromsgrove Sports Centre (west of the A38). North Bromsgrove High School and Sixth Form, the Heart of Worcestershire College and retail parks are located north-west of the application site.

20. From the bridge, walking and cycling distances to Bromsgrove Train Station are approximately 19 minutes walking and approximately 6 minutes cycling; walking distance to Bromsgrove Town Centre approximately 11 minutes walking and approximately 3 minutes cycling.

21. The site includes public open space located on the west of the A38 near the junction of Fordhouse Road and Oakalls Avenue which comprises a large expanse of grass and several trees including horse chestnut and Norway maple. The public open space is separated from the A38 by a post and rail fence and a buffer of trees and undergrowth measuring approximately 8m in width.

22. Substantial sections of the A38 corridor are tree lined with predominantly linear pockets of deciduous broadleaved woodland, young trees and well-established planting interspersed with more developed areas. Some sections parallel to the A38 have embankments formed from material leftover from the construction of the road in the 1980`s and now covered in vegetation/undergrowth/trees and saplings. Wood-pasture and parkland is also present.

23. Upton Warren Pools Site of Scientific Interest (SSSI) is located approximately 3.7 km to the south-west, Hewell Park Lake SSSI is located approximately 4 km to the south-east of the site and Burcot Lane Cutting SSSI (geological SSSI) is located approximately 1 km north-east of the site.

24. Two Local Wildlife Sites (LWS) are located within approximately 3 km of the site, the closest being Spadesbourne Brook LWS, classified as a Main River located approximately 700m east of the site and Battlefield Brook LWS (open flowing water) located approximately 900m east of the site.

25. The nearest Listed Buildings are Wendron House Grade II Listed; Sunday School Grade II Listed and Congregational Chapel Grade II Listed all located between approximately 500m and 650m respectively north-west of the application site. Further Listed Buildings are located along the High Street within the Bromsgrove Town Centre Conservation Area located approximately 700m north-west of the application site, the nearest being 120 High Street Grade II Listed.

26. Broome House Grade II Listed, Warwick Hall Grade II Listed and Farm Buildings to West of No 80 Grade II Listed are located approximately 660m south-west of the application site.

27. The existing bridge installed in 1992, has a span measuring approximately 17.2m by 2m in width at a height similar to the proposed (not including the arched trusses), with 1 in 12 gradient ramps at each end of the span. The ramp west of the A38 is straight and the ramp east of the A38 has a 180 degree turn and associated platform to enable length and gradient.

28. On the east side of the A38, the nearest residential properties to the proposed replacement bridge are located on Green Park Road, the rear fenced gardens of which back onto the A38, the property closest to the proposed eastern switchback section would be located approximately 11m to the east. Further residential properties are located on Carnforth Road, the nearest being located approximately 17m from the shared use access point to the bridge.

29. On the west side of the A38, the nearest residential property is located approximately 20m west of the side profile of the proposed ramp. Further residential properties are located on the opposite side of Fordhouse Road approximately 30m from the shared use access point. Residential properties fronting Oakalls Avenue are located approximately 40m from the shared use access point to the proposed ramp.

30. Public Right of Way Footpath BM-522 currently crosses the A38 between Fordhouse Road to Carnforth Road.

31. The bridge forms part of the NCN Route 5, a long-distance route connecting Reading to North Wales. A sculpture acting as a way-maker for NCN Route 5 is located at the entrance to the existing bridge on the east side of the A38.

32. The edge of the Green Belt is located approximately 326m north-east of the site at the roundabout junction for the continuation of the Stratford Road (A38), the A448, and Regents Park Road.

33. The Worcester Road, Bromsgrove Air Quality Management Area (AQMA) is located approximately 885m broadly west of the application site. The Redditch Road (Stoke Heath) AQMA is located approximately 1.6 km broadly south-west of the application site.

34. The site is within a Groundwater Source Protection Zone (SPZ) Zone 3 - Total Catchment, and a Drinking Water Safeguard Zone (Surface Water), as an additional protection to safeguard drinking water quality through constraining the proximity of an activity that may impact upon a drinking water abstraction.

35. The site is located within Flood Zone 1 (low risk of fluvial flooding), as identified on the Environment Agency's Indicative Flood Risk Map, with areas which are modelled as being susceptible to surface water flooding.

Summary of Issues

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

- Traffic, Highways Safety and Public Rights of Way
- Residential Amenity and Visual Impact
- Ecology and Biodiversity
- Water Environment and Flood Risk
- Historic Environment

Planning Policy

National Planning Policy Framework (NPPF)

37. The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and replaces the previous NPPF published in March 2012 and July 2018 and February 2019. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

38. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

39. 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*".

40. 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

41. 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.

42. 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.

43. 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.

44. 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 7: Requiring good design
- 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

The Development Plan

45. 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 Bromsgrove District Plan 2011 – 2030.

46. 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.

47. 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)"*.

Bromsgrove District Plan 2011 - 2030

48. The Bromsgrove District Plan (adopted January 2017) covers the administrative boundary of Bromsgrove District. The policies that are of relevance to the proposal are set out below:

- Policy BDP 1: Sustainable Development Principles
- Policy BDP 6: Infrastructure Contributions
- Policy BDP 12: Sustainable Communities
- Policy BDP 16: Sustainable Transport
- Policy BDP 17: Town Centre Regeneration
- Policy BDP 19: High Quality Design
- Policy BDP 20: Managing the Historic Environment
- Policy BDP 21: Natural Environment
- Policy BDP 22: Climate Change
- Policy BDP 23: Water Management

- Policy BDP 24: Green Infrastructure
- Policy BDP 25: Health and Well Being

Draft Planning Policy

Emerging Bromsgrove District Plan Review

49. The Bromsgrove District Plan (2011-2030) comprises of a site-specific evidence-based policies map which identifies and provides broad locations for strategic development and land use designations in Bromsgrove. The Plan includes the requirement to undertake an up-to-date evidenced based Plan Review to be completed by 2023. The call for sites was undertaken September 2019 and Preferred Options are set to be published 2022. Having regard to the advice in the NPPF, Section 4, as the Bromsgrove District Plan Review is still at an early stage of preparation, only limited weight should be given to the emerging Bromsgrove District Plan Review.

Other Documents

Bromsgrove District Council High Quality Design Supplementary Planning Document (SPD)

50. The Bromsgrove District Council High Quality Design SPD was adopted in June 2019 and provides additional detailed supplementary guidance on how the Bromsgrove District Plan design related policies, in particular Policy BDP19 (High Quality Design), should be interpreted and expanded upon.

Worcestershire County Councils Sustainable Drainage Design and Evaluation Guide 2018

51. The Worcestershire County Councils Sustainable Drainage Design and Evaluation Guide 2018 sets out non-technical guidance for the role of SuDS in development.

Worcestershire's Local Transport Plan 4 (2018 – 2030)

52. Worcestershire's Local Transport Plan 4 (2018-2030) (LTP4), adopted 2017, sets out an investment programme for Worcestershire's transport networks, including infrastructure, and technology and services essential to support planned growth, and continued social and economic success.

53. LTP4 consists of a suite of policies, four statutory assessments and the main document, which includes a strategic delivery programme. It sets 5 objectives regarding economic, environment, health and safety, equality, and quality of life. It also sets out a package of strategic transport schemes.

54. It sets out a package of strategic transport schemes for North-East Worcestershire and includes "*ID NEST2 - Bromsgrove A38 Strategic Corridor (Lydiate Ash to Hanbury Turn Public House)*". It also sets out a package of strategic active travel corridor schemes for North-East Worcestershire including "*ID NEAT4 – Bromsgrove Improvements, Including Assessment of Provision within the Vicinity of the A38*" and "*ID BR2 - Bromsgrove Strategic Active Travel Network Investment Programme (including Catshill, Marlbrook and Lickey End)*", both packages "*aim to invest in walking and cycling links across the Bromsgrove area to create safe, comprehensive, integrated network linking residential area with key trip attractors*

including schools, rail stations, town centres and employment locations, including surfacing, signage, lighting and public realm improvements to create an attractive and coherent network”

Worcestershire Local Enterprise Partnership (LEP) Business Plan 2012

55. The Worcestershire Local Enterprise Partnership (LEP) Business Plan 2012 sets out the LEP vision, which is to *"create the right economic environment to inspire businesses, encourage investment and to create lasting and sustainable employment in Worcestershire by 2017 and beyond"*. It also sets their key measures of success; their role; funding sources; and strategic objectives, which includes 'Objective 4: Planning, Development and Infrastructure'.

56. Strategic Objective 4 states that *"transportation through the movement of goods and people creates opportunities to trade and create economic growth. This connectivity and good infrastructure is essential to maximize Worcestershire's potential and to create a competitive environment"*.

National Productivity Investment Fund (NPIF) Bromsgrove

57. The Bromsgrove bid focused on congestion and transport network efficiency, particularly at peak times. Evidence and feedback received by the County Council demonstrated that this partly due to a lack of suitable alternative travel choices, which forces local people to drive. Bromsgrove has very limited infrastructure to support walking and cycling, therefore the bid proposes the development of a comprehensive network of walking and cycling routes across the town, linking residential areas, employment sites, schools, the hospital, the town centre, and the railway station. Which would provide residents and visitors with an attractive alternative to car use for shorter distance trips and help to reduce congestion and poor air quality experienced in Bromsgrove.

Cycle Infrastructure Design LTN1/20

58. Government Guidance published by the Department of Transport July 2020 for local authorities on designing high-quality, safe cycle infrastructure.

Consultations

59. **Local County Councillor Josh Robinson** has commented that residential properties located in proximity to the bridge should be shielded from overlooking. The proposal should include lighting as current lighting for the bridge is inadequate and that a small amount of flooding is apparent at the point where cyclists would meet the carriageway and that it would be an improvement to resolve this issue.

60. **Local County Councillor Kit Taylor** no comments received.

61. **Bromsgrove District Council** have no objection to the design and principle of the replacement bridge, confirming that the replacement bridge would provide an improved facility for both pedestrians and cyclists enabling improved accessibility across the A38 and the local area. They comment that the design of the bridge would be an enhancement and an improvement in comparison to the existing bridge. They welcome that the replacement bridge would be in a similar location to the existing

bridge and note the green colour finish of the proposed 1.5m high mesh infill guardrails would blend in with the existing landscape.

62. Bromsgrove District Council confirm that the amended scheme addresses any previous concerns raised as part of the initial consultation process relating to the proposed dimensions of the elevated ramps near to 42-48 Green Park Road; additional landscaping and tree planting to mitigate for the loss of existing vegetation and protect residential amenity and to provide additional planting to soften the appearance of the proposed acoustic fencing when viewed from the A38.

63. **The Bromsgrove District Council Conservation Officer** confirms that the proposal would not have a negative impact on any heritage asset.

64. **The County Highways Officer** has no objection, subject to the imposition of conditions relating to conformity with submitted plans; an updated Construction Environmental Management Plan (CEMP); lighting scheme; SuDS scheme, Stage 2 and Stage 3 Road Safety Audit and temporary diversion of footway. They confirm that they have undertaken a robust assessment of the amended scheme and state that based on the analysis submitted and consultation responses from third parties, they conclude that there are no justifiable grounds on which an objection could be maintained.

65. The County Highways Officer notes that the Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty making reasonable adjustments to the existing built environment to ensure that the design of infrastructure is accessible to all. Designers of proposed infrastructure must consider all users early in the process to ensure the scheme is supported locally in the long-term.

66. The County Highways Officer considers that an enhanced replacement bridge would benefit existing users, would be likely to encourage mode shift to more sustainable travel modes, and would lead to a consequent reduction in vehicle trips and notes that there would be no requirement to undertake any detailed assessment of changes in traffic volumes as it is accepted that any change would be positive.

67. The County Highways Officer considers that the upgraded bridge would connect the existing start and end points of Footpath BM-522 across the A38 and provide a more comfortable, useable, and safer route for pedestrians and cyclists using NCN Route 5 and improve active travel connections in the pedestrians and cyclists using NCN Route 5 and improve active travel connections in the town.

68. **National Highways (formerly Highways England)** have no objection to the proposal, and state that they support the delivery of active and sustainable transport infrastructure which has the potential to reduce or remove vehicle trips along the Strategic Road Network, and therefore supports the planning application.

69. **The County Landscape Officer** has no objection on landscape grounds, subject to the imposition of a condition requiring a revised Landscape and Ecological Management Plan (LEMP). The County Landscape Officer welcomes the revised scheme to introduce and include a surface water attenuation feature.

70. The County Landscape Officer has confirmed that revisions to soft landscaping can be detailed via a revised LEMP which can be secured by condition. The County Landscape Officer supports the condition wording recommended by the County Ecologist which they concur covers all key measures necessary to deliver a sustainable landscape scheme.

71. The County Landscape Officer wishes to reiterate the importance of securing an aftercare programme of 5 years with appropriate safeguards for handover.

72. **The County Ecologist** has reviewed the amended proposed Preliminary Ecological Appraisal (PEA) and the amended proposed Drainage Strategy, which they consider broadly addresses the points previously raised as part of the consultation process and raise no objections, subject to the imposition of suitably worded conditions, regarding the submission of a CEMP and a LEMP.

Preliminary Ecological Appraisal (PEA)

73. The County Ecologist states that the amended PEA now provides further detail on protected species including European Protected Species. The PEA now provides the CPA with ecological rationale and sufficient confidence that proposed works which might have otherwise constituted licensable operations can avoid need for any derogation, which is to be achieved by design so that impact to sensitive ecological features is avoided, and by providing detailed working methods to secure acceptable mitigation techniques where impact to those features proves unavoidable. They are satisfied that residual risks remain sufficiently low for European Protected Species and state that no further consideration of derogation tests is required subject to securing proposed avoidance and mitigation measures.

Bats

74. The County Ecologist notes that three trees with Potential Roosting Features (PRF) have been identified and mapped in the submitted ecological appraisal. Two of these trees (BT2 and BT3) are outside the area marked for vegetation clearance and one (BT1) would be retained but located within a proposed works compound, therefore, there is a residual risk of indirect adverse impacts from operations causing light, noise, vibration, and potential severance effects from vegetation removal, as well as risk of unanticipated direct impacts upon tree BT1. The amended PEA states that indirect impacts would not be licensable and mitigated through implementation of Reasonable Avoidance Measures (RAMs) such as precautionary working methods integrated within the scheme's CEMP. They support the applicant's pragmatic approach and note that further inspection of the retained tree within the works compound prior to commencement are proposed. The County Ecologist states that they have advised the applicant that the sensitive configuration of the site compound is required to reduce the need for any security lighting overlooking tree BT1 which might have an adverse indirect impact upon its PRF. They welcome the proposed measures for site enhancement for roosting bat, which should be secured through condition.

75. The County Ecologist notes that the site has been assessed as likely having local importance for commuting and foraging bats and comment that by nature, the linear wooded/scrub corridor is susceptible to severance effects posed by vegetation clearance and lighting. They note that vegetation clearance on the scheme's north-western aspect (the location of the three trees containing PRF) appears very limited,

and that a soft landscaping scheme is proposed which would include surface-level SuDs attenuation feature, offering beneficial foraging opportunities for bats and other wildlife. Vegetation clearance proposed on the south-eastern elevation would be more extensive and some woodland edge planting is proposed here as compensation.

76. The County Ecologist notes that the submitted lighting plan does not include baseline lighting levels, but that street lighting is present along this section of the A38, and that the proposed footbridge lighting appears contained to illuminate the decks and approach areas only and would be sympathetic to the surrounding vegetation so as to minimise effects.

77. The County Ecologist sought clarification on the colour spectra proposed preferring the use of warmer lighting (<2700k) and confirmation that photometry would include no UV component and is now satisfied with the applicant's response.

Great Crested Newt (GCN)

78. The County Ecologist recognises that the amended PEA now assesses the implications for great crested newt (GCN) and also acknowledges that the site is suitable to support this species in its terrestrial phase. They note that there are waterbodies and historic GCN records in the locality of the site, and that the woodland and scrub habitats would be suitable for both foraging and hibernating GCN dispersing from any nearby garden ponds. Given the impracticality of identifying garden ponds from aerial and Ordnance Survey (OS) mapping, and the significant obstacle to amphibian dispersal posed by the A38 and surrounding road networks, the County Ecologist concurs that connectivity for reptiles and amphibians to the site is limited and supports the precautionary RAMs approach, as set out in the PEA, for integration within the schemes CEMP. They state that this would include pre-commencement vegetation clearance by an Ecological Clerk of Works (ECoW) which, given GCN are often cryptic and fossorial in their terrestrial phase, might be expedited with confidence using detection dogs. The County Ecologist considers that the amended PEA does not identify that a European Protected Species license would be required and given the level of risk posed, they do not consider a need for the CPA to further consider the derogation tests for this species. They consider that the proposed surface level SuDS and soft landscaping proposals would offer a degree of compensation for impacts to reptiles and amphibians caused by vegetation clearance.

Dormouse

79. The County Ecologist considers that the amended PEA now includes further consideration of habitat suitability for dormouse and provides rationale supporting the conclusions drawn that habitat conditions are unsuitable in supporting foraging or nesting dormouse. Additionally, they have reviewed the network of suitable habitats in the Worcestershire Habitat Inventory and cross-referenced dormouse records and are satisfied that the site is poorly connected to the wider landscape, with extensive features such as highway, motorway and intervening developments all posing obstacles to dispersal of dormice from ancient woodland and connective hedgerows in the wider landscape. Based on this, the County Ecologist considers that the precautionary RAMs approach would address any residual risks posed by vegetation clearance and that the scheme would have no licensing implications for dormouse.

Sustainable Urban Drainage System (SuDs)

80. The County Ecologist welcomes the inclusion of a surface-level SuDs. They are satisfied that the LEMP can secure further detail on landscaping and aftercare matters and that seeding/planting and LEMP updates can be resolved through condition. Soft landscaping specifications should include species mixes capable of thriving with periodic inundation and occasional salting during over-winter management of adjacent footpaths.

Enhancements

81. Aligned with the Natural Environment and Rural Communities (NERC) Act 2006, Section 40 duty and NPPF requirements to further the conservation of habitats and species, the County Ecologist welcomes proposals to secure biodiversity benefit through the scheme, and notes that 6 bird nest boxes, together with log piles for amphibians/reptiles and bat boxes have been proposed with specification, number, and location yet to be confirmed. The County Ecologist recommends that proposed enhancements are secured via an annex to the scheme's LEMP to include specification, management, and monitoring, or via a Biodiversity Monitoring Strategy (BMS). The County Ecologist encourages incorporating measures which compensate for vegetation clearance and achieve betterment for invertebrates (e.g., a modest number of invertebrate boxes or pollinator posts) and small mammals such as hedgehog, which are likely to occur in the area. These inexpensive measures could be secured through imposition of suitably worded LEMP or BMS condition.

82. **The County Archaeologist** has no objections to the proposal and comment that the applicant desk-based assessment (DBA) submitted with the planning application covers both Scheme 3 and Scheme 5, but that the application only seeks permission for Scheme 5.

83. The County Archaeologist notes that the DBA recommends that a watching brief may be appropriate on Scheme 5, however, the County Archaeologist considers that based on the evidence presented in the DBA and the submitted drawings that a watching brief would not be necessary for Scheme 5. The County Archaeologist considers that the potential for archaeology is low in the area and that the historic construction of the existing bridge would have resulted in significant truncation/removal of any deposits or features close to the bridge.

84. **Cycling UK** are not able to comment on the application due to the location of the site in Bromsgrove, north of the County.

85. **Sustrans** have no objections to the proposal. Sustrans supports the development where traffic-free routes must be planned, designed, built and maintained to be inclusive. They comment that an inclusive route would provide convenient and unimpeded access for all types of users including those walking, wheeling, riding bikes or horses. Each user has different and specific needs. A route that only considers the needs of one specific user group would be less successful than an inclusive route.

86. Sustrans note that during construction the diversion of national cycle network work would be required.

87. Sustrans states that a perceived lack of safety is a major barrier to active travel. It is, therefore, important that designers address both physical and personal safety barriers. For many people, traffic-free routes by their nature are not considered safe. Their position away from roads, streets or buildings reduce opportunities for passive surveillance, and at certain times of the day low levels of use may also attribute to creating a poor perception of safety. It is not always possible to address these concerns through design but there are measures that can improve perceptions of safety. These include the following measures:

- Increase the number of legitimate path users through behaviour change measures
- Provide high-quality lighting
- Create frequent access/exit points
- Provide and maintain clear views
- Remove potential dark spots.
- Ensure barriers and bollards adhere to LTN 1/20 Standards
- Signing and wayfinding is an important element of traffic-free routes and should be treated as an integral part of the design process.
- Signing should be consistent and legible throughout a route or network. It must present the correct information to users.
- Signing and wayfinding features need maintaining.
- Signing, wayfinding and street furniture can all serve to create clutter. It is important to consolidate and rationalise signing along routes where possible.
- The approach to introducing these features needs to be sensitive to the environment.
- Displaying road names on bridges passing over a route is another method of enhancing wayfinding along a route

88. **The County Footpath Officer** has no objection to the proposal, subject to the applicant adhering to their obligations to the public right of way:

- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- No diminution in the width of the right of way available for use by the public.
- Building materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- The safety of the public using the right of way is to be ensured at all times.

89. The County Footpath Officer states that the developer should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way.

90. The County Footpath Officer recommends that the applicant should note the NPPF, particularly paragraph 100 to ensure that planning policies protect and enhance public rights of way and access.

91. The County Footpath Officer notes that the proposals include extinguishing the existing footpath BM-522 crossing the A38 at ground level and reinstating an alternative route over the proposed new bridge and linking to highways at both ends, which would also include public use for cycles. In order to achieve this the appropriate legal processes would need to be undertaken to ensure the old route is extinguished and the new route with a highway/public right of way status suitable for cycle use is in place. The applicant is advised to contact the Public Rights of Way team at Worcestershire County Council to start this process.

92. The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist, nor that higher rights may exist than those shown.

93. **The Open Space Society** replied stating that they have no local representative and, therefore, cannot provide comments in this instance.

94. **The Ramblers Association** have no objection to the proposal. They note and support comments from the County Footpaths Officer regarding extinguishment of the existing public right of way that crosses the A38, and they ask that measures are taken to ensure continued safe access to the public right of way and that a crossing point is available during the construction phase at the site. The Ramblers Association also note that the bridge is a shared pedestrian and cycle crossing and suggests that clear segregation is required to ensure user safety.

95. **County Public Health Practitioner** has no objections to the proposal.

96. **County Sustainability** no comments received.

97. **County Streetlighting** no comments received.

98. **Worcestershire Regulatory Services (Dust and Air Quality) (WRS)** have no objections to the proposal in terms of dust and air quality and state that the submitted Environmental Report Chapter 8: Air Quality and Environmental Report Appendix 4: Air Quality Appendices are appropriate, and WRS concur with the methodologies and conclusions and have no adverse comments to make with respect to air quality.

99. **Worcestershire Regulatory Services (Noise, Vibration and Dust) (WRS)** have no objections, and state that the submitted CEMP appears satisfactory in terms of noise, vibration and dust monitoring and the proposed mitigation measures.

100. **The Worcestershire Wildlife Trust** have no objections to the proposal and is content to defer to the opinion of the County Ecologist for all on site biodiversity considerations and do not wish to comment further at this stage.

101. **Historic England** wish to make no comments on the application.

102. **Natural England (NE)** have no comment to make on the proposal and state that NE have not assessed the application for impacts on protected species and recommend that the NE Standing Advice is used to assess impacts on protected species or that the CPA should consult the County Ecologist. NE also state that the lack of comment does not imply that there are no natural environment impacts, but only that the application is consistent with national and local policies on the natural environment.

103. **The Local Lead Flood Authority (LLFA)** comment that the area is covered by North Worcestershire Water Management (NWWM), who act on behalf of the LLFA for the Bromsgrove, Redditch and Wyre Forrest District Councils and as such will not be providing an individual response.

104. **The North Worcestershire Water Management (NWWM)** have provided comments on behalf of the LLFA, noting that the site falls within Flood Zone 1 (low risk of fluvial flooding), but does have areas which are modelled as being susceptible to surface water flooding.

105. NWWM have no objection to the proposal and been consulted on the amended drainage plans and comment that it is good to see an above ground attenuation feature incorporated on the west side of the A38/Fordhouse Road.

106. For the eastern side of the A38, NWWM note that the east of the site would drain to the existing storm water sewer, with over-sized pipes to attenuate the volume of runoff and a flow control to limit the rate of runoff to greenfield rates, up to the 1:100 event plus a 40% allowance for climate change. The strategy also includes filter drains along the earth embankments. NWWM note that water should where possible pass through the filter drain to achieve some water quality treatment. NWWM recommend that the simple index approach, as included within the Construction Industry Research and Information Association (CIRIA) SuDS manual, is used to ensure that enough treatment is being provided.

107. The NWWM state the rate of runoff and storage volumes for both sides of the A38, would need to be provided once ground investigations have been carried out. A future drainage strategy should also provide details of the greenfield runoff rates for comparison and to ensure that the drainage strategy has been appropriately designed.

108. The NWWM state that should the applicant need to undertake any works within the watercourse, including the installation of any new drainage outfalls, land drainage consent may be required and recommend that the applicant should contact NWWM to discuss this.

109. The NWWM note that Appendix 4 of the CEMP has not been completed and state that this should be filled in prior to any work commencing on site to ensure the protection of the adjacent watercourse. The NWWM note that the refuelling area is located approximately 30m from the watercourse, but that the submitted plan does not acknowledge this.

110. The NWWM recommend that should planning permission be granted a pre-commencement surface water drainage condition should be imposed and two

informative notes relating to Land Drainage Consent and another making the applicant aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence and that the applicant would be expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

111. **Severn Trent Water** have confirmed that they have no objection to the proposed development, subject to the imposition of conditions requiring foul and surface water drainage and the drainage scheme being implemented before the scheme is brought into use. Severn Trent Water advise that there is a public 450-millimetre foul sewer located within the site and advise the applicant to contact Severn Trent Water. Regarding clean water, Severn Trent Water note that they have apparatus in the area of the planned development and recommend that the applicant contacts Severn Trent Water.

112. **Worcestershire LEP** no comments received.

113. **Western Power Distribution** confirm that their apparatus is located within the application site, which includes 11kV underground and overhead electricity lines which run broadly to the south of the existing footbridge and along the eastern side of the A38. The applicant must comply with the requirements of Health & Safety Executive's guidance: GS6, 'Avoidance of Danger from Overhead Electric Lines'. They state that 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's guidance: HS(G)47, 'Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

114. **Cadent Gas** have provided a plan showing that there are Cadent gas pipes in the vicinity of the proposal (running along the western side of the A38 and to the south of the existing footbridge) and advise the applicant to submit a planned works enquiry via LSBUD.

115. **West Mercia Police** have confirmed that they have no comments or objections to the proposal.

116. **Hereford & Worcester Fire and Rescue Service** has been consulted and state that they assume that the proposed replacement cycle / footbridge is like for like and have no comment to make at this time.

Other Representations

117. Prior to the submission of the planning application, the applicant undertook an initial public engagement exercise to seek feedback from stakeholders and members of the public in early 2020 on the proposed 12 Schemes. Approximately 1,500 people attended six initial engagement sessions.

118. Further pre-application public engagement took place in 2021 specifically for Schemes 3 and 5, which due to COVID-19 did not involve community events but

instead focused on media releases directing interested parties to the County Council website and letters were delivered to residential properties in the immediate vicinity of the proposed bridge location. Approximately 219 comments were received which were mainly supportive of the scheme, but concerns were raised about the following:

- unimaginative and unsightly design of the proposed bridge;
- that the money should be spent on reducing traffic speeds on the A38 instead;
- a new bridge is not required;
- the proposed bridge would be too close to residential property boundaries;
- and environmental concerns.

119. The application has been advertised on site, in the press and by neighbour notification. To date 6 letters of representation have been received, 3 of which object to the proposal and 3 of which comment on the proposal. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments in these letters of representation relating to the proposal are summarised below:

Objections

- Objects to the cost of the replacement bridge when the existing bridge is already being used by cyclists and pedestrians.
- The existing bridge has recently had money spent on it.
- The construction period would cause significant disruption to the local area especially along the A38 causing further congestion.
- States that the proposed design of the replacement bridge would cause a conflict between pedestrians and cyclists and recommends that the exit to Carnforth Road could have direct pedestrian access to the steps if they were placed south of the cycle lane, which would resolve the potential for user conflict at the crossing point.

Comments

- Comments that the existing bridge has recently been repaired and is being used by cyclists.
- Comments that the existing bridge needs painting.
- Comments that the cost of the replacement bridge could be used to repair other sections of the A38 that are a disgrace for an `A` road.
- States that the existing bridge currently experiences waterlogging, and that drainage is inadequate.
- The issue of waterlogging causes the existing bridge to become unsafe for users.
- Leaf litter makes the existing bridge unsafe for users
- Questions whether the approach ramps of the replacement bridge would be for pedestrian as well as cyclists and notes the range of users that would use the approach ramps, such as mobility scooters, wheelchair users and pushchairs and that access via the stairs would not be suitable for those types of users.
- Comment that cyclists are asked to dismount and not ride across the existing bridge, but they do, and this causes problems for pedestrians.

- Comment that the existing bridge is used daily, and they rarely experience issues with other users.
- Redecorating the existing bridge would save money and improve the appearance of the existing bridge. The money saved could be used to improve cycling routes and make crossing points safer for pedestrians and cyclists.

The Development Management Team Manager's Comments

120. 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.

Traffic, Highway Safety and Public Rights of Way

121. Paragraph 111 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"*.

122. The applicant also states that existing issues with congestion are set to get worse over time and that improvements to the route would provide additional capacity on the highway network and support new developments in the area, in addition to improving connectivity to Bromsgrove town centre and Bromsgrove Train Station. The improved route would provide an alternative to the car for both short journeys and commuting.

123. The applicant further states that there are no other footbridges that span the A38 within approximately 2 km of the site and that the A38 is recognised as a barrier to active travel options between the Town Centre in the west and Aston Fields and Bromsgrove Train Station located in the east.

124. Sustainable transport and improvements to active travel within the Bromsgrove area is one of the main objectives of the BREP schemes. The proposed bridge enhancements are considered vital to minimise congestion on the A38 and encourage more sustainable methods of travel.

125. The applicant states that options to replace the existing bridge with an at-grade crossing were considered but rejected, as an at-grade signalised crossing would not provide the same level of pedestrian and cyclist safety as the proposed bespoke pedestrian and cycle replacement bridge and an at-grade crossing would interrupt traffic flows along the A38.

126. Local Councillor Josh Robinson has commented that the proposal should include lighting as the current lighting provision of the existing bridge is inadequate. Submitted details show that the proposed lighting comprises of low energy LED handrail lighting for the ramps and bridge deck sections. A bollard would be located in the verge close to the entrance to the footbridge east of the A38 and a galvanised steel column measuring approximately 6m in height would be located at the entrance to the bridge west of the A38. One existing lighting column on Fordhouse Road would be relocated to suit the proposed lighting arrangements. The County Highway Officer notes the provision of lighting and advises the applicant that the final lighting design

must be submitted to and approved by the CPA prior to commencement. A condition is recommended to this effect.

127. Letters of representation have been received objecting to the proposal on the grounds of disruption during the construction phase. The applicant states the works would be phased and that demolition of the bridge may involve some disruption overnight or result in weekend closures. A temporary at-grade signalised crossing would be installed adjacent to the existing bridge to enable safe user access across the A38 during the construction phase. The use of the temporary at-grade signalised crossing allows the replacement bridge to be installed along the same approximate line/route of the existing bridge. Access to Finstall First School would be maintained during term time.

128. During construction vehicular access arrangements to the site west of the A38 would be via Fordhouse Road and Oakhalls Avenue and vehicular access arrangements east of the A38, would be via Carnforth Road. The construction site compound would be located on the green open space on the west side of the A38. The draft CEMP states that all materials would be loaded within the site compound which would be located west of the A38 with access/egress to Fordhouse Road.

129. National Highways have no objection to the proposal, and state that they support the delivery of active and sustainable transport infrastructure which has the potential to reduce or remove vehicle trips along the Strategic Road Network and, therefore, support this planning application.

130. The County Highways Officer has been consulted and raised no objection to the proposal, subject to the imposition of conditions requiring conformity with submitted plans; a CEMP, lighting scheme; SuDS scheme, Stage 2 and Stage 3 Road Safety Audit and temporary diversion of footway. They confirm that they have undertaken a robust assessment of the amended scheme and state that based on the analysis submitted and consultation responses from third parties, they conclude that there are no justifiable grounds on which an objection could be maintained.

131. Objections have been received from local residents stating that the proposed design of the replacement bridge would cause a conflict between pedestrians and cyclists and recommends that the exit/entrance to Carnforth Road should have direct pedestrian access to the steps positioned south of the cycle lane, to resolve the potential for user conflict at the crossing point. In response, the applicant has confirmed that due to the constraints on site relating to the location of services, land ownership boundaries and fencing arrangements, insufficient width is available to accommodate a footway on both sides of Carnforth Road access and that the school side of the footway is the most frequently used route to the bridge. The applicant states that the location of the stairs at this point allows good visibility of cyclists approaching and for pedestrians to cross the delineated tactile paving area and avoid the potential for user conflict. The applicant has confirmed that a Road Safety Audit has been carried out which included a review of the proposed pedestrian and cycle entry and exit arrangements to Carnforth Road.

132. The combined foot and cycle bridge would be unsegregated for its full-length including approaches, with segregation provided where the approaches meet Carnforth Road and Fordhouse Road, where cyclists and pedestrians are then

segregated to ensure that mounted cyclists can safely re-join the carriageway on the correct side of the road without impediment to pedestrians and that pedestrians can safely access/exit the stairs.

133. The Ramblers Association have no objection to the proposal but comment that the proposed bridge would be a shared pedestrian / cycle bridge which should have clear segregation to ensure user safety. The applicant states that a fully segregated bridge would not be possible in this instance due to site's constraints such as the A38 corridor and the location of Finstall First School adjacent to the red line boundary and that to accommodate a fully segregated bridge, an overall width of approximately 5.5m (comprising footway and cycleway measuring approximately 2m wide and 3m wide respectively) would be required in accordance with the advice of LTN 1/20.

134. The DMRB 'CD 353 Design criteria for footbridges' notes that footbridges designed for combined pedestrian and cyclist use should either be segregated or unsegregated and that the form of segregation should be consistent over the full length of the footbridge and its approaches.

135. The County Highways Officer advises that the term 'shared use' can be used to describe both unsegregated and segregated routes, the latter typically being achieved with a white line marking to separate pedestrians and cyclists. This form of separation is not well observed, and pedestrians walking on or crossing the cycle side can encounter greater conflict than with unsegregated facilities due to the increased cycling speeds that can result from the designation, therefore, the use of white line segregation is not recommended.

136. The County Highways Officer states that the existing shared use bridge has a clear width of approximately 2m, the proposed bridge would have a clear width of approximately 4m in accordance with LTN 1/20 which would be a significant betterment.

137. The County Highways Officer notes that the Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty making reasonable adjustments to the existing built environment to ensure that the design of infrastructure is accessible to all. Designers of proposed infrastructure must consider all users early in the process to ensure the scheme is supported locally in the long-term.

138. The County Highways Officer considers that the enhanced replacement bridge would benefit existing users, would be likely to encourage mode shift to more sustainable travel modes, and would lead to a consequent reduction in vehicle trips and notes that there would be no requirement to undertake any detailed assessment of changes in traffic volumes as it is accepted that any change would be positive.

139. NCN Route 5, is a long-distance cycle route crossing the Chiltern Hills and connecting Reading to North Wales, passing through Wallingford, Didcot, and Abingdon on the way to Oxford, and crosses the existing footbridge, but requires cyclists to dismount. The proposed new replacement cycle / footbridge would cater for pedestrians, cyclists and wheelchair and pushchair users, and would not require cyclists to dismount.

140. Sustrans has been consulted and supports development where traffic free routes are inclusive providing convenient and unimpeded access for all users and notes that a route that considers the needs of one particular user group would be less successful than an inclusive route. The proposal would not require cyclists to dismount.

141. Footpath BM-522 currently crosses the A38 between Fordhouse Road to Carnforth Road. The County Footpath Officer has been consulted and raises no objection to the extinguishment of the existing footpath BM-522 and reinstating an alternative route across the replacement bridge linking to highways at both ends. The County Footpath Officer advises the applicant that the legal process to amend the alignment of existing PRow BM-522 must be undertaken prior to commencement of development.

142. With regard to public rights of way, the County Highways Officer considers that the upgraded bridge would connect the existing start and end points of Footpath BM-522 across the A38 and provide a more comfortable, useable, and safer route for pedestrians and cyclists using NCN Route 5 and improve active travel connections in the town.

143. In view of the above, the Development Management Team Manager is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of an appropriate conditions as recommended by the County Highways Officer, in accordance with Sections 8 and 9 of the NPPF and BDP 16 of the Bromsgrove District Plan.

Residential Amenity and Visual Impacts

144. There are several residential properties within the vicinity of the proposal, as outlined in `The Site` section of this report. On the eastern side of the A38 this includes properties located along Green Park Road, whose gardens back onto the A38, the closest residential property would be located approximately 11m from the proposed eastern switchback (180 degree turn and associated platform) of the bridge. The nearest property located on Carnforth Road is located about 17m west of the shared use access point.

145. Letters of representation have been received objecting to the proposal on the design of the bridge and the cost and financial implications of the replacement bridge.

146. Letters of representation have been received commenting on retaining and refurbishing the existing bridge, safety issues regarding the surface of the existing bridge and the shared use access arrangements of the existing bridge.

147. Worcestershire Regulatory Services have been consulted in respect of noise, dust, vibration and air quality impacts. They raise no objections to the proposal in terms of dust and air quality and state that the submitted assessments are appropriate. Furthermore, Worcestershire Regulatory Services concur with the methodologies and conclusions of the draft CEMP and Air Quality Assessments and have no adverse comments to make with respect to air quality.

148. With regard to the design of the proposal, Section 12 'Achieving well-designed places' of the NPPF at Paragraph 126 states *"the creation of high-quality, beautiful*

and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...".

149. Policy BDP 19: 'High Quality Design' of the Bromsgrove District Plan states that *"The Council will deliver high quality people focused space through...e) Ensuring the development enhances the character and distinctiveness of the local area...j) Ensuring developments are access to all users...q) Ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment"*. The supporting text to Policy BDP 19 states that *"Good design can help to create thriving places which are well designed, well built, inclusive and safe, well run, well connected, well served, environmentally sensitive and have the potential to improve life chances"*.

150. The main span of the proposed bridge over the A38 would be constructed and formed from tubular steel arched warren trusses with incorporated crossbeams and a transversally stiffened steel deck plate. The truss chords and diagonals would be formed from rolled or fabricated circular hollow sections. The approach ramp steelwork and supports would be coloured dark green and the bridge span and trusses would be coloured off white.

151. The total length of the whole steel structure measures approximately 257m in length including the ramps and earth approach ramps. The curved approach ramp landing west of the A38 would measure approximately 70 m in length and the approach ramp landing east of the A38 measuring approximately 173m in length. The total height of the bridge would measure approximately 14.4m. The landing height of the proposed bridge at the 180-degree turning point of the ramp on the east side of the A38 would be approximately 0.21m lower than the top of the existing earth bund. The proposed bridge span over the A38 would be slightly higher than the existing bridge span to enable a minimum headroom clearance of approximately 5.78m in accordance with CD 127 of DMRB.

152. The applicant states that rationalisation of ramp lengths, the proposed landing locations and the curved design would minimise the overall footprint of the replacement bridge and result in an all-inclusive design for pedestrians, cyclists, and disabled users in accordance with the Equality Act 2010. To aid visually impaired users several surface textures and colours are incorporated to delineate points where the shared use ends and at crossings of the highway to link with the structure. A staircase has been incorporated into the design to enable user flexibility, a faster route over the bridge and reducing the length of the route by approximately 149m for those able to use stairs.

153. The proposed bridge would measure approximately 4m in width in accordance with the requirements of LTN 1/20. Parapet height would be approximately 1.5m to enable combined cycle and pedestrian use. The remainder of the bridge has 1.5m high mesh infill guardrails, providing handrails at approximately 0.9m in height.

154. East of the A38, it is envisaged that the position and location of the replacement bridge would occupy a similar footprint as the existing bridge and would be of a high-

quality design which would not be unduly prominent or overbearing in the street scene beyond that which already exists. The Development Management Team Manager considers that the proposed replacement bridge would enhance the character and distinctiveness of the local area in accordance with Policy BDP 19 and would not unduly impact on residential amenity.

155. A sculpture is located at the entrance to the existing bridge on Carnforth Road and acts as a way-maker for NCN Route 5, the applicant has confirmed that the sculpture would be put into storage during construction and reinstated as close to its current position as possible and eventually be integrated into the proposed landscaping works.

156. Local Councillor Josh Robinson commented on the application with regard to shielding residential properties in proximity to the proposal from overlooking. The applicant states that the existing bridge currently has open handrailing and that public engagement identified that a local resident was experiencing overlooking from the existing bridge to the rear of their property that would not otherwise be seen from the public highway due to a garden wall. The applicant consequently proposed perforated screening panels measuring approximately 1.8m in height to be positioned along both the eastern switchback and for a short length along the western approach ramp where the bridge would be positioned at the nearest point to residential properties to ensure that a level of privacy is designed-in to the bridge and to mitigate the potential for overlooking.

157. In addition to the above, and to further minimise the potential for overlooking of adjacent residential properties from the approach ramps west of the A38, the replacement bridge would be positioned slightly to the north of the existing bridge with the ramp landing more centrally within the open space.

158. The County Landscape Officer raises no objection on landscape grounds and is generally supportive of the scheme in terms of the proposed design, species mix and after care, but considers that the submitted LEMP should specify a minimum aftercare period of 5 years to fully manage the establishment phase and account for seasonal extremes of weather affecting establishment of an approved scheme.

159. Bromsgrove District Council has no objection to the design or principle of the proposal and consider that the replacement bridge would be an improvement in comparison to the existing bridge and are satisfied with the location, the indicative colour and the proposed 1.5m high mesh infill guardrails which they consider would blend in with the existing landscape.

160. Bromsgrove District Council initially raised concerns relating to the dimensions of the ramp in proximity to the rear of residential properties that front 42-48 Green Park Road, and the provision of additional landscaping to enhance residential amenity and to soften the proposed acoustic fence when viewed from the A38. The applicant confirms that an acoustic barrier fence would wrap around the end of the turning point, but that landscaping in this area would be problematic due to the location of services running parallel to the kerb including high voltage/fibreoptic cables. The applicant states that the proposed ramp has been positioned so as not to extend further north along the A38 than the end of the school boundary. The applicant has also specified that the landing height of the platform located on the east of the

A38 would be approximately the same height as the existing earth bund. The applicant states that due to the effects of shadowing from the bridge, planting in this location and adjacent to the proposed acoustic fence would be unlikely to flourish, therefore the area would be seeded with a woodland edge mix rather than being planted up.

161. The County Landscape Officer has been consulted with regard to landscaping as raised by Bromsgrove District Council and confirm that they are satisfied with the level of proposed landscaping. Bromsgrove District Council confirm that the additional information provided by the applicant in response to their initial concerns relating to residential amenity and landscaping have now been addressed.

162. West of the A38, the Development Management Team Manager considers that the proposed location of the approach ramp north of the existing approach ramp, the proposed perforated screening panels, the provision of low-level integrated lighting, proposed landscaping measures incorporating the retention of existing established vegetation/trees on site would limit the potential for overlooking of residential properties from the approach ramps and would reflect the design criteria of Policy BDP 19 of the Bromsgrove District Plan and deliver a high quality people focused space. The route would have an active frontage due to the proximity to residential properties providing natural surveillance and increased user safety.

163. The scale and massing of the replacement bridge is similar to that of the existing bridge in terms of height and location and would not be an unacceptable or overbearing feature that would detract from residential amenity.

164. The scheme would encourage sustainable and active travel for all users, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing in accordance with Policy BDP 25: Health and Well Being. Furthermore, it is noted that the County Public Health Practitioner has raised no objections to the proposal.

165. Policy BDP 19: 'High Quality Design' of the Bromsgrove District Plan, states that *"Good design is important not only in buildings, but in also in the public spaces between buildings – the public realm. Streets are the most common form of public space and cannot easily be changed. Streets are social spaces as well as spaces for transport and movement, and part of good design is place-making-making spaces into places with identity and meaning"*.

166. In view of the above matters, the Development Management Team Manager considers that the design, scale and massing of the proposed replacement bridge would not have an unacceptable adverse impact upon the character and appearance of the local area, and would contribute to health and wellbeing, in accordance with Section 12 of the NPPF and Policies BDP 19 and BDP 25 of the Bromsgrove District Plan.

167. Objections have been received on the grounds of cost. Whilst the cost of the scheme is not considered to be a relevant planning consideration in this instance, but a matter for Worcestershire County Council, as the applicant, it is noted that the replacement bridge is part of a package of improvements to improve connectivity,

reduce reliance on the car and part funded by the Department for Transport, Worcestershire Local Enterprise Partnership (WLEP) and funding from Section 106 contributions.

Ecology and Biodiversity

168. Section 15 of the NPPF, Paragraph 174 states that "planning policies and decisions should contribute to and enhance the natural and local environment by: a) *"protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."*.

169. Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"a) 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 "d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"*.

170. The site has been assessed as likely having local importance for commuting and foraging bats due to the linear nature of the existing wooded/ scrub corridor which is susceptible to severance effects due to vegetation clearance and from the proposed lighting scheme.

171. The amended PEA recommends that a specific Vegetation Clearance Method Statement is developed with species specific considerations incorporated which would include details of species on site, legislation, methods for vegetation clearance and processes to be followed in the event of an ecological incident or discovery of a protected species. The Method Statement would also detail the requirement for Environmental Permits to Work and Pre-Works Checks by a suitably qualified ecologist.

172. Three trees with Potential Roosting Features (PRF) have been identified on the west side of the A38, two of which (BT2 and BT3) are outside the area marked for vegetation clearance and one (BT1) would be retained but located within the proposed works compound. Therefore, there is the potential of a residual risk of indirect adverse impacts from operations causing light, noise, vibration and potential severance effects from vegetation removal, as well as risk of unanticipated direct impacts upon tree BT1. The amended PEA states that indirect impacts would not be licensable and mitigated through implementation of RAMs such as precautionary working methods integrated within the scheme's CEMP. The County Ecologist is satisfied that the CEMP would include further inspection of the retained tree within the works compound prior to commencement.

173. The Lighting Assessment calculations undertaken by the applicant concluded that existing light columns in the vicinity of the existing bridge would be sufficient

lighting for users approaching the new footbridge from either Fordhouse Road or Carnforth Road. General lighting provision through the entire length of the footbridge comprises of low energy LED`s incorporated into the handrails, which would light the approach ramps and the bridge deck. Low energy LED bollard lighting would be located at the entrance to the footbridge on the eastern side of the A38 and a lighting column measuring approximately 6 meters in height would be located at the entrance of the bridge on the western side of the A38. An existing light column would be relocated along Fordhouse Road to suit the layout of the proposed lighting arrangements, no lighting columns are proposed to be removed.

174. The County Ecologist sought clarification on the colour spectra proposed preferring the use of warmer lighting (<2700k) and confirmation that photometry would include no UV component. The applicant has confirmed that no UV component would be present in the lighting spectra, as such the County Ecologist considers that the proposed design shows consideration of minimising spill on surrounding vegetation and confirms support of the design proposals as clarified.

175. Policy BDP 19: 'High Quality Design' of the Bromsgrove District Plan states that "*The Council will deliver high quality people focused space through ensuring all trees that are appropriate in terms of size, species, conditions and predicted climate are retained and integrated within new development*".

176. The submitted Arboriculture Impact Assessment states that there are no nationally significant trees of high ecological or heritage value such as ancient or veteran trees at the site but notes that there are several trees worthy of note though not of high quality; including an attractive prominently positioned horse chestnut and Norway maple both located within the public open space on the west of the A38. The Arboriculture Impact Assessment recommends the removal of 5 trees, 2 of moderate quality, 2 poor quality and 1 very poor quality and considers that this would have a low impact on the arboriculture resource at the site. The Arboriculture Impact Assessment states that the alignment of the proposed bridge over the footprint of the existing bridge means that no significant removals of the existing tree belt would be required. The Arboriculture Impact Assessment states that the removal of 2 oaks of moderate quality would have a minor visual impact on visual amenity. The applicant has confirmed that 5 replacement trees would be planted as mitigation for the loss of the existing trees, which can be secured through the provision of the LEMP.

177. The Development Management Team Manager recommends that tree protection measures are conditioned to protect retained trees during the construction phase of the development.

178. Policy BDP 21: 'Natural Environment' of the Bromsgrove District Plan states that "*The Council will seek to achieve better management of Bromsgrove's natural environment by expecting development to ...design in wildlife, ...protect and enhance corridors and `stepping stones` and ensure that ...areas of land surrounding development are managed in a sustainable and wildlife friendly manner*".

179. The County Ecologist considers that once planting has been established on completion of the LEMP period they anticipate that the scheme would achieve 'no net loss' and would generate a modest net gain for biodiversity.

180. Proposed mitigation measures include the following:

- Provision of 6 bird nesting boxes;
- Log piles for amphibians/reptiles;
- Bat boxes with their specification, location and number to be confirmed;
- Surface level SuDs attenuation feature; and
- Soft landscaping.

181. NE wish to make no comments referring the CPA to their protected species Standing Advice or that the CPA consult the County Ecologist. Worcestershire Wildlife Trust have no objection deferring to the opinion of the County Ecologist. The County Ecologist raises no objections to the proposal, subject to the imposition of appropriate conditions regarding a CEMP for biodiversity, timing and controls of vegetation clearance, protection of retained vegetation, lighting strategy, LEMP, landscaping scheme, biodiversity enhancements including opportunities for site enhancement for roosting bat and the inclusion of the surface level SuDs attenuation feature providing long term beneficial foraging opportunities for bats and other wildlife.

182. In view of the above, the Development Management Team Manager considers that subject to the imposition of appropriate conditions, that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area and would enhance the application site's value for biodiversity, in accordance with Section 15 of the NPPF and Policy BDP 21 of the Bromsgrove District Plan.

Water Environment and Flood Risk

183. Paragraph 159 of the NPPF states that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”*.

184. Paragraph 167 of the NPPF states that *“when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere”*.

185. Policy BDP 23 of the Bromsgrove District requires that development addresses flood risk from all sources and requires development to set aside land for Sustainable Urban Drainage Systems (SuDS) and follow the SuDS management train concept.

186. The site falls within Flood Zone 1, as identified on the Environment Agency's Indicative Flood Risk Map, which has a low risk of fluvial flooding. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone. Notwithstanding this, the site does have areas which are modelled as being susceptible to surface water flooding.

187. The Drainage Strategy categorised the site as low-medium risk, stating the existing open watercourses, highway drainage ditches and other site low points fall within the high-risk area and that the proposal could lead to greater volumes of surface water runoff due to an increase in the amount of hardstanding/impermeable surface which may impact on the surrounding area if not managed appropriately.

188. Comments received from Councillor Robinson reflect the comments received as letters of representation which note that the existing bridge currently experiences waterlogging issues, and that existing drainage is inadequate making the bridge unsafe for users. The applicant states that the design of the bridge and the proposed gradients provide gravity drainage towards the end column supports via drainage channels located at either end of the bridge deck, downpipes would then carry surface water to attenuation, soakaways or into the downstream drainage system in line with the applicants proposed drainage strategy.

189. With regard to the localised surface water flooding in the area, the applicant states that the existing drop kerb (the location of the localised area of waterlogging) would be moved further east and that the proposed design would accommodate highway drainage and remediate localised flooding at this point.

190. The proposal includes a surface level SuDS which would be located on the west side of the A38 and mitigate the effects of an increased impermeable area generated by the replacement bridge. The SuDS strategy would manage water at source and infiltrate surface water to ground wherever possible. The proposed surface water drainage design includes a combination of bridge deck channel drains, carrier pipes, filter drains, oversized attenuation pipework, flow control devices and the SuDS soakaway to ensure that surface water is managed at source, prior to discharge to the downstream network.

191. NWWM have been consulted and have raised no objection to the amended plans subject to the imposition of appropriate conditions relating to the sizing of the attenuation feature and discharge rates. NWWM state that they welcome the inclusion of an above ground attenuation feature. Severn Trent Water have been consulted and have raised no objection to the proposal subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface and foul water. The applicant confirms that the proposed drainage system would where possible infiltrate surface water to the ground, rather than discharge to a surface water body or existing sewer. The Development Management Team Manager considers that the proposal would not impact foul drainage and would therefore not be appropriate to attach such a condition in this instance.

192. Based on the above advise, the Development Management Team Manager considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface water and SuDS management plan, in accordance with Section 14 of the NPPF and Policy BDP 23 of the Bromsgrove District Plan.

Historic Environment

193. Several heritage assets, as set out in 'The Site' section of this report, are located in the wider context of the application site, including Wendron House Grade II Listed; Sunday School Grade II Listed and Congregational Chapel Grade II Listed all located between approximately 500 m and 650 m north-west of the application site. Further Listed Buildings are located within the Bromsgrove Town Centre Conservation Area, located approximately 700 m north-west of the application site. Broome House Grade II Listed, Warwick Hall Grade II Listed and Farm Buildings to

West of No 80 Grade II Listed are located approximately 660 m south-west of the application site.

194. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. 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"*.

195. With regard to heritage assets, paragraph 195 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"*.

196. Paragraphs 199 and 200 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 highest significance, notably schedule monuments...grade I and II* listed buildings...should be wholly exceptional"*.

197. Paragraphs 201 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..."*.

198. The PPG at Paragraph Ref ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting..."*.

199. 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..."*.

200. The PPG at Paragraph Ref ID: 18a-013-20190723 states that *"the extent and importance of setting is often expressed by reference to 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..."*.

201. The application was accompanied by an Archaeological DBA which states that it is not envisioned that the construction of the replacement bridge would not have a negative impact on the setting of designated heritage assets in the vicinity of the development but recommends that a watching brief may be required in respect to archaeology.

202. Bromsgrove District Conservation Officer considers that the proposal would not have a negative impact on any heritage asset. Historic England wish to make no comments on the application.

203. Based on the above advice, the Development Management Team Manager considers that the proposal would not cause any harm to the setting of the nearby listed buildings or the conservation area.

204. In terms of impacts upon archaeology, Paragraph 194 of the NPPF states *"where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.

205. Paragraph 203 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"*.

206. The County Archaeologist has been consulted and raises no objection to the proposal stating that the potential for archaeology in the area is low and the existing bridge would have resulted in the significant truncation/removal of any deposits or

features close to the bridge, therefore, they have no objection and do not feel a condition for mitigation would be justified.

207. Based upon this advice, it is considered that the proposal would have no adverse impact upon non-designated heritage assets, including archaeology.

208. In view of the above, the Development Management Team Manager considers that the proposed development would not have an adverse impact upon heritage assets, in accordance with Section 16 of the NPPF and Policy BDP 20 of the Bromsgrove District Plan.

Other matters

Crime and Safety

209. Section 8 of the NPPF states at Paragraph 92 that *"planning policies and decisions should aim to achieve healthy, inclusive and safe places which...b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas"*.

210. Policy BDP 19 of the Bromsgrove District Plan states that the Council will deliver high quality people focused space through designing out crime and the fear of crime by incorporating measures and principles consistent with those recommended by `Secure by Design`.

211. The predominantly high-density residential housing located either side of the A38 would provide an active frontage facilitating natural surveillance of the route and enable increased user safety in accordance with Policy BDP 19 of the Bromsgrove District Plan, which considers that attractive, well-designed, clear, legible pedestrian and cycle routes ensure permeable safe routes which encourages active and continued use of public areas, promoting wellbeing, reducing the fear of crime and encouraging community cohesion.

212. The Planning Statement states that the proposed design of the bridge would include enhanced lighting and provide better natural surveillance resulting in greater user comfort and safety. The route would have an active frontage due to the proximity of residential properties in the vicinity and includes an integrated lighting scheme comprising of low energy LED handrail lighting for the ramps and bridge deck section to increase user safety.

213. West Mercia Police have been consulted and have raised no concerns or objections to the proposal. Based on the advice of West Mercia Police, it is considered that the proposal is acceptable in terms of its impact upon crime and safety, in accordance with Section 8 of the NPPF and Policy BDP 19 of the Bromsgrove District Plan.

Human Rights Act 1998

214. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of

others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

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

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

Obligations under the Equality Act 2010

217. The CPA in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. The Development Management Team Manager considers that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

Conclusion

218. Worcestershire County Council is seeking planning permission for a proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire.

219. Proposed Scheme 5 forms part of the Bromsgrove town wide improvement scheme known as the Bromsgrove Route Enhancement Programme (BREP), which aims to improve connectivity between the west and east sides of the A38 for both pedestrians and cyclists. The primary driver being to improve connectivity for Non-Motorised Users (NMUs) travelling across the A38. The proposed bridge link is a key element of the Bromsgrove Route Enhancement Programme (BREP).

220. The proposal includes the replacement of a non-compliant footbridge connecting Fordhouse Road to Carnforth Road, and is to include higher parapets, approach ramps, stairs and associated highway improvements all in accordance with the requirements of CD 353 of DRMB and LTN 1/20.

221. The scale and massing of the replacement cycle / footbridge is similar to that of the existing bridge in terms of height and location and would not be an unacceptable or overbearing feature that would detract from residential amenity. The scheme would encourage sustainable and active travel, improving transport options for local

residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing.

222. Based on the advice of National Highways, Sustrans, the County Highways Officer, the County Footpath Officer and the Ramblers Association, the Development Management Team Manager is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of appropriate conditions regarding conformity with submitted plans, a CEMP, lighting scheme, SuDS scheme, Road Safety Audits Stage 2 and Stage 3, and temporary diversion of footway, in accordance with Sections 8 and 9 of the NPPF and Policy BDP 16 of the Bromsgrove District Plan.

223. The Development Management Team Manager considers that, subject to the imposition of appropriate conditions and based on the advice of the County Landscape Officer, Bromsgrove District Council and Worcestershire Regulatory Services, the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area and would improve connectivity for NMUs travelling across the A38 in accordance with Section 12 of the NPPF, Policies BDP 19 and Policy BDP 25 of the Bromsgrove District Plan.

224. Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Development Management Team Manager considers that, subject to the imposition of appropriate conditions, the proposed development would not have an adverse impact on ecology and biodiversity at the site or within the surrounding area and would enhance the application site's value for biodiversity in accordance with Section 15 of the NPPF and Policies BDP 19 and Policy BDP 21 of the Bromsgrove District Plan.

225. Based on the advice of Severn Trent Water and North Worcestershire Water Management, the Development Management Team Manager considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface water and SuDS management plan, in accordance with Section 14 of the NPPF and Policy BDP 23 of the Bromsgrove District Plan.

226. Based on the advice of the County Archaeologist and Bromsgrove District Conservation Officer, the Development Management Team Manager considers that the proposed development would not have an adverse impact upon heritage assets in accordance with Section 16 of the NPPF and Policy BDP 20 of the Bromsgrove District Plan.

227. Taking into account the provisions of the Development Plan and in particular Policies BDP 1, BDP 6, BDP 12, BDP 16, BDP 17, BDP 19, BDP 20, BDP 21, BDP 22, BDP 23, BDP 24 and BDP 25 of the adopted Bromsgrove District Plan, it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

228. The Development Management Team Manager recommends that planning permission be granted for proposed replacement bridge to provide upgraded shared access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire subject to the following conditions:

Commencement

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development;

Approved Plans and Details

- 3) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings numbered: 3014-BUR-GEN-S5-DR-C-0106, Rev S4-P2.0 (Red and Blue Line Plan); 3014-BUR-GEN-S5-DR-C-0105, Rev S4-P5.0 (Red line Boundary Plan); 3014-BUR-GEN-S5-DR-C-0109, Rev S4-P3.0 (Amended Proposed Site Location Plan); 3014-BUR-SBR-S5-DR-S-1721, Rev S4-P5.0 (Bridge Sections Plan); 3014-BUR-SBR-S5-DR-S-1720, Rev S4-P4.0 (Bridge Long Section Plan); 3014-BUR-HML-S5-DR-C-0710, S4-Rev P3.0 (Geometric Layout Long Section); 3014-BUR-HKF-ZZ-DR-C-1150, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 1); 3014-BUR-HKF-ZZ-DR-C-1151, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 2); 3014-BUR-HKF-ZZ-DR-C-1152, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 3); 3014-BUR-HKF-S5-DR-C-1101, Rev S4-P3.0 (Kerbs Footways & Paved Areas General Arrangement); 3014-BUR-HFE-ZZ-DR-C-0350, Rev P3 (Fencing Standard Details - Sheet 1); 3014-BUR-HFE-S5-DR-C-0301, Rev P4 (Fencing General Arrangement Plan); 3014-BUR-HGT-S5-DR-C-0601, Rev P2 (Earthworks General Arrangement Plan); 3014-BUR-HGT-ZZ-DR-C-0650, Rev P2 (Earthworks Standard Details Sheet 1); 3014-BUR-HML-S5-DR-C-0701, Rev S4-P3.0 (Road Geometry General Arrangement Plan); 3014-BUR-HMK-S5-DR-C-1201, Rev S4-P3.0 (General Arrangement - Road Markings); 3014-BUR-GEN-S5-DR-C-0100, Rev S4-P5.0 (General Arrangement Overview Plan); 3014-BUR-GEN-S5-DR-C-0101, Rev S4-P4.0 (General Arrangement Plan - Sheet 1); 3014-BUR-HRR-S5-DR-C-0401, Rev S4-P3.0 (General Arrangement Plan - Sheet 2); 3014-BUR-SBR-S5-DR-S-1701, Rev S4-P4.0 (Proposed General Arrangement Plan); 3014-BUR-HSC-S5-DR-C-0201, Rev S4-P3.0 (Site Clearance General Arrangement Plan); 3014-BUR-GEN-S5-DR-C-0104, Rev S4-P4.0 (Temporary Works Plan); 3014-BUR-HRR-S5-DR-C-0405, Rev S4-P2.0 (Scheme Bollards Locations General Arrangement Plan); 1979-DFL-HLG-XX-DR-EO-13002, Rev S3-P04 (Lighting Layout Plan); 3014-BUR-HDG-S5-DR-D-0502, Rev S4-P6.0 (Amended Proposed Surface Water General Arrangement Plan Sheet 1); 3014-BUR-HDG-S5-DR-D-0503, Rev

S4-P6.0 (Amended Drainage Proposed Water General Arrangement Plan Sheet 2); 61014-DWG-LS-Sch5-002, Rev P2-S3 (Landscape Proposals – Seeding); 61014-DWG-LP-Sch5-001 Rev P7-S3 (Landscape Proposals – Planting); except where otherwise stipulated by conditions attached to this permission;

Construction Environmental Management Plan (CEMP)

- 4) Notwithstanding the submitted details no development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to the County Planning Authority and approved in writing. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall include 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. These shall be submitted in the form of a set of ‘Precautionary Method Statements’, which shall include:
 - Methods for habitat manipulation, to remove suitability for reptiles and to provide contingency processes in the event of discovery of great crested newt or other protected species;
 - Precautionary working methods with regard to badgers and hedgehogs, to include both pre-commencement inspections in and around working areas and to confirm measures to be employed so as to protect badgers from becoming trapped in open excavations and/or pipes or culverts.
 - Soft felling measures for any trees identified with Potential Bat Roosting Features (low value Potential Roosting Feature only);
 - Vegetation clearance with regards nesting birds; confirming that no vegetation clearance shall take place between March 1st and August 31st inclusively, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds shall be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation to be submitted to the County Planning Authority; and
 - A biosecurity protocol to detail measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of a project;
- 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. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii. Use of protective fences, exclusion barriers and warning signs;

Dust

- ix. A Dust and Air Quality Management Plan (DMP) in accordance with Institute of Air Quality Management (IAQM) guidance;

Noise and Vibration

- x. A scheme to minimise and mitigate the impacts of noise and vibration;

Highways

- xi. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- xii. Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- xiii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xiv. Details of any temporary construction accesses and their reinstatement;

Water Environment

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

Lighting

- xvi. Construction phase lighting strategy, which shall include measures to mitigate impact of the lighting or disturbance through glare and upon light-sensitive flora and fauna (particularly linear vegetated features and tree BT1);and

Hours of Working

- xvii. A scheme providing the days and hours of construction operations;

Landscape and Biodiversity

- 5) Notwithstanding the submitted details, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing within 3 months of commencement of development. Thereafter, the development shall be carried out in accordance with the approved details. The LEMP shall include the following:

- i. Description and evaluation of features to be managed for their biodiversity value. To include both created and retained vegetation. New habitats shall include native species rich grassland, woodland and woodland edge, hedgerow tree and shrub planting. The LEMP shall illustrate the location, extent and

planting specifications of these habitats. Hedgerow and woodland features should be underplanted with an appropriate ground flora mix;

- ii. Aims and objectives of management;
- iii. Appropriate management options for achieving aims and objectives;
- iv. Prescriptions for management actions;
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vi. Details of the body or organization responsible for implementation of the plan;
- vii. Ongoing monitoring and remedial measures, including clearly defined and appropriate criteria and quantified measures of 'success' against which the performance and effectiveness of the LEMP can be judged;

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance, unless otherwise agreed in writing with the County Planning Authority. No peat or insecticides or fungicides to be used. No fertilisers to be used in areas of wildflowers, any topsoil used in these locations should be of low fertility. Tree guards should be biodegradable or, the LEMP shall identify a date at the termination of aftercare period when all plastic tree guards are to be removed. Monitoring of ecological features including grassland, woodland, wetland, hedgerow and any installed boxes or habitat refuges are to be undertaken and reported by a Suitable Qualified Ecologist;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the body(ies) responsible for LEMP delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or any remedial action shall be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details;

A brief Statement of Conformity is to be submitted to the County Planning Authority which reviews measures implemented and their effectiveness against stated success criteria at the end of the LEMP aftercare period;

Lighting

- 6) **Notwithstanding the submitted details a Lighting Strategy shall be submitted to the County Planning Authority for approval in writing prior to being installed. The lighting strategy shall specify operational phase lighting with specific reference to how the design selected shall avoid lighting impact upon any features likely to be of value for commuting/foraging bats, specifically (but not exhaustively) to include site boundaries, waterbodies, linear vegetated features and identified trees containing Potential Roosting Feature. The detailed lighting strategy shall show how and where external lighting shall be installed,**

through provision of appropriate contour plans and technical specifications which confirm location, height, spread, lux power (in horizontal and vertical elevations on any features identified to be of particular value to wildlife), lighting spectra and glare rating. Thereafter, the development shall be carried out in accordance with the approved scheme;

Design

- 7) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, detailed design drawings of the bridge, ramps, landings, steps, including materials, colour, finishes, size, and cross section of the bridge parapets shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- 8) Notwithstanding the submitted details, within 1 month of commencement of the development hereby approved, a schedule and / or samples of all surfacing materials 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;

Water Environment

- 9) No works or development shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the County Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). If possible, infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If a connection to a sewer system is proposed, then evidence shall be submitted of the in-principle approval of Severn Trent Water for this connection. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the use of the development hereby approved and thereafter maintained in accordance with the approved scheme;
- 10) No works in connection with site drainage shall commence until a Sustainable Drainage System (SuDS) management plan which shall include details on future management responsibilities, together with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the approved terms and conditions and the SuDS scheme shall be managed and maintained in accordance with the approved maintenance plan thereafter;

Highways

- 11) **The development hereby approved shall not commence construction until a Stage 2 Road Safety Audit report, together with the Designer's Response, for the detailed design has been submitted to the County Planning Authority;**
- 12) **Upon completion of the development hereby approved, a Stage 3 Road Safety Audit report, together with the Designer's Response, for the construction of the scheme shall be submitted to the County Planning Authority within 35 days of the official opening date; and**
- 13) **The development hereby approved shall not commence until details of how existing footways and permissive routes affected by construction work will be kept open, has been submitted to and approved in writing by the County Planning Authority. Details shall be provided to show temporary diversions, free from any obstruction, in a safe condition for use by members of the public and clearly signed. Thereafter, the development shall be carried out in accordance with the approved details.**

Contact Points

Specific Contact Points for this report

Case Officer: Jo O'Brien, Senior Planning Officer

Tel: 01905 844345

Email: jobrien@worcestershire.gov.uk

Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

Email: saldridge@worcestershire.gov.uk

Background Papers

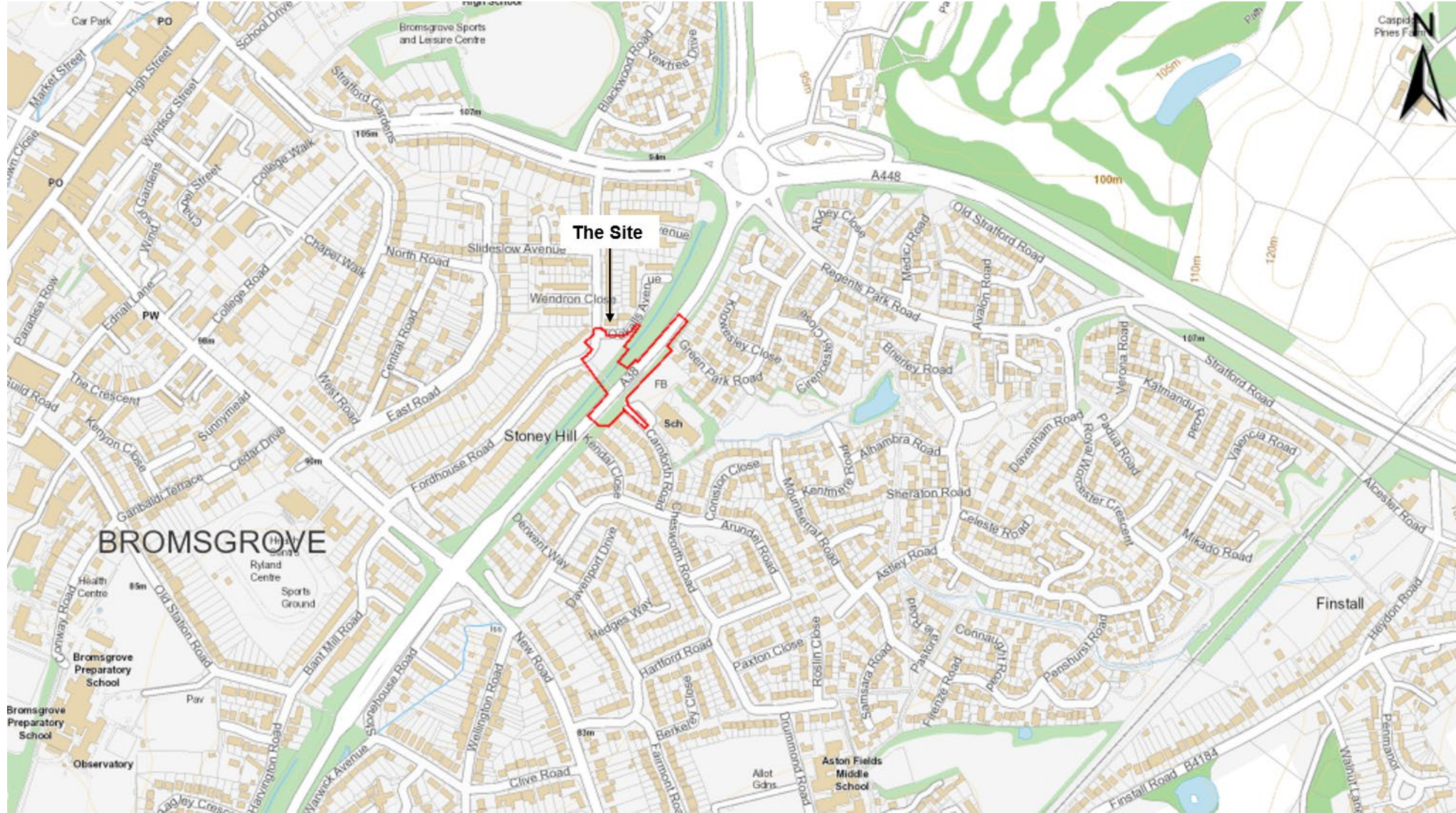
In the opinion of the proper officer (in this case the Development Team Manager) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 22/000002/REG3, 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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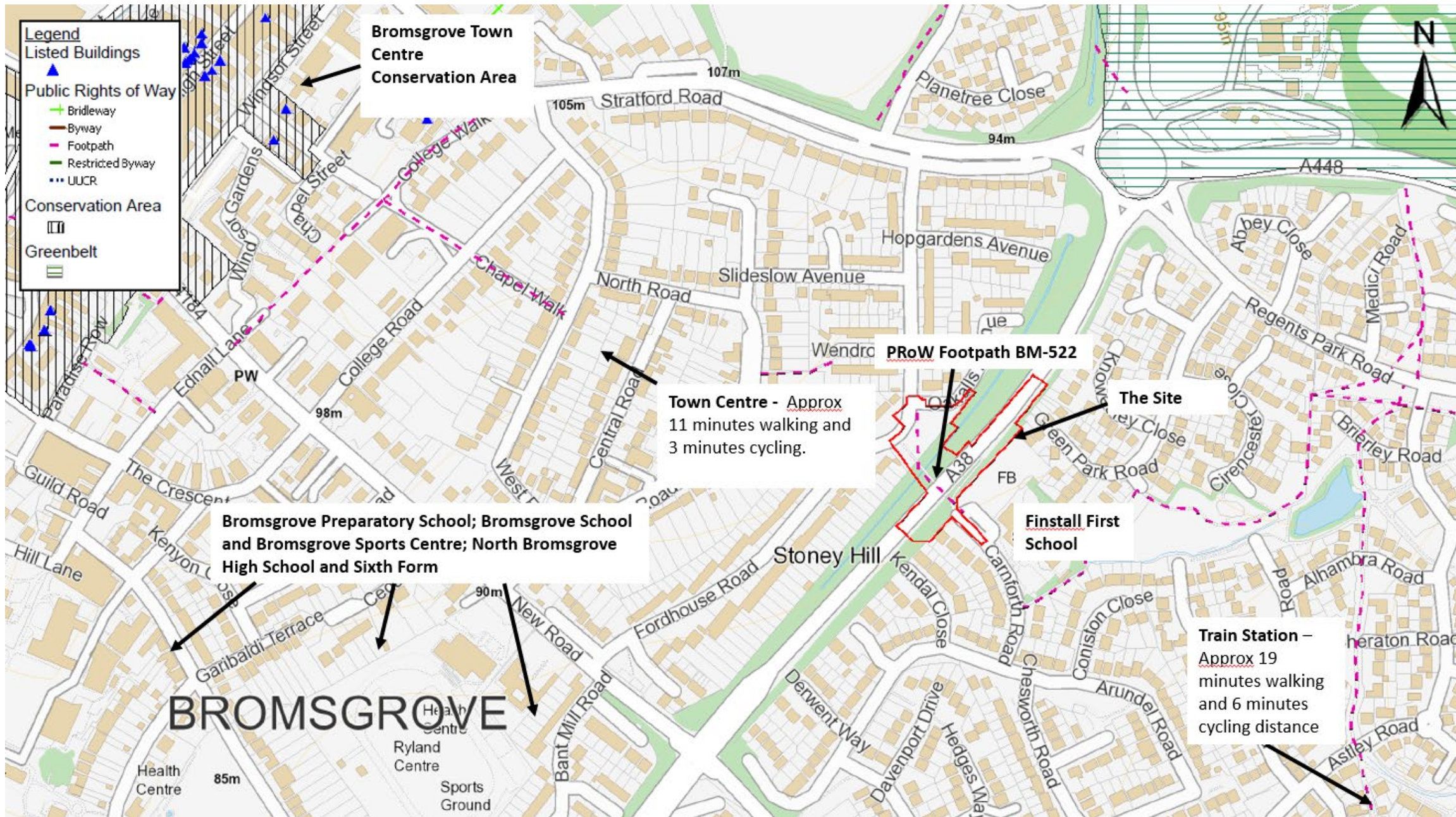


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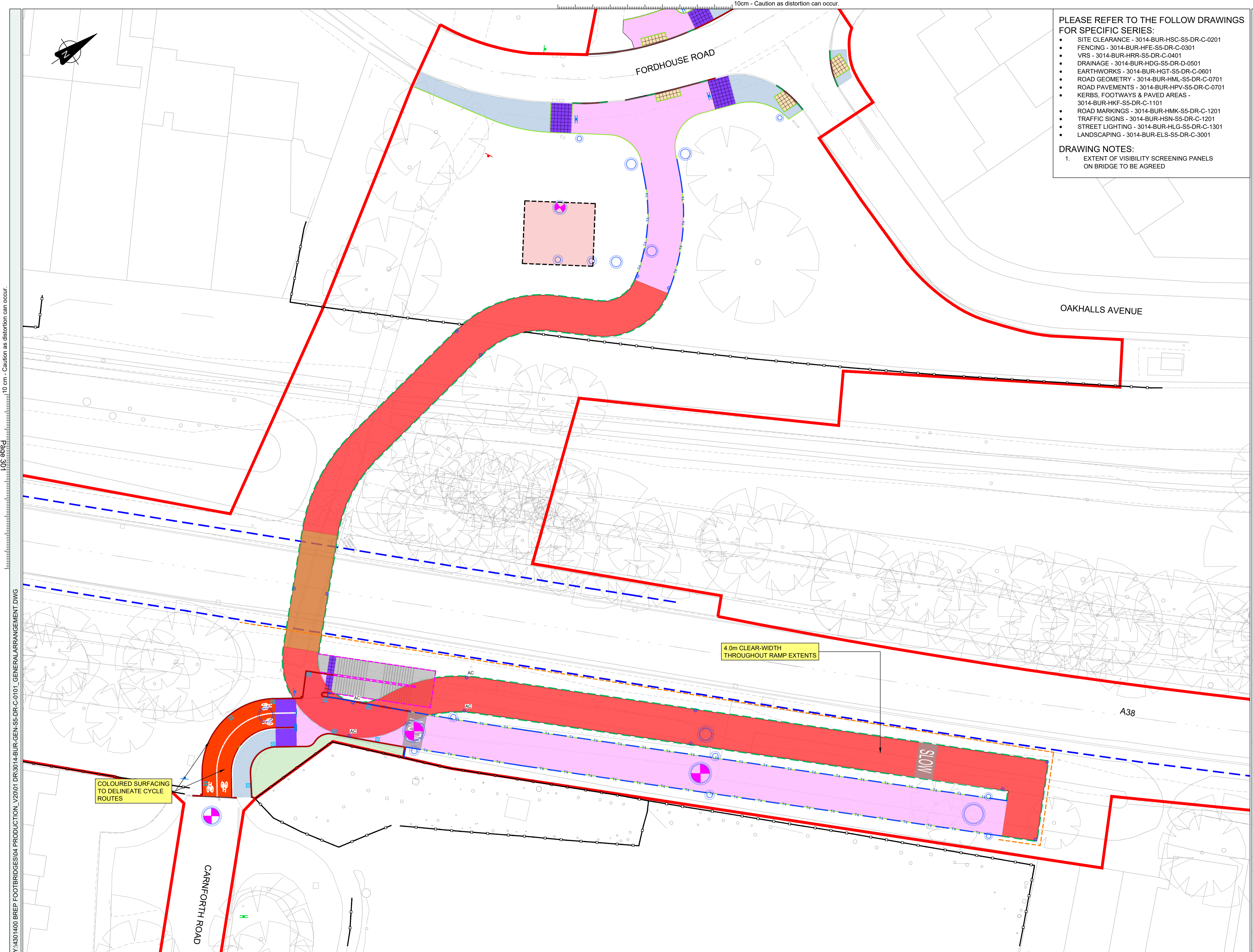
Planning Application 22/00002/REG3 - proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire.

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Y:\4301400_BREP FOOTBRIDGES\04 PRODUCTION_V2\001 DR\3014-BUR-GEN-S5-DR-C-0101_GENERAL ARRANGEMENT.DWG



10cm - Caution as distortion can occur.

PLEASE REFER TO THE FOLLOW DRAWINGS FOR SPECIFIC SERIES:

- SITE CLEARANCE - 3014-BUR-HSC-S5-DR-C-0201
- FENCING - 3014-BUR-HFE-S5-DR-C-0301
- VRS - 3014-BUR-HRR-S5-DR-C-0401
- DRAINAGE - 3014-BUR-HDG-S5-DR-C-0501
- EARTHWORKS - 3014-BUR-HGT-S5-DR-C-0601
- ROAD GEOMETRY - 3014-BUR-HML-S5-DR-C-0701
- ROAD PAVEMENTS - 3014-BUR-HPV-S5-DR-C-0701
- KERBS, FOOTWAYS & PAVED AREAS - 3014-BUR-HKF-S5-DR-C-1101
- ROAD MARKINGS - 3014-BUR-HMK-S5-DR-C-1201
- TRAFFIC SIGNS - 3014-BUR-HSN-S5-DR-C-1201
- STREET LIGHTING - 3014-BUR-HLG-S5-DR-C-1301
- LANDSCAPING - 3014-BUR-ELS-S5-DR-C-3001

DRAWING NOTES:

1. EXTENT OF VISIBILITY SCREENING PANELS ON BRIDGE TO BE AGREED

Designer: **Burroughs**

Client: **worcestershire county council**

GRIFFITHS
civil engineering and construction

Project: **BREP FOOTBRIDGE - SCHEME 5**

- LEGEND:
- SITE BOUNDARY
 - LANDSCAPED AREA
 - FOOTPATH
 - SHARED PEDESTRIAN & CYCLE
 - SPLITTER ISLAND
 - PEDESTRIAN CROSSING BUFF
 - PEDESTRIAN CROSSING RED
 - PROPOSED ROAD MARKINGS
 - CARRIAGEWAY
 - PROPOSED BRIDGE DECKING
 - PROPOSED BRIDGE RAMP STRUCTURE
 - PROPOSED CORDUROY PAVING BUFF
 - CYCLEWAY
 - PROPOSED SUDS ATTENUATION FEATURE
 - PROPOSED STAIR STRUCTURE
 - PROPOSED KERB AND EDGING
 - EXISTING FENCE TO REMAIN
 - PROPOSED TIMBER 4 RAIL FENCE
 - PROPOSED HANDRAIL
 - PROPOSED ACOUSTIC FENCE BARRIER
 - VRS SYSTEM
 - CYCLE PARAPET - 1.5m HIGH
 - PROPOSED TRAFFIC SIGN
 - EXISTING TRAFFIC SIGN
 - EXISTING TRAFFIC SIGN TO BE REMOVED
 - EXISTING MANHOLE
 - PROPOSED SURFACE WATER MANHOLE
 - PROPOSED FLOW CONTROL MANHOLE

ALL CIVIL DIMENSIONS ARE IN METRES - ALL STRUCTURAL DIMENSIONS ARE IN MILLIMETRES - ALL LEVELS ARE IN METRES.

COLOURED SURFACING TO DELINEATE CYCLE ROUTES

4.0m CLEAR-WIDTH THROUGHOUT RAMP EXTENTS

REV	DESCRIPTION	DATE	DRW	CHK
S4.P4.0	ISSUED FOR PLANNING APPROVAL	21/01/22	TP	MG
S4.P3.0	ISSUED FOR PLANNING APPROVAL	12/11/21	TP	DP
S4.P2.0	ISSUED FOR APPROVAL	02/08/21	TP	MG
S4.P1.0	ORIGINAL ISSUE	11/09/21	CM	MG

Drawing Title: **SERIES 100 - PRELIMINARY GENERAL ARRANGEMENT SHEET 1**

Burroughs Project No.: 43014-02 Scale: 1:200 Original Paper Size: A1

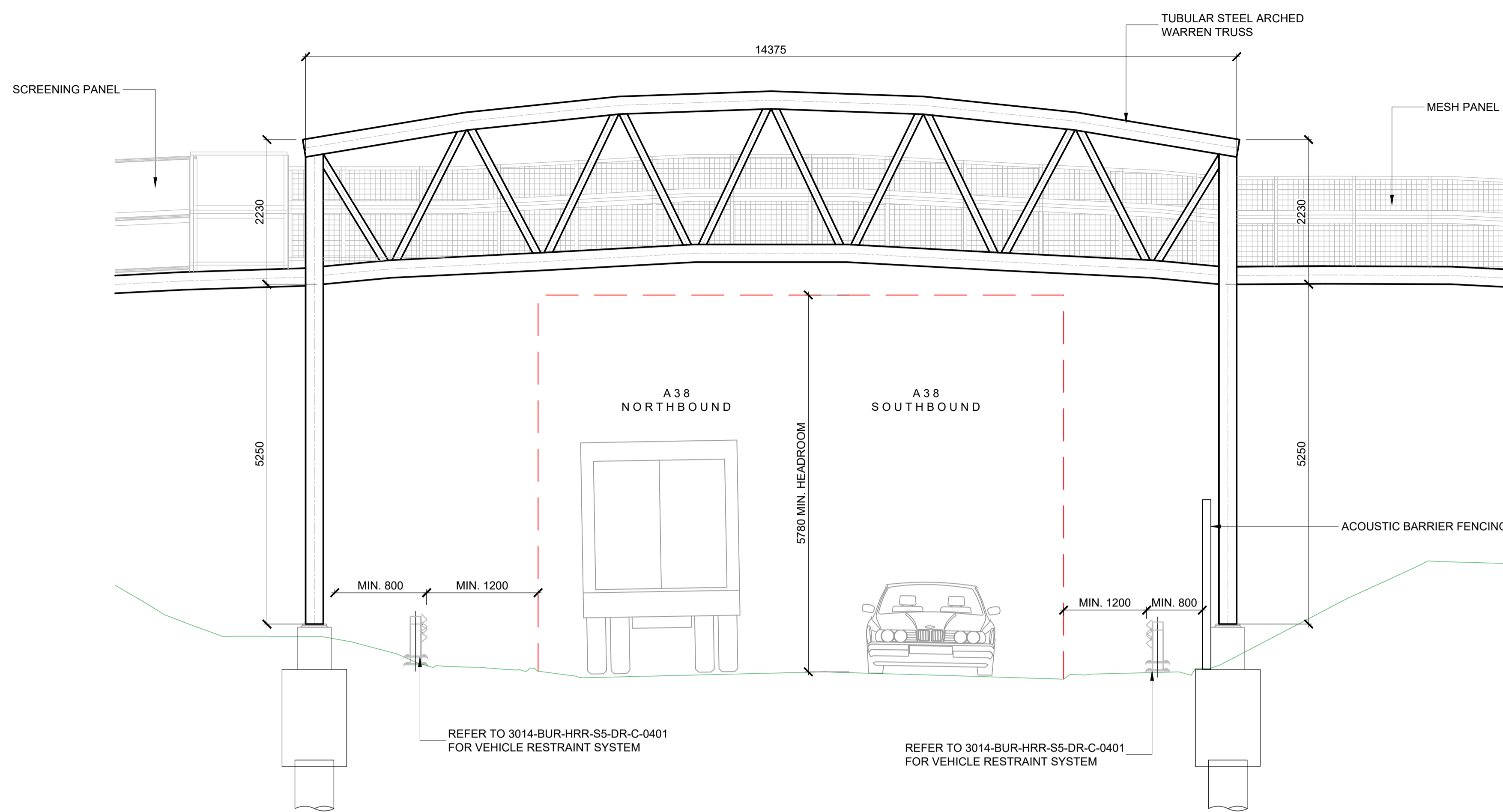
Drawing Number: 3014-BUR-GEN-S5-DR-C-0101

Status: S4 - FOR STAGE APPROVAL

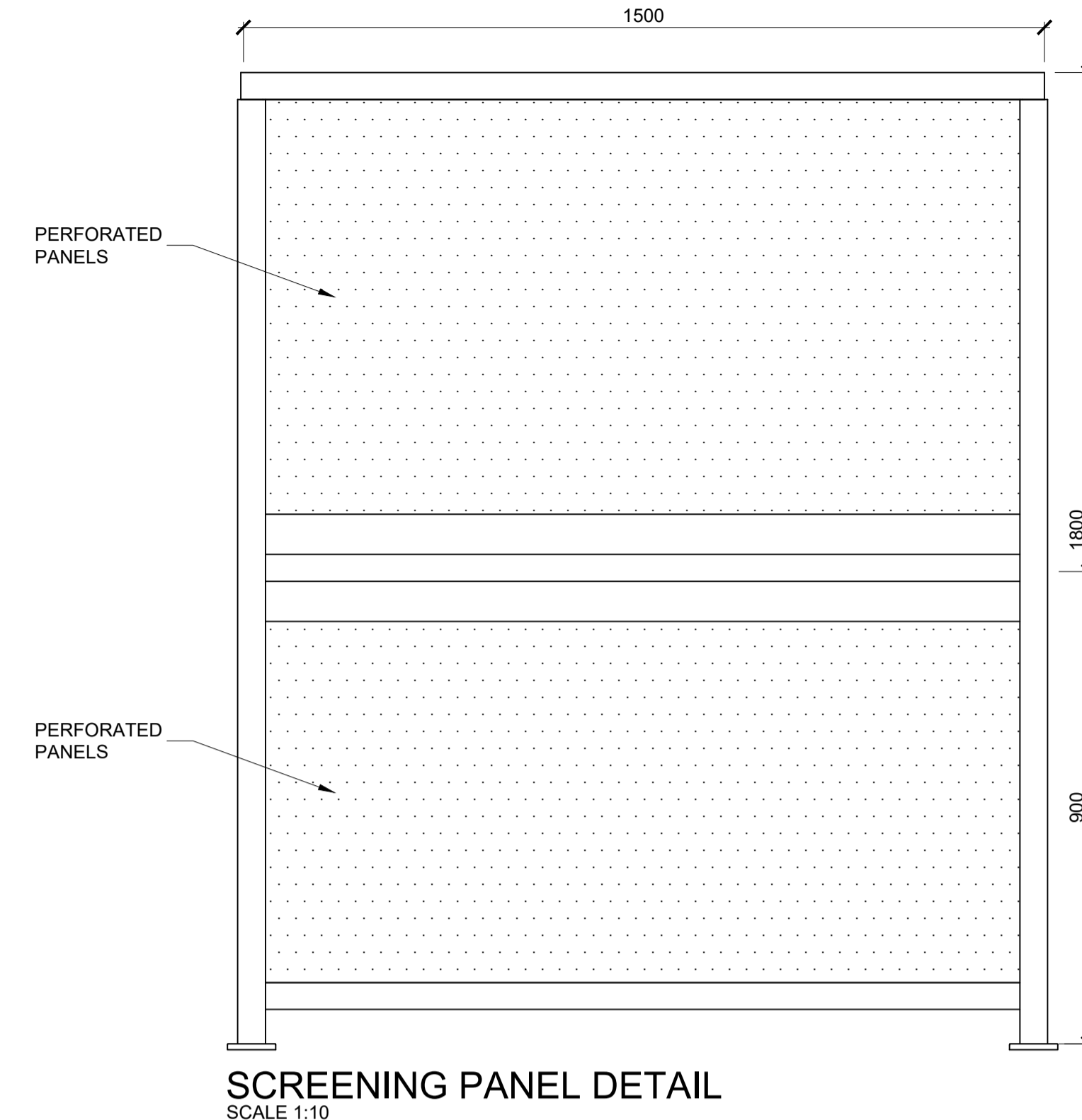
Revision: P4.0 - ISSUED FOR PLANNING APPROVAL

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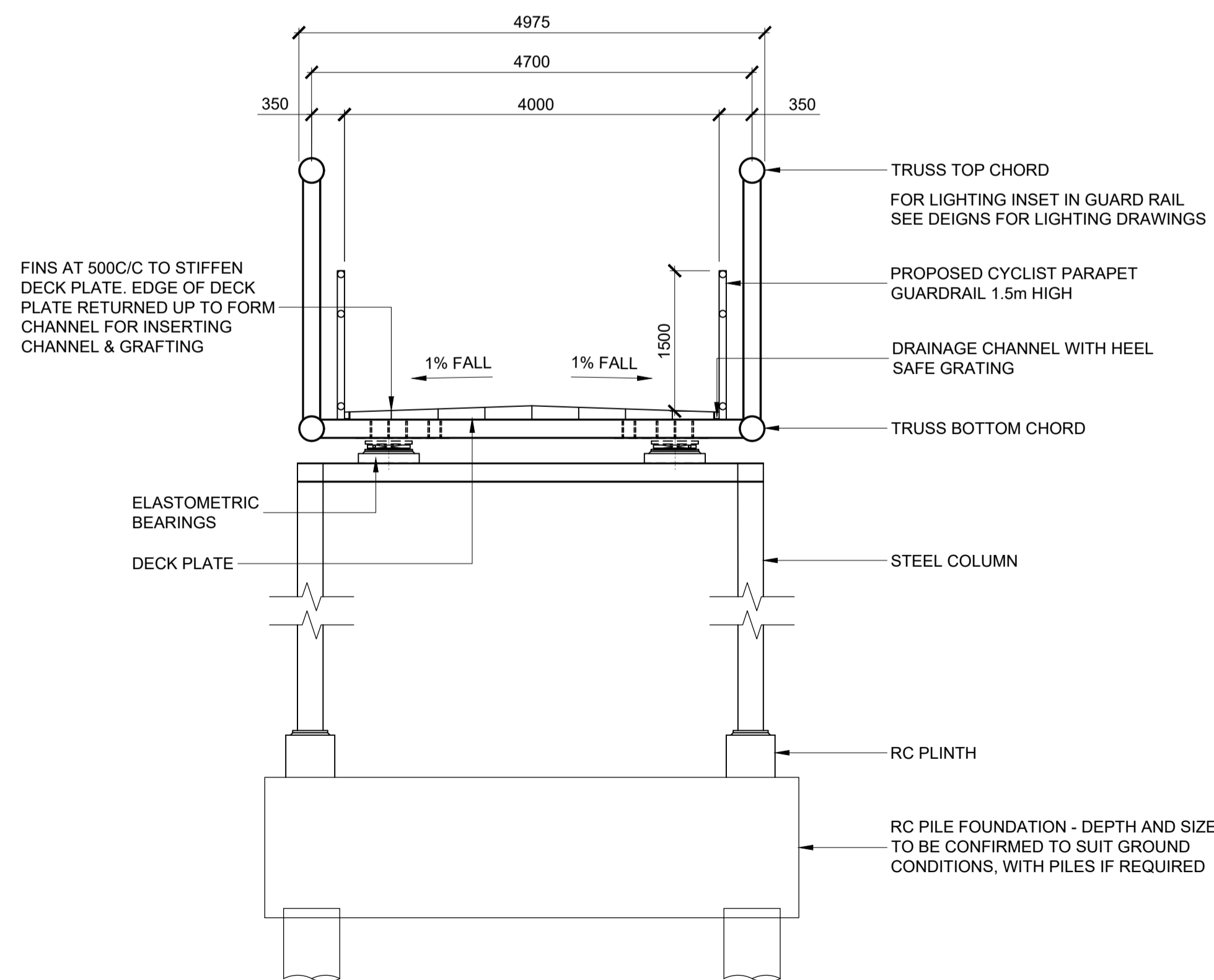


ELEVATION A ON SCHEME 5 BRIDGE
SCALE 1:50

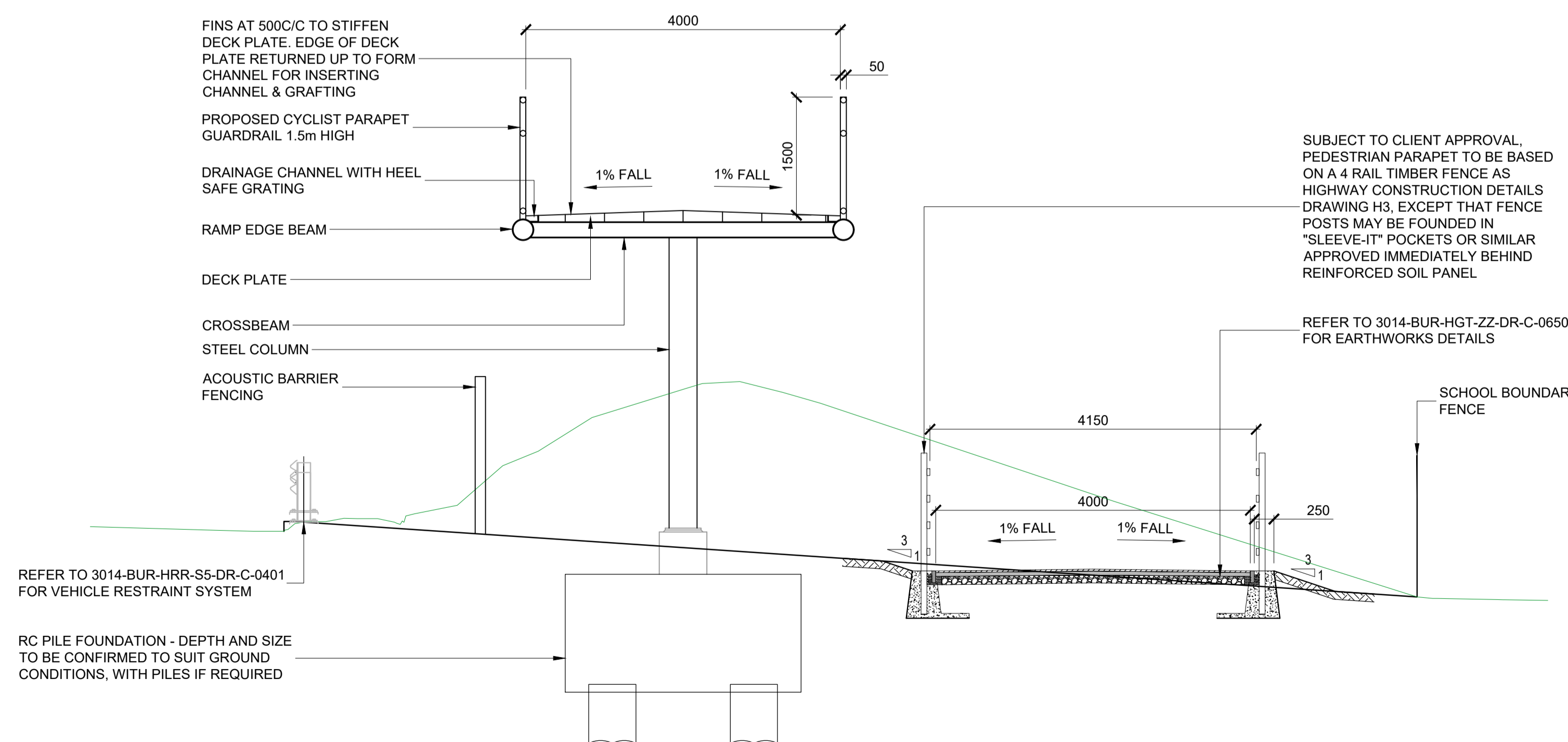


SCREENING PANEL DETAIL
SCALE 1:10

TYPICAL SECTION SIZES	
COLUMNS	CHS 273 x 10
LONGITUDINAL MEMBERS	CHS 273 x 10
TRANSVERSE BEAMS	UB 254 x 146 x 37
TRUSS CHORDS	CHS 273 x 10
TRUSS INTERNALS	CHS 114.3 x 5



SECTION A - A (THROUGH MAINSPAN AT SUPPORTS)
SCALE 1:50



SECTION B - B
SCALE 1:50

- DRAWING NOTES:
- FOR GENERAL ARRANGEMENT, REFER TO 3014-BUR-SBR-S5-DR-S-1701.
 - FOR LONGSECTION, REFER TO 3014-BUR-SBR-S5-DR-S-1720.

ALL CIVIL DIMENSIONS ARE IN METRES - ALL STRUCTURAL DIMENSIONS ARE IN MILLIMETRES - ALL LEVELS ARE IN METRES.

Checked By: M. COOPER Date: 30/09/2021
Approved By: C. WYBES Date: 14/09/2021

REV.	DESCRIPTION	DATE	DRW.	CHK.
S4-P5.0	ISSUED FOR PLANNING APPROVAL	14/09/2021	IQ	MG
S4-P4.0	BRIDGE DETAIL UPDATED	12/11/21	IQ	MG
S4-P3.0	BRIDGE STRUCTURE UPDATED	30/07/21	TP	MG
S4-P2.0	ISSUED FOR APPROVAL	05/07/21	CM	MG
S3-P1.0	ORIGINAL ISSUE	30/09/21	CM	MG

Drawing Title: **SERIES 1700 - BRIDGES PROPOSED BRIDGE SECTIONS**

Burroughs Project No.: 43014-02 Scale: AS SHOWN Original Paper Size: A1

Drawing Number: **3014-BUR-SBR-S5-DR-S-1721**

Status: **S4 - FOR STAGE APPROVAL**

Revision: **P5.0 - ISSUED FOR PLANNING APPROVAL**

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NOTES:
 1. DO NOT SCALE ANY ITEMS OR INFORMATION FROM THIS DRAWING.

- REDLINE BOUNDARY
- LE 2.2 PROPOSED WOODLAND EDGE
PLANTING: Mix WE1 See Plant Schedule
- LE 4.3 PROPOSED HEDGEROW
PLANTING: Mix H1 See Plant schedule
- TREE PROTECTION FENCING.
Reference Barton Hyett Arboricultural Impact Assessment Tree Protection Plan BHA_1132_02
- LE 5.1 PROPOSED TREE. See Plant Schedule
- EXISTING TREES TO BE REMOVED.
Reference Barton Hyett Arboricultural Impact Assessment Tree Retention and Removal Plan BHA_1132_02.
- EXISTING VEGETATION TO BE RETAINED AND PROTECTED.

- ENVIRONMENTAL FUNCTIONS**
 For full descriptions refer to the Landscape and Environmental Management Plan (LEMP)
- EFB Landscape Integration
 - efd Nature Conservation and Biodiversity
 - efe Visual Amenity
- LANDSCAPE ELEMENTS**
 For full descriptions refer to the Landscape and Environmental Management Plan (LEMP)
- LE 2.2 Woodland Edge
 - LE 4.3 Native species hedgerow
 - LE 5.1 Individual Trees

- PLANTING NOTES:**
- Planting offsets:**
 The following planting constraints shall apply to all planting plots:
- Shrub species within woodland edge and woodland planting mixes shall not be planted within 4.5m of the carriageway edge
 - Medium size trees (tree girth less than 450mm) no closer than 7m (i.e. Malus sp, Prunus sp)
 - Large climax trees (tree girth greater than 600mm) not within 9m (i.e. Quercus sp, Fagus sp.)
- Indicative planting offsets are shown on the drawing as guidance but these shall be confirmed by the contractor at time of implementation.

No planting shall be undertaken within 1.5m of the utilities, drainage runs/ditches or highway boundary fencing

Plant spacing:
 Plants spacing shall be at 2.0m centres as indicated in the Plant schedules. Tree species, i.e. Alnus glutinosa, Betula pendula, Prunus avium and Sorbus aucuparia shall be randomly distributed within the plot no closer than 6m spacing from other tree species as listed.

Plot	P 1/2	P 1/4
Area/Length	8.5	31
Plant/m	7	8
	H1	G1
	60	248

Plot	P 1/1	P 1/3
Area	27	57
Centres	1.5	1.5
	WE1	WE1
	12	25

Groundcover Mix (G1) : LE3.3

Botanical Name	Common Name	% of the mix	No
<i>Acer campestre</i>	Field Maple	10.0%	6
<i>Carpinus betulus</i>	Hornbeam	15.0%	9
<i>Corylus avellana</i>	Hazel	10.0%	6
<i>Crataegus monogyna</i>	Hawthorn	55.0%	33
<i>Ilex aquifolium</i>	Holly	10.0%	6
<i>Hedera helix 'Hibernica'</i>	Ivy	100.0%	0
			248

Hedging to be planted in species groups of 3 to 5 as a double staggered row 450mm apart at 7 plants per lin m (300mm ctrs).

Woodland Edge Mix (WE1) : LE2.2

Botanical Name	Common Name	% of the mix	No
<i>Alder glutinosa</i>	Alder	11.0%	2
<i>Corylus avellana</i>	Hazel	12.0%	2
<i>Crataegus monogyna</i>	Hawthorn	15.0%	2
<i>Ilex aquifolium</i>	Holly	8.0%	1
<i>Malus sylvestris (Fthd)</i>	Crab Apple	8.0%	1
<i>Prunus avium</i>	Bird Cherry	8.0%	1
<i>Betula pendula</i>	Silver Birch	10.0%	2
<i>Salix cinerea</i>	Grey Willow	8.0%	1
<i>Sorbus aucuparia</i>	Mountain Ash	10.0%	2
<i>Viburnum opulus</i>	Guelder Rose	10.0%	2
		100.0%	16

Individual Trees : LE 5.1

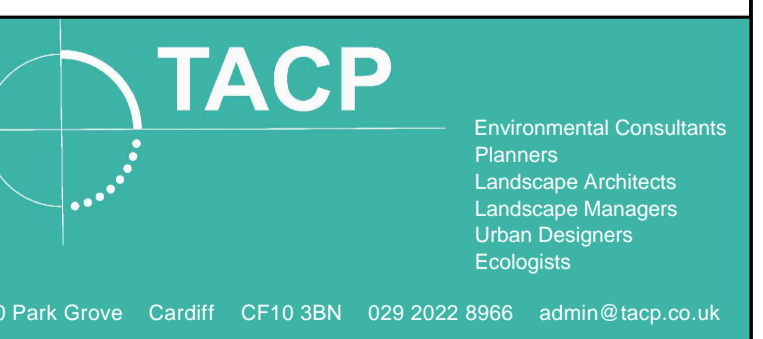
Botanical Name	Common Name	Size	Spec	No
<i>Acer campestre</i> 'Louisa Red Shine'	Field Maple	8-10cm girth	Std	5

Plant stock specification

Botanical Name	Common Name	Specification
<i>Acer campestre</i>	Field Maple	1+1 or 1/1 60-80cm Bareroot
<i>Alnus glutinosa</i>	Alder	1+1 or 1/1 40-60cm Bareroot
<i>Betula pendula</i>	Silver Birch	1+1 or 1/1 40-50cm Bareroot
<i>Carpinus betulus</i>	Hornbeam	1+1 or 1/1 60-80cm Bareroot
<i>Corylus avellana</i>	Hazel	1+1 or 1/1 40-60cm Bareroot
<i>Crataegus monogyna</i>	Hawthorn	1+1 or 1/1 40-60cm Bareroot
<i>Ilex aquifolium</i>	Holly	20-30cm CG 9cm pot
<i>Malus sylvestris (Fthd)</i>	Crab Apple	2x 175-200cm Bareroot 5 breaks
<i>Prunus avium</i>	Bird Cherry	1+1 or 1/1 40-60cm Bareroot
<i>Salix cinerea</i>	Grey Willow	0/1 60-80cm Bareroot 2 breaks
<i>Sorbus aucuparia</i>	Mountain Ash	1+1 or 1/1 40-60cm Bareroot
<i>Viburnum opulus</i>	Guelder Rose	1+2 or 1/2 60-80cm Bareroot 3 breaks
<i>Hedera helix 'Hibernica'</i>	Ivy	30-40cm CG, 1L pot, several shoots

S3: FOR REVIEW AND COMMENT

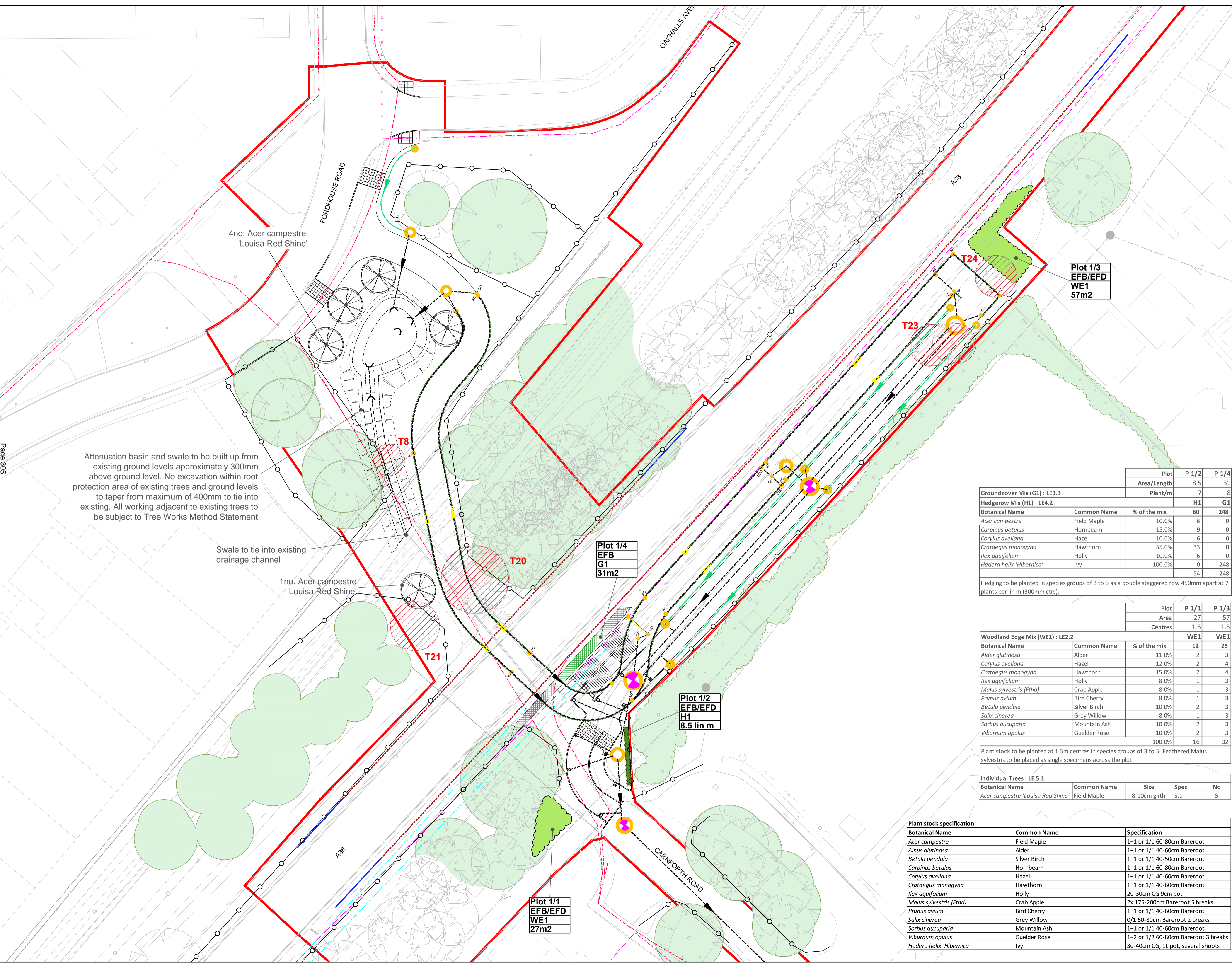
BURROUGHS



BREP: SCHEME 5
 LANDSCAPE PROPOSALS
 PLANTING

Scale @ A1: 1:100
 Dwg No: 61014-DWG-LP-Sch5-001-P7-S3

Page 30/5



4no. *Acer campestre* 'Louisa Red Shine'

Attenuation basin and swale to be built up from existing ground levels approximately 300mm above ground level. No excavation within root protection area of existing trees and ground levels to taper from maximum of 400mm to tie into existing. All working adjacent to existing trees to be subject to Tree Works Method Statement

Swale to tie into existing drainage channel

1no. *Acer campestre* 'Louisa Red Shine'

Plot 1/4
 EFB
 G1
 31m²

Plot 1/2
 EFB/efd
 H1
 8.5 lin m

Plot 1/1
 EFB/efd
 WE1
 27m²

Plot 1/3
 EFB/efd
 WE1
 57m²

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