

Minutes of the Planning and Regulatory Committee

County Hall, Worcester

Tuesday, 25 October 2022, 10.00 am

Present:

Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Andy Fry (for items 1 - 7), Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Tony Miller, Cllr Scott Richardson Brown, Cllr Chris Rogers, Cllr David Ross and Cllr Jack Satterthwaite

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and
- C. The Minutes of the meeting held on 5 July 2022 (previously circulated).

1103 Apologies/Named Substitutes (Agenda item 1)

Apologies were received from Cllr Linda Robinson and Kit Taylor.

1104 Declarations of Interest (Agenda item 2)

None.

1105 Public Participation (Agenda item 3)

Those presentations made are recorded at the minute to which they relate.

1106 Confirmation of Minutes (Agenda item 4)

RESOLVED that the Minutes of the meeting held on 5 July 2022 be confirmed as a correct record and signed by the Chairman

1107 Proposed extraction of aggregates with restoration to agriculture and lake suitable for water sports on land at Ryall's Court, Ryall Court Lane, Ryall, Upton-Upon-Severn, Worcestershire (Agenda item 5)

The Committee considered the proposed extraction of aggregates with restoration to agriculture and lake suitable for water sports on land at Ryall's Court, Ryall Court Lane, Ryall, Upton-Upon-Severn, Worcestershire.

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

The report set out the Head of Planning and Transport Planning's comments in relation to Alternatives, Worcestershire's landbank of sand and gravel reserves, Location of the development, Best and Most Versatile (BMV) agricultural land, Traffic, highway safety and public rights of way, Landscape character and visual impacts, Historic environment, Residential amenity (including noise, dust, air quality, human health and contaminated land), Water environment including flooding, Ecology, biodiversity, and geodiversity, Restoration and aftercare of the site, Impact upon festival land, Economic Impact, and other matters - Overhead power lines, Crime and safety, Climate change and sustainability, Cumulative impacts, Vulnerability to accidents and / or disaster, Environmental Impact Assessment team and expertise, Human Rights Act 1998, and Obligations under the Equality Act 2010.

The Head of Planning and Transport Planning concluded that:

Alternatives

With regard to the consideration of alternatives, the PPG stated that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 did not require an applicant to consider alternatives. However, where alternatives had been considered, Paragraph 2 of Schedule 4 required the applicant to include in their ES 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 rejected a number of alternative restoration schemes on the basis that they did not allow the creation of a final landform within which a FISA guidance compliant rowing course could be formed, either because the body of water would be too shallow or insufficiently wide. They also considered that in terms of the likely significant environmental impact, all the options considered by the applicant were assessed as having very similar impact footprints to that ultimately proposed. The Head of Planning and Transport Planning considered that the applicant's approach to the consideration of alternatives was acceptable in this instance.

Worcestershire's landbank of sand and gravel reserves

With regard to Worcestershire's landbank of sand and gravel reserves, paragraph 213, f) of the NPPF stated "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". The Head of Planning and Transport Planning noted that should this planning application be granted permission, it would increase the landbank by approximately 0.56 years, equating to a landbank of approximately 3.62 years in total, which was still substantially below the minimum landbank for at least 7 years for sand and gravel. The proposal was considered to be consistent with paragraph 213 f) of the NPPF, as it would contribute towards the MPA's landbank for sand and gravel.

Location of the development

With regard to the location of the development, the Government's PPG stated that "minerals can only be worked (i.e., extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited...".

Policy MLP 1: 'Spatial Strategy' of the adopted Worcestershire Minerals Local set out a spatial strategy for the location of minerals extraction, seeking to direct such development within the Strategic Corridors. The proposed development would be located within the 'Lower Severn Strategic Corridor', in accordance with Policy MLP 1 of the adopted Worcestershire Minerals Local Plan.

The adopted Worcestershire Minerals Local Plan designated 'areas of search', and Policy MLP 3: 'Strategic Location of Development – Areas of Search and Windfall Sites within the Strategic Corridors' sets out a policy framework in how to consider applications within and outside 'areas of search' but located in Strategic Corridors. The proposed development was located within an 'area of search' and is considered to meet the relevant criteria of this policy, namely there was 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. In view of this, it was considered that the location of the proposal accorded with the strategic locational policies of the adopted Worcestershire Minerals Local Plan, in accordance with Policies MLP 1 and MLP 3 of the adopted Worcestershire Minerals Local Plan.

Best and Most Versatile (BMV) agricultural land

With regard to the soil resource and BMV agricultural land, approximately 8.3 hectares of BMV agricultural land (i.e., Grades 2 and 3a) within the site would be disturbed as a result of the proposed development. Due to the creation of the proposed lake, only approximately 3.8 hectares of land would be restored to BMV agricultural land, resulting in a permanent loss of approximately 4.5 hectares (approximately 54%) of available BMV agricultural land. Natural England had been consulted and had raised no objections on agricultural land / soil handling grounds. In view of this, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions relating to the management of the soil resource including the development being carried out in accordance with the submitted soil handling methodology, refusal on grounds related to the loss of BMV agricultural land could not be justified.

Traffic, highway safety and public rights of way

With regard to traffic, highways safety and public rights of way, no aggregate would be sold directly from the site, all aggregate would be removed from site by barge to Ryall House Farm Quarry processing plant site. Ryall Court Lane would be used for vehicular access to the site, as per the existing access arrangements. As part of the restoration scheme, a new public right of way would be created around the perimeter of the site, compensating for the loss of Footpath RP-501, which has been permanently extinguished as part of planning permission MPA Ref: 15/000013/CM.

Based on the advice of consultees including County Highways Officer, the County Footpath Officer and the Ramblers Association, the Head of Planning and Transport Planning was satisfied that the proposal would not have an unacceptable impact upon traffic, highways safety or public rights of way subject to the imposition of appropriate conditions including those relating to a CEMP for highways, vehicular access only to be gained via Ryall Court Lane, restricting the hours that Ryall Court Lane could be used for the transportation of planting and machinery, arrangements for the advanced notification of local residents about the transporting plant and machinery along Ryall Court Lane, all sand and gravel to be transported by barge only, and that there would be no sales of material from the site. The Head of Planning and Transport Planning considered that the proposed development accords with Policies MLP 30 and MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.

Landscape character and visual impact

With regard to landscape character and visual impact, based on the advice of the County Landscape Officer, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including the Malvern Hills AONB National Landscape, subject to the imposition of appropriate conditions, including requiring the site to be restored within a set timescale, being carried out in accordance with the soil handling methodology, details of boundary treatments, annual topographical surveys, restricting lighting, the development being carried out in accordance with the combined CEMP / LEMP with associated compliance monitoring, limiting the height of stockpiles, no processing or treatment of sand and gravel on site, updated restoration scheme, aftercare scheme, 10 year aftercare period for all nature conservation areas, and interpretation strategy for landscape. It was considered that the proposal is in accordance with Policy MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan.

Historic environment

There are a number of heritage assets with the context of the application site. The Head of Planning and Transport Planning considered that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage assets of the Upton-upon-Severn Conservation Area. Notwithstanding this harm was 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 assets.

Consequently, the fact of harm to a designated heritage asset was still to be given more weight than if simply a factor to be taken into account along with all other material considerations.

The Head of Planning and Transport Planning considered that subject to the imposition of appropriate, on balance, in view of the public benefits of the proposal, namely providing a small number of direct employment opportunities (on a peripatetic basis), secure the continued operation of processing sand and gravel at Ryall House Farm Quarry, thereby securing the existing jobs, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market, this outweighed the temporary and less than substantial harm to this designated heritage asset.

Based on the advice of the County and District Archaeologists, the Head of Planning and Transport Planning considered that on balance, subject to the imposition of appropriate conditions, the impact upon the non-designated archaeological assets was not of such significance as to constitute a refusal reason in this instance. The Head of Planning and Transport Planning considered that the proposal was in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

Residential amenity (including noise, dust, air quality, human health and contaminated land)

With regard to residential amenity, based on the advice of consultees including Worcestershire Regulatory Services and County Public Health, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions relating to operating hours; limiting the duration of the development; restricting lighting; extent of mineral extraction; noise limits and monitoring; carrying out the development in accordance with the Noise Management Plan and Dust Action Plan; limiting height of stockpiles; white noise reversing alarms on mobile plant and machinery; all vehicles and plant being maintained in accordance with the manufacturers' specification; the relevant conditions on the extant planning permission MPA Ref: 15/000013/CM relating to noise and dust mitigation measures; and a Community Liaison Group, that there would be no unacceptable adverse effect on residential amenity or human health, including noise, dust, air quality, and contaminated land impacts. The Head of Planning and Transport Planning considered that the proposal is in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.

Water environment including flooding

With regard to the water environment including flooding, a Flood Risk Assessment accompanied the application, as the whole of the application site was situated within Flood Zone 3, as shown on the Environment Agency's Indicative Flood Risk Map. The Flood Risk Assessment had undertaken hydraulic modelling of the River Severn and floodplain at the site. The model demonstrated that the proposed development when operational would lead to a reduction in water levels (flood risk) by approximately 16mm, and the restoration phase would lead to a reduction in water levels approximately

26mm. The model showed that there was a small, though barely significant reduction in water levels at Upton-upon-Severn.

The Head of Planning and Transport Planning considered that the applicant had demonstrated that the proposal would remain operational and safe for users in times of flood, by demonstrating the proposal was water-compatible development and providing details of safe flood evacuation plan; the proposal would not result in a net loss of floodplain storage, providing a marginal betterment; and would not impede water flows and not increase flood risk elsewhere.

As the applicant was proposing to transport all 'as raised' sand and gravel by barge along the River Severn to the existing wharf and processing plant site at Ryall House Farm, the applicant submitted a 'Risk Assessment & Method Statement' for water transport by barge. It was noted that these water transport arrangements would be a continuation of the existing arrangements approved under extant planning permission MPA Ref: 15/000013/CM.

Based on the advice of consultees including the Environment Agency, Severn Trent Water Limited, South Worcestershire Land Drainage Partnership, the LLFA, CBOA and the Canal and River Trust, the Head of Planning and Transport Planning considers that the proposal would have no unacceptable adverse effects on the water environment including flooding, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan.

Ecology, biodiversity, and geodiversity

Taking into account the views of consultees including Natural England, the Environment Agency, Worcestershire Wildlife Trust, the County Ecologist, County Landscape Officer, and Earth Heritage Trust, the Head of Planning and Transport Planning considered that the "derogation tests" in the Habitats Directive could be met and subject to the imposition of appropriate conditions that the proposed development would not have an unacceptable adverse impact on the ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would enhance the application site's value for biodiversity, in accordance with Policies MLP 31 and MLP 36 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

Restoration and aftercare of the site

Policy MLP 9 of the adopted Worcestershire Minerals Local Plan set the priorities for the delivery of multifunctional green infrastructure in the Lower Severn Strategic Corridor. It was considered that the proposal would broadly accord with Policy MLP 9 because the restoration would take place in a progressive manner with soils stripped within the phase cast back to restore previously extracted areas behind the current working face. Furthermore, whilst the site would primarily be restored to a lake (amenity), the revised restoration scheme also included a variety of different uses, including agriculture (restored

to BMV quality), amenity (inclusion of public rights of way around the eastern, northern and north-western perimeter of the proposed lake), and nature conservation. The restoration scheme included a lake, ponds, reedbeds, swales, ditches, wet and dry conservation grassland, agricultural grassland, and species-rich hedgerows with trees, providing a net gain for biodiversity compared to the existing. Conditions are recommended requiring an interpretation scheme for cultural heritage, landscape, ecology and geodiversity; and a 10-year aftercare programme for all nature conservation areas, with 5-year aftercare programme for the areas proposed to be restored to agricultural grassland.

Impact upon festival land

The proposed development would further encroach into Fish Meadow, which was a venue and / or campsite for two annual music festivals in Upton-upon-Severn. The applicant stated that CEMEX have in consultation with the landowners designed a restoration scheme that did not comprise the ability for the landowner and festival organisers to continue their current commercial arrangement. The applicant highlighted that there was substantial land retained between the proposed lake and the River Severn to accommodate future festivals. CEMEX understand that the landowners had provided reassurances to the festival organisers that their event could continue, and that additional land might also be available. For instance, this year saw the festival held in June on a slightly different footprint than normal, due to the fact that a portion of land used for agriculture was unavailable. The applicant stated that whilst they considered the proposal did not prejudice the ability for the festival to continue during and after their operations, they shall seek to be as accommodating as possible with regards to the festival. In view of the above, the Head of Planning and Transport Planning considered that the proposed development would not prejudice the future viability of festivals in this location.

Economic impact

The Head of Planning and Transport Planning acknowledged that the NPPF affords significant weight to the need to support economic growth and noted that paragraph 209 of the NPPF stated 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 217 of the NPPF also stated that “when determining planning applications, great weight should be given to the benefits of the mineral extraction, including to the economy”. It was considered that the proposal would provide a small number of direct employment opportunities (on a peripatetic basis), help to support and retain the existing jobs at Ryall House Farm Quarry, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it was considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighed in its favour.

Conclusion

In accordance with paragraph 11 c) of the NPPF, development proposal that accord with an up-to-date Development Plan should be approved without delay. On balance, taking into account the provisions of the Development Plan and in particular Policies MLP 1, MLP 3, MLP 7, MLP 9, MLP 14, MLP 15, MLP

26, MLP 28, MLP 29, MLP 30, MLP 31, MLP 32, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37, MLP 38, MLP 39, MLP 40 and MLP 41 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32, SWDP 39, and SWDP 40 of the adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site visiting Ryall House Farm where they viewed the location of the sand and gravel processing plant and the wharf, as well as the application site viewing the extension area, the existing quarry and the location of the nearest residential properties. He added that a further letter of representation had been received from Steve Castledine, the organiser of the Mellow festival (late May Bank Holiday weekend) and Sunshine festival (August Bank Holiday weekend) stating that he did not object to the proposal but requested support for the continuation of the festivals during the periods of disruption caused by the operations on site including access to the festival sites.

The objector, Steve Castledine was unable to attend to address the Committee.

Mark Kelly, a representative of the applicant addressed the Committee. He commented that the application had been supported by an EIA that had included a number of assessments all of which had shown that with the necessary mitigation measures, the impacts of the proposals could be managed to within acceptable levels. To verify this, no statutory technical consultees had objected to the proposals and there was just one objector registered to speak, which was understood not to be an objection in principle.

He added that this project would result in a significant volume of necessary materials being supplied to local markets, contributing to the diminished landbank and the local economy. The restoration landform that would be created, would facilitate future water sports opportunities and there would also be a number of other benefits such as, enhanced habitat creation and increased biodiversity

He considered that the proposal was sustainable as it was in an Area of Search in the Minerals Local Plan, there was an urgent need, there were no technical objections, it was temporary, its impacts could be acceptably mitigated, it offered significant benefits and opportunities. He therefore commended the officer's recommendation to grant planning permission.

Oliver Surman addressed the Committee on behalf of the landowner. He commented that he represented the Surman family, and was also speaking on behalf of the Croome Estate Trust, being the two landowners. He supported these minerals applications and believed they would facilitate the potential outcome of a water sports and public events venue and would be a transformational opportunity for Upton. The application also had support from

all five contiguous parish councils, Upton Rowing Club, other clubs, schools, and a variety of national organisations.

He added that one promotor had raised concerns over the loss of land, the availability of additional land, infrastructure, and access roads. Many people benefited from the festivals. To that end, he could confirm the landowner's continued support and willingness to work with the promotors to make sure the festivals and other public and community events continued. Both parties had too much to lose. He had deposited with the council, letters of support together with an indicative map showing the new land available and a network of internal access roads. This demonstrated that the landowner's support was tangible, and intent was clear, and he asked that the Committee support the application.

Mark Kelly and Oliver Suman were then asked questions about their presentation:

- In response to a query, Mark Kelly confirmed that sand and gravel would be extracted from the application site, not high-end quartz. He also confirmed that the background concentrations of particulate matter were of a diameter closer to 30 micrometres and due to their larger size were less likely to travel a distance. In addition, the site was subject to damping down
- It was queried whether the wood from the trees that were to be removed from the site could be put to better use than left to rot in situ. Oliver Surman responded that an amount of wood would be left on site to benefit the local habitat. It was also possible to use some of the wood in the biomass boiler on site to provide green energy but other uses would be explored.

In the ensuing debate, the following points were made:

- It was queried what would happen if the proposed rowing lake restoration scheme did not get planning permission. The representative of the Head of Planning and Transport Planning responded that members were required to consider the application before the Committee. Any future applications for the restoration of the site would be considered by the appropriate local authority on their own merits
- Would the changes to groundwater levels have any impact on surrounding buildings? The representative of the Head of Planning and Transport Planning commented that the applicant intended to pump water out of the site, working below the groundwater level. The applicant would monitor the groundwater levels and an early warning system was in place. The EA had considered the impact on groundwater in detail and they were satisfied there would not be an impact
- In response to a query about the impact on flooding, the representative of the Head of Planning and Transport Planning indicated that there would be a 26mm reduction in flood levels in the modelled area which included Upton-upon-Severn. Although this was not a significant level

when considered across the whole flood plain, it did represent betterment on the existing situation

- What was the total number of trees that would be lost as a result of the combined applications? The representative of the Head of Planning and Transport Planning responded that 48 trees would be planted and taking account of the 8 trees that would be lost in the southern extension, and the existing trees retained on site, 4 trees would be lost overall
- Mineral extraction was vital for the Council's Minerals Local Plan. The site seemed to be an ideal location for minerals extraction with minimal impact on the local community. The restoration of the site to provide a rowing lake would provide a sporting facility of international importance with minimal investment required which would boost the local economy and enhance Worcestershire's reputation as a place to visit for sport and leisure
- This application would help to increase the Council's landbank which was desirable
- It was queried why the application did not include a net gain in tree planting. The representative of the Head of Planning and Transport Planning explained that there was a specification for species rich hedgerow which required trees to be planted a certain distance apart. The applicant had taken that set of parameters and applied it to this site. Members could request additional tree planting. The only impact of increased tree planting would be that the hedgerow below the trees would not be as well established although it was recognised that that would not be an issue from an ecological perspective. A condition had been proposed which included a restoration plan which included tree-planting. Reference could be made in that condition to further tree planting. The wording of the revised condition could be approved in consultation with the Chairman and Vice-Chairman of the Committee
- The concerns expressed about the impact on the Upton festivals had been addressed by the landowner and officers
- In relation to ecology and biodiversity, although the proposed restoration scheme was more of an engineered landscape than the original restoration plans, biodiversity gains had been established
- Did the plans for the site include a replacement bat roost? The representative of the Head of Planning and Transport Planning confirmed that there would be two replacement bat roosts
- In relation to a query about de-watering and the dispersal of flood water, the representative of the Head of Planning and Transport Planning commented that sand and gravel would be extracted to a point where eventually the groundwater level would be reached and water would fill the hole. At that point, the water would need to be pumped out to allow a dry void for working. The water would be pumped into a settlement lagoon on site and then the water would then be pumped back into the River Severn at a controlled rate
- A query was raised about reference to employment in the Minerals Local Plan. The representative of the Head of Planning and Transport Planning explained that the Minerals Local Plan did not have a specific policy on employment but in MLP 41, it referenced the important wider economic value of minerals. There were 20 members of staff employed

at Ryall House Farm and a further 6 employees working at the Ryall North quarry application site. At least 12 members of staff lived within 15 miles of the site

- The local councillor expressed concern about the impact of the workings on site on members of the public attending the festivals. He proposed that a condition be added to the permission so that on the Friday, Saturday and Sunday and Bank Holidays of the festival dates work should cease at the site apart from the loading and movement of barges to avoid issues of noise and dust. The representative of the Head of Planning and Transport Planning responded that such a condition would not pass the test of a reasonable condition because the site was worked on a campaign basis and it would be very difficult for the applicant to commit to certain dates to cease working given the potential for festival dates to change. There was also no evidence to suggest that the workings would have an adverse impact on the festivals. This issue was more a private matter for the landowner and applicant as good neighbours. Perhaps a way forward would be the imposition of an Informative Note to request that the applicant avoids undertaking sand and gravel extraction during the relevant festival dates. There was also a community liaison group where this matter could be discussed. Mark Kelly added that he was happy to consider agreeing an appropriately worded Informative Note with the Head of Planning and Transport Planning.

RESOLVED that having taken the environmental information into account, planning permission be granted for proposed extraction of aggregates with restoration to agriculture and lake suitable for water sports on land at Ryall's Court, Ryall Court Lane, Ryall, Upton-upon-Severn, Worcestershire, subject to the following conditions and to an amendment to condition number 56 (as set out in the report) in relation to additional tree planting in the restoration scheme. The wording of the condition to be determined by the Head of Planning and Transport Planning in consultation with the Chairman and Vice-Chairman:

Commencement and Notification

- 1) The development must be begun not later than the expiration of 3 years beginning with the date of this permission.
- 2) The operator shall provide written notification to the Mineral Planning Authority at least 7 days but no more than 14 days prior to:
 - i) The commencement of the development hereby approved;
 - ii) The date of commencement of soil stripping operations;
 - iii) The date of commencement of mineral extraction operations; and
 - iv) The date of completion of mineral extraction operations.

Time Limits

- 3) All mineral extraction operations shall cease and the site shall be restored in accordance with the approved restoration scheme as required by Condition 56) of this permission, within 3 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:

- 1803-S101-RYN-D-305, titled: 'Phase 5', dated 17 August 2018;
- 1905_C028_RYLN_001, titled: 'Location Plan', dated May 2019;
- 1905_C028_RYLN_002, titled: 'Site Plan', dated May 2019;
- 1905_C028_RYLN_003 A, Revision A, titled: 'Potentially Environmentally Sensitive Properties', dated October 2021;
- 1905_C028_RYLN_005-Rev A, titled: 'Public Rights of Way', dated November 2021;
- 1905_C028_RYLN_007, titled: 'Visual Character', dated May 2019;
- 1905_C028_RYLN_008, titled: 'Agricultural Land Classification', dated May 2019;
- RNE - RD / T1, titled: 'Restoration Details Proposed Water Depths', dated April 2022;
- RNE - RD / T2, Revision B, titled: 'Restoration Details Habitat Areas & Existing & Proposed Enhancements', dated April 2022;
- RNE - RD / T3, Revision A, titled: 'Restoration Details Proposed Fencing, Gates and Public Rights of Way', dated April 2022;
- RNE - RD / T4A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Habitat Areas', dated April 2022;
- RNE - RD / T4B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Habitat Areas', dated April 2022;
- RNE - RD / T4C, Revision B, titled: 'Restoration Details Permitted Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4D, Revision B, titled: 'Restoration Details Proposed Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4E, Revision A, titled: 'Restoration Details Proposed Scheme Hedgerows & Ditches', dated April 2022;
- RNE - RD / T5A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5C, titled: 'Restoration Details Proposed Restoration Scheme Aftercare', dated April 2022;
- RN - RX / 1B, Revision M, titled: 'Proposed Outline Restoration Scheme Proposed Application Area', dated April 2022;
- RN - RX / 1C, Revision A, titled: 'Proposed Draft Restoration Scheme Cross Section', dated June 2021; and
- Figure No 13.5, Revision 00, titled: 'Recorded designated assets', dated 14 July 2014.

Extraction Boundary

- 5) No mineral extraction shall take place outside the limit of the extraction boundary shown on approved drawing numbered: 1803-S101 - RYN-D-305, titled: 'Phase 5', dated 17 August 2018. For the avoidance of doubt this permission does not grant Phases 1 to 4, which are outside the application site boundary.

Processing or Treatment

- 6) No processing or treatment of sand and gravel shall take place on the site.

Waste Acceptance

- 7) This permission does not allow the importation of waste material onto the site.

Soil Handling and Storage

- 8) Soil handling and placement shall be carried out in accordance with The Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021).
- 9) The development hereby approved shall be carried out in accordance with the approved documents titled: 'Appendix A: Soil Handling – Modified Loose Tipping Procedure for Soil Replacement (The Peninsula or Lateral Heap Methods)', dated November 2008 of 'Part 2 – Supporting Statement', dated March 2020; and 'Soil Depth and Handling Methodology Note in Response to Natural England – Ryall North', dated August 2021.
- 10) Soil stripping shall not take place until any standing crop or vegetation has been cut and removed.
- 11) The topsoil shall be stripped to the full depth down to 250mm at its maximum depth, all subsoil shall be stripped to a depth of 950mm at its maximum, and wherever possible both topsoil and subsoil shall be directly placed as part of restoration following stripping.
- 12) Topsoil and subsoil stripping shall only be carried out when the entire volume of soil to be stripped is in a dry and friable condition.
- 13) All stripped topsoils and subsoils shall be permanently retained on site for subsequent use in restoration, as detailed in the application.
- 14) For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials.
- 15) Plant or vehicles shall not cross areas of unstripped topsoil or subsoil except for the express purpose of stripping operations.
- 16) Only low ground pressure machines should work on relaid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto

subsoil by equipment that is not standing on either relaid topsoil or subsoil.

- 17) Topsoil shall be re-spread to achieve at least the minimum settled depth of 250mm. The respread topsoil shall be loosened and ripped:
 - i) to provide loosening equivalent to a single pass at a tine spacing of 0.3 metres or closer;
 - ii) to full depth of the topsoil plus 100mm; and
 - iii) any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.
- 18) Subsoil and any soil making materials shall be levelled to provide an even depth across the re-laid area so that the total thickness of settled subsoil conforms with the approved landform referred to in Condition 56) of this permission.

Access, Highway Safety and Transportation

- 19) Notwithstanding the submitted details, prior to the commencement of mineral extraction, a Construction Environmental Management Plan (CEMP) for highways shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the CEMP for highways shall be implemented in accordance with the approved details. The CEMP for highways 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 any site operative parking areas, material storage areas and the location of site operatives facilities including offices and toilets;
 - iii) The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring; and
 - iv) A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- 20) Vehicular access to and from the site shall only be gained via Ryall Court Lane only.
- 21) The use of Ryall Court Lane for the transportation of plant and machinery shall only be used between the hours of 09:00 to 15:30 hours Mondays to Fridays, inclusive.
- 22) Notwithstanding the submitted details, within 3 months of the date of this permission, the applicant shall submit details about the arrangements for the use of Ryall Court Lane for the transportation of plant and machinery, including how local residents would be notified about low loader movements to and from the site. Thereafter, the

development shall be carried out in accordance with the approved details.

- 23) All sand and gravel extracted from the site shall be transported by barge only.
- 24) Prior to the construction of haul routes, a plan showing the position of the haul routes 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.
- 25) No mud, dust or debris shall be deposited on the public highway.
- 26) The site shall not be open to the general public for commercial purposes.

Working Hours

- 27) Except in emergencies, all operations and uses on the site including the running of any plant or machinery and loading of barges, shall only take place between 07:30 to 18:30 hours Mondays to Fridays, inclusive, and 07:30 to 12:00 hours on Saturdays. There shall be 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.

Lighting

- 28) No external lighting shall be installed on the application site, as detailed at paragraph 8.6 of the approved 'Part 3 – Environmental Statement Volume 1, dated March 2020 and paragraph 6.3.3 of the approved 'Ecological Impact Assessment of Land Proposed as an Extension to Ryall North Quarry, Ryall's Court Farm, Ryall Court Lane, Upton-upon-Severn, Worcestershire, WR8 0PF', dated March 2020.

Noise

- 29) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use fully operational silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.
- 30) 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.
- 31) The development hereby approved shall be carried out in accordance with approved 'Appendix F: Noise Management Plan – Ryall North Quarry' of 'Part 2 – Supporting Statement', dated March 2020.

- 32) Notwithstanding the provisions of Condition 30) of this permission, the following measures shall be undertaken to minimise noise emissions within the site arising from all operations including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:**
- i) Internal haul routes shall be routed such that separation distances to noise sensitive properties is maximised;**
 - ii) All haul roads are kept clean and maintained in a good state of repair to avoid unwanted rattle and body slap from vehicles;**
 - iii) All mobile plant and heavy goods vehicles within the site shall move in a manner to minimise, as far as is practical and safe, noise from reverse warning systems;**
 - iv) The minimisation of drop heights during loading and unloading of sand and gravel;**
 - v) Plant that is used intermittently, shall be shut down when not in use; and**
 - vi) Any pumps, generators and compressors shall either be electrically powered and fitted with an acoustic cover where necessary; or diesel powered pumps, generators and compressors shall be installed within acoustic enclosures.**
- 33) 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, dated November 2018 when measured in terms of an LAeq 1-hour level (free field):**
- Pool House Retreat: LAeq, 1-hour 51dB**
 - Moorings at Pool House Retreat: LAeq, 1-hour 51dB**
 - Rag House: LAeq, 1-hour 55dB**
 - East Waterside: LAeq, 1-hour 55dB**
- 34) During the removal of soils and superficial deposits and the creation of any screen bunds or restoration works, the noise limit at the nearest sensitive properties used as dwellings shall not exceed 70dB LAeq 1 hour (free field) as measured at a point closest to the noise source with the microphone at a height of 1.2 metres above ground level. Such temporary operations shall not exceed a total of eight weeks duration at any noise sensitive properties in any continuous twelve month period. 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.**
- 35) 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 nearest sensitive properties. 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.

- 36) Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 34) of this permission, 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 32) and / or 33), 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.

Dust

- 37) The development hereby approved shall be carried out in accordance with approved 'Appendix E: Dust Action Plan' of 'Part 2 – Supporting Statement', dated March 2020.
- 38) Notwithstanding the provisions of Condition 36) of this permission, the following measures shall be undertaken to suppress dust emissions within the site arising from all operations, including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
- i) The provision of a water bowser and/or static/mobile spraying units, which shall be used at all times when there is a risk of dust arising from the moving and storage of soil and overburden, mineral extraction, processing and manoeuvring operations;
 - ii) The sweeping of access and haul roads, where necessary;
 - iii) The minimisation of drop heights during loading and unloading of sand and gravel;
 - iv) All plant and vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground;
 - v) There shall be a maximum speed limit of 10 mph within the site; and
 - vi) The cessation of operations in conditions when dust cannot be controlled.

Stockpiles

- 39) The height of any stockpiles of sand and gravel shall not exceed 7.5 metres.

Water Environment

- 40) Prior to the commencement of mineral extraction, a Flood Management Plan shall be submitted to the Mineral Planning Authority for approval. Thereafter, the development shall be carried out in accordance with the approved details.

- 41) The development hereby approved shall be carried out in accordance with Section 5.6 'Mitigation Measures' of the approved 'Water Environment – Hydrogeological Assessment', dated March 2019.
- 42) Prior to the commencement of mineral extraction, a groundwater monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include pre, during and post extraction monitoring of the existing onsite monitoring boreholes identified on approved Figure ES 9-5, titled: 'Environmental Statement - Water Environment – Hydrogeological Setting' of the 'Water Environment – Hydrogeological Assessment', dated March 2019, including boreholes WM series (green circle onsite monitoring boreholes) and CP series (pink pentagon onsite monitoring boreholes). The scheme shall include, but may not be limited to:
- i) groundwater monitoring locations including WM series and CP series boreholes;
 - ii) Methods, frequency and nature of all (parameters to be monitored) sampling;
 - iii) A programme detailing frequency and duration of monitoring along with reporting and details of how and when the monitoring data and the scheme itself shall be reviewed to assess if impacts (if any) are occurring;
 - iv) Methods and analysis for investigating the causes of these changes and for remediating them;
 - v) Trigger levels when action is required to protect a water feature;
 - vi) Details of any contingency and mitigation proposals should a trigger level be breached and an impact apparent at a water feature;
 - vii) Should boreholes be lost to operations they should be replaced; and
 - viii) If any new monitoring locations are required i.e. around Phase 5 they shall be installed prior to excavation to collect baseline data.

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

- 43) If the monitoring results from the water monitoring scheme approved under Condition 42) of this permission, show any adverse risk of deterioration to groundwater and surface water flows and quality, then extraction of mineral on site shall cease until a programme to investigate the cause of deterioration; and implementation of effective alternative options are put in place to avoid and remedy impacts, with criteria for the review of success and failure of any remediation works, shall be submitted to the Mineral Planning Authority for approval in writing, in consultation with the Environment Agency. This scheme shall include for methods and analysis for investigating the causes of these changes and for

remediating them; and monitoring the success and failures of any remediation works carried out.

- 44) Within 6 months of the date of this permission, a scheme that sets out how the water level within the restored lake would be managed 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.
- 45) The following measures shall be undertaken in order to mitigate the risk of water pollution arising during the mineral extraction operations and subsequent restoration works:
- i) There shall be a maximum speed limit of 10 mph within the site to reduce the likelihood and significance of any collisions;
 - ii) All plant should be regularly maintained and inspected daily for leaks of fuel, lubricating oil or other contaminating liquids;
 - iii) Maintenance of plant and machinery should be undertaken within the site compound or off-site, as appropriate, to minimise the risk of uncontrolled release of polluting liquids; and
 - iv) Discharge water from the dewatering of the excavation shall be pumped into a settlement lagoon to remove any suspended solids before being discharged from the site.
- 46) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 47) 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.
- 48) The development hereby approved shall be carried out in accordance with approved 'Appendix G: Risk Assessment & Method Statement – Ryall North to Ryall Quarry' for water transport by barge, dated 27 August 2015, of 'Part 2 – Supporting Statement', dated March 2020.
- 49) The development hereby approved shall be carried out in accordance with approved 'Appendix J: Pollution Prevention Plan' of 'Part 2 – Supporting Statement', dated March 2020.

Ecology and Biodiversity

- 50) The development hereby approved shall be carried out in accordance with the approved 'Combined Construction Environmental Management Plan (CEMP) and Landscape & Ecological Management Plan (LEMP) for the extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022.
- 51) Progress against the target habitat conditions shall be monitored during the phased working and aftercare periods as described in the approved 'Combined CEMP and LEMP for the extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022, and any required remediation work shall be undertaken in the next appropriate season. Monitoring reports or compliance statements produced in years 2, 4, 6, 8 and 10 for each area by a competent ecologist (holding relevant professional body membership) shall be submitted to the Mineral Planning Authority before the end of the calendar year in which they are produced.
- 52) The development hereby approved shall be carried out in accordance with the approved 'Ryall North Quarry HRA', dated September 2022.
- 53) Within 3 months of the date of this permission, the existing submersible pump to over pump the water in the pits / settlement ponds into the drainage system on site shall either be fitted with fish screening or replaced with a fish friendly pump as set out at Section 3.4 of the approved 'Ryall North Quarry HRA', dated September 2022.

Interpretation Strategy

- 54) 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, design, size, quantity and location of any interpretation panels and the timescales for their installation. Thereafter, the development shall be carried out in accordance with the approved details.

Archaeology

- 55) Prior to the commencement of the development hereby approved, a programme of archaeological work, including a Written Scheme of Investigation, shall be submitted to the Mineral Planning Authority for approval. 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 and timetable to be made for publication and dissemination of the analysis and records of the site investigation;
- v) Provision and timetable to be made for archive deposition of the analysis and records of the site investigation; and
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

Topographical Survey

56) A topographical survey of the site shall be carried out annually and supplied to the Mineral Planning Authority. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within 4 weeks of a written request.

Restoration

57) Notwithstanding the submitted details, prior to the commencement of mineral extraction, a detailed restoration scheme for the site, updating labelling to reflect the approved 'Combined CEMP and LEMP for the extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022 under Condition 49) of this permission, 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.

Aftercare

58) Notwithstanding the submitted details, all nature conservation areas, including MG9 grassland and MG4 wet grassland shall undergo aftercare management for a 10-year period, and the areas of agricultural grassland within the application site shall undergo aftercare management for a 5-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority.

59) Notwithstanding any submitted details, prior to the commencement of mineral extraction, details of the proposed aftercare shall be submitted to the Mineral Planning Authority for approval in writing. 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 56) of this permission. The proposed aftercare scheme shall include the following:

- i) Control of invasive species;
- ii) The submission of Habitat Management Plan setting out the actions that are to be undertaken to guide the initial habitat /

vegetation establishment works, habitat creation and ongoing restoration including management practices such as cutting and removal of vegetation, grazing, pollarding and protection and replacement of tree and shrub plantings;

- iii) Management of soil, fertility and weeds;
- iv) Drainage;
- v) A timetable for undertaking the aftercare scheme; and
- vi) The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance;

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 annual review of performance.

Local Liaison

- 60) Notwithstanding the submitted details, within 3 months of the date of this permission, a scheme that sets out measures for liaison arrangements with the local community shall be submitted to the Mineral Planning Authority for approval in writing. The approved scheme shall be implemented for the duration of the development.

Cessation

- 61) 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 56) 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.

1108 Planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to not comply with conditions 3, 5, 10, 11, 12, 13, 49 and 53 of planning permission: 15/000013/CM "Proposed minerals extraction of about 1.4 Million tonnes of Sand and gravel and erection of a temporary wharf with progressive restoration to make a landscaped lake" to facilitate an alternative working scheme and progressive restoration scheme to agriculture and a lake suitable for water sports at Ryall North Quarry, land off

Ryall Court Lane, Holly Green, Upton-Upon-Severn, Worcestershire (Agenda item 6)

The Committee considered a planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to not comply with conditions 3, 5, 10, 11, 12, 13, 49 and 53 of planning permission: 15/000013/CM "Proposed minerals extraction of about 1.4 Million tonnes of Sand and gravel and erection of a temporary wharf with progressive restoration to make a landscaped lake" to facilitate an alternative working scheme and progressive restoration scheme to agriculture and a lake suitable for water sports at Ryall North Quarry, land off Ryall Court Lane, Holly Green, Upton-Upon-Severn, Worcestershire.

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

The report set out the Head of Planning and Transport Planning's comments in relation to Alternatives, Location of the development, Best and Most Versatile (BMV) agricultural land, Traffic, highway safety and public rights of way, Landscape character and visual impact, Historic environment, Residential amenity (including noise, dust, air quality, human health and contaminated land), Water environment including flooding, Ecology, biodiversity, and geodiversity, Restoration and aftercare of the site, Impact upon festival land and tourism, Other matters - Economic Impact, Climate change and sustainability, Cumulative impacts, Vulnerability to accidents and / or disaster, Environmental Impact Assessment team and expertise, Human Rights Act 1998, and Obligations under the Equality Act 2010.

The Head of Planning and Transport Planning concluded the following:

Alternatives

With regard to the consideration of alternatives, the PPG stated that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 did not require an applicant to consider alternatives. However, where alternatives had been considered, Paragraph 2 of Schedule 4 required the applicant to include in their ES 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 original ES considered alternatives, focussing on alternative means by which the minerals site might be worked (phasing and direction of working) and restored, and alternative wharf locations. The updated ES also considered alternatives, focussing on alternative restoration schemes, but these were rejected on the basis that they did not allow the creation of a final landform within which a FISA guidance compliant rowing course could be formed, either because the body of water would be too shallow or insufficiently wide. They also considered that in terms of the likely significant environmental impact, all the options considered by the applicant were assessed as having very similar impact footprints to that ultimately proposed. The Head of Planning and Transport Planning considered that the applicant's approach to the consideration of alternatives was acceptable in this instance.

Location of the development

With regard to the location of the development, the Government's PPG stated that "minerals can only be worked (i.e., extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited...". It was considered that the location of the development had already been established in the granting of planning permission MPA Ref: 15/000013/CM, and it was noted that Policy MLP 5: 'Extant Mineral Sites and Safeguarded Resources' of the adopted Worcestershire Minerals Local Plan provided policy support to existing / established mineral sites and alterations them.

Best and Most Versatile (BMV) agricultural land

With regard to the soil resource and BMV agricultural land, the NPPF defines BMV agricultural land as Grades 1, 2 and 3a of the ALC. An ALC and Soil Resource Report was submitted as part of the original ES, which identified that the majority of the site was Grade 3a (about 51.9% of the site), which was found mainly in the west of the site, with a small area of Grade 2 (about 6.1% of the site) in the south of the site. The remainder of the site was Grade 3b, which was found mainly in the east of the site.

The majority of the BMV agricultural land within the site would be lost due to the balance of materials and the height of the ground water at the site, resulting in a lake landform. The original report to committee noted that Natural England had not raised an objection to the proposal on grounds of impact upon permanent pastureland or loss of BMV agricultural land, and as they stated that they had no issues with soils and soil management for the original planning application, in view of this it was considered that refusal on the grounds of loss of BMV agricultural land could not be justified.

Based on the advice of Natural England, the Head of Planning and Transport Planning considered that this application would not alter the original conclusions above, and subject to the imposition of the relevant extant conditions relating to the management of the soil resource; and the development being carried out in accordance with the submitted soil handling methodology, that refusal on grounds related to the loss of BMV agricultural land could not be justified.

Traffic, highway safety and public rights of way

The applicant had confirmed that no changes to traffic and transport matters were proposed as a result of the development. No aggregate would be sold directly from the site, with aggregate being removed from site by barge to Ryall House Farm Quarry processing plant site. Ryall Court Lane would be used for vehicular access to the site, as per the existing access arrangements. As part of the restoration scheme, new public rights of way (footpaths) would be created around the perimeter of the site, compensating for the loss of the yet to be established new continuous footpath (Footpaths RP-554, RP-555, EA-561 and RP-556) approved under planning permission MPA Ref: 15/000013/CM.

Based on the advice of consultees including County Highways Officer, the County Footpath Officer and the Ramblers Association, the Head of Planning

and Transport Planning was satisfied that the proposal would not have an unacceptable impact upon traffic, highways safety or public rights of way, subject to the imposition of the relevant extant conditions, in accordance with Policies MLP 30 and MLP 39 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.

Landscape character and visual impact

With regard to landscape character and visual impact, the Head of Planning and Transport Planning considered that whilst the proposal would result in a more uniform and rectangular lake, particularly along the eastern lake boundary, it did strike a balance between creating a landform that would be capable of meeting the FISA standards, whilst being more sinuous and irregular on the western boundary, which was more natural and in keeping with the landscape character of the area. Given the fallback position of a lake in this location, and due to the flat expansive landscape, with intervening vegetation, the Head of Planning and Transport Planning considered that overall, there would be restricted visual impacts as a result of the proposed development.

Based on the advice of the County Landscape Officer, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including the Malvern Hills AONB National Landscape, subject to the imposition of appropriate extant conditions, including requiring the site to be restored within a set timescale, limits of extraction; phasing; limiting the height of stockpiles, no processing or treatment of sand and gravel on site; annual topographical surveys; aftercare scheme; being carried out in accordance the approved lighting scheme, updated soil handling methodology, and combined CEMP and LEMP with associated compliance monitoring; updated restoration scheme; 10 year aftercare period for all nature conservation areas; and interpretation strategy for landscape. The Head of Planning and Transport Planning considered that the proposal is in accordance with Policy MLP 33 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan.

Historic environment

There were a number of heritage assets with the context of the application site. Due to the open and expanse flat topography of the application site and its wider environs, the position of the river and roads relative to the application site, the distance from heritage assets, and the nature of the proposed changes to the restoration scheme, the Head of Planning and Transport Planning considered the proposals would not alter the original conclusions of the report to committee, in that the proposal would not lead to any material harm to any of the identified heritage assets.

Based on the advice of the County and District Archaeologists, the Head of Planning and Transport Planning considered that on balance, subject to the imposition of appropriate conditions, that the impact upon the non-designated archaeological assets is not of such significance as to constitute a refusal reason in this instance. The Head of Planning and Transport Planning considered that the proposal is in accordance with Policy MLP 32 of the

adopted Worcestershire Minerals Local Plan, and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

Residential amenity (including noise, dust, air quality, human health and contaminated land)

With regard to residential amenity, based on the advice of consultees including Worcestershire Regulatory Services and County Public Health Practitioner, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate extant conditions and the development being carried out in accordance with the submitted Noise Management Plan and Dust Management Plan, there would be no adverse effect on residential amenity or human health, including noise, dust, air quality, and contaminated land impacts. The Head of Planning and Transport Planning considered that the proposal was in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.

Water environment including flooding

With regard to the water environment including flooding, the Flood Risk Assessment Addendum demonstrated that the maximum increase for any of the working phases was for Phase 1 and was associated with the storage of soil. However, the maximum increase was only 6 mm which was of no practical consequence. In addition, this phase had been worked out and restored. After Phase 1, the flood risk was predicted to decrease as working progresses, with a maximum decrease being experienced by the completion of the proposed quarry extension (Phase 5 of the wider scheme) of approximately 16 mm, which the Flood Risk Assessment Addendum considered was a non-significant positive effect. The restoration of the wider quarry had been assessed as resulting in a 26 mm reduction in flood levels compared to the baseline situation, which the Flood Risk Assessment considered represented a non-significant positive effect. The model showed that there was a small, though barely significant reduction in water levels at Upton-upon-Severn.

The Head of Planning and Transport Planning considered that the applicant had demonstrated that the proposal would remain operational and safe for users in times of flood, by demonstrating the proposal was water-compatible development and providing details of safe flood evacuation plan; the proposal would not result in a net loss of floodplain storage, providing a marginal betterment; and would not impede water flows and not increase flood risk elsewhere.

As was current practice, 'as raised' sand and gravel would be transported by barge along the River Severn to Ryall House Farm Quarry for processing. Barge movements would remain unchanged as a result of this proposal. The applicant had confirmed that the development would continue to be carried out in accordance with the approved 'Risk Assessment & Method Statement' for water transport by barge, of the extant planning permission MPA Ref: 15/000013/CM.

Based on the advice of consultees including the Environment Agency, Severn Trent Water Limited, South Worcestershire Land Drainage Partnership, the

LLFA, CBOA and the Canal and River Trust, the Head of Planning and Transport Planning considered that this proposal would not change the overall original conclusions on the water environment, and was satisfied that this application would not have an unacceptable adverse effects on the water environment including flooding, subject to the imposition of the relevant extant conditions, and the development being carried out in accordance with the Flood Risk Assessment and Addendum and Pollution Prevention Plan, no discharge of foul or contaminated drainage from the site; and the development being carried out in accordance with 'Risk Assessment & Method Statement' for water transport by barge. The Head of Planning and Transport Planning considered that the proposed development accorded with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan.

Ecology, biodiversity and geodiversity

Taking into account the views of consultees including Natural England, the Environment Agency, Worcestershire Wildlife Trust, the County Ecologist, and the Earth Heritage Trust, the Head of Planning and Transport Planning considered that this proposal would not change the overall original conclusions on ecology, biodiversity and geodiversity, and was satisfied that this application would not have an unacceptable adverse effects on ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would enhance the application site's value for biodiversity, subject to the imposition of the relevant extant conditions, and an updated restoration scheme (correcting mislabelling), 10-year aftercare scheme for all created / restored habitats (apart from the agricultural grassland), a monitoring report in relation to statement of compliance for habitat creation and the development being carried out in accordance with the submitted CEMP, LEMP, and Fish Rescue Plan. The Head of Planning and Transport Planning considered that the proposal would be in accordance with Policies MLP 31 and MLP 36 of the adopted Worcestershire Minerals Local Plan, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

Restoration and aftercare of the site

Policy MLP 9 of the adopted Worcestershire Minerals Local Plan sets the priorities for the delivery of multifunctional green infrastructure in the Lower Severn Strategic Corridor. It was considered that the proposal would broadly accord with Policy MLP 9 because the restoration would take place in a progressive manner with soils stripped within the phase cast back to restore previously extracted areas behind the current working face. Furthermore, whilst the site would primarily be restored to a lake (amenity), the revised restoration scheme also includes a variety of different uses, including agriculture, amenity (inclusion of public rights of way around the eastern, northern and north-western perimeter of the proposed lake), and nature conservation. The restoration scheme included a lake, ponds, reedbeds, swales, ditches, wet and dry conservation grassland, agricultural grassland, and species-rich hedgerows with trees, providing a net gain for biodiversity compared to the existing.

The Head of Planning and Transport Planning noted that the Environment Agency, Natural England, Worcestershire Wildlife Trust, the County Ecologist

and County Landscape Officer all have no objections to the proposed restoration scheme, subject to the imposition of appropriate conditions, and that on balance, proposed restoration and aftercare was acceptable, in accordance with Policy MLP 9 of the adopted Worcestershire Minerals Plan.

Impacts upon festival land and tourism

Fish Meadow, which is located immediately to the south of the application site and the adjacent fields (to the south, south-east and south-west) were used as a venue and / or campsite for three annual music festivals (Sunshine Music Festival, Mello Festival and Upton Blues Festival) in Upton-upon-Severn. The current approved operations (as per the extant planning permission MPA Ref: 15/000013/CM) amounted to a loss of an area of approximately 7.1 hectares of land used for music festivals.

The Head of Planning noted that the music festivals have continued this year and that the amended proposal would not amend the extent of the working area, and thus would not encroach further onto the land used for festivals. In view of the above, it was considered that the proposal would not change the overall original conclusions on impacts on upon festival land and tourism and would not prejudice the future viability of festivals in this location.

Conclusion

In accordance with paragraph 11 c) of the NPPF, development proposal that accorded with an up-to-date Development Plan should be approved without delay. On balance, taking into account the provisions of the Development Plan and in particular Policies MLP 1, MLP 3, MLP 5, MLP 7, MLP 9, MLP 14, MLP 15, MLP 26, MLP 28, MLP 29, MLP 30, MLP 31, MLP 32, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37, MLP 38, MLP 39, MLP 40 and MLP 41 of the adopted Worcestershire Minerals Local Plan, and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32, SWDP 39, and SWDP 40 of the adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site and observed the final phases of the mineral extraction. Since the publication of the report, Malvern Hills District Council had submitted further comments which reflected their previous comments and raised no new matters.

In the ensuing debate, the following points were made:

- Were any plans in place to stock the lake with fish? The representative of the Head of Planning and Transport Planning indicated that he was not aware of any plans to fish stock. The applicant was introducing a fish rescue strategy as recommended by the EA so that fish could be returned to the River Severn after flooding events
- The local councillor commented that he had not received any complaints about the work undertaken by the applicant, Cemex in the local area. Cemex appeared to be a fit and proper company and had

acted in a professional manner. Particulates of dust from the extraction site were on the larger scale and did not travel easily. The use of barges was a green solution to the fight against carbon emissions. Each barge trip would save 8 lorry journeys. 26 members of staff would be employed of which 12 lived locally. He was not aware of any job losses as a result of this application. There was no certainty that a future application for a water park would be approved but the landowner had given assurances that a planning application would be submitted sooner rather than later. The local rowing club had indicated that they were ready to sign a 99-year lease. Upton Town Council had indicated their support for a rowing lake. Approval of this permission would help secure Upton-upon-Severn's future. The size of the rowing lake was particularly significant nationally. It would help to attract visitors throughout the year, helping the local economy. The local festivals would have an increased amount of land if this application was approved and would be situated in a more appealing part of the site than at present. He fully supported the application

- The representative of the Head of Planning and Transport Planning explained that as the two applications at Ryall meshed together, members might wish to consider amending condition 11 to include additional tree planting similar to that agreed at Agenda item 5 with the wording to be agreed in consultation with the Chairman and Vice-Chairman. The local councillor indicated that he supported the proposed amendment to condition 11 accordingly.

RESOLVED that having taken the environmental information into account, planning permission be granted for the carrying-out of development pursuant to planning permission: 15/000013/CM "Proposed minerals extraction of about 1.4 million tonnes of sand and gravel and erection of a temporary wharf with progressive restoration to a landscaped lake" without complying with conditions 3, 5, 10, 11, 12, 13, 49 and 53 of that permission, to facilitate an alternative working scheme and progressive restoration scheme to agriculture and a lake suitable for water sports at Ryall North Quarry, land off Ryall Court Lane, Holly Green, Upton-upon-Severn, Worcestershire, subject to the following conditions and subject to an amendment to condition 11 in relation to additional tree planting in the restoration scheme. The wording of the condition to be determined by the Head of Planning and Transport Planning in consultation with the Chairman and Vice-Chairman:

Notification

1) The operator shall provide written notification to the Mineral Planning Authority at least 7 days but no more than 14 days prior to:

- The date of commencement of mineral extraction in any phase;**
- The date of commencement of soil stripping in any phase;**
- The date of completion of mineral extraction in any phase; and**
- The date of completion of mineral extraction operations.**

Approved Documents and Drawings

- 2) The land to which this permission relates is that shown edged in red on approved drawing numbered: 20-04/P/RYLN/1, titled: 'Location Plan', dated April 2020. For the avoidance of doubt this permission does not grant Phase 5, which is outside the application site boundary.
- 3) The development hereby permitted shall be carried out in accordance with the following documents and drawings, except where otherwise stipulated by conditions attached to this permission:

Documents:

- Planning Application Statement – Ryall North Quarry, dated 10 March 2015;
- Supplementary Supporting Statement – Ryall North Quarry – Proposed Extraction of Sand & Gravel, dated October 2015;
- Part 2 – Supporting Statement – Ryall North Quarry, Ryall's Court, Ryall, Upton-upon-Severn, Worcestershire, dated April 2020;
- Flood Risk Assessment for Quarry development at Ryall Quarry North, Upton-upon-Severn, dated February 2016;
- Flood Risk Assessment Addendum for Quarry Development at Ryall North Quarry, Upon-upon-Severn, Version 1, dated March 2019; and
- Memorandum, titled: Ryall North – Private Water Supply Abstraction at Day House Cottage, dated 3 March 2016.

Drawings:

- 20-04/P/RYLN/1, titled: 'Location Plan', dated April 2020;
- 20-04/P/RYLN/2A, Revision A, titled: 'Site Plan and General Arrangement', dated October 2021;
- 14_C060_RYLN_003, titled: 'Topographic Survey', dated October 2014;
- 14_C060_RYLN_004_A, titled: 'Location of Proposed Wharf', dated December 2014;
- 14_C060_RYLN_005, titled: 'Cross Sections', dated October 2014;
- 14_C060_RYLN_006_B, titled: 'Indicative Wharf Design', dated December 2014;
- 14_C060_RYLN-009, titled: 'Crossing Detail PROW 508(B)', dated May 2015;
- 14_C060_RYLN_010, titled: 'Crossing Detail PROW 505(B)', dated May 2015;
- 180/-S253-RYN-D-101, titled: 'Phase 1', dated February 2019;
- 180/-S253-RYN-D-102, titled: 'Phase 2', dated February 2019;
- 180/-S253-RYN-D-103, titled: 'Phase 3', dated February 2019;
- 180/-S253-RYN-D-104, titled: 'Phase 4', dated February 2019;
- SO8542 D 3050 110805, titled: 'Overburden Isopachytes', received by the Mineral Planning Authority 20 March 2015;
- SO8542 D 3051 110805, titled: 'Minerals Isopachytes' received by the Mineral Planning Authority 20 March 2015;
- SO8542 D 3052 110805, titled: 'Bedrock Surface Contours' received by the Mineral Planning Authority 20 March 2015;

- 15-S128-RYN-D-002, titled: 'Soil bunds', received by the Mineral Planning Authority 14 October 2015;
- 15-S128-RYN-D-003, titled: 'Cross Sections 1-3', received by the Mineral Planning Authority 14 October 2015;
- 1905_C028_RYLN_005-Rev A, titled: 'Public Rights of Way', dated November 2021;
- RNE - RD / T1, titled: 'Restoration Details Proposed Water Depths', dated April 2022;
- RNE - RD / T2, Revision B, titled: 'Restoration Details Habitat Areas & Existing & Proposed Enhancements', dated April 2022;
- RNE - RD / T3, Revision A, titled: 'Restoration Details Proposed Fencing, Gates and Public Rights of Way', dated April 2022;
- RNE - RD / T4A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Habitat Areas', dated April 2022;
- RNE - RD / T4B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Habitat Areas', dated April 2022;
- RNE - RD / T4C, Revision B, titled: 'Restoration Details Permitted Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4D, Revision B, titled: 'Restoration Details Proposed Scheme Existing & Proposed Trees & Hedgerows', dated April 2022;
- RNE - RD / T4E, Revision A, titled: 'Restoration Details Proposed Scheme Hedgerows & Ditches', dated April 2022;
- RNE - RD / T5A, Revision A, titled: 'Restoration Details Permitted Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5B, Revision A, titled: 'Restoration Details Proposed Restoration Scheme Grassland Habitat Areas', dated April 2022;
- RNE - RD / T5C, titled: 'Restoration Details Proposed Restoration Scheme Aftercare', dated April 2022;
- RN - RX / 1B, Revision M, titled: 'Proposed Outline Restoration Scheme Proposed Application Area', dated April 2022; and
- RN - RX / 1C, Revision A, titled: 'Proposed Draft Restoration Scheme Cross Section', dated June 2021.

Time Limits

- 4) All mineral extraction shall cease and the site shall be restored in accordance with the approved restoration scheme as required by Condition 11) of this permission, before 31st December 2026. Should extraction cease before this date the Mineral Planning Authority shall be notified in writing within 1 month of extraction ceasing.

Extraction Boundary

- 5) No extraction of sand and gravel shall take place outside the limit of the extraction boundary of Phases 1 to 4, as shown on approved drawing numbered: 180/-S253-RYN-D-104, titled: 'Phase 4'.

Processing or Treatment

- 6) No processing or treatment of sand and gravel shall take place on the site.

Waste Acceptance

- 7) This permission does not allow the importation of waste material onto the site.

Site Compound

- 8) The development hereby approved shall be carried out in accordance with approved site compound details, as shown on drawing numbered: 14_C060_RYLN_106, titled: 'Site Compound'.

Working Hours

- 9) Except in emergencies, all operations and uses on the site including the running of any plant or machinery and loading of barges, shall only take place between 07:30 to 18:30 hours Mondays to Fridays, inclusive, and 07:30 to 12:00 hours on Saturdays, with no operations on the site at any time on Sundays, Public or Bank Holidays. The Mineral Planning Authority shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours.

Phasing

- 10) The development hereby approved (Phases 1 to 4) shall be carried out in accordance with the working programme, progressive restoration and phasing shown on approved drawings numbered: 180/-S253-RYN-D-101, titled: 'Phase 1'; 180/-S253-RYN-D-102, titled: 'Phase 2'; 180/-S253-RYN-D-103, titled: 'Phase 3'; and 180/-S253-RYN-D-104, titled: 'Phase 4'.

Restoration

- 11) Notwithstanding the submitted details, within 3 months of the date of this permission, a detailed restoration scheme for the site, including the wharf and surge pile area, updating labelling to reflect the approved 'Combined Construction Environmental Management Plan (CEMP) and Landscape & Ecological Management Plan (LEMP) for the Extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022, under Condition 15) of this permission, 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.
- 12) The restoration of the fields subject to 'short-term soil & overburden storage' as shown on approved drawing numbered: 180/-S253-RYN-D-101, titled: 'Phase 1', shall be carried out in accordance with the approved 'Ryall North: Restoration to Agriculture and Nature Conservation Aftercare and Management Details Pursuant to Planning Condition 12', dated 21 August 2019.

Aftercare

- 13) Notwithstanding the submitted details, all nature conservation areas, including MG9 grassland and MG4 wet grassland shall undergo aftercare management for a 10-year period, and the areas of agricultural grassland within the application site shall undergo

aftercare management for a 5-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority.

- 14) An aftercare scheme for each phase shall be submitted to the Mineral Planning Authority for approval in writing within 6 months of the completion of mineral extraction in the preceding phase. 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 11) of this permission. These steps shall include the following:
- i. Control of invasive species;
 - ii. The submission of Habitat Management Plan setting out the actions that are to be undertaken to guide the initial habitat / vegetation establishment works, habitat creation and ongoing restoration including management practices such as cutting and removal of vegetation, grazing, pollarding and protection and replacement of tree and shrub plantings;
 - iii. Management of soil, fertility and weeds;
 - iv. Drainage;
 - v. A timetable for undertaking the aftercare scheme; and
 - vi. The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance;

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 annual review of performance.

Landscape, Ecology and Biodiversity

- 15) The development hereby approved shall be carried out in accordance with the approved 'Combined CEMP and LEMP for the Extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022.
- 16) Progress against the target habitat conditions shall be monitored during the phased working and aftercare periods as described in the approved 'Combined CEMP and LEMP for the Extended Ryall North Quarry, Upton-upon-Seven, Worcestershire, WR8 0PF', version 10, dated April 2022, and any required remediation work shall be undertaken in the next appropriate season. Monitoring reports or compliance statements produced in years 2, 4, 6, 8 and 10 for each area by a competent ecologist (holding relevant professional body

membership) shall be submitted to the Mineral Planning Authority before the end of the calendar year in which they are produced.

- 17) The development hereby approved shall be carried out in accordance with the approved 'Ryall North Quarry HRA', dated September 2022.
- 18) Within 3 months of the date of this permission, the existing submersible pump to over pump the water in the pits / settlement ponds into the drainage system on site shall either be fitted with fish screening or replaced with a fish friendly pump as set out at Section 3.4 of the approved 'Ryall North Quarry HRA', dated September 2022.

Soil Handling and Storage

- 19) Soil handling and placement shall be carried out in accordance with The Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021).
- 20) The development hereby approved shall be carried out in accordance with the approved 'Appendix A: Soil Handling – Modified Loose Tipping Procedure for Soil Replacement (The Peninsula or Lateral Heap Methods)', dated November 2008 of 'Part 2 – Supporting Statement', dated April 2020; and 'Soil Depth and Handling Methodology Note in Response to Natural England – Ryall North', dated August 2021.
- 21) Soil stripping shall not take place until any standing crop or vegetation has been cut and removed.
- 22) The topsoil shall be stripped to the full depth down to 250mm at its maximum depth, all subsoil shall be stripped to a depth of 950mm at its maximum, and wherever possible both topsoil and subsoil shall be directly placed as part of restoration following stripping.
- 23) Topsoil and subsoil stripping shall only be carried out when the entire volume of soil to be stripped is in a dry and friable condition.
- 24) All stripped topsoils and subsoils shall be permanently retained on site for subsequent use in restoration, as detailed in the application.
- 25) For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials.
- 26) Prior to the use of any area for the storage of subsoil or overburden that area shall first be stripped of topsoil.
- 27) Plant or vehicles shall not cross areas of unstripped topsoil or subsoil except for the express purpose of stripping operations.
- 28) The temporary topsoil storage bunds as shown as on approved drawing numbered: 180/-S253-RYN-D-101, titled: 'Phase 1', shall be

constructed to a maximum height of 3 metres prior to the extraction of sand and gravel from Phase 1, and shall only be removed upon completion of sand and gravel extraction in Phase 2, as shown on approved drawing numbered: 180/-S253-RYN-D-102, titled: 'Phase 2'.

- 29) The storage of subsoils and overburden shall be in accordance with approved drawings numbered: 15-S128-RYN-D-002, titled: 'Soil bunds' and 15-S128-RYN-D-003, titled: 'Cross Sections 1-3' and shall not exceed a height of 5 metres.
- 30) All soil storage mounds that remain in situ for more than 3 months or over winter shall be seeded, managed and maintained in accordance with the approved 'Ryall North Quarry – Soil Storage Mounds – Details Pursuant to Condition 27', received by the Mineral Planning Authority 26 July 2016.
- 31) Only low ground pressure machines should work on relaid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either relaid topsoil or subsoil.
- 32) Topsoil shall be re-spread to achieve at least the minimum settled depth of 250mm. The respread topsoil shall be loosened and ripped:
 - i. To provide loosening equivalent to a single pass at a tine spacing of 0.3 metres or closer;
 - ii. To full depth of the topsoil plus 100mm; and
 - iii. Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.
- 33) Subsoil and any soil making materials shall be levelled to provide an even depth across the re-laid area so that the total thickness of settled subsoil conforms with the approved landform referred to in Condition 11) of this permission.

Access and Highway Safety

- 34) Vehicular access to and from the site shall only be gained via Ryall Court Lane only, as shown on approved drawing numbered: 20-04/P/RYN/1, titled: 'Location Plan'.
- 35) The use of Ryall Court Lane for the transportation of plant and machinery shall only be used between the hours of 09:00 to 15:30 hours Mondays to Fridays, inclusive.
- 36) All sand and gravel extracted from the site shall be transported by barge only.
- 37) Prior to the construction of haul routes, a plan showing the position of the haul routes 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.

38) No mud, dust or debris shall be deposited on the public highway.

Public Rights of Way

39) The development hereby approved shall be carried out and maintained in accordance with approved public rights of way crossing points, which cross Bridleways UU-508 and EA-547 / RP-505, as shown on drawings numbered: 14_C060_RYLN-009, titled: 'Crossing Detail PROW 508(B)'; 14_C060_RYLN_004_A, titled: 'Location of Proposed Wharf'; and 14_C060_RYLN-010, titled: 'Crossing Details PROW 505 (B)'.

Lighting

40) The development hereby approved shall be carried out and maintained in accordance with approved site lighting scheme, as shown on drawings numbered: TD 17009 Sheet 1 of 2, titled: 'Boat Loading Facility Lighting Scheme'; and TD 17009 Sheet 2 of 2, titled: 'Boat Loading Facility Lighting Scheme Section A-A'.

41) Notwithstanding the provisions of Condition 40) of this permission, details of any additional lighting to be installed at the site, shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. These details shall include:

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

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

Noise

42) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use fully operational silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.

43) 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.

- 44) The development hereby approved shall be carried out in accordance with approved 'Appendix H: Noise Management Plan – Ryall North Quarry' of 'Part 2 – Supporting Statement', dated April 2020.
- 45) Notwithstanding the provisions of Condition 44) of this permission, the following measures shall be undertaken to minimise noise emissions within the site arising from all operations including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
- i. Internal haul routes shall be routed such that separation distances to noise sensitive properties is maximised;
 - ii. All haul roads are kept clean and maintained in a good state of repair to avoid unwanted rattle and body slap from vehicles;
 - iii. All mobile plant and heavy goods vehicles within the site shall move in a manner to minimise, as far as is practical and safe, noise from reverse warning systems;
 - iv. The minimisation of drop heights during loading and unloading of sand and gravel;
 - v. Plant that is used intermittently, shall be shut down when not in use;
 - vi. Any pumps, generators and compressors shall either be electrically powered and fitted with an acoustic cover where necessary; or diesel powered pumps, generators and compressors shall be installed within acoustic enclosures.

Dust

- 46) The development hereby approved shall be carried out in accordance with approved 'Appendix G: Dust Management Plan' of 'Part 2 – Supporting Statement', dated April 2020.
- 47) Notwithstanding the provisions of Condition 46) of this permission, the following measures shall be undertaken to suppress dust emissions within the site arising from all operations, including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:
- i. The provision of a water bowser and/or static/mobile spraying units, which shall be used at all times when there is a risk of dust arising from the moving and storage of soil and overburden, mineral extraction, processing and manoeuvring operations;
 - ii. The sweeping of access and haul roads, where necessary;
 - iii. The minimisation of drop heights during loading and unloading of sand and gravel;
 - iv. All plant and vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground;
 - v. There shall be a maximum speed limit of 10 mph within the site;
 - vi. The cessation of operations in conditions when dust cannot be controlled.

Stockpiles

- 48) The height of any stockpiles of sand and gravel shall not exceed 7.5 metres.

Water Environment

- 49) The development hereby approved shall be carried out in accordance with the approved 'Condition 43 - Flood Management Plan', received by the Mineral Planning Authority 10 August 2016; and drawing numbered: 14_C060_RYLN_104, titled: 'Evacuation Plan'.
- 50) The wharf and surge pile infrastructure hereby approved shall be carried out and maintained in accordance with the approved cover letter pursuant to Condition 44 of planning permission 15/000013/CM, dated 20 June 2016, and received by the Mineral Planning Authority 21 June 2016; and drawings numbered: 16_C060_RYLN_102, titled: 'Trees to be Removed'; and TD 16018, Rev O, titled: 'Boat Loading Facility Section A-A'.
- 51) The development hereby approved shall be carried out in accordance with the approved 'Risk Assessment & Method Statement – Ryall North to Ryall Quarry' for water transport by barge, dated 27 August 2015.
- 52) Within 6 months of the date of this permission, a scheme that sets out how the water level within the restored lake would be managed 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.
- 53) The following measures shall be undertaken in order to mitigate the risk of water pollution arising during the mineral extraction operations and subsequent restoration works:
- i. There shall be a maximum speed limit of 10 mph within the site to reduce the likelihood and significance of any collisions;
 - ii. All plant should be regularly maintained and inspected daily for leaks of fuel, lubricating oil or other contaminating liquids;
 - iii. Maintenance of plant and machinery should be undertaken within the site compound approved under Condition 8) of this permission, or off-site, as appropriate, to minimise the risk of uncontrolled release of polluting liquids;
 - iv. Discharge water from the dewatering of the excavation shall be pumped into a settlement lagoon to remove any suspended solids before being discharged from the site.
- 54) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or

vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund.

- 55) 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.
- 56) The development hereby approved shall be carried out in accordance with the approved 'Appendix E: Pollution Prevention Plan' of 'Part 2 – Supporting Statement', dated April 2020.

Interpretation Strategy

- 57) Within 6 months of the date of this permission, 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, design, size, quantity and location of any interpretation panels and the timescales for their installation. Thereafter, the development shall be carried out in accordance with the approved details.

Archaeology

- 58) The development hereby approved shall be carried out in accordance with the approved 'Ryall North Quarry Malvern Worcestershire – Written Scheme of Investigation for an Archaeological Strip, Map & Sample Excavation', dated September 2016; and 'Ryall North Quarry Malvern Worcestershire – Written Scheme of Investigation for an Archaeological Evaluation', dated September 2016, as updated by 'Phase 4 & 5 Ryall North Quarry Malvern Worcestershire – Written Scheme of Investigation for an Archaeological Strip, Map and Sample Excavation', dated July 2021.
- 59) The medieval ridge and furrow protective fencing installed within the fields subject to 'short-term soil & overburden storage' as shown on approved drawing numbered: 180/-S253-RYN-D-101, titled: 'Phase 1', shall be carried out and maintained in accordance with the approved cover letter pursuant to Condition 55 of planning permission 15/00013/CM, dated 26 July 2016 and received by the Mineral Planning Authority 10 August 2016; and drawing numbered: 14_C060_RYLN_105, titled: 'Extent of Archaeological Protection Area'.

Topographical Survey

- 60) A topographical survey of the site shall be carried out annually and supplied to the Mineral Planning Authority. Supplementary

topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within four weeks of a written request.

Local Liaison

61) The liaison arrangements with the local community shall be carried out in accordance with the approved ‘CEMEX UK Operations Ltd – Ryall North, Community Liaison Group’, received by the Mineral Planning Authority 15 September 2016.

Cessation

62) In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved restoration and aftercare schemes which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted to and approved in writing by the Mineral Planning Authority, within 6 months of written notice from the Mineral Planning Authority of the requirement of such a scheme. The revised scheme shall be implemented within 12 months of its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.

1109 Proposed demolition of existing single storey temporary classroom block, erection of new replacement two-storey classroom building to accommodate 12 no. classrooms, 4 offices and ancillary space, and the relocation and reconfiguration of the existing car park provision at Wolverley CE Secondary School, Blakeshall Lane, Wolverley, Worcestershire (Agenda item 7)

The Committee considered the proposed demolition of existing single storey temporary classroom block, erection of new replacement two-storey classroom building to accommodate 12 no. classrooms, 4 offices and ancillary space, and the relocation and reconfiguration of the existing car park provision at Wolverley CE Secondary School, Blakeshall Lane, Wolverley, Worcestershire.

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

The report set out the Head of Planning and Transport Planning’s comments in relation to Green Belt, Historic Environment, Residential Amenity, Visual Impact and Landscape Character, Traffic and Highway Safety, Ecology and Biodiversity, Water Environment including Flooding and Other Matters – Playing Fields, Minerals, Consultation, Renewable Energy, Human Rights Act 1998, and Obligations under the Equality Act 2010.

The Head of Planning and Transport Planning concluded that on balance the proposed development, when considered in isolation and in combination with other developments, would have moderate impact on the openness of the Green Belt. The Head of Planning and Transport Planning considered that the applicant's considerations, such as the state of the existing mobile classrooms and the lack of available land within the school boundary outside of the Green Belt designation amount to very special circumstances. Accordingly, very special circumstances existed and, in relation to Green Belt matters, the granting of planning permission could be justified. As such, the proposed development met the relevant policy requirements in the NPPF Section 13 and accorded with Policies SP.7 and DM.22 of the adopted Wyre Forest Local Plan.

On review of the submitted information and taking into account comments from the consultees including the County Archaeologist, Wyre Forest District Council Conservation Officer and Historic England, and due to the nature, scale and location of the proposal, together with the distance from heritage assets and intervening buildings, and established trees and vegetation, the Head of Planning and Transport Planning considers that the proposals would not lead to any material harm to any of the identified heritage assets. In view of this, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable adverse impact upon heritage assets, in accordance with Policies SP.20, SP.21, and DM.23 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

The Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions, the proposal would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area, and would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due to its design, size and location.

On review of the submitted information and taking into account comments from the County Landscape Officer and WRS, the Head of Planning and Transport Planning considered that subject to the imposition of appropriate conditions, there would be no unacceptable adverse noise, dust, vibration, odour, air pollution impacts on residential amenity, visual impacts and landscape character, in accordance with Policies SP.16, SP.20, SP.22, SP.28, SP.33 and DM.24 of the adopted Wyre Forest District Local Plan.

On review of the submitted information and taking into account comments from the County Highways Officer and County Footpaths Officer, the Head of Planning and Transport Planning was satisfied that, subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon traffic, highways safety or PROW, in accordance with Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan.

On review of the submitted information and based on the advice of Natural England, WWT, the County Ecologists, Wyre Forest District Council, and Wyre Forest District Council Nature Conservation Officer, the Head of Planning and Transport Planning considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or the surrounding area, and would enhance the application site's value for biodiversity, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considered that the proposed development was in accordance with Policies SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

On review of the submitted information and based on the advice of NWWM, STWL, the County Ecologist, and WWT, the Head of Planning and Transport Planning considered that the proposal would have no unacceptable adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considered that the proposed development accorded with Policies SP.29, SP.30, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.

In accordance with paragraph 11 c) of the NPPF, development proposals that accord with an up-to-date Development Plan should be approved without delay and taking into account the provisions of the Development Plan and in particular Policy MLP 41 of the adopted Worcestershire Minerals Local Plan, Policy WCS 17 of the adopted Worcestershire Waste Core Strategy and Policies SP.1, SP.2, SP.7, SP.16, SP.20, SP.21, SP.22, SP.23, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.34, SP.35, SP.37, DM.6, DM.22, DM.23, DM.24 and DM.26 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. However, this council may not grant planning permission until the Secretary of State had notified the Council that he did not indeed to call in the application for his own determination.

The representative of the Head of Planning and Transport Planning introduced the report and commented that since the publication of the report, the County Highways Officer had recommended an additional highways condition stating that "No construction traffic or delivery vehicles shall be permitted to access the site during the hours of 08:00 – 09:00 and 14:45 – 16:30 during the school term time and this applies throughout all the construction phases of the development hereby approved."

In the ensuing debate, the following points were made:

- This was a sensible operational development to deal with the issues associated with the age of the school buildings. There was no adverse impact on the surrounding area as a result of the application and the proposal should be supported
- It was requested that for future applications, more consideration be given to water catchment and the use of "grey" water to reduce the amount of clean water use. In addition, a large roof overhang to protect the building from the sun would be beneficial from a sustainability perspective. A design that met the environmental challenges of the

future would be welcomed. The representative of the Head of Planning and Transport Planning confirmed that the applicant had taken sustainability of the building seriously and submitted a very good sustainability statement. The scheme would include the use of an air-source heat pump which would provide 20% of the building's energy demand and had been designed with a fabric-first approach to improve the air tightness and reduce energy consumption. He could not confirm whether "grey" water would be used in the development

- Concern was expressed about the level of noise emissions from air-source heat pumps
- The replacement of temporary classrooms with permanent classrooms and the upgrading of the school was welcomed
- The local councillor commented that there was a need for this proposal and he supported the application together with the additional highways condition.

RESOLVED that:

- a) **The Committee is minded to grant approval for the proposed demolition of existing single storey temporary classroom block, erection of new replacement two-storey classroom building to accommodate 12 no. classrooms, 4 offices and ancillary space, and the relocation and reconfiguration of the existing car park provision at Wolverley CE Secondary School, Blakeshall Lane, Wolverley, Worcestershire, that the application be referred to the Secretary of State for Levelling Up, Housing and Communities, in accordance with The Town and Country Planning (Consultation) (England) Direction 2021; 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 must be begun not later than the expiration of 3 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

- 3) **The development hereby permitted shall be carried out in accordance with the details shown on the following submitted and approved drawings, except where otherwise stipulated by conditions attached to this permission:**
 - **Drawing number: WSK-RBA-NC-00-D-A-000103, Revision P05, titled: 'Replacement Classrooms Proposed Site Plan', dated June 2022;**
 - **Drawing number: WCESS-RBA-NC-00-D-A-101, Revision P01, titled: 'Site Location Plan', dated June 2022;**

- Drawing number: WCESS-RBA-IBL-00 DR-A-000102, titled: 'Existing Site Plan', Revision P01, dated June 2022;
- Drawing number: WCESS RA-IBL-00 DR-A-000105, Revision P01, titled: 'Replacement Classrooms Demolition Plan', dated: June 2022;
- Drawing number: WCESS-RBA-NC-D-A-000110, Revision P02, titled: 'Replacement Classrooms Proposed Ground Floor Plan' dated May 2022;
- Drawing number: WCESS-RBA-NC-01-D-A-000111, Revision P02, titled: 'Replacement Classrooms Proposed First Floor Plan', dated May 2022;
- Drawing number: WCESS-RBA-NC-RF-D-A-000112, Revision P01, titled: 'Replacement Classrooms Proposed Roof Plan', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-DR-A-000104, Revision P01, titled: 'Existing and Proposed Site Sections' dated June 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000115, Revision P02, titled: 'Replacement Classrooms Proposed Elevations Sheet 1 of 2', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000116, Revision P02, titled: 'Replacement Classrooms Proposed Elevations Sheet 2 of 2', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000117, Revision P01, titled: 'Replacement Classrooms Proposed Sections', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000118, Revision P01, titled: 'Replacement Classrooms Existing and Proposed South-East Elevations', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000119, Revision P01, titled: 'Replacement Classrooms Existing and Proposed South-West Elevations', dated May 2022; and
- Drawing number: WCESS-KCL-EX-00-D-R-000100, Rev P01, titled: 'Parking and access during construction, dated June 2022, received by the County Planning Authority on 12 October 2022.

Working Hours

- 4) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 12:30 hours on Saturdays, with no construction work on Sundays, Public or Bank Holidays.

Materials

- 5) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, a schedule and/or samples of the materials, colours and finishes of the development shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall not be carried out other than in accordance with the approved details.

Highways

- 6) The development hereby approved shall be carried out in accordance with the approved 'Emissions Management Plan', Rev B, dated 16 August 2022 for the duration of the construction works.
- 7) The development hereby approved shall be carried out in accordance with Section 5.3 'Mitigation Measures' of the approved 'Wolverley School, Kidderminster – Transport Technical Note', Rev V02, dated 15 June 2022 for the duration of the construction works.
- 8) Prior to the use of the development hereby approved, details of sheltered and secure cycle parking facilities, including details of the location, type of rack, spacing, numbers, method of installation and access in line with Worcestershire County Council Streetscape Design Guide (July 2022) 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, and the cycle parking shall be kept available and maintained for use by bicycles only.
- 9) Electric charging points shall be installed in at least 2 of allocated parking spaces for the opening of the development hereby approved, and at least 1 additional parking space shall be made ready for electric charging point installation (i.e., incorporating appropriate cabling) to allow additional provision to meet future demand. The charging points must comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. As a minimum, the charging points shall comply with Worcestershire County Council Streetscape Design Guide (July 2022) which requires 22 kilowatts charging points for non-residential developments.

Biodiversity and Landscape

- 10) Notwithstanding the submitted details, prior to commencement of development hereby approved, including demolition, ground works and vegetation clearance, a Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to and approved in writing by the County Planning Authority. The approved CEMP for Biodiversity shall be implemented for the duration of the construction works. The CEMP for Biodiversity shall include the following:
 - i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of "biodiversity protection zones";
 - iii. Practical measures (both physical measures and sensitive working practises) 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, slow-worm, grass snake 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 a 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 minimise or remove the risk of introducing non-native species into a particular area during 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 onsite to oversee works;**
 - vi. **Responsible person and lines of communication;**
 - vii. **The role, responsibilities and external reporting requirements of an on-site Ecological Clerk of Works (ECoW) or similar competent person; and**
 - viii. **Use of protective fences, exclusion barriers and warning signs.**

On completion of the CEMP a brief Statement of Conformity is to be submitted by the ECoW to the County Planning Authority confirming successful implementation of CEMP biodiversity measures, and any records of wildlife generated to be returned to the Worcestershire Biological Record Centre.

- 11) **Notwithstanding the submitted details, within 3 months of the commencement of development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. Thereafter, the**

development shall be carried out in accordance with the approved plans. The LEMP shall include the following:

- i. Description and evaluation of features to be managed for their biodiversity value, as outlined in the Biodiversity Net Gain Assessment. To include both created and retained vegetation. The LEMP shall illustrate the location, extent and planting specifications of these habitats. Hedgerow and trees 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 the full period specified as being required in order for features to reach the target condition specified);
- vi. Details of the body or organisation responsible for the implementation of the plan; and
- vii. Ongoing monitoring and remedial measures including clearly defined and appropriate criteria and 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 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 trees, hedgerow, grassland 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.

12) The development hereby approved shall be carried out in accordance with the tree mitigation and protections measures as identified in the Arboricultural Impact Assessment (Report No: RT-MME-157527-02, Dated: May 2022).

13) Details of any new lighting to be installed at the site, other than emergency above-door lighting required for statutory safety requirements, shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include the following:

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

14) No development shall take place until an Ecological Design Strategy (EDS) addressing habitat enhancement measures to include bird and bat box specifications and measures which contribute towards the conservation of hedgehogs and invertebrates has been submitted to and approved in writing by the County Planning Authority. The EDS shall include the following:

- i. Purpose and conservation objectives for the proposed works;
- ii. Review of site potential and constraints, including up-to-date surveys for mobile wildlife (such as badgers) to be undertaken by a competent and appropriately accredited specialist;
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. Extent and location/area of proposed works on appropriate scale maps and plans;
- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- vii. Persons responsible for implementing the works;
- viii. Details of initial aftercare and long-term maintenance;
- ix. Details for monitoring and remedial measures; and

- x. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Sustainable Drainage System (SuDS)

- 15) No works in relation to site drainage shall take place until a scheme for surface water drainage for all impermeable areas has been submitted to and approved in writing by the County Planning Authority. This scheme shall be indicated on a drainage plan. If possible, infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100-year event plus an allowance for climate change. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Renewable Energy

- 16) Prior to the use of the development hereby approved, 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 County Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to the use of the development hereby approved.

Unexpected Contamination

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until requirements a) to d) below have been complied with:

- a) Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and

approved by the County Planning Authority prior to any further development taking place;

- b) Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
- c) The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas suspected contamination, other than that work required to carry out remediation;
- d) Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried must be produced and is subject to the approval of the County Planning Authority prior to the use of the development hereby approved; and

18) No construction traffic or delivery vehicles shall be permitted to access the site during the hours of 08:00 – 09:00 and 14:45 – 16:30 during the school term time and this applies throughout all the construction phases of the development hereby approved.

1110 Installation of a kiosk to house control equipment for sewage treatment upgrades and associated infrastructure (part-retrospective) at Alvechurch Sewage Treatment Works, Redditch Road, Alvechurch, Worcestershire (Agenda item 8)

The Committee considered the installation of a kiosk to house control equipment for sewage treatment upgrades and associated infrastructure (part-retrospective) at Alvechurch Sewage Treatment Works, Redditch Road, Alvechurch, Worcestershire.

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

The report set out the Head of Planning and Transport Planning's comments in relation to Green Belt, Location of the development, Residential amenity, visual impact and landscape character, Historic environment, Traffic and highway safety, Water environment, Ecology and biodiversity, Other Matters - Access for Fire Service vehicles, Human Rights Act 1998, and Obligations under the Equality Act 2010.

The Head of Planning and Transport Planning concluded that in accordance with paragraph 11 c) of the NPPF, development proposal that accorded with an up-to-date Development Plan should be approved without delay and taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14, and WCS 15 of the adopted Worcestershire Waste Core Strategy, Policies BDP1, BDP4, BDP16, BDP19, BDP20, BDP21, BDP23, and BDP24 of the adopted Bromsgrove District Plan, and Policies HDNE 1, HDNE 2, HDNE 3, HDNE 4, HDNE 6, GAT 1 and GAT 3 of the made Alvechurch Parish Neighbourhood Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies.

The representative of the Head of Planning and Transport Planning introduced the report and commented that

In the ensuing debate, the following points were made:

- The improvement to this sewage treatment facility was welcomed given the need to reduce the levels of pollutants entering the local water courses
- What extra capacity had been built into this facility to deal with the future expansion of the surrounding area? The representative of the Head of Planning and Transport Planning responded that the application and the Environmental Permit included the capacity to deal with any future expansion of growth albeit he could not confirm to what scale
- In response to a query, the representative of the Head of Planning and Transport Planning indicated that Bromsgrove District Council had an adopted local plan. However, there was nothing in the public domain regarding site allocation. Focus was currently on the revision of the plan and the District Council had indicated that there would be a slight delay to its release as more evidence was being gathered. Therefore, it was not possible to comment on future development until the plan was released probably in 2023
- It was requested that the design of these kiosks be improved for future applications.

RESOLVED that planning permission be granted for the installation of a kiosk to house control equipment for sewage upgrades and associated infrastructure (Part-Retrospective) at Alvechurch Sewage Treatment Works, Redditch Road, Alvechurch, Worcestershire, subject to the following conditions:

Approved Plans

- 1) **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:**

- 610035-GTE-ZZ-ZZ-DR-T-0002, titled: 'Planning Drawings Proposed Site Layout', dated 26 January 2022;
- 610035-GTE-ZZ-ZZ-DR-T-0003, titled: 'Tertiary Solids Removal Plant Control Kiosk, Proposed GA and Elevations', dated 26 January 2022;
- 610035 GTE-ZZ-ZZ-DR-T-ZZ-DR-T-0006, titled: 'Site Location Plan', dated 26 January 2022;
- 610035-GTE-ZZ-ZZ-DR-T-0007, titled: 'Planning Drawings Existing Site Layout', dated February 2022.

Construction and Working Hours

- 2) Construction works shall only be carried out on the site between 07:00 to 17:00 hours on Mondays to Fridays inclusive, with no construction work on Saturdays, Sundays, Bank Holidays or Public Holidays.
- 3) Within 6 months of date of this permission, a Habitat Enhancement Plan shall be submitted to the County Planning Authority for approval in writing. The Habitat Enhancement Plan shall include a Biodiversity Metric Assessment and specify the nature, extent, target condition, number and location of any enhancement measures, such as habitats, bird or bat boxes or hedgehog or invertebrate refuges. For semi-natural habitats specified, prescriptions for their creation and management through establishment to a selected period by which they should reach an intended target condition must be specified. Thereafter, Habitat Enhancement Plan shall be implemented in accordance with the approved details and measures maintained for a period of at least 5 years. On completion of the implementation of the Habitat Enhancement Plan, a Statement of Conformity shall be drafted by a suitably qualified ecologist and submitted to the County Planning Authority and Worcestershire Biological Record Centre.

Lighting

- 4) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. The details shall include details of the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres), the times when the lighting would be illuminated, any measures proposed to mitigate impact of the lighting or disturbance through glare and upon protected species and habitats. Thereafter, the development shall be carried out in accordance with the approved details.

Contaminated Land

- 5) In the event that contamination is found at any time when carrying out the development hereby approved that was not

previously identified, it must be reported immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works shall be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until requirements a. to d. below have been complied with:

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

1111 Safety of Sports Grounds Annual Review 2021/22 (Agenda item 9)

The Committee considered the Safety of Sports Grounds Annual Review 2021/22.

In the ensuing debate, it was requested that arrangements be made for members of the Committee to visit a sports venue(s) to observe the SAG operations.

RESOLVED that:

- a) **The 2021/22 Annual Review of activities carried out by the Council to manage and implement the Safety at Sports Grounds legislation be noted; and**
- b) **It be further noted that the Council has successfully met its statutory duty in respect of Safety at Sports Grounds legislation during 2021/22.**

The meeting was adjourned from 11.15am to 11.25am ended at 12.05pm.

Chairman