

Minutes of the Planning and Regulatory Committee

County Hall, Worcester

Tuesday, 5 July 2022, 10.00 am

Present:

Cllr Ian Hardiman (Chairman), Cllr Mel Allcott, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Tony Miller, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers and Cllr David Ross

Also attended:

Cllr Shirley Webb attended as the local councillor for Agenda item 5.

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated); and
- B. The Minutes of the meeting held on 24 May 2022 (previously circulated).

1098 Apologies/Named Substitutes (Agenda item 1)

Apologies were received from Cllrs Martin Allen, Peter Griffiths, Jack Satterthwaite, Kit Taylor, Richard Udall.

Cllr Mel Allcott substituted for Cllr Richard Udall.

1099 Declarations of Interest (Agenda item 2)

None.

1100 Public Participation (Agenda item 3)

None.

1101 Confirmation of Minutes (Agenda item 4)

Planning and Regulatory Committee Tuesday, 5 July 2022
Date of Issue: 22 July 2022

RESOLVED that the Minutes of the meeting held on 24 May 2022 be confirmed as a correct record and signed by the Chairman.

1102 Proposed importation of inert restoration material and extraction of sand to enable engineering operations for stability purposes and completion of site restoration at (western portion of the former) Sandy Lane Quarry, Wildmoor, Worcestershire (Agenda item 5)

The Committee considered the proposed importation of inert restoration material and extraction of sand to enable engineering operations for stability purposes and completion of site restoration at (western portion of the former) Sandy Lane Quarry, Wildmoor, 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 Worcestershire's landbank of sand and gravel reserves, Sieve test / methodology, Alternatives, Green Belt, Landscape Character, Visual Impacts and Historic Environment, Residential Amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts), Traffic, highway safety and impacts upon Public Rights of Way, Water environment including flooding, Ecology, Biodiversity and Geodiversity, Restoration and Aftercare, Other matters – Cumulative Effects, Utilities, Monitoring and enforcement, Economic Impact, Climate Change, Obligations under the Equality Act 2010, EIA Team and Expertise, and other points.

The Head of Planning and Transport Planning concluded that the proposed development was a historic quarry which was no longer operational and had not been restored. The previous works on this site resulted in an exposed face which acted as a retaining wall between the void subject to this application, and the Veolia Sandy Lane landfill located immediately east of the site. The applicant stated that the quarry face was unstable, therefore, they were proposing this development.

The proposed development would take approximately six years, and would comprise of the following key elements:

- Removal of approximately 245,000 tonnes of sand over a three-year period to allow for a buttress of material to be keyed into the base of the site for stabilisation purposes;
- Importation of approximately 975,000 cubic metres of inert materials (which equates to approximately 1.0 – 1.2 million tonnes) over a period of six years;
- Stabilising the exposed face of the eastern part of the quarry with a buttress wall; and
- Restoration of the western part of the quarry.

Operations would take place in the existing quarry void and would involve the creation of a temporary soil bund to protect the amenity of nearby properties whilst the engineering and restoration operations take place. It was proposed that approximately 17,000 cubic metres (which equates to approximately 19,500 tonnes) of soils would be imported to facilitate the creation of the soil bund.

The applicant stated that the extracted sand would not be processed on site, it would be lifted and exported from the site "as raised". Therefore, there was no requirement to erect or install fixed processing plant on-site. It was expected that the sand extracted on-site would mainly be used as engineering grade fill, most likely at construction sites from which the inert materials imported to the application site originated.

A restoration scheme to improve the visual appearance of the site and to blend the western area into the wider restored Sandy Lane Quarry and former landfill would be implemented as part of this proposal.

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*". As required by the NPPF, the County Council had produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

Should this planning application be granted permission, it would increase the landbank by approximately 0.29 years, equating to a landbank of approximately 3.81 years in total. It should also be noted that sales of sand and gravel would have continued in 2022, so the landbank was likely to be less than 3.81 years. This was below the minimum landbank for at least 7 years for sand and gravel.

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

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.

Sieve test/methodology

The adopted Minerals Local Plan allocated Preferred Areas for the working of sand and gravel in the county. The proposed development was not within an identified preferred area for sand and gravel extraction; therefore, the proposal needed to be judged against Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan.

Policy 2 and paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan set out the methodology against which new proposals for sand and gravel extraction not in an identified preferred area were to be assessed. If the area was subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission would not normally be granted unless there were exceptional circumstances. It was considered that the site would be affected by one primary constraint and one secondary constraint. Notwithstanding this, the impacts upon these constraints had been considered in detail, as set out in the 'Sieve test / methodology' section of the report and were not considered to constitute a reason for refusal in this instance. Furthermore, it was considered that Policy 2 of the adopted Minerals Local Plan should be given limited weight, in that it was out of date and not in accordance with the NPPF which did not operate a sieve test or impose a blanket ban on all development within primary constraints. The emerging Minerals Local Plan also did not include a similar sieve test. Furthermore, even if Policy 2 did apply, the circumstances of this application in accordance with the analysis in this report, including the date and status of the policy, was capable of amounting to "exceptional circumstances" which would justify departure from the strict outcome of the sieve test.

Alternatives

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

The applicant considered a number of alternatives during the preparation of the proposed development and concluded that the current proposal was the most sustainable and preferred option for the applicant.

In view of the reasoning provided and evidence supplied by the applicant, the Head of Planning and Transport Planning considered that the applicant's approach to the consideration of alternatives was acceptable in this instance.

Green Belt

The proposal was located within the West Midlands Green Belt. Paragraph 147 of the NPPF stated in respect of proposals affecting the Green Belt that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". Paragraph 148 of the NPPF states "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*".

Minerals could only be worked where they were found, and mineral working was a temporary use of land. Paragraph 150 of the NPPF identified certain

forms of development as not inappropriate development within the Green Belt, this included mineral extraction and engineering operations, provided they preserved its openness and did not conflict with the purposes of including land within it.

The Head of Planning and Transport Planning considered that the proposed development, including the restoration, access, haul road, bunds, and activity associated with the proposed development when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It was also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would have glimpsed views from the footpath BB-680, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bund, and existing vegetation and proposed planting. It was considered that the visual impact on openness did not make this development “inappropriate”.

Neither would the development result in urban sprawl. R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] Carnwath LJ considered that “*as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land*”. In this respect, whilst the proposal would be located between Catshill, Rubery and West Hagley, and it would include infrastructure, some of which was already existing in the site, this would be largely contained to a discrete area of the overall site and would be relatively small in the context of the much wider agricultural landscapes that surround it. The proposed development site consisted predominately of the quarry void which would be subject to the progressive restoration leading to landscape and visual improvements. There would also be vehicle movements, but not very many in the context of the existing highway network, and certainly not an unexpected level for an operation of this type and scale, so it would not be able to operate where these minerals were found if it did not have this level of infrastructure and vehicle movements, even when considered cumulatively with other developments, so this in itself could not make it inappropriate. The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be returned to an open state following completion of extraction and would be no more built up on completion of the development as a result of the proposal as it was now, as a result of the proposal.

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

In view of above, the Head of Planning and Transport Planning considered that

the exceptions for mineral extraction and engineering operations at paragraph 150 of the NPPF would apply, and the proposed development was, therefore, not inappropriate development in the Green Belt.

As the proposed development was not considered to constitute inappropriate development, there was no need under the Town and Country Planning (Consultation) (England) Direction 2021, to refer this application to the Secretary of State for the Department for Levelling Up, Housing and Communities, if members were minded to grant planning permission for this development.

Landscape Character, Visual Impacts and Historic Environment

It was considered that the scope and scale of scheme was relatively small and well contained within an existing landscape. The area of woodland along the southern boundary would be partly cleared to facilitate operation of the quarry, however, it would be reinstated with new native planting as part of the restoration scheme. Finally, the site post restoration with its small-scale linear tree belts would fit well within the local landscape.

Given the nature of the application site which was an unrestored former sand quarry with existing void, there was no potential for direct impact on heritage through archaeology. The Heritage Statement submitted with this application concluded that “having regard to the baseline conditions and the nature of the proposed development, there would be no effects (adverse or beneficial) upon cultural heritage”.

The Head of Planning and Transport Planning considered that the proposals would not lead to any material harm to any of the identified heritage assets.

In view of the above and based on the consultees’ advice, 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 and historic environment subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposal is in accordance with Policies BDP20 and BDP21 of the adopted Bromsgrove District Plan and Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy.

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

Based on the advice provided by EA, WRS and the County Public Health Officer, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions, there would be no adverse air pollution, noise, or dust, odour or lighting impacts on residential amenity or that of human health, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies.

Traffic, highway safety and impact on Public Right of Way

Based on the advice provided by National Highways, County Highways, County Footpath Officer, Ramblers Association, the Head of Planning and Transport Planning was satisfied that the proposed development would not

have an unacceptable adverse impact upon traffic, highways safety or public rights of way in accordance with paragraph 111 of the NPPF, Policy WCS 8 of the Worcestershire Waste Core Strategy, Policies BDP16 and BDP19 of the Bromsgrove District Plan and subject to the imposition of appropriate conditions.

Water environment including flooding

Based on the advice provided by NWWM, EA and Severn Trent Water, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions, there would be no adverse effects on the water environment in accordance with Policy WCS 10 of the Worcestershire Waste Core Strategy, Policies BDP19, BDP22, BDP 23 and BDP24 of the Bromsgrove District Plan and subject to the imposition of appropriate conditions.

Ecology, Biodiversity and Geodiversity

Based on the advice provided by the County Ecologist, WWT, RSPB, NE and H&WEHT, the Head of Planning and Transport Planning considered that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity and geodiversity.

The Head of Planning and Transport Planning considered that the proposed development accorded with Policies WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

Restoration and Aftercare

The Head of Planning and Transport Planning considered that, given the nature of the proposed working, which would require a stabilisation works to the eastern boundary and included extract minerals to a maximum depth of approximately 150 metres AOD and required an infill of existing quarry void, in principle the restoration of the site by the importation of inert materials was acceptable in this instance, subject to the imposition of appropriate conditions relating to progressive working and restoration schemes, annual topographical survey, aftercare scheme, and the site being restored within 6 years of commencement of the development.

The proposal was anticipated to be completed and restored within 6 years of commencement of the development, which was not considered to be very long-term in the context of mineral extraction and restoration. The development did not propose a novel approach or technique to mineral extraction or restoration, and the Head of Planning and Transport Planning had no reason to believe that there was a likelihood of financial or technical failure. Therefore, it was not necessary for the MPA to seek a financial guarantee in this instance.

Conclusion

In accordance with paragraph 11 d) of the NPPF, where the policies which were most important for determining the application were out-of-date, granting

permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provided a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance, taking into account the provisions of the Development Plan and in particular Policy 2 of the adopted County of Hereford and Worcester Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy, and Policies BDP1, BDP4, BDP13, BDP15, BDP16, BDP19, BDP20, BDP21, BDP22, BDP23, and BDP24 of the Bromsgrove District 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 location of the adjacent PROW, the nearest residential properties including the properties along Madeley Road, the listed buildings of the Old Tollhouse and Fairfield Court, the existing site offices, wheel-washing facilities and weighbridge, Wildmoor Quarry, phases 3 and 4 of the Pinches quarry, and the exposed sandstone quarry face.

In the ensuing debate, the following points were raised:

- What would be the noise level of the site when it was fully operational? The representative of the Head of Planning and Transport Planning responded that the daytime operations and temporary works noise impacts (the construction of the bund) were set out in Tables 1 and 2 in paragraph 347 of the report. Government guidance allowed a higher level of noise impact for temporary operations for 8 weeks over a 12 month calendar year. All the calculated noise levels were at or below the Government recommended noise limits
- In response to a query, the representative of the Head of Planning and Transport Planning confirmed that the temporary operations would only take place during working hours
- This application would result in a betterment of the site. The stability risk assessment stated that the sandstone face was not stable in the longer term. In addition, there was a risk that the adjacent landfill site would slip into the quarry which would result in a far more negative impact on local residents than the short-term operations associated with this application
- The biodiversity level of the current site was quite low. The proposed restoration scheme included the creation of acid rich grassland which would significantly increase biodiversity levels on the site
- The application had been carefully drawn up and any potential issues had been addressed
- Concern was expressed that the self-set trees on the site would be removed as a part of this application at their most environmentally beneficial stage of development. The representative of the Head of Planning and Transport Planning responded that it was not within the remit of this Committee to determine how these trees were treated by

the applicant. The applicant had indicated that the removed trees would be disposed of using their own biomass facilities however the applicant was present at this meeting to listen to these comments.

RESOLVED that having taken the environmental information into account, planning permission be granted for the proposed importation of inert restoration material and extraction of sand to enable engineering operations for stability purposes and completion of site restoration at (Western portion of the former) Sandy Lane Quarry, Wildmoor, Worcestershire, subject to the following conditions:

Commencement

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

- 2) The operator shall provide written notification to the Mineral Planning Authority at least five working days prior to:-
 - i. The commencement of the development hereby approved;
 - ii. The commencement of soil stripping operations in any stage;
 - iii. The commencement of mineral extraction in any stage;
 - iv. The completion of mineral extraction in any stage;
 - v. The commencement of infilling operations in any stage; and
 - vi. The completion of infilling operations in any stage.

Time Limit

- 3) All mineral extraction operations shall cease, and the site shall be restored in accordance with the approved restoration scheme as required by Condition 45) of this permission within 6 years of commencement of the development hereby approved. Should mineral extraction operations cease before this date, the Mineral Planning Authority shall be notified in writing within 1 month of mineral extraction operations ceasing.

Approved Plans

- 4) The development hereby approved shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:
 - Drawing number: NRS-001-W.D.001, titled: 'Location Plan', dated April 2021
 - Drawing number: NRS-001-W.D.007, titled: 'Current situation', dated April 2021
 - Drawing number: NRS-001-W.D.008, titled: 'Stage 1 Operations', dated April 2021
 - Drawing number: NRS-001-W.D.009, titled: 'Stage 2 Operations', dated April 2021

- Drawing number: NRS-001-W.D.010 REV A, titled: 'Concept Restoration', dated November 2021

Waste Acceptance

- 5) No waste materials other than those defined in the application, namely construction, demolition and excavation wastes shall be imported to the site for infilling and restoration purposes.

Phasing

- 6) The site shall be progressively worked and restored in accordance with the phased working programme and contiguous restoration scheme as shown on the approved drawings numbered: NRS-001-W.D.008, titled: 'Stage 1 Operations', dated April 2021 and Drawing number: NRS-001-W.D.009, titled: 'Stage 2 Operations', dated April 2021, except where otherwise stipulated by conditions attached to this permission.

Depth of Working

- 7) No excavation or extraction shall take place below 150 metres Above Ordnance Datum (AOD).

Working Hours

- 8) Except in emergencies to maintain safe quarry working, all operations and uses on the site including the running of any plant or machinery, shall only take place between 07:00 to 19:00 hours Mondays to Fridays, inclusive, and 07:00 to 13:00 hours on Saturdays, with no operations on the site at any time on Sundays, Bank or Public Holidays. The Mineral Planning Authority shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours.

Highways and Public Rights of Way

- 9) Access to and from the site shall only be gained via existing access of Sandy Lane (A491) as shown on drawings numbered: NRS-001-W.D.008, titled: 'Stage 1 Operations', dated April 2021 and Drawing number: NRS-001-W.D.009, titled: 'Stage 2 Operations', dated April 2021.
- 10) No development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) for highways has been submitted to and approved in writing by the Minerals Planning Authority. This shall include but not be limited to the following: -
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);

- iii. **The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;**
- iv. **Details of any temporary construction accesses and their reinstatement; and**
- v. **A highway condition survey, timescale for re-inspections, and details of any reinstatement.**

Thereafter, the measures set out in the approved CEMP for highways shall be implemented and maintained for the duration of the development hereby approved.

- 11) No development hereby approved shall commence until a parking scheme including the specification, location and timetable for the provision of car parking, including the type and number of spaces, to be provided on site, at a gradient not exceeding 1 in 8, has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and this area shall be retained for the purpose of vehicle parking only.**
- 12) No development hereby approved shall commence until the specification, location and timetable for the provision of electric vehicle charging space(s) to be provided on site, has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the space(s) and power point(s) shall be kept available and maintained for the use of electric vehicles only.**
- 13) No development hereby approved shall commence until details, location and a timetable for the provision of accessible car parking space(s) has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the spaces shall be kept available and maintained for use by disabled users only.**
- 14) No development hereby approved shall commence until details, location and a timetable for the provision of sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide shall be submitted to and approved in writing by the Mineral Planning Authority. 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.**
- 15) Prior to the commencement of the development hereby approved, full details of the wheel wash, together with water supply, water storage, recycling and disposal shall be submitted to and approved in writing by the Mineral Planning Authority. The wheel wash shall**

be implemented and operated in accordance with the approved details.

- 16) No HGVs shall enter the public highway from the site, unless their wheels and chassis have been cleaned in the wheel wash to prevent material being deposited on the highway.
- 17) All loaded vehicles entering and leaving the site shall be sheeted to prevent dust emission and spillage of materials on to the public highway.
- 18) Prior to the commencement of mineral extraction or importation of inert waste materials a scheme of positive and robust signage to help direct drivers to the site entrance and to alert other motorists to the potential of slow moving/ turning HGVs 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.
- 19) The intensity of sign illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals technical guidance note PLG05 "The brightness of illuminated advertisements" 2015 or in any document amending or superseding that report.

Boundary Treatment

- 20) Details of any new fences, walls and other means of enclosure shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details.

Lighting

- 21) Prior to commencement of the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The strategy shall include:

- Height of lights
- Intensity of the lights
- Spread of light in metres (Lux plan)
- Any measure proposed to minimise the impact of the lighting or disturbance through glare
- Times when the lighting would be illuminated; and
- Measures to minimise the impact of lighting upon protected species and habitats, including:
 - identifying those areas / features on site that are particularly sensitive for bats and invertebrates and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, such as for foraging

- **show how and where external lighting will be installed, through provision of appropriate technical specifications including optic photometric data and contour plans (in both horizontal and vertical planes), and glare rating, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

Thereafter, the development shall be carried out and maintained in accordance with the approved details. Under no circumstances shall any other external lighting be installed without prior consent from the Mineral Planning Authority.

Topographical Survey

22) A topographical survey of the site shall be carried out during the 12th month of extraction operations and shall be provided to the Mineral Planning Authority within two months of the survey date. Thereafter, the survey shall be carried out annually and supplied to the Mineral Planning Authority within two months of the survey date. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within two months of a written request. The survey shall be at a scale of 1:1250, with all levels related to Ordnance Datum. The surveys shall include the extent of land open for quarrying or undergoing restoration and quarry floor levels.

Water Environment

23) Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have been submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

24) No works in connection with site drainage shall commence until a Sustainable Drainage Systems (SuDS) Management Plan which shall include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework for their management and maintenance in perpetuity, has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall also detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the approved SuDS Management Plan shall be implemented in full and shall be managed and maintained in accordance with the approved maintenance plan.

25) 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.

- 26) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank or vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 27) Prior to the commencement of the development hereby approved, details of pollution control measures, including pollution incident response procedures shall be submitted to, and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 28) Repair, maintenance and fuelling of vehicles, plant and machinery shall only take place on an impervious surface drained to a sealed interceptor and the contents of the interceptor shall be removed from the site.

Noise and Vibration

- 29) The development hereby approved shall be carried out in accordance with Section 6 of the Assessment of the Potential Noise Impact, dated 14 April 2021.
- 30) The noise attributable to mineral operations from the site shall not exceed the levels set out below at the receptor locations identified in the Assessment of the Potential Noise Impact, dated 14 April 2021 when measured in terms of an LAeq 1-hour level (free field):
- Fairview Lodge: LAeq, 1-hour 55dB
 - Lower Madeley Farm: LAeq, 1-hour 48dB
 - Oak Villa: LAeq, 1-hour 48dB
 - The Cottage, Harbours Hill: LAeq, 1-hour 50dB
 - Bringsty, Sandy Lane: LAeq, 1-hour 55dB
 - Wildmoor Quarry property (Dolfor House): LAeq, 1-hour 55dB
 - Farcroft: LAeq, 1-hour 55dB
 - No. 1 Madeley Road: LAeq, 1-hour 55dB
- 31) During the removal of soils and superficial deposits and the creation of any screen bunds or restoration works, the noise limit at the receptor locations identified in the Assessment of the Potential Noise Impact, dated 14 April 2021 shall not exceed 70dB LAeq 1-hour (free field) for a period of up to 8 weeks in any calendar year.

Prior written notice of at least 5 working days, being Mondays to Fridays inclusive, shall be given to the Mineral Planning Authority of the commencement and the duration of such operations.

- 32) Within 21 days from receipt of a written request from the Mineral Planning Authority, the operator shall, at its expense, employ an independent qualified acoustic consultant to assess the noise impact from the development hereby approved upon the receptor locations identified in the Assessment of the Potential Noise Impact, dated 14 April 2021. 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.
- 33) Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 32) 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 30) and / or 31), 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.
- 34) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times, and this shall include the fitting and use of silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.
- 35) 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.
- 36) Internal roads shall be maintained such that their surface remains in a good condition free of potholes or other defects.

Dust

- 37) The development hereby approved shall be carried out in accordance with Section 7 of the Assessment of the Potential Dust and Air Quality Impact, dated 19 May 2021.

Stockpiles

- 38) The height of any stockpiles of sand and gravel and inert waste restoration material shall not exceed 5 metres.

39) Soil handling and placement shall take place in accordance with the 'Good Practice Guide for Soil Handling' produced by Defra and only when the soils are dry and friable and in dry ground conditions.

40) Prior to the commencement of the development hereby approved, a scheme for seeding and management of all soil and overburden storage bunds that will remain in situ for more than 3 months or over winter shall be submitted to and approved in writing by the Mineral Planning Authority. Seeding and management of the storage bunds shall be carried out in accordance with the approved scheme.

Ecology

41) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, including vegetation clearance, an invertebrates survey shall be submitted to and approved in writing by the Mineral Planning Authority. The supplementary survey shall be of an appropriate type for the invertebrate species and survey methods shall follow national good practice guidelines.

42) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, including vegetation clearance, a detailed Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to and approved in writing by the Mineral Planning. 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 practices) to avoid or reduce impacts during quarrying (may be provided as a set of method statements;**
- iv. The location, timing and design of sensitive works to avoid harm to biodiversity features and priority species;**
- v. The times during construction when specialist ecologists need to be present on site to oversee works;**
- vi. Responsible persons and lines of communication;**
- vii. The role and responsibilities on site of a suitably competent Ecological Clerk of Works (ECoW);**
- viii. Use of protective fences, exclusion barriers and warning signs.**

Thereafter, the measures set out in the approved CEMP for biodiversity shall be implemented and maintained for the duration of the development hereby approved.

On completion of the ecological works set out within the CEMP for biodiversity, a statement of conformity shall be

submitted to the Mineral Planning Authority by the Ecological Clerk of Works confirming their successful implementation.

43) Notwithstanding the submitted details, prior to the commencement of the development hereby approved until an Ecological Design Strategy (EDS) addressing the agreed ecological mitigation, compensation and enhancement measures shall be submitted to and approved in writing by the Mineral Planning Authority. The EDS shall include the following:

- i. Purpose and conservation objectives for the proposed works;
- ii. Review of site potential and constraints;
- 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;
- x. Details for disposal of any wastes arising from works; and
- xi. A nesting bank could be provided, with details (including specification and exact location) submitted for approval within the Ecological Design Strategy.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the County Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy shall be implemented in accordance with the approved details.

Landscape

44) Notwithstanding the submitted details, prior to the commencement of the development hereby approved a Landscape and Ecological

Management Plan (LEMP) and accompanying method statement detailing the creation and establishment of semi-natural habitats, trees, hedgerow, waterbody and scrub planting 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. The LEMP shall include the following:

- i. Description and evaluation of landscape features and habitats to be managed and their design principles for biodiversity;**
- ii. Ecological trends and constraints on site that might influence management;**
- iii. Aims and objectives of management;**
- iv. Appropriate management options for achieving aims and objectives;**
- v. Prescriptions for management actions;**
- vi. Detailed designs and working methods necessary to achieve the stated objectives (species, provenance, numbers, density and planting/seeding methods of seed mixes, trees and shrubs to be used);**
- vii. Extent and location of proposed works shown on appropriate scale maps;**
- viii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);**
- ix. Timetable for implementation;**
- x. Details of the body or organization responsible for implementation of the plan;**
- xi. Ongoing monitoring and remedial measures including details of Initial aftercare and long-term maintenance;**
- xii. Details of any legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the applicant with the management body(ies) responsible for its delivery; and**
- xiii. Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, the LEMP shall set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.**

Thereafter the development shall be carried out in accordance with the approved details and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species.

Restoration

- 45) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed restoration scheme for the site shall be submitted to and approved in writing by the Mineral Planning Authority. The detailed restoration scheme shall include final contour levels, with all levels related to Ordnance Datum. Thereafter, the development shall be carried out in accordance with the approved scheme.
- 46) 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 45) 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. On completion of LEMP implementation, a brief Statement of Conformity will be issued to the County Planning Authority by a Suitably Qualified Ecologist or Environmental Manager.
- 47) In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Mineral Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Mineral Planning Authority.

Aftercare

- 48) The land 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.
- 49) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an outline aftercare scheme shall be submitted to and approved in writing by the Mineral Planning Authority to cover a period of 5 years. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the restoration scheme, as required by Condition 45) of this permission.
- 50) A Detailed Aftercare Scheme shall be submitted to the Mineral Planning Authority for approval in writing at least 9 months prior to the anticipated completion date for each stage. The approved scheme shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified

in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings.

Interpretation Strategy

51) Within 6 months of the commencement of the development hereby approved, an interpretation strategy for biodiversity and geodiversity shall be submitted to the Mineral Planning Authority for approval in writing. The Strategy shall include the content topic headings, concept design and location of any interpretation panels. Thereafter, the development shall be carried out in accordance with the approved details.

Permitted Development Rights

52) Notwithstanding the provisions of Class L of Part 7 and Class A and Class B of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fixed or mobile plant, machinery, buildings, structures, erections or private ways shall be erected, extended, installed, rearranged, replaced or altered within the site without the approval of the Mineral Planning Authority.

Other Matters

53) There shall be no crushing, screening, sorting or processing of any waste materials on the site.

54) No processing or treatment of mineral shall take place on the site.

55) The site shall not be open to the general public for commercial purposes.

56) No materials shall be burned on the site.

Local Liaison

57) No development shall commence until a scheme that sets out measures for liaison arrangements with the local community has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the approved scheme shall be implemented for the duration of the development hereby approved.

Planning Permission

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

the site.

The meeting ended at 10.35am.

Chairman