Worcestershire County Council

Agenda

Planning and Regulatory Committee

Tuesday, 5 July 2022, 10.00 am
County Hall, Worcester

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

Planning Officers are available for up to 30 minutes prior to the start of the meeting to enable Councillors and the public to ask questions about the applications to be considered. This is not a part of the meeting itself but is an informal opportunity for anyone present on the day to clarify factual details about the applications, examine background documents and view plans that are on display.

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

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and 'other disclosable interests'

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
  You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR**
  relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

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Planning and Regulatory Committee
Tuesday, 5 July 2022, 10.00 am, County Hall, Worcester

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

Agenda

Item No	Subject	Page No
1	**Apologies/Named Substitutes**	
2	**Declarations of Interest**	
3	**Public Participation** The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application.	
4	**Confirmation of Minutes** To confirm the Minutes of the meeting held on 24 May 2022. (previously circulated)	
5	**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**	1 - 126

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

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

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

Date of Issue: Friday, 24 June 2022

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PLANNING AND REGULATORY COMMITTEE
5 JULY 2022

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

Applicant
NRS Ltd.

Local Member
Councillor Shirley Webb

Purpose of Report

1. To consider a County Matter planning application 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.

Background

2. The Sandy Lane Quarry site, and much of the area surrounding it, has historically been used for sand extraction. The site was previously owned by Stanley N Evans Ltd who operated the site for sand extraction commencing in approximately 1928. In 1993, part of the site was granted Planning Permission on appeal for a landfill site to restore part of the worked-out quarry (Appeal Ref: T/APP/F1800/A/92/216272/P6). This part of the site is now restored and does not form part of this planning application.

3. The western area at Sandy Lane Quarry, which is the subject to this planning application, operated as a sand quarry with the latest planning permission being a Review of Mineral Planning Permissions (ROMP) decision approved by the County Planning Authority in 2000 (Ref: 107110, Minute 118 refers). This permission lapsed on 20 March 2017 as the ROMP was not renewed; therefore, only the restoration and aftercare conditions now apply (conditions 12 and 13).

4. On 13 September 2007, the Planning and Regulatory Committee granted planning permission for a wood chip and windrow composting facility on land adjacent to the Sandy Lane Landfill Site (land part of the western portion of the former Sandy Lane Quarry) (Ref: 407646, Minute 554 refers). This permission was not implemented and expired on 13 September 2010. Before the application expired, the applicant

submitted an application to extend the time limit in which to implement the permission (Ref: 10/000064/CM). Progress on the determination of this application stalled due to the Environment Agency (EA) objecting on the ground of insufficient information. The applicant has subsequently not submitted the requested additional information. Whilst the deadline in which to implement the permission has now expired it is noted that *"the courts have recognised that a local planning authority retains jurisdiction to determine an application even if the original permission has expired after the application was made but before determination".* Consequently, the application remains live, however, it is noted that Conditions 3 and 4 of the permission tied the life of the wood chip and composting facility to the life of the operations of the landfill, which is now being restored. As a result, should the applicant still wish to apply for a wood chip and composting facility at this site they would have to make a new full planning application.

5. In November 2016, the Planning and Regulatory Committee refused planning permission 13/00027/CM for the construction of an incinerator Bottom Ash (IBA) Recycling Facility at the western portion of the former Sandy Lane Quarry. The application was refused due to harm to the green belt, the site was deemed to be an inappropriate location for the development, and it was considered to cause harm to open countryside.

The Proposal

6. NRS Limited are proposing the importation of inert restoration material and an extraction of sand to enable engineering operations for stability purposes and the completion of site restoration at the western portion of the former Sandy Lane Quarry, Wildmoor, Worcestershire.

7. The proposed development is a historic quarry which is no longer operational and has not been restored. The previous works on this site resulted in an exposed face which acts as a retaining wall between the void subject to this application, and the restored Veolia Sandy Lane landfill located immediately east of the site. The applicant states that the quarry face is unstable, therefore, they are proposing this development.

8. The Stability Risk Assessment (February 2021) submitted by the applicant states that the exposed quarry face is at an average gradient of 60° from horizontal and is approximately 22 metres high. Above the sandstone face there is a section of slope which is approximately 2 to 4 meters high at an approximate grade of 26° which represents the weaker, more soil like overburden materials. Beyond that is a former landfill site which is dome shaped.

9. The Stability Risk Assessment concludes that whilst the overall stability of the sandstone face could be considered appropriate for the temporary stability of a rock face in an operational quarry situation, however, it is not safe in the longer term. A localised instability of the face has been observed which in the long-term could lead to reduced effective width of the sandstone wall that is supporting the landfill which in turn could result in a stability failure. The assessment also recognises risks to potential trespassers from, for example, material falling from the face and striking them. The Stability Risk Assessment recommends to buttress the sandstone face with inert infill to remove the above mentioned risks.

10. The application site measures approximately 7.56 hectares. The proposed

development would take approximately six years to complete, and would comprise of the following key elements:

- Removal of approximately 245,000 tonnes of sand over approximately three years 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 approximately 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.

11. Suitable shales and clays imported to the site for stabilisation and engineering purposes would be compacted in approximately 300-millimetre layers to provide greater stability than the sand currently in situ. The buttress would be keyed into the retaining wall on the eastern side of the application site to increase stability and reduce the risk of the wall falling.

12. Operations would take place in the existing quarry void and would involve the creation of a temporary soil bund to protect the amenity (such as noise, dust or visual impacts) of nearby properties whilst the engineering and restoration operations take place. It is 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.

13. The applicant states that the extracted sand would not be processed on site, it would be lifted and exported from the site “as raised”. Therefore, there is no requirement to erect or install fixed processing plant on-site. It is 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 originates.

14. 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.

15. In terms of phasing, the applicant states that the proposed development would be completed in two stages.

<u>Stage One</u>

16. Stage One would involve the importation of soils to enable the establishment of the soil noise attenuation bund in on the western boundary and in the southern corner of the site. The bund would measure approximately 5-metres-high, by 300 metres long by 22 metre wide. Imported inert materials would be deposited to create a stable base on which the attenuation bund would be formed to help mitigate the noise impacts on the closest properties in addition to the natural attenuation provided by the existing mature vegetation. The deposited soils would be seeded and maintained.

17. The applicant anticipates that during stage one operations, the vast majority of sand resources present onsite would be extracted and removed to facilitate the engineering operations using imported materials to stabilise the wall.

18. During this stage, approximately 435,000 cubic metres (equating to approximately 490,000 tonnes) of soils would be imported to the site to facilitate the restoration operations at the western areas of the site, which include the base to support the soil bund, and the establishment of the stabilising buttress on the site's eastern flank into the retaining wall.

Stage Two

19. The applicant states that Stage Two of the proposed development would commence once the eastern quarry face is considered to be stable and the risk of collapse is resolved.

20. Imported restoration materials would be placed within the unrestored former quarry void to achieve final levels. The materials would be placed progressively, in a north to south direction, enabling restoration operations to move gradually closer to the site access which would be the final area to be restored.

21. Sandy and acidic soils would either be placed directly onto progressively restored land at final levels to complete and achieve the final soil profiles of approximately 300 millimetres. When the soils cannot be reused immediately, they would be temporarily placed in soil storage bunds of up to approximately five metres in height within the quarry void.

22. Any residual sand remaining in situ following Stage One would be extracted and exported in order to avoid the unnecessary sterilisation of viable mineral resources. Approximately 540,000 cubic metres (which equating to approximately 610,000 tonnes) of inert materials would be imported during this stage to complete the restoration of the site.

23. The applicant states that the end of Stage Two, all viable sand reserves would have been extracted and removed from the site and the site would be restored. Seeding with a species rich acidic grassland mix would take place progressively prior to the cessation of site operations as the site enters its managed aftercare period.

24. Restoration of the site would be ecologically led with the former quarry void being restored to acid grassland with a mix of newly planted vegetation to supplement existing trees and vegetation. The proposed mix of habitats would include approximately 5.07 hectares of acid rich grassland, approximately 0.88 hectares of tree and shrub planting, approximately 0.21 hectares of wildlife pond and surface water run off collection and the retention of approximately 1.11 hectares of existing woodland located predominantly along the periphery of the site.

25. The proposal would also retain on-site wooded features including all of the peripheral site woodland located atop the former extraction faces on the northern, southern, and western boundaries of the site.

26. The progressive restoration of the site would result in a final landform at a higher level than the existing floor of the quarry void. The proposed final levels are at

between approximately 160 metres Above Ordnance Datum (AOD) and 174 metres AOD, compared with the existing site levels which are typically between approximately 151 metres AOD and 160 metres AOD.

27. The proposed operational hours for the proposed development are as follows:

- 07:00 – 19:00 hours – Mondays to Fridays
- 07:00 – 13:00 hours – Saturdays
- No working – Sundays, Public and Bank Holidays

28. In relation to employment, it is estimated that the site would require 9 site employees. In addition, the operations would necessitate the use of between 8 and 12 dedicated HGV drivers depending on daily requirements.

29. An existing access directly off Sandy Lane (A491) would be utilised for this development and as such no new site access or any remodelling of public highway would be required. The access was formally used for HGV entry and egress in connection with the Sandy Lane Quarry and it is currently used for the restored landfill site operations.

30. The applicant also states that proposed development would utilise the existing weighbridge, wheel wash and site welfare building, therefore no additional infrastructure or structures would be required.

The Site

31. The application site measures approximately 7.56 hectares in area of which approximately 6.16 hectares consists of the extensive worked-out void which dominates the site. The site forms part of Veolia's wider Sandy Lane site which measures approximately 17 hectares in total. The proposed development lies in the open countryside of north Worcestershire within the West Midlands Green Belt which is mainly rural with small fields used for grazing, hay and silage production. Bromsgrove Town Centre is located approximately 5 kilometres broadly south of the site; Rubery approximately 3 kilometres broadly east of the site, the village of Belbroughton is located approximately 2.4 kilometres broadly north-west of the site and Fairfield, which is the nearest village, lies approximately 500 metres broadly south of the site. Vehicular access to the site would be via Sandy Lane (A491), which forms part of the major road network and connects to junction 4 of the M5 Motorway, located approximately 1.5 kilometres broadly east of the site.

32. The quarry void is broadly rectangular shaped and worked-out to a depth of approximately 28 metres below the surrounding ground levels, with existing site levels ranging between 151 metres Above Ordnance Datum (AOD) and 160 metres AOD. The application site is bordered on three sides by mature trees, with the eastern boundary consisting of the exposed worked face which now requires the installation of a buttress and associated engineering operations to act as a retaining wall.

33. A roundabout is located adjacent to the south-west corner of the application site and connects Madeley Road, which runs along the western boundary of the site, with Sandy Lane (A491) and the Stourbridge Road (B4091). A cluster of residential properties are located opposite the site fronting onto Madeley Road which then turn

the corner onto the Stourbridge Road (B491), beyond which are agricultural fields. Further residential properties are sporadically interspersed along both the main arterial routes and the rural lanes in the local vicinity of the site.

34. The site adjoins the restored Veolia Sandy Lane Landfill (Mineral Planning Authority (MPA) Ref: 407292, Minute No. 262) along its eastern boundary. Operational Wildmoor Quarry (Ref: 107104 and 407219, Minute 67 refers) is located immediately to the south and separated from the site by Sandy Lane (A491). A part retrospective application for the operation of a mortar batching plant, erection of associated silo storage units and aggregate bins and vehicle repairs workshop within Wildmoor Quarry was granted planning permission on 4 December 2019 (MPA Ref: 17/000028/CM, Minute No. 1038 refers). An appeal was allowed, and a lawful development certificate granted in February 2021 for a "*mixed use of residential and the importation, storage and processing of quarried sands and gravels for sale and the importation, storage and processing by use of mobile plant and equipment of construction, demolition and excavation materials for the sale of recovered solid and recycled aggregates*" at Dolfor House (Appeal Ref: APP/P1805/X/18/3209389), located adjacent to Wildmoor Quarry.

35. Veolia Sandy Lane Eastern Quarry (MPA Ref: 407292, Minute No. 262), is located about 370 metres broadly east of the application site, and has planning permission for infilling, but is currently inactive. To the north of the site are agricultural fields, beyond which is the restored quarry of Chadwich Lane (MPA Ref: 13/000061/CM, Minute No. 882 refers) and the site of the permitted new Chadwich Lane Quarry which is now operational (MPA Ref: 18/000036/CM, Minute No. 1069 refers). Pinches Quarry Phase 3 (MPA Ref: 08/000055/CM, Minute No. 640 refers), an active sand quarry, which is currently undergoing restoration is located about 1.2 kilometres south-east of the proposal. An application for extraction of sand and gravel and subsequent infilling with inert waste to achieve full restoration at Pinches Quarry (Phase 4) is currently pending consideration (MPA Ref: 19/000056/CM).

36. A number of Public Rights of Way are located within the vicinity of the application site, notably Footpath BB-680, which runs along the northern and western boundaries of the site from which potential views into the site could be glimpsed. Footpath BB-680 then adjoins Footpath BB-597, which is located adjacent to the north-east corner of the sand quarry site. Footpath BB-675 is located on the southern side of Sandy Lane (A491) adjacent to the Stourbridge Road / Madeley Road roundabout, about 50 metres south of the application site.

37. There are several listed buildings located within the vicinity of the site, the closest being the Grade II Listed Buildings of The Old Toll House located approximately 70 metres broadly west of the site. The Grade II* Listed Building of Fairfield Court and associated Scheduled Monument of the moated site at Fairfield Court is located approximately 400 metres broadly south-west of the proposal. The Grade II Listed Lower Madeley Farmhouse is located approximately 450 metres broadly north-east of the site and Grade II Castle Bourne with attached folly and adjoining wall are situated about 670 metres broadly north westerly direction of the site. Further Grade II Listed Buildings are located within the village of Fairfield to the south of the proposal.

38. The geological Site of Special Scientific Interest (SSSI) of Madeley Heath Pit is located about 800 metres north-east of the application site and is understood to have been destroyed by previous landfilling of Chadwich Lane Quarry. Feckenham Forest SSSI, Hurst Farm Pasture SSSI and Little Royal Farm Pastures SSSI are located about 1.1 kilometres, 1.8 kilometres and 2.2 kilometres south-west of the proposal, respectively. Sling Gravel Pits SSSI is located about 1.7 kilometres north-west of the proposal. Romsley Hill SSSI and Romsley Manor Farm SSSI are located about 2.5 kilometres north of the proposal.

39. The Hadley, Elmley & Hockley Brooks Local Wildlife Site (LWS) at its closest point is situated approximately 850 metres south-west of the application site. Sling Pool and Marsh LWS and Great Farley and Dale Woods LWS are located about 1.2 kilometres north-west and 1.4 kilometres north of the proposal, respectively. Hadley, Elmley & Hockley Brooks LWS is located approximately 1.3 kilometres south-west of the application site. Waseley Hills Country Park LWS, Beacon Wood and Chadwich Wood LWS and Broadmoor Wood and Chadwich Manor Ponds LWS are all located between (approximately) 2.2 and 2.4 kilometres north and north-east of the site.

40. The Ancient Woodland of Pepper Wood, Cross Coppice, Poolhouse Dingle are situated about 900 metres, 1.2 kilometres and 1.5 kilometres south-west of the site. Great Farley Wood Ancient Woodland is located approximately 1.5 kilometres north of the site.

41. An overhead powerline is located immediately adjacent to the site's western boundary and gas mains are located approximately 200 metres west, 270 metres south-west and 350 metres south-east of the site boundary, respectively. A Severn Trent Water sewage pumping station is located approximately 100 metres west of the proposed development.

42. In geological terms the site is located within the Wildmoor Sandstone Member (type of geological formation) and within the Sherwood Sandstone Group (type of geological formation) classified by the EA as a Principal Aquifer. The site is located within Flood Zone 1 with a low probability of flooding. The proposal is located upon an aquifer - Groundwater Source Protection Zone (Zone 3 – total catchment). The site falls outside of the Drinking Water Safeguarding Zones for Surface Water and Groundwater. The site is located within a surface water Nitrate Vunerable Zone (NVZ).

43. Three Air Quality Management Areas (AQMAs) are located within the administrative boundary of Bromsgrove District Council the closest of which is Lickey End AQMA, located approximately 3 kilometres south-west of the application site.

44. The nearest residential properties to the proposal are those located along Madeley Road, approximately 20 metres west of the application site, beyond which are further residential properties fronting onto Stourbridge Road (A491). To the north of the proposal are a number of isolated dwellings, which includes Fairview, Tripalanda, the Stables located approximately 300 metres north; Oak Villa situated approximately 320 metres north-east; and Lower Madeley Farm is located approximately 430 metres north of the proposal. In addition, a small number of residential properties front onto Sandy Lane (A491) located approximately 270 metres east of the application site at the closest point. The residential property of Dolfor

House is located on the southern side of Sandy Lane (A491) located approximately 200 metres from the site access.

Summary of Issues

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

- Worcestershire's landbank of sand and gravel reserves;
- Location of the Development;
- Whether the proposal meets the site selection criteria set out in the adopted County of Hereford and Worcester Minerals Local Plan (Sieve Test / Methodology);
- Alternatives;
- Green Belt;
- Traffic, highway safety and Public Rights of Way
- Residential Amenity (including noise, air pollution, dust and light),
- Landscape character, visual impact and historic environment;
- Ecology, Biodiversity and Geodiversity;
- Water environment including flooding; and
- Restoration and Aftercare.

Planning Policy

National Planning Policy Framework (NPPF)

46. The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and replaces the previous NPPF published in March 2012 and July 2018 and February 2019. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

47. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

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

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

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

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

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

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

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

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

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

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 6: Building a strong, competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt Land
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment
Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

54. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

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

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

The Development Plan

56. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan (adopted 1997), the adopted Worcestershire Waste Core Strategy 2012-2027 (adopted 2012) and the adopted Bromsgrove District Plan (adopted 2017).

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

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

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

59. The County of Hereford and Worcester Minerals Local Plan policies that are of relevance to the proposal are set out below:

Policy 2: Other Sand and Gravel Deposits

Worcestershire Waste Core Strategy Development Plan Document

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

Policy WCS 1: Presumption in favour of sustainable development
Policy WCS 2: Enabling Waste Management Capacity
Policy WCS 5: Landfill and Disposal
Policy WCS 6: Compatible land uses
Policy WCS 8: Site infrastructure and access
Policy WCS 9: Environmental assets
Policy WCS 10: Flood risk and water resources
Policy WCS 11: Sustainable design and operation of facilities
Policy WCS 12: Local characteristics
Policy WCS 13: Green Belt
Policy WCS 14: Amenity
Policy WCS 15: Social and economic benefits

Bromsgrove District Plan

61. The Bromsgrove District Plan was adopted in January 2017. The policies that are of relevance to the proposal are set out below:

Policy BDP1: Sustainable Development Principles
Policy BDP4: Green Belt
Policy BDP13: New Employment Development
Policy BDP15: Rural Renaissance
Policy BDP16: Sustainable Transport
Policy BDP19: High Quality Design
Policy BDP20: Managing the Historic Environment
Policy BDP21: Natural Environment
Policy BDP22: Climate Change
Policy BDP23: Water Management
Policy BDP24: Green Infrastructure

Draft Planning Policies

Emerging Worcestershire Minerals Local Plan

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

63. Section 23(2A) and (3) of the Planning and Compulsory Purchase Act 2004, as amended by section 112 of the Localism Act 2011, provides that where the Inspector

recommends non-adoption of a development plan document, but recommends main modifications the authority may adopt the document with the main modifications or with the main modifications and additional modifications, if the additional modifications do not materially affect policies that would be set out in the document.

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

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

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

67. Section 4, of the NPPF (paragraph 49) states that *"local planning authorities may give weight to relevant policies in emerging plans according to:*

a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight may be given);

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) The degree of consistency of the relevant policies on the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight may be given)".

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

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

Draft Policy MLP 1: Spatial Strategy
Draft Policy MLP 3: Strategic Location of Development -– Areas of Search and Windfall Sites Within the Strategic Corridors
Draft Policy MLP 7: Green Infrastructure
Draft Policy MLP 10: North East Worcestershire Strategic Corridor
Draft Policy MLP 14: Scale of Sand and Gravel Provision
Draft Policy MLP 15: Delivering Steady and Adequate Supply of Sand and Gravel
Draft Policy MLP 26: Efficient Use of Resources
Draft Policy MLP 27: Green Belt
Draft Policy MLP 28: Amenity
Draft Policy MLP 29: Air Quality
Draft Policy MLP 30: Access and Recreation
Draft Policy MLP 31: Biodiversity
Draft Policy MLP 32: Historic Environment
Draft Policy MLP 33: Landscape
Draft Policy MLP 34: Soils
Draft Policy MLP 35: Best and Most Versatile Agricultural Land
Draft Policy MLP 36: Geodiversity
Draft Policy MLP 37: Water Quality and Quantity
Draft Policy MLP 38: Flooding
Draft Policy MLP 39: Transport
Draft Policy MLP 40: Planning Obligations
Draft Policy MLP 41: Safeguarding Locally and Nationally Important Mineral Resources

Emerging Worcestershire Mineral Site Allocations Development Plan Document (DPD)

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

71. Site options proposed by landowners and mineral operators were submitted in response to formal ‘calls for sites’ carried out between 2014 and 2018. Following consultation on a proposed methodology for site allocations in 2018/19, the site options are now being assessed by the MPA. The site, which is the subject of this Report, has been promoted through the Local Plan process (known as Lea Castle Farm). A range of technical evidence is being gathered to inform a “Preferred Options” draft of the DPD. This draft will show how each site performs against site selection criteria and will set out draft policy wording. Consultation on the “Preferred Options” draft is scheduled to take place in the first half of 2022.

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

Emerging Belbroughton and Fairfield Neighbourhood Plan

73. Belbroughton and Fairfield Parish Council submitted an application to Bromsgrove District Council on 4 January 2018, to designate the entire parish area as a Neighbourhood Area.

74. On 18 January 2018, the application for the designation of the entire Parish of Belbroughton and Fairfield, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Bromsgrove District Council. The Neighbourhood Area boundary runs along Chadwich Mill Lane.

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

76. Given that the Emerging Belbroughton and Fairfield Neighbourhood Plan has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Indeed, there will be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF (2021), Section 4, it is the view of the Head of Planning and Transport Planning that the Emerging Belbroughton and Fairfield Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

Other Documents

Waste Management Plan for England (2021)

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

78. While the Our Waste, Our Resources: A Strategy for England (2018) sets out a vision and a number of policies to move to a more circular economy, such as waste prevention through policies to support reuse, repair and remanufacture activities, the Waste Management Plan for England focuses on waste arisings and their management. It is a high-level, non-site specific document. It provides an analysis of the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme

for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

79. The goal is to maximise the value of the resources that are used, minimise the waste that is created and therefore avoid emissions from the waste sector, which will help contribute towards the Government's target of net zero emissions by 2050. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

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

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

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

81. The Strategy sets five strategic ambitions:

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

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

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

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;

- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

The Government Review of Waste Policy England 2011

84. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

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

Worcestershire Green Infrastructure (GI) Strategy (2013 – 2018)

86. The Worcestershire Green Infrastructure Strategy, produced by the Worcestershire Green Infrastructure Partnership, describes the need for Green Infrastructure in the county and sets a vision for the delivery of Green Infrastructure. It highlights how this can be delivered through housing, employment, infrastructure development and land management. The Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in Worcestershire; and inform relevant strategies and plans of partner organisations.

87. The Strategy identifies mineral extraction and restoration as a main opportunity to deliver green infrastructure. The Strategy notes that Green Infrastructure closely reflects the principles of sustainable development identified in the NPPF. The delivery of Green Infrastructure is, therefore, likely to be an increasingly important consideration when assessing the extent to which proposals such as mineral workings constitute sustainable development.

88. The Strategy considers the key to planning and managing green infrastructure in minerals extraction and restoration is to consider the site in its context. This includes considering the features of the site and the networks of habitats, sustainable transport routes and water courses that surround it. It notes that the robust mechanism for delivering Green Infrastructure through mineral extraction and restoration is still to be established, but modern planning permissions for mineral workings require a restoration and aftercare scheme. The Strategy also notes that many operators are sympathetic to environmental enhancement, which is supported by the Minerals Products Association. It, therefore, considers that it is likely that there is significant potential to incorporate Green Infrastructure concepts within a wide range of restoration schemes.

Consultations

89. Worcestershire County Council (WCC), as the MPA, carried out public consultation on the planning application initially between August and September 2021. Following the consideration of the comments that were received on it, in October 2021 the MPA wrote to the applicant requesting further information in respect of the Environmental Statement, in relation to noise, ecology, highways and traffic, water environment, geotechnical and public health. Public consultation on the Regulation 25 Submission (October 2021) (further information submission) was carried out by the MPA in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 between February 2022 and March 2022.

90. In March 2022, the MPA wrote to the applicant requesting further information regarding ecology and biodiversity (Habitat Regulations Assessment). Public consultation on the Regulation 25 Submission (March 2022), was carried out by the MPA in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, between April 2022 and May 2022.

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

92. **Local County Councillor Shirley Webb** has no objection to this application. She highlights several matters which would need monitoring:

- Additional vehicle movements on the already busy Sandy Lane (A491).
- The cleanliness of Sandy Lane (A491) which has fallen to WCC to clear recently.
- The safeguarding of the underlying water table and potential contamination of water.
- The restoration and willingness of the applicant to work with the local authority and residents to restore the site.

93. **County Councillor Karen May (Neighbouring)** no comments received

94. **County Councillor Adrian Kriss (Neighbouring)** objects to this application. The reasons for this include:

- The increase in heavy traffic that this would cause in and around the local area. The area itself becomes very heavily congested at peak times causing severe disruption to local residents. Large vehicles park up in some of the roads, assumingly awaiting on-site clearance and as the project is for such a long period, then congestion would only worsen.
- In times of adverse weather, mud or debris has appeared on the main access road making it extremely dangerous for road users, especially motorcycles/bicycles. This has fallen on WCC to remove in the past, leaving them to pick up the cost, even though previous planning conditions have stated that it was the contractor's duty to clear. If the committee were of a

mind to pass, then a “bond,” should be sought to be laid aside to cover local council costs in this event.

95. **Belbroughton Parish Council** have no objection to this application. The Parish Council comment that the safeguarding of the water protection zone and the ground water supply to the aquifer within which the site should be ensured. Therefore, the Parish Council request that careful consideration is given to the maximum depth of sand extraction that will be permitted above the water table.

96. They also comment that consideration should be given for a protection layer to be laid down before landfilling is commenced, as this was a requirement on the adjoining Veolia landfill site.

97. Further comments from the Parish Council state that the reinstatement of the site and its landscaping and tree planting to be carried out in accordance with the County Council’s requirements.

98. **Bournheath Parish Council (Neighbouring)** have no objections to this application. They comment that foreseen problems include the control of the inert materials and increase in HGV traffic (mud on roads and damage to road surface). The Parish Council also raises that local people have attributed the high cancer rate in the area to past quarry activity. They suggest conditions to include wheel wash on exit and a nature reserve once levelled.

99. **Clent Parish Council (Neighbouring)** no comments received

100. **Romsley Parish Council (Neighbouring)** no comments received

101. **Bromsgrove District Council** no comments received

102. **The Environment Agency (EA)** have no objection to the proposal subject to imposition of a condition relating to storage of fuels and other potentially polluting liquid.

103. The EA recognise that the site is situated near to other established quarries and landfilling operations, and sits within a Source Protection Zone (SPZ) 3, meaning that the groundwater in the area supplies the local abstraction point in Wildmoor. There are four statutory site of ecological interest (SSSIs) within 2 kilometres of the site boundary, two of which are of geological interest only, and three Local Wildlife Sites.

104. The EA states that a Hydrogeology Risk Assessment has been submitted as part of the application submission. The Assessment is considered to be comprehensive, including a detailed evaluation of the groundwater monitoring regime associated with the adjacent Veolia Non-Hazardous waste landfill. The provision of a detailed Hydrogeology Risk Assessment is also a material consideration for an Environmental Permitting Regulations (EPR) Permit application for the proposed inert waste landfill. Detailed comments on the proposed inert waste landfill and Hydrogeology Risk Assessment are set out below.

Groundwater vulnerability

105. The Hydrogeology Risk Assessment confirms that the site is located within the sensitive setting of the Wildmoor Sandstone Member (geological formation) and Chester Formation (geological formation) classified as a Principal Aquifer and part of the regionally important Sherwood Sandstone Group (geological formation) Aquifer. The proposed site is situated within Source Protection Zone (SPZ) 3 of the Wildmoor public water supply abstraction borehole. SPZ 3 is defined as the area around a source within which all groundwater recharge is discharged.

106. The site conceptual model also indicates the main potential receptors as Battlefield Brook and two licensed abstractions on the brook.

Groundwater monitoring

107. Considering the risks associated with the site, an appropriate groundwater monitoring regime is required. This is also considered to be an essential element to control emissions under the Environmental Permit Regulations (EPR) Permit. A groundwater monitoring scheme is proposed, consisting of four drilled boreholes situated to demonstrate that the pollution control measures are operating as designed. Initial locations are shown within the report. The aim of the monitoring regime is to establish baseline conditions for existing groundwater quality and determine appropriate groundwater compliance limits for an EPR Permit.

108. In summary, the groundwater risk assessment, monitoring regime and mitigation measures are considered to be sufficient to prevent groundwater pollution. With regard to extraction, as confirmed in the Hydrogeology Risk Assessment report, the remaining mineral to be extracted is located above the local water table in the sandstone and no dewatering of the site is required.

Permit Note

109. The EA state that the proposed development would require an Environmental Permit (EP) to authorise the landfilling operation proposed as part of the restoration of the site. The proposal also notes that sand will be extracted, but not processed on site. Any mining waste produced from this phase and deposited at the site would also be subject to authorisation via an EP.

110. The proposed waste to be used in the landfilling phase is inert. The operator must ensure that all waste accepted at the site is suitable for use, and that a full 'WM3' [EA's guidance in relation to waste] Assessment and Waste Assessment Criteria (WAC) tests have been completed and that these are shown to be compliant.

111. As part of an application for an EP, the operator will be required to submit their proposals for the landfill infrastructure, including groundwater monitoring regime, which may include a Construction Quality Assurance (CQA) plan. These aspects would be secured and controlled through the EP. The landfill must have a geological barrier in place that extends along the base and sides of the site and provides a barrier to any emissions of contaminants. Where the operator intends to rely on the natural geology to form a barrier they must show that it is suitable and meets all of the relevant requirements. The EP would likely require the operator to undertake regular monitoring of site emissions, including landfill gas. They should ensure that the infrastructure for this is installed at the site and maintained for the life of the EP.

112. In line with the planning report, the EA advise that all stored fuels and other potentially polluting liquids must be stored with adequate secondary containment, and where static storage is located, on an impermeable surface. This could be controlled through the imposition of an appropriate condition.

Biodiversity

113. With regard to biodiversity, the EA note that a surface water pond has been included within the design of the restoration scheme. Drains are proposed to collect water from the final landform towards the surface water pond, with drainage to the underlying sandstone. Upon final restoration, the site is proposed to be vegetated as well as incorporating the drainage ditches and surface water pond, providing opportunities for biodiversity.

Habitat Regulations Assessment

114. In relation to the Habitat Regulations Assessment screening undertaken on behalf of the MPA, the EA have no comments to make.

115. **Worcestershire Regulatory Services (WRS) (Noise, Dust, Air Quality and Contaminated Land)** have no objections to this proposal in respect of noise and comment that the submitted noise assessment appears generally satisfactory. Initially, they queried inconsistencies in the Noise Assessment, such as background noise levels. Additionally, because the assessment predicts that noise levels during temporary works at No.1 Madeley Road and during site restoration works at No.1 Madeley Road & Farcroft close to or at the Planning Practice Guidance (PPG) noise limit, WRS asked whether the applicant can suggest additional noise mitigation measures / working practices that could reduce the noise impact at these sensitive receptors.

116. In response to the Regulation 25 Request, the applicant submitted further information, clarifying that the Noise Assessment was carried out under 'worst-case' conditions involving the unlikely scenario of the noisiest equipment associated with proposed operations operational all at once in locations closest to sensitive off-site receptors. For the vast majority of the duration of operations, mineral extraction and restoration activities would be either below the surrounding ground level within the quarry void or undertaken in areas of the site not close to the most sensitive off-site receptors. Furthermore, the proposed completion of mineral operations would be carried out utilising best practice measures. These are not limited to but would include the construction of a soil bund to add to the physical barrier alongside retained boundary woodland in order to minimise the noticeable noise levels from site operations at nearby off-site receptors.

117. WRS confirmed that this information is satisfactory, and they have no objection to the application on noise grounds.

118. With regard to dust, WRS have no objections to the application, as the dust mitigation measures detailed in the submitted Dust and Air Quality Assessment [a list of mitigation measures is included in 'Residential Amenity' section of this report] appear acceptable.

119. In terms of air quality, WRS have reviewed the submitted air quality impact assessment [conclusions of the assessment are specified in 'Residential Amenity' section of this report] and raise no objections to the proposal.

120. With regard to contaminated land, WRS have no objections to this proposal.

121. WRS state that they understand the proposal is to restore a former quarry using inert materials imported from external source. An Environmental Permit has been applied for with the EA which would set standards for material suitability and monitor activities on site. The proposal would therefore pose a low risk to human health receptors, and as such they do not have any objections.

122. The applicant has confirmed that there are no proposals to import topsoils into the application site. Topsoil would be extracted in the works to stabilise the falling wall within the application site. Any other soils that are proposed to be sourced would be part of imported inert materials. The importation of inert waste is a landfilling activity which would require an EP under the EPR.

123. WRS have reviewed this information and confirmed that the condition would be unnecessary would say should the quality of the material being deposited being controlled by the EP imposed the EA.

124. **The Bromsgrove Conservation Officer** has no objection to this proposal. They consider that the proposal would not impact on the setting of the nearby designated heritage assets.

125. **The County Archaeologist** has no objection to this proposal, stating that having looked at the Historic Environment Records (HER) and the submitted heritage statement, and they are content that there are no archaeological concerns either within the site or for the potential impact of de-watering of the Scheduled Monument located to the south-west of the application site.

126. **Historic England** do not wish to offer any comments. They suggest that the MPA seek the views of your specialist conservation and archaeological advisers, as relevant.

127. **The Gardens Trust** no comments received.

128. **Hereford and Worcester Gardens Trust** have no comments to make.

129. **Hereford and Worcestershire Earth Heritage Trust (H&WEHT)** have no objection to this proposal.

130. They consider that four points are of particular note from a geoconservation perspective:

- the proposal includes the extraction of further sand from this quarry;
- the restoration proposal appears to retain a portion of the rock face exposed as a result of earlier quarrying;

- there is an intention to provide an information board about the site for viewing by the public;

- there is no proposal to change the route of the public footpath so that it traverses the newly landscaped area, instead of following the existing route which lacks any interest or aesthetic value.

131. The applicant provided clarification that for a variety of reasons, primarily health and safety related, it is not the intention of this planning application to provide public access to the exposed faces. The objectives of the submitted restoration scheme are to maximise the ecological value of the site and suggested changes would require modifications of the site's drainage pond compromising the site's drainage and biodiversity value.

132. H&WEHT accepts this argument.

133. H&WEHT also requests that during or at the end of the extraction process, when faces of the Wildmoor Sandstone are newly exposed the extraction company be required to support a visit by geologists from H&WEHT (or other appropriate body) for the purpose of logging and recording the exposed extraction faces and making the findings publicly available.

134. The applicant explained that there are currently in situ exposed faces within the inactive Sandy Lane Eastern Quarry. It is not proposed to enable public access to the exposed faces proposed to be retained within the application site.

135. This has been accepted by H&WEHT.

136. H&WEHT support the retention of a portion of the Wildmoor sandstone rockface within the restoration plan and note that it is unclear how much of the bedrock would be exposed by the "in situ sand face" mentioned in the restoration document. Clarification is sought on the extent (length and height) of in situ bedrock to be exposed. It is also unclear how readily accessible the exposure would be for scientific or educational purposes. H&WEHT understand that safety considerations are important in this respect. Current plans appear to position the pond directly under the exposure, making no allowance for access. They question whether this is necessary and suggest a minor change to the plan to facilitate safe access to the exposure.

137. The applicant provided clarification that the total length of Wildmoor sandstone faces proposed to be retained as exposed rockface is 140 metres. The exposed faces are not expected to be higher than four metres at their greatest extent. The applicant also explained that it is not proposed to enable public access to the exposed faces proposed to be retained within the application site. The applicant explained that the suggested by H&WEHT revisions to the scheme to enable public access to the proposed exposed faces for geological interest / educational purposes would necessitate the creation of a platform at the base of the exposed faces. This would require the modification of the site's proposed drainage pond, with consequential impacts on the site's drainage regime and adverse impacts on the site's biodiversity value through the loss of species rich acid grassland.

138. This has been accepted by H&WEHT.

139. **The County Ecologist** has no objections to the proposal subject to conditions relating to invertebrate surveys, Construction and Environmental Management Plan (CEMP), Landscape Ecological Management Plan (LEMP), Ecological Design Strategy, Lighting Strategy, Interpretation Strategy and Nest Boxes.

Habitats Regulations Assessment (HRA)

140. The County Ecologist has considered the applicant's 'shadow HRA' and the HRA produced on behalf of the Minerals Planning Authority. This report concludes that no Likely Significant Effects (LSE) are predicted to occur on any European Sites, either alone or acting in combination with other plans or projects. For clarity, European Sites are also referred to as 'Habitats Sites' as per paragraphs 181 and 182 of the NPPF (2021). In reaching this conclusion, the MPA's HRA has not needed to consider any measures intended to avoid or reduce harmful effects of the development upon European Sites, and is therefore compliant with requirements set out by case CJEU C-323/17 ('People Over Wind and Peter Sweetman vs Coillte Teoranta'). Subject to any further comments from Natural England (NE) on HRA, the County Ecologist is satisfied that the MPA's HRA is sufficiently robust to support a determination of proposals in compliance with the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019.

Badgers

141. With regard to badgers, the County Ecologist requested further information in relation to badger setts as on the distance of the main badger sett from works such as mechanised excavation and construction of stabilising batter ramps. They were concerned that such works can create vibration and disturbance to the sett and therefore the applicant may need to acquire derogation licence from NE. The applicant provided additional information which clarify that excavation works would not excavate into the existing cliff face containing the main badger sett. The works of moving and storing inert materials with the use of machinery would take place within the quarry void and therefore would unlikely disturb a badger sett as specified within the NE guidelines. As such, NE's licence is not required. Based on that information, the County Ecologist confirmed that they are reassured that these operations can be undertaken without recourse to licenced sett closure which would entail modification of restoration plans. The County Ecologist also comments that ongoing oversight of badgers can be secured by suitably experienced Ecological Clerk of Works during the phased extraction/restoration to the scheme's CEMP and ecological monitoring strategy. The County Ecologist considers that the proposed restoration plan would provide net gains for biodiversity including foraging badger in the longer term.

Invertebrates

142. With regard to invertebrates, the County Ecologist highlighted the presence on site of a structural patchwork of micro-habitats including bare sandy earth, scrub, scattered woodland, wet substrate, standing water and nectar resources, and consequent trigger of an assessment (and potentially survey) for scarce and/or NERC Act S.41 invertebrate species. The County Ecologist's preference would be for an invertebrate survey to be undertaken prior to determination in order for the MPA to

demonstrate it has adequately considered risk of impact to protected and notable species and that detailed design of the restoration strategy is appropriately targeting invertebrate species found on site. This is particularly important as the phased extraction is likely to remove habitats for invertebrates for many years and therefore adversely impact multiple generations and potentially compromise ability of scarce invertebrates from recolonising restored habitats if populations are small and geographically isolated.

143. Notwithstanding the above, the County Ecologist is supportive of Worcestershire Wildlife Trust's (WWT) approach to impose a Grampian condition securing invertebrate surveys prior to vegetation clearance being undertaken. This will allow the applicant sufficient flexibility so as to use invertebrate survey results to inform the scheme's Ecological Design Strategy and Landscape and Environment Management Plan, ensuring these align with any invertebrate interest found to occur here. He also notes and share WWT's concerns with regards to invertebrate species known to nest within exposed soils, and so would encourage the Grampian condition is worded in a manner so as to adequately consider these opportunities prior to their modification/destruction, where possible to do so.

Habitats Construction and Environmental Management Plan

144. The County Ecologist states that the objective of restoration for substantial area of acid grassland is very much welcomed. The success of acid grassland establishment would be dependent on soil depth/structure/pH and nutrient levels, seed selection and management activities proposed during the first critical years of establishment. The MPA would have greater confidence of successful outcome if these specifications are appropriately detailed within the schemes Construction and Environmental Management Plan (CEMP) addressing the restoration phase, rather than management activities during the longer (the County Ecologist recommends no less than 5 year) aftercare period.

145. The County Ecologist states that critical to this is the retention of an appropriate volume of sandy soil to enable the stated restoration objectives, and to avoid costly importation of sand to achieve those aims. The County Ecologist recommends the extent and depth of substrate (with appropriate nutrient and pH levels) is calculated beforehand, so that appropriate volumes of substrate to establish acid grassland is retained prior to mineral extraction commencing. This should therefore be understood prior to commencement. The County Ecologist recommends reference is made to the Best Practice Guidance for Land Regeneration by Forest Research or similar evidence.

146. The County Ecologist also recommends that the CEMP includes detailed measures (which could be appended as a series of Method Statements) to protect nesting birds if vegetation clearance is scheduled within the bird nesting season (widely acknowledge as late March to late August, inclusively) and to detail licensing strategy for outlier and, if required, main badger sett(s). This should include timing and methods of works to badger setts as well as outlining the Reasonable Avoidance Methods to be implemented in order to avoid or reduce risk of entrapment or injury/killing of badgers during the multiple phases of working and restoring the site. The CEMP should outline how, prior to commencement of each phase, an updated badger survey would be undertaken and reported by a suitably experienced and

competent Ecological Clerk of Works (ECoW). While the scheme's CEMP would be the appropriate document to set out methodology for the critical establishment of habitats (particularly acid grassland) and so should be submitted for written approval of the MPA prior to commencement, prescriptions for rotational mechanical cutting or grazing of acid grassland during the aftercare period will be better specified through the scheme's LEMP.

Landscape and Ecological Management Plan

147. The County Ecologists recommends that a LEMP is be submitted for prior written approval of the MPA, prior to commencement. The LEMP should identify the species, provenance, numbers, density and planting/seeding methods of seed mixes, trees and shrubs to be used. No peat-based materials should be applied, no fertiliser should be used in the acid grassland habitat areas (substrate here should be as low nutrient as possible), no insecticides should be applied during establishment or aftercare phases and use of alternatives to conventional plastic tree guards is strongly encouraged. If plastic tree guards are to be deployed, these should be removed on completion of the aftercare period as a scheduled activity within the LEMP. The LEMP should similarly provide detailed design of the proposed waterbody (demonstrating its design principles for biodiversity).

Ecological Design Strategy

148. The County Ecologists recommends that the extent and target condition of each habitat (including acid grassland) should be confirmed through an Ecological Design Strategy (EDS). This could be achieved using the technical guidance for Biodiversity Net Gain condition assessments, for example, by meeting 'good' target condition for Lowland Acid Grassland as per the habitat's UKHab criteria. Detail on proposed monitoring for successful establishment and aftercare of ecological features (including habitats) can also be detailed through the scheme's EDS, for example by including a set of metrics or explicit objectives for each mitigation, compensation or enhancement measure (including the proposed bird and bat boxes), and a timetable and responsible bodies for the monitoring, evaluating and reporting of ecological success of those measures. Any interventions and intervention thresholds to address 'failure', loss/damage or vandalism of ecological features should also be addressed within the EDS. The County Ecologist strongly encourages establishing from the outset an objective and transparent quantitative assessment when evaluating 'success' or 'failure' of nature conservation benefits proposed by the minerals development. He states that an EDS should be submitted for prior written approval of MPA prior to commencement.

Nest boxes

149. The County Ecologist states that the loss of scrub vegetation and scattered trees can be addressed through provision of compensation nesting opportunities. They support the applicant's proposed compensation and enhancement measures for nesting birds and roosting bats. This includes a selection of bark nest boxes to be installed within areas of retained woodland and within northern and southern site boundaries to provide suitable nesting habitat for smaller scrub nesting species and also for hole dwelling species and a pole-mounted bat box has been proposed. The County Ecologist recommends that 8 bark next boxes are provided.

150. The County Ecologists states that the scheme's EDS should illustrate the

specification, number and location of these mitigation, compensation and enhancement measures, together with monitoring and reporting schedule throughout the scheme's aftercare period.

151. The County Ecologist notes queries raised by WWT with regards to thermal properties of bark nest boxes in comparison to woodcrete designs as by Schwegler. The County Ecologist has no strong preference if post-installation monitoring is secured to determine and report on box uptake success or otherwise, so that any learning from implementing mitigation is appropriately shared. The County Ecologist recommends that perhaps an equal division between the two construction styles (4 Schwegler and 4 bark nest boxes) could be implemented.

152. In relation to barn owl reported to be present in locality, the County Ecologist recommends a single pole-mounted barn owl nest box is installed on site. The County Ecologist states that, these are inexpensive to construct and wouldn't pose a significant additional cost over that already proposed by the applicant in their pole-mounted bat box.

153. He also welcomes the proposed provision of a sand martin nesting bank. The County Ecologist states that the detailed design of this measure could be integrated in the scheme's EDS.

Lighting

154. The County Ecologist states that prior to commencement, an appropriately detailed Lighting Strategy would be required to demonstrate how the scheme would comply with recommendations as set out in its Bat Survey Report.

Interpretation Strategy

155. The County Ecologist recommends securing, prior to or on completion of restoration, an interpretation panel, installed near the public right of way so as to raise awareness of the biodiversity value of species and habitats on site and the contribution this restoration strategy makes to the county Biodiversity Action Plan.

156. The County Ecologist notes a similar request was raised by HWEHT to provide interpretation of the geological and biodiversity assets protected and enhanced through the scheme. While it is noted that the applicant does not wish to encourage public access to the site beyond the existing Public Right of Way network, Footpath BB-680 and unclassified road BB-20230 both offer filtered views of the retained rock exposure and habitats, and would pose a valuable opportunity to celebrate the biodiversity and geodiversity assets delivered through the development.

157. The County Ecologist recommends that detail on the location, construction and outline content of interpretation materials should be secured within 12 months of commencement through a conditioned Interpretation Strategy.

158. **Worcestershire Wildlife Trust (WWT)** have no objections to the proposal subject to conditions relating to invertebrate surveys, CEMP, LEMP and Sustainable Drainage Systems (SuDS).

159. WWT initially raised issues regarding anomalies in the ecological surveys

completed by the applicant. Examples included the fact that the bird survey dates did not match the results table and there were no timings, therefore, WWT was not certain regarding the findings represented a thorough assessment of the site. The particular concern was regarding sand martins. The records sheet reported one sand martin whilst the wording suggested a 'flock' which may implied a different sort of use. Similarly, the reptile survey dates appeared not to match the results and there did not appear to be any consideration of mitigation for the amphibians that were found during the survey visits. WWT requested further information in relation to these anomalies prior to determination.

160. The applicant provided clarification regarding anomalies and made corrections in the ecological surveys and the WWT are now satisfied with this updated information. The applicant also clarified that only one sand martin was observed foraging over the site. Sand martins were also observed flying high over the site before commuting into other adjacent habitats. No sand martin nests were observed within any of the cliff faces. The applicant clarified that minerals site faces are generally too hard for sand martin to borrow into. The applicant also states that in order to provide further nesting opportunities for sand martins, it is considered that provision of a nesting bank can be provided within the mitigation strategy. Although, it is not considered that sand martins could nest within the site during the site operation period, they recognise the opportunity to attract them to the site post-restoration. A nesting bank could be provided, with details (including specification and exact location) submitted for approval within the EDS.

161. WWT find this response acceptable.

162. The Preliminary Ecological Assessment (PEA) submitted by the applicant states that the applicant understands that Worcestershire Wildlife Trust have carried out monitoring surveys of the main badger sett on the development site in the past, but the applicant has been unable to locate any reports or further information. The WWT states that, for the purposes of clarity, it is important to note that the badger surveys referenced were not carried out by the Wildlife Trust but may well have been completed by Worcestershire Wildlife Consultancy, which is affiliated to, but separate from WWT.

163. WWT also questioned whether the PEA and subsequent surveys have identified all the relevant ecological impacts and potential receptors. Most notably, WWT questions whether invertebrates where considered in the PEA and yet the mix of vegetation types and bare ground apparent on the site would suggest that it may be important for this group, potentially at a greater than site level value. The potential need for invertebrate surveys was brought up in the scoping opinion and so further commentary on this aspect of the application would be helpful. Given that some invertebrate species that might be found here are notable (and may be listed under S41 of the NERC Act) WWT would recommend that you request detailed invertebrate surveys, or a justification as to why they are not required. While WWT do not consider that the findings of such surveys would necessarily lead to a planning refusal they may well influence site design and eventual restoration priorities to a significant degree.

164. In subsequent correspondence with WWT, the applicant highlights the urgency to rectify a situation at Sandy Lane Quarry to avoid a potential collapse of a retaining wall between the site and the adjoining landfill which is showing visible signs of

slippage and erosion. The applicant also highlights that the County Ecologist is satisfied for invertebrate surveys to be carried out prior to vegetation clearance, rather than prior to determination of the application.

165. In response to this correspondence, WWT states they appreciate that the MPA may need to consider the invertebrates surveys matter in the overall planning balance taking into account the potential risks of the retaining wall collapsing, as raised by the applicant, and in light of the County Ecologist comments that they are satisfied for this matter to be considered post determination. They highlight, however, that this may carry a limited risk that findings thereafter could require changes to site restoration or working plans. Assuming that this risk is acceptable WWT thinks that the MPA can proceed with a Grampian condition requiring survey post determination. They state, however, that this evidence will be required before site clearance because it may not be effectively covered by 'vegetation clearance'.

166. WWT note the proposed restoration approach and welcome the extensive area of acid grassland creation, the woodland management plan and the 'in-situ sand face' shown on the concept restoration plan. These are welcome although the exact components and the implementation of the restoration would require further detailed consideration. With this in mind, WWT notes that the woodland on site is considered to be of county importance in the PEA and so we recommend that you clarify the balance of losses and gains in relation to this habitat component in particular. Similarly, the mosaic of habitats currently found on site is likely to have value in part because of the mix of features found in close proximity to one another and so some consideration of re-building this mosaic in the restoration process would be helpful.

167. In response to the Regulation 25 Request, the applicant provided clarification in relation to the balance of woodland proposed to be lost/gained as a result of the proposed development. They state the restoration of the site requires the removal of the woodland currently present within the quarry void. All peripheral vegetation atop the quarry faces is to be retained, the overall Net/Loss Gain of woodland would be as follows:

- Woodland Retained: approximately 1.11 hectares;
- Woodland Proposed to be Lost: approximately 0.4 hectares;
- New Proposed Woodland Planting: approximately 0.88 hectares;
- Overall Net Loss/Gain of Woodland: approximately plus 0.48 hectares.

168. WWT find this response acceptable.

169. WWT note that bats are to be found foraging but not roosting here. They are pleased to note the additional roosting provision. WWT recommend close scrutiny be paid to the 'bark boxes' to make sure that the materials used have appropriate thermal capabilities. WWT are content to defer to the council's ecologists for this. If there are any concerns, WWT would otherwise suggest that so-called 'woodcrete' types are used for their longevity and solidity of construction.

170. WWT states that installation of additional features for the benefit of invertebrates, including further sandy micro-cliffs and a varied topography of free-draining surface materials may be 'sandy/acidic' soils for the final restoration cap it may be that this can

be further improved by the addition of 'raw' sand deposits in some places. Future management of all elements of the restored landscape would be required and may be made more complex by the range of habitats proposed. This would need close consideration.

171. WWT recommends that following conditions are attached to any permission that the MPA you may be minded granting:

- CEMP – to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, runoff, noise, extraneous light or dust risks to groundwater, the nearby woodland, mature trees and hedgerows. Method statements to limit impacts on protected species and timing of works to avoid nesting birds may also be needed;

- SuDS – to ensure that long-term drainage of the site does not cause harm to receiving waterbodies or nearby habitats;

- LEMP – to include biodiversity enhancement in line with planning policy, together with long term management of that enhancement where required.

172. WWT states that appropriate model wording for ecological conditions can be found in Annex D of BS42020:2013 Biodiversity – Code of practice for planning and development.

173. **Royal Society for the Protection of Birds (RSPB)** have no comments to make.

174. **Natural England** have no objection to this proposal. They consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites, including Sites of Special Scientific Interest (SSSI) or landscapes. In relation to the Habitat Regulations Assessment screening undertaken on behalf of the MPA, NE consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites, including SSSI or landscapes.

175. **The County Landscape Officer** has no objections to the scheme on landscape grounds. They recommend that the restoration scheme is secured through a suitably worded condition, relating to a LEMP.

176. The County Landscape Officer states that the scope and scale of scheme is relatively small, well contained within an existing landscape compartment of established and part-regenerated trees, hedgerow and scrub. The County Landscape Officer concurs broadly with the findings set out in the Landscape and Visual Impact Assessment (LVIA) and agree that post-restoration there would be an overall beneficial outcome not at odds with the baseline surrounding baseline character.

177. The County Landscape Officer continues that the scope of mitigation and restoration proposed is proportionate to the impact of the scheme. The area of regenerated woodland along the southern boundary would be partly cleared to facilitate operation of the quarry, therefore, they welcome the proposed reinstatement

of this feature with new native planting as part of the restoration scheme. The site is contained within Area L14 (Principal Settled Farmlands) as defined in the Worcestershire Woodland Guidelines. This is an area that is associated with small-scale, often linear tree belts as opposed to large blocks of woodland. The restoration scheme therefore accords well with this baseline woodland character. In terms of suitable species, silver birch, ash, crab apple, oak, wild cherry, rowan, small-leaved lime, hazel, hawthorn, holly, broom, gorse and blackthorn are all characteristic of the area. Species that may be appropriate for planting around the proposed surface water management / wildlife pond include aspen, crack willow, downy birch, alder and guelder rose. Examples of often veteran sweet chestnut are scattered throughout the area and would be suitable for inclusion as a specimen along the site boundaries.

178. **The County Footpaths Officer** has no objection to the proposal subject to the applicant adhering to their obligations to the public rights of way. They note that the definitive line of a public right of way, Belbroughton BB-680, runs over land in the vicinity of the application site. The position of the footpath in relation to the site boundary has not been shown on plans but the Planning and Environmental Statement notes the footpath runs along the western and northern boundaries of the development site atop the former extraction faces and passes within the boundaries of the application site along the ridge of the former northern extraction face. In addition, an unclassified road, BB-20230, passes to the south of the site. The attached illustrative plan shows the line of the above routes.

179. The County Footpaths Officer emphasises the responsibility on the applicant to ensure the safety of the public using the right of way, taking appropriate measures including if necessary, making application for closure of the right of way to maintain public safety during development.

180. Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a public right of way during works the appropriate application should be made to the Public Rights of Way Mapping Team at WCC at least 8 weeks prior to the earliest requested closure date. The applicant should also adhere to their obligations to the public rights of way.

181. **The County Highways Officer** has no objection to the proposal, subject to conditions relating to submission of a CEMP for highways, details of signage scheme, wheel wash facilities, car parking provision, Electric Vehicle (EV) charging facilities, cycle parking and level of signage illumination. This is based on a robust assessment of the information submitted to support this planning application.

Highways Network

182. The County Highways Officer states that the application site is accessed directly from the Sandy Lane (A491) which is designated as a non-trunk lorry route on the Worcestershire Advisory Lorry Route Map. Sandy Lane (A491) connects with the A456 at Hagley to the north-west and to the M5 Motorway junction 4 to the south-east. At the site access Sandy Lane (A491) is single carriageway and subject to the national speed limit.

Access Proposals

183. The County Highways Officer states that the applicant does not propose any changes to the existing access arrangements which comprise a ghost-island priority junction with right-turn harbourage. They quote the applicant stating that "*the access has enabled HGV entry and egress from the quarry for many decades in connection with the site's former mineral use*". The access also serves the adjoining restored Veolia landfill and is the sole access to the landfill for HGVs.

Layout

184. The County Highways Officer states that the layout matters would be resolved with appropriately worded planning conditions in relation to a wheel wash of plant vehicles and 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.

185. The County Highways Officer initially requested that applicant provides the track plots to demonstrate that the site entrance is wide enough to accommodate the movement of two HGV's side by side (travelling in opposing directions) and that a clear route exists for those turning into the site so that they are not prevented from entering.

186. The applicant provided clarification stating that they do not consider that the provision of track plots is necessary given the historic use of the site access due to the site being successfully used for the access accommodated traffic movements associated with the on-site quarrying and landfill operations for many years. No alteration to this site access has been made.

187. The County Highways Officer finds this justification acceptable.

Highway Impact

188. An Automatic Traffic Count (ATC), commissioned by applicant, was taken on A491 Sandy Lane in October 2020, at a point east of the site access. The applicant also reviewed data from a Classified Traffic Count taken in 2018 approximately 200 metres further east than the ATC site and this provided a control to understand the impact of the COVID-19 pandemic on traffic volumes using the route. In addition to the following were measured:

- Two-way 12-hour HGV volume on A491 was recorded as 2,684 (1,409 westbound vehicles and 1,275 eastbound vehicles); and
- The 85th percentile speed of traffic on A491 at the site access was recorded as 53mph eastbound and 51mph westbound

189. The applicant undertook Junctions 9 PICADY modelling of the A491/site access junction which shows that all approaches are forecast to operate within capacity. The applicant references the Institute of Environmental Management and Assessment (IEMA) Guidelines in order to determine if further assessment would be required. The guidelines prescribe:

- Rule 1: Include highway links where traffic flows will increase by more than 30% (or the number of HGVs will increase by more than 30%); and
- Rule 2: Include any other specifically sensitive areas where traffic flows have increased.

190. The guidelines also prescribe the starting point for assessing highway capacity should be an additional 30 two-way trips in any one hour. The applicant notes that the proposed development would not trigger the requirement for any further environmental assessment of road.

Sustainable travel

191. The County Highways Officer acknowledges that the applicant has not undertaken an assessment of opportunities for employees to travel to site by sustainable modes and this should have been clearly set out within the Transport Assessment. However, given the historic use of the site and nature of the proposal, they accept that it is not essential in this case.

Network Safety

192. The County Highways Officer accepts findings of a collision assessment utilising WCC data provided by the applicant.

Parking Provision

193. The County Highways Officer states that it is acceptable for the provision of details of parking within the site (type and number of spaces) for staff be appropriately requested upon a grant of planning permission through the inclusion of a suitably worded planning condition.

Construction Environmental Management Plan (CEMP)

194. The County Highways Officer states that a CEMP for highways, setting out the proposed hours of operation, routing, access proposals and site details should form a condition on any successful planning consent.

Public Rights of Way

195. The County Highways Officer states that the definitive line of a Public Right of Way, Belbroughton BB-680, runs over land in the vicinity of the application site. The position of the footpath in relation to the site boundary has not been shown on plans but the submitted Planning and Environmental Statement notes the footpath runs along the western and northern boundaries of the development site atop the former extraction faces and passes within the boundaries of the application site along the ridge of the former northern extraction face. In addition, an unclassified road, BB-20230, passes to the south of the site.

196. The County Highways Officer emphasises the responsibility on the applicant to ensure the safety of the PRoW, taking appropriate measures including if necessary, making application for closure of the right of way to maintain public safety during development.

197. Where possible, the definitive line of Public Right of Ways should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a public right of way during works the appropriate application should be made to the Public Rights of Way Mapping Team at WCC at least 8 weeks prior to the earliest requested closure date.

198. **The Ramblers Association** have no objection to this proposal. They state that

based on a desktop assessment the proposal seems to have a low impact on the exiting Public Right of Way (BB-680) and apart from the possible aesthetic issues arising from the work we would not wish to make any other comment at this stage. This assumes that extraction and eventual restoration is carried out as specified in the planning documents submitted.

199. **National Highways** have no objection to the proposal.

200. **The County Public Health Officer** has no objection to this proposal.

201. They requested that a Health Impact Assessment (HIA) is carried out for this site. The applicant submitted the HIA Screening under Regulation 25 Request for further information. The HIA Screening concluded that extensive assessment of the development proposals demonstrates that there are no significant identified risks presented to the health and well-being of the population. The County Public Health Officer had no further comments in relation to the HIA Screening.

202. **The Campaign to Protect Rural England (CPRE)** have no detailed comments to make but support the restoration of worked quarries in principle. They accept that sand has to be obtained somewhere, so that the completion of an existing quarry, enabling it to be restored is acceptable; certainly more so than opening new quarries. The objective should be to extract all recoverable minerals and then restore the site to agriculture, which seems to be what is proposed.

203. On the other hand, they are concerned about the amenities of neighbouring residents, living on the opposite side of Madeley Road and would ask for appropriate conditions to protect them from nuisance.

204. **The County Sustainability Team** no comments received

205. **North Worcestershire Water Land Management** (NWWM) have no objections to this proposal subject to conditions relating to detailed design drawings for surface water drainage and SuDS Management Plan. NWWM would like this information to include a calculation of a pond capacity in a comparison with a 40% climate change allowance.

206. NWMM comments that the site falls within Flood Zone 1 (low risk of fluvial flooding). There are some pockets of surface water flood risk within the site, predominantly associated with the quarried lagoon areas, and some surface water flow paths around the perimeter of the site. They do hold reports of flooding in the nearby vicinity, mainly due to surface water runoff. Madeley Road in particular is known to suffer from highway flooding due to a lack of a receiving watercourse for the drainage in the area.

207. Initially, NWWM, in order to understand if the proposals would impact upon the flood risk here, requested details on the pre-quarrying ground levels and drainage arrangements in comparison to the restored site levels; specifically clarifying if water currently drains away at the same point as the proposed SuDS pond overflow. If there is a feasible outfall to the South West of the site, this would be preferred, as once water is on Madeley Road there is no onward drainage therefore flooding may be exacerbated.

208. In response to the Regulation 25 Request the applicant provided further clarification on this matter. The response states that the application site consists of a long-established former quarry void that does not benefit from any planning permission for mineral extraction since the site's permission for extraction lapsed in 2017. The site's 'original' ground levels have been significantly disturbed by mineral extraction since the 1920s. More recently, the wider Sandy Lane Quarry's ground levels have been managed by the site's use as a landfill. As such, the baseline conditions on the application site are those currently present, which themselves are long-established.

209. NWWM accept this clarification as acceptable.

210. NWWM further observes that the proposals to restore the site would create a sloping grassland, with around 10 metres of fall from east to west. The landscaping proposals include perimeter drainage ditches, and a SuDS pond with approximately 2,000 cubic metres capacity in the north-west corner of the site. This is designed for the 1:100 design event plus a 20% allowance for climate change.

211. NWWM states that the use of a SuDS pond is welcomed; these features act to manage water quantity, but also have potential to improve water quality and provide amenity and biodiversity benefits. To ensure water quality is considered, NWWM requires details of the pond design, including how it will be separated from the inert material used for restoring the site levels. NWWM also welcome the use of boundary ditches to capture and covey water - where possible we would encourage these to be slightly over-sized and incorporate check-dams to help slow the flow of water and promote infiltration to retain capacity within the SuDS pond, and NWWM would also welcome the addition of some drainage features to the south of the site.

212. In response to the Regulation 25 Request the applicant states that they do not consider that any physical barrier is required to separate the drainage pond from the imported restoration materials. The materials would consist solely of inert materials which predominantly consist of clean soils and waste bricks and concrete. No materials imported for restoration purposes would chemically react with their surroundings, nor will they leach or biodegrade. With the proposed implementation of appropriate waste acceptance procedures, there is no risk of contamination to groundwater and as stated within the Hydrogeological and Hydrological Assessment the risk of adverse impact on groundwater quality and quantity is considered to be negligible. The drainage pond would be designed to pool surface water collected from within the site boundaries in a similar manner to the pooling of surface water which collects to form the ephemeral waterbodies currently present on-site.

213. NWWM accepts this response and makes no further comments in relation to details of drainage pond design.

214. NWWM commented that they would still like to see a comparison using the 40% climate change allowance, but they accept that it could be provided post determination as part of a condition.

215. NWWM also comment that the plans suggest the elevation of the SuDS pond

would be around 164.0 metres AOD, however the lowest point of the site, at 160.0 metres AOD, appears to be the south-east corner of the site. NWWM would be grateful for any further information regarding the ground elevations and drainage arrangements here, as NMMW are concerned that some runoff may be directed to the A491 which may pose a danger to road users.

216. In response to the Regulation 25 Request the applicant clarified that there was an error on the Concept Restoration Plan submitted with the planning application. The error shown on the plan is two incorrect spot heights at points within the southern section of the site. The applicant submitted a Revised Concept Restoration which incorporates corrected spot heights. The lowest point within the area of the site proposed to be remodelled is shown on the revised plan to be the drainage pond at the north of the site. The revised Concept Restoration Plan also contains flow arrows which denote the direction of flow for surface water. These were also present on the superseded Concept Restoration Plan. With the corrections to spot heights made, the drainage strategy for the site's restoration now appears consistent with the flow arrows.

217. NWWM accept this clarification and raise no further comments in relation to this matter.

218. NWWM comments that the Flood Risk Assessment (FRA) suggests that water within the pond would infiltrate, with exceedance flows overtopping towards Madeley Road. In order to ensure infiltration would be viable, ground investigations would be required. If porosity levels are less than anticipated, the pond would need to be re-sized accordingly. NWWM also reiterate that have been reports of frequent flooding on Madeley Road; the applicant would need to demonstrate if existing runoff from the site reaches this point, or if a new outfall or flow route is being created. Details of exceedance flow routing should be provided.

219. In response the Regulation 25 Request the applicant states that the FRA provided with the planning application details the risk of flooding on-site and risk of increasing flood risk off-site as a result of the proposed operations. It assesses the consequences of the unlikely event that rainfall over the restored landform escapes the site boundaries onto Madeley Road. This would only occur following a failure of the site's drainage strategy and despite the presence of a SuDS pond with a capacity of approximately 2,000 cubic metres and the presence of drainage channels on three sides of the quarry void, which is proposed to be restored wholly to permeable surfaces. It should be noted that the risk of fluvial flooding due to an increase in post-restoration surface water runoff is concluded within the FRA to be low risk. It is also concluded that specific mitigation is not considered necessary. Furthermore, the site's restoration model is considered to be robust, including a 20% allowance for climate change.

220. NWWM accept this clarification and raise no further comments in relation to this matter

221. NWWM also states that details of future maintenance and adoption of the site drainage would be required; in the first year or so following site restoration this is especially important, as runoff may contain sand and sediment prior to the vegetation

being fully established.

222. **The Local Lead Flood Authority (LLFA)** has reviewed the application and are satisfied that NWWM have covered what is needed.

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

224. **Severn Trent Water** have no objection, as they consider that the proposal would have a minimal impact on the public sewerage system and do not require a drainage condition to be applied.

225. **West Mercia Police** have no objection to this application.

226. **Hereford and Worcester Fire and Rescue** have no comments to make.

227. **The Health and Safety Executive (HSE)** have no comments to make because this application does not fall within any HSE consultation zones.

228. **Worcestershire LEP** no comments received.

229. **Western Power Distribution** comments that their apparatus is located in the vicinity to the application site (Electricity / WPD Surf Telecom); the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive Guidance HS(G)47, Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

230. **Cadent Gas** have no objections to the proposal. They comment that if the application affects hight-pressure pipeline, HSE should be consulted. Cadent Gas states that their apparatus is located within the public highways to the east and south of the site. The applicant should contact Cadent Gas should any works be required to be undertaken within their easements

231. **National Grid** have no objections to the proposal.

Other Representations

232. The application has been advertised on site, in the press and by neighbour notification. To date 6 letters of representation have been received, some of which are from the same respondents, and includes comments from a local residents' group (Wildmoor Residents' Association), 2 of which are comments and 4 of which are objections. These letters of representation were made available to members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Comments:

- The access by HGVs entering and leaving the site should be carefully monitored and managed to ensure that access and exit by HGVs from the site is as safe as possible.
- Applying measures to alleviate ground water contamination and water

overextraction.

- Improvements to the adjacent public footpath to the north of the site would be welcomed as currently difficult to access but could potentially by a good vantage point.
- The cleaning of wheels prior to lorries exiting the site is important as there are concerns regarding deposits along A491.
- Ensuring that the site restoration includes suitable landscaping and tree and shrub planting to harmonise with the surrounding environment.

Objections:

- Concerns regarding sand on side roads, washed into drains and covering cars and homes.
- Impacts on air quality as a result of increased lorry movement.
- Concerns regarding road safety due to sand deposits on roads (Sandy Lane and Stourbridge Road).
- Concerns regarding residents physical and mental wellbeing including impacts of pollution on air quality.
- Would like Public Health to comment on this application to ensure that area is safe from pollution in relation to air quality.
- Concerns regarding the proposal causing major disruption to the community and spoiling plants, wildlife and farmland.
- Concerns regarding noise pollution.
- Properties would be less desirable.
- Development would cause major upset and disruption to resident's health and livelihoods.

The Head of Planning and Transport Planning Comments

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

Worcestershire's landbank of sand and gravel reserves

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

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

236. The LAA (published February 2022) covers the period up to 31 December 2020,

and, in accordance with the NPPF (paragraph 213), calculates annual provision requirements on a rolling average of 10 years' sale data in Worcestershire and other relevant local information.

237. The starting point for setting a production guideline for sand and gravel in the LAA is to estimate demand on the basis of a rolling average of 10 years sales data (the 10-year average) before considering other relevant local information. The 10-year sales average is designed to provide a representative baseline indication of demand by averaging out economic peaks and troughs. The COVID-19 pandemic resulted in enforced shutdown of large sections of the UK economy. Sales of sand and gravel from Worcestershire in 2020 were approximately 0.377 million tonnes, considerably lower than approximately 0.596 million tonnes sold in the previous year (2019) which was unaffected by the COVID-19 pandemic. The LAA, therefore, considered it would not be appropriate to rely on 2020 sales figures in the baseline 10-year sales average due to the impact on sales figures being beyond that which can be considered a “usual” fluctuation in market demand.

238. The 10-year average of sales of sand and gravel from 2010 to 2019 including combined data with Herefordshire Council for 2012 and 2013 is 0.569 million tonnes. The LAA states that indicators of increasing demand suggest that the production guideline for primary sand and gravel should vary from the 10-year average and, therefore, it proposes to deviate from the 10-year sales average by plus 50%.

239. The annual production guideline for sand gravel identified by the LAA is therefore 0.853 million tonnes. Based on this production guideline and the stock of permitted reserves of approximately 2.504 million tonnes of sand and gravel, Worcestershire had a landbank of approximately 2.94 years on 31 December 2020. This is below the 7-year landbank required by national policy and indicates that there is currently a shortfall of permitted reserves in the county.

240. Since 31 December 2020, the MPA granted planning permission on 25 March 2021 (under MPA Ref: 18/000036/CM, Minute No. 1069 refers) for a proposed quarry, infilling void using inert materials only with restoration to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire. Based on the proposed extraction of some 1.35 million tonnes per year, this has increased the landbank by approximately 1.58 years.

241. Assuming production guideline for sand and gravel set out in the LAA (0.853 million tonnes) continued in 2021, then the landbank of permitted reserves at 31 December 2021 would be approximately 3.001 million tonnes of sand and gravel, equating to about 3.52 years. Consequently, on 31 December 2021 Worcestershire did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual production guidelines based on sales and other relevant local information, in accordance with national planning policy and guidance.

242. 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, which is still below the minimum landbank for at least 7 years for sand and gravel. It should also be noted that sales of sand and gravel would have continued in 2022, so the landbank is likely to be less than 3.81 years.

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

- Bow Farm Quarry, Bow Lane, Ripple – Proposed extraction of approximately 1.44 million tonnes of sand and gravel over a total of 11 phases (MPA Ref: 19/000048/CM). Should this planning application be granted permission, it would increase the landbank by approximately 1.69 years.

- Pinches Quarry Phase 4, Wildmoor Lane, Wildmoor, Bromsgrove – Proposed extraction of approximately 1 million tonnes of sand and gravel (MPA Ref: 19/000056/CM). Should this planning application be granted permission, it would increase the landbank by approximately 1.17 years.

- Ryall North Quarry, Land off Ryall's Court Lane, Holly Green, Upton-upon-Severn – Proposed extraction of approximately 475,000 tonnes of sand and gravel (MPA Refs: 20/000009/CM and 20/000015/CM). Should this planning application be granted permission, it would increase the landbank by approximately 0.56 years.

- Former Motocross site, Wilden Lane, Wilden, Stourport-on-Severn – Proposed extraction of approximately 250,000 tonnes of sand (MPA Ref: 21/000036/CM). Should this planning application be granted, it would increase the landbank by approximately 0.29 years. Application currently invalid.

- Ripple East, Bow Lane, Ripple – Proposed extraction of approximately 475,000 tonnes of sand and gravel with restoration to agriculture and nature conservation, including ponds, wetlands, hedgerows and lowland mixed deciduous woodland and meadows (Ref: 22/000015/CM). Should this planning application be granted permission, it would increase the landbank by approximately 0.56 years.

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

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

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

materials may travel further to meet demand".

247. It is 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 is currently provided by a limited number of active sites (Wildmoor Quarry and Chadwich Lane Quarry, north of Bromsgrove; Clifton Quarry, south of Worcester; and Ryall North Quarry, north of Upton-upon-Severn).

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

Sieve test / methodology

249. The adopted Minerals Local Plan allocates Preferred Areas for the working of sand and gravel in the County. Policy 1 states that planning permission will be granted for Preferred Areas of sand and gravel extraction, subject to an evaluation against other relevant Development Plan policies. This is in order to limit the environmental and blighting effects of proposals for sand and gravel working in the County to a minimum. The proposed development is not within an identified preferred area for sand and gravel extraction; therefore, Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan falls to be considered.

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

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

- Primary constraint – *"A buffer strip of 200 metres from the boundary of a potential working area to the nearest main walls of the nearest property in a settlement group of 6 or more dwellings"*

- Secondary constraint – *"Groundwater Source Protection Zone…"*

252. The proposed mineral working area would be located within 200 metres from the nearest main walls of the nearest property in a settlement group of 6 or more dwellings (primary constraint), namely the properties located along Madeley Road and properties stretching north-east from the roundabout along Sandy Lane (A491). The impacts of noise, dust, air quality and health impacts are considered in more detail in the 'Residential Amenity' section of this report, but it is noted that the EA and WRS have both raised no objections, subject to appropriate conditions. In view of this and based on the conclusions of the Residential Amenity' section of this report, the Head of Planning and Transport Planning considers that refusal of planning permission on the grounds of conflict with Policy 2 of the adopted Minerals Local Plan could not be justified.

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

254. Stage 3 of the sieve test in the adopted Minerals Local Plan refers to a *"feasibility check on viability, availability lead times and markets. Viability and availability concern the existence of an economically workable deposit, and the likelihood of it becoming available to the minerals industry within the plan period".* Given that the mineral has been previously worked at the site and in the surrounding area and the mineral is already exposed and available for extraction on site means it is a proven deposit. The applicant confirms that the analysis of the deposits demonstrate that sand is all less than 2 millimetre in size, and the material falls within the specification for construction fill (MOT Type 1). The material can be used in construction in the creation of an engineered sub-base. There is also a 10% stone/gravel content, being in the range of 5 to 40 millimetres. This material can be used off-site by the applicant as part of ongoing operations to manufacture ready-mixed concrete. The applicant also highlights that that they sell this type of material from their other operations, therefore, the selling price would easily outweigh the cost of extraction.

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

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

257. As such, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions, refusal of planning permission on the grounds of conflict with Policy 2 of the adopted Minerals Local Plan could not be justified.

Alternatives

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

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

260. The applicant stated that "*the alternatives to sand extraction and importation of material at Sandy Lane have been considered but have not been found to be more desirable than the development hereby proposed*". They conclude that this proposal is the most sustainable and preferred option for the applicant.

261. Nevertheless, the applicant considered a number of alternatives during the preparation of the proposed development. The alternatives considered were:

- A 'do nothing' approach;
- Alternative methods of stabilising the retaining wall; and
- Alternative restoration options.

262. In relation to the 'do nothing' approach, the applicant states that is not appropriate. They state that "*the site is currently not being worked and is partially restored with viable sand resources sitting within the quarry. There is currently a steep cliff faced wall, which if collapsed would cause irreversible damage to the site and surrounding landscape and lead to the sterilisation of viable sand resources, therefore it would not be economically or environmentally viable*".

263. The applicant continues to explain that this option "*would result in sterilisation of the mineral resources that are nationally sought after, alongside the implications environmentally of hindering the restoration process. A 'do nothing' approach would also leave the former quarry unrestored in perpetuity, which would result in the continued presence of an unrestored mineral site which contains unstable faces, steep slopes, and standing water. This is not preferable from a health and safety perspective".*

264. In view of the above, the applicant discounted the alternative to 'do nothing'.

265. In relation to 'alternative methods of stabilising the retaining wall', the applicant states that "*there is a need to ensure that the retaining wall does not collapse into the application site, which would lead to irreversible damage*" as outlined by the applicant in the application documents. The applicant continues to state that "*from an engineering perspective, the most effective method of stabilising the wall is to remove the soft sand at its base and replace that sand with shales and other inert materials which will be compacted in 300 mm layers to provide greater stability. With a compacted base 'keyed-in' to the wall, the risk of the wall failing would diminish and the site can be restored without the risk of slippage and subsidence impacting on the success of the restoration proposals*.

266. The applicant also argues that *"the proposed importation of shales and compacted inert materials for use in stabilising the wall also has commercial benefits*

for the Company through the receipt of fees to take the inert materials and put them to beneficial use in the engineering project proposed at the retaining wall".

267. They also conclude that "*the proposed methods of stabilising the wall are considered to provide sufficient stability to meet the project's requirements, other methods of stabilising the wall have not been seriously considered. The implementation of the operations proposed would ensure that the risk of the wall failing is minimised alongside. This would facilitate the other benefits of the proposed operations*".

268. In view of the above, the applicant discounted the 'alternative methods of stabilising the retaining wall' option.

269. In relation to the 'alternative restoration options' the applicant confirms that they considered alternative options to the importation of inert materials to ensure that the preferred landform was achieved.

270. They state that "*given the current topography of the site and the lasting safety concerns surrounding the restoration of the site if it were to retain a bowl shape with steep slopes and standing water retained, it was established that restoration to a more level landform with the surrounding ground levels was preferable. Following the advice received from consultees that contributed to the Scoping Opinion adopted by WCC, it is considered that the delivery of an ecologically-led scheme with the majority of the site restored to acid grassland is preferable. The scheme will also include a mix of newly-planted vegetation to supplement the trees and vegetation which will be retained*".

271. The applicant continues to explain that "*the final ground levels proposed within the scheme are appropriate for the surrounding levels. The landform proposed ensures that the total duration of operations is limited. It is not proposed to create a 'dome' shaped final landform that would protrude above the tree line of vegetation that surrounds the site. The proposed restoration scheme provides a mix of environmental and economic benefits through the delivery of an important habitat that contributes to the wider network of grassland within the County, and benefits the Company through the ability to import inert materials for use in the creation of final restored levels*".

272. Based on the above the applicant discounted the 'alternative restoration options' approach.

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

Green Belt

274. The proposal is located within the West Midlands Green Belt.

275. In terms of the Development Plan, Policy WCS 13 of the Worcestershire Waste Core Strategy (WCS) permits waste management facilities in areas designated as Green Belt where the proposal does not constitute inappropriate development, or where very special circumstances exist. This is supplemented by Policy BDP4 of the

Bromsgrove District Plan which states that the development of new buildings in the Green Belt is considered to be inappropriate, except in a number of circumstances which are listed in the policy, but do not include references to mineral extraction or engineering operations as referenced in the NPPF.

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

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

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

b) Where any aspect of the proposed development is inappropriate in the Green Belt - including mineral extraction and / or engineering operations that cannot satisfy the tests in part (a) above - it will only be supported where a level of technical assessment demonstrates that very special circumstances exist that mean the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

277. The introduction to Section 13 of the NPPF states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

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

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

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

280. Minerals can only be worked where they are found and mineral working is a

temporary use of land. Paragraph 150 of the NPPF identifies certain forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and engineering operations, *"provided they preserve its openness and do not conflict with the purposes of including land within it".*

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

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

283. And: *"[*Openness*] is a matter not of legal principle but of planning judgement for the planning authority or the inspector".*

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

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

285. The PPG provides useful guidance when *"assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation" (Paragraph: 001 Reference ID: 64-001-20190722).*

286. As set out under the 'Proposal' heading of this report, the proposed development includes the extraction of sand from the existing quarry void which falls within the existing application site. The sand would be used for the stabilisation of the eastern quarry face with a buttress wall. As part of the proposal inert waste would be imported for the purpose of infilling of the resultant void and creation a temporary bund for visual screening. The existing void would be restored into agricultural use with ecological features such as acid grassland, tree and shrub planting and wildlife/run-off ponds. The development would use the existing site infrastructure including site entrance, weighbridge, wheel wash and site welfare building which are in operation in relation to the wider Sandy Lane Quarry site.

287. In terms of "openness", which as set out above is capable of having both spatial and visual aspects, as described in 'Landscape Character and Visual Impacts' section below, it is considered that the scope and scale of scheme is 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.

288. The site benefits from well-established peripheral vegetation which provides visual screening on northern, southern and western boundaries. None of the boundary vegetation is proposed to be removed. Beyond the eastern boundary is restored Veolia landfill site which, due to the landform, would screen the site from any views from that direction. It is proposed to strengthen boundary vegetation with native shrubs and additional tree planting to further visually screen the site as part of the restoration scheme.

289. The closest residential properties are located approximately 20 metres west of the site fronting onto Madeley Road. The views towards the site of these properties are obstructed by mature vegetation on the western boundary of the site. Although it is noted that this visual screening might be somewhat less effective during winter months.

290. Footpath BB-680 runs along the northern and western boundaries of the site

from which there are glimpsed views into the site. There are no direct views into the site from other footpaths in locality due to their location versus the site and land topography.

291. A temporary 5-metre soils bund is proposed to be created early in the process to mitigate potential views into the application area from the upper floors of the properties off Madeley Road and Footpath BB-680.

292. Landscape and visual impact mitigation would also include the progressive phased mineral extraction and placement of inert infill material to achieve final landform and surface seeding to minimise areas of disturbed land. The final restoration would bring the site back to agricultural land with landscape and ecological enhancements. A 5 year Aftercare Management regime would ensure that the establishment and management of these features.

293. The PPG (Paragraph Reference ID: 27-001-20140306) sets out that *"Planning for the supply of minerals has a number of special characteristics that are not present in other development"*, which includes that *"working is a temporary use of land".* The PPG (Paragraph Reference ID: 27-194-20140306) also states under the heading of 'What types of conditions will be appropriate' that *"regard should be had to all material planning conditions including…land quality and proposed after-use".*

294. In terms of the duration of the development, the applicant estimates that extraction and restoration works would only take approximately 6 years to complete, which is very modest in the context of mineral operations. On completion of the infilling, the site would be restored to a beneficial afteruse. As such, the Head of Planning and Transport Planning considers that there would be no permanent spatial or visual impact on the Green Belt.

295. In terms of the degree of activity likely to be generated, the extracted sand would not be processed on site, it would be lifted and exported from the site "as raised". Therefore, no fixed processing plant would be installed on site. Additionally, the proposed development would make use of the existing site welfare buildings, a weighbridge and wheel wash, therefore, no additional infrastructure or structures would be required.

296. The applicant anticipates that there would only be approximately 9 employees. In addition, the operations would require the use of between 8 and 12 dedicated HGV drivers depending on daily requirements. The proposal would result in approximately 34 HGV movements associated with sand extraction per day and about 84 HGV movements associated with the inert landfilling at the quarry per day. Additionally, as the site would require 9 site employees, it is estimated that they would generate approximately 18 (or 9 two-way) employee trips. This would contribute to all daily vehicle movements along the A491 by less than 1%, which falls well below the 5% threshold considered to represent a material increase in traffic. The applicant clarifies that their HGV trip generation figures are based on the worst-case scenario of the separate trips for the export of sand and import of fill material. Whilst in practice, some of the vehicles that the company uses are suited to hauling both sand / aggregate and inert soils and therefore the number of HGV movements could be minimised through backloading.

297. In view of the above, on balance, the Head of Planning and Transport Planning considers 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 is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would 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 is considered that the visual impact on openness does not make this development "inappropriate".

298. Neither would the development result in urban sprawl, as set out earlier in this report, in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] Carnwath LJ considered that "*as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land".* In this respect, whilst the proposal would be located between Catshill, Rubery and West Hagley, and it would include infrastructure, some of which is already existing on 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 consists 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 are found if it did not have this level of infrastructure and vehicle movements, even when considered cumulatively with other developments, so this in itself could not make it inappropriate. The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be returned to an open state following completion of extraction and would be no more built up on completion of the development as a result of the proposal as it is now, as a result of the proposal. In this respect, it is noted that in Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government [2013] EWHC 2643 (Admin), Ouseley J noted the special status of mineral extraction under Green Belt policy. As he said:

> *"67. One factor which affects appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects. Those are of particular importance to the thinking which makes mineral extraction potentially appropriate in the Green Belt. Another is the fact that extraction, including exploration, can only take place where those operations achieve what is required in relation to the minerals. Minerals can only be extracted where they are found…*
>
> *68. Green Belt is not harmed by such a development because the fact that the use has to take place there, and its duration and reversibility are relevant to its appropriateness and to the effect on the Green Belt ..."*

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

(paragraph 41):

> *"The key point, in my judgment, is that the inspector approached the effect on Green Belt openness and purposes on the premise that exploration for hydrocarbons was necessarily inappropriate development since it did not come within any of the exceptions. He was not considering the application of the proviso to paragraph 90* [2012 version] *at all: on his analysis, he did not get that far. Had he been assessing the effect on Green Belt openness and purposes from the point of view of the proviso, it would have been on the very different premise that exploration for hydrocarbons on a sufficient scale to require planning permission is nevertheless capable in principle of being appropriate development. His mind-set would have been different, or at least it might well have been different…*
>
> *Although the decision turned principally on a legal issue as to the meaning of "mineral extraction", it is significant that the impact on the Green Belt identified by the inspector (including a 35 metre drill rig and related buildings) was not thought necessarily sufficient in itself to lead to conflict with the openness proviso. That was a matter for separate planning judgement.*
>
> *33. Hickinbottom J in the High Court held in summary that consideration of visual impact was neither an implicit requirement of the openness proviso, nor obviously relevant on the facts of this case. He said:*
>
> *64. I stress that we are here concerned with differential impact, i.e., the potential adverse visual impact over and above the adverse spatial impact. On the facts of this case … it is difficult to see what the potential visual impact of the development would be over and above the spatial impact, which, as Mr Village concedes, was taken into account. In any event, even if there were some such impact, that does not mean that openness would be adversely affected; because, in assessing openness, the officers would still have been entitled to take into account factors such as the purpose of the development, its duration and reversibility, and would have been entitled to conclude that, despite the adverse spatial and visual impact, the development would nevertheless not harm but preserve the openness of the Green Belt".*

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

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

302. Given that the location of the development is within the Green Belt and as the

above assessment is based on the development as proposed, it is considered prudent to impose a condition restricting permitted development rights.

303. As the proposed development is not considered to constitute inappropriate development, there is 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 are minded to grant planning permission for this development.

Landscape Character, Visual Impacts and Historic Environment

304. Policy BDP20 the Bromsgrove District Plan "*advocates a holistic approach to the proactive management of the historic environment*" and "*will support developments which will support development proposals which sustain and enhance the significance of Heritage Assets including their setting*".

305. Policy BDP21 of the Bromsgrove District Plan aims to *"protect and enhance the distinctive landscape character of Bromsgrove, as identified in the Worcestershire Landscape Character Assessment, and take account of the Worcestershire Landscape Character Assessment Supplementary Guidance*"

306. Policy WCS 9: Environmental assets within the adopted Worcestershire Waste Core Strategy refers to considering the effect of the proposal on designated and non-designated heritage assets and their setting. Policy WCS 12: 'Local characteristics' of the adopted Worcestershire Waste Core Strategy refers to permitting waste management facilities where it is demonstrated that they contribute positively to character and quality of the local area. Policy WCS 14: 'Amenity' in the adopted Worcestershire Waste Core Strategy refers to considering visual intrusion.

307. The proposed site is within the 'Principal Settled Farmland' landscape type. This landscape type is medium-scale, fairly open, agricultural landscapes of scattered farms, relic commons and clusters of wayside settlements. Landforms are generally rolling lowlands with occasional steep-sided hills and escarpments. The pattern of small to medium-sized hedged fields is vulnerable to change as the tendency towards arable dominance reduces the functional worth of hedgerow boundaries. It is a planned landscape with a notable pattern, defined by the straightness of its hedge lines, roads and outlines of its woodlands. It is an open, formal landscape.

308. As stated above in section titled 'The Site', the application site consists of 7.56 hectares in area of which approximately 6.16 hectares consists of the extensive worked-out void which dominates the site. The void is worked-out to a depth of approximately 28 metres below the surrounding ground levels, with existing site levels ranging between approximately 151 metres AOD and 160 metres AOD. The application site is bordered on three sides by mature trees, with the eastern boundary consisting of the exposed worked face which now requires the installation of a buttress and associated engineering operations to act as a retaining wall.

309. Mature trees border the site on its northern southern and western sides. They provide visual screening and restrict the views into the site. None of the boundary vegetation is proposed to be removed. The closest residential properties are located

approximately 20 metres west of the site fronting onto Madeley Road. The views towards the site of these properties are obstructed by mature vegetation on the western boundary of the site. Although it is noted that this visual screening might be somewhat less effective during winter months. The eastern boundary of the site consists of exposed faces which are a retaining wall between the void subject to this application, and the restored landfill located immediately east of the site.

310. Footpath BB-680 runs along the northern and western boundaries of the site from which there are glimpsed views into the site. There are other Public Rights of Way in the vicinity of the site, including Footpath BB-597, which is located adjacent to the north-east corner of the sand quarry site and Footpath BB-675 is located on the southern side of Sandy Lane (A491) adjacent to the Stourbridge Road / Madeley Road roundabout, about 50 metres south of the application site. However, there are no direct views into the site for these routes due to their location versus the site and land topography.

311. As part of the site operations within the existing quarry void, a temporary soils bund would be created early in the process. This would help with to provide visual screening and attenuate noise from the site for the closest sensitive receptors. The bund would be approximately 5 metres high and would be seeded and maintained.

312. The application site would be subject to progressive restoration with a final landform at a higher level than the existing floor of the quarry void. The final ground levels would be between approximately 160 metres AOD and 174 metres AOB (comparing to existing levels which are approximately between 151 metres AOD and 160 metres AOD.

313. The materials would be placed progressively, in a north to south direction, enabling restoration operations to move gradually closer to the internal site access which would be the final area to be restored.

314. The restoration plan includes a mix of habitats across the site:

- Retaining all existing peripheral vegetation on southern, western and northern boundary in particular consisting mainly of woodland, measuring approximately 1.11 hectares in area
- Planting new native woodland fringe (approximately 0.88 hectares) consisting of tree and shrub planting along the southern boundary and in the south-eastern corner of the site
- Creation of approximately 0.21-hectare wildlife pond on the north-western corner of the site which would also serve as surface water management connected to the rest of the site with a drainage ditch running along western, norther and eastern boundaries.
- The major part of the quarry void would be infilled covered with topsoil and seeded to achieve approximately 5.07 hectares of the species rich acid grassland. Seeding with a species would take place progressively prior to the cessation of site operations as the site enters its managed aftercare period.

315. The main site access off Sandy Lane would be maintained as it is currently used

for the restored Veolia landfill site operations.

316. The applicant submitted a Landscape and Visual Impact Assessment (LVIA) which concludes that "*overall, we consider that the proposed operational development and the subsequent restoration, is acceptable on landscape and visual grounds. Upon final restoration, the proposed development would provide beneficial effects on landscape character and limited visual amenity, proving enhanced opportunities for biodiversity*". The conclusions also state that it is "not likely" that the proposed development would give rise to any significant adverse cumulative landscape or visual effects.

317. The County Landscape Officer has no objections to the scheme on landscape grounds and concur broadly with the findings set out in the LVIA and agree that post-restoration there would be an overall beneficial outcome not at odds with the baseline surrounding baseline character. They recommend that the restoration scheme is secured through a suitably worded condition, relating to a LEMP.

318. In summary, it is considered that the scope and scale of scheme is 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 Principal Settled Farmlands Landscape Type.

319. With regard to the historic environment, it is noted that Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

320. With regard to heritage assets, paragraph 195 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".*

321. Paragraphs 199 and 200 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: …a) grade II listed buildings… should be exceptional; b) assets of highest significance, notably schedule*

monuments…grade I and II listed buildings…should be wholly exceptional".*

322. Paragraphs 201 of the NPPF states that *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss…"*

323. The PPG at Paragraph Reference ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting…".*

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

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

326. The key historic environment assets in vicinity of the site are described in 'the Site' section of this report. The submitted Planning and Environmental Statement states that given the nature of the application site which is an unrestored former sand quarry with existing void, there is no potential for direct impact on heritage through archaeology. The document states that the potential for the development to impact indirectly on off-site heritage assets has been assessed, and the potential for impact has been determined as acceptable. Finally, the Heritage Statement submitted with this application concludes 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*".

327. The Bromsgrove Conservation Officer, the County Archaeologist and Historic England have been consulted and have no objections to this proposal.

328. The Gardens Trust have been consulted but no comments have been received. Hereford and Worcester Gardens Trust have no comments to make on this application.

329. 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.

330. In view of the above and based on the consultees' advice, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area 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)

331. Letters of representation have also been received objecting the proposal on the grounds of health and wellbeing, pollution and contamination of land and water, sand deposits on roads, cars and properties, and air quality impacts.

332. Bournheath Parish Council (Neighbouring) comments that "*locals have attributed the high cancer rate in the area to past quarry activity*".

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

334. Policy BDP19 of the Bromsgrove District Plan encourages high quality design through "*ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment*"; "*ensuring development is made suitable for the proposed final use, for instance, in terms of land contamination and, where relevant, does not create an unacceptable risk to controlled waters (where relevant)"* and "*maximise the distance between noise sources (for example motorways) and noise sensitive uses (such as residential) (…)*". In terms of air quality, all new developments above 0.5 hectares "*should not increase nitrogen dioxide (NO2). particulate matter (PM10) and carbon dioxide (CO2) emissions from transport and should be accompanied by an assessment of the likely impact of the development on local air quality and comply with current best practice guidance*". The policy also states that "*development with the potential to result in significant impact on air quality, either cumulatively or individually will be resisted unless appropriate measures to mitigate the impact of air pollutants are included. Development will be expected to contribute to the provision of adequate mitigation measures (…)."*

335. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy states that "*waste management facilities will be permitted where it is demonstrated*

that the operation of the facility and any associated transport will not have unacceptable adverse impacts on amenity...".

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

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

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

339. Paragraph 188 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively".*

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

341. The Noise Policy Statement for England was published in March 2010 and includes an Explanatory Note. The aim of the document is to "*provide clarity regarding*

current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion". It sets 3 aims, which are:

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

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

343. The proposed development has the potential for noise generation through on-site activities such as soil stripping, the extraction of sand and gravel, tipping of inert waste material and transportation of "as dug" material, and internal traffic movements. Off-site noise generated by traffic movements associated with the mineral operations have the potential for impact on roadside receptors.

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

345. Paragraph 50 Reference ID: 28-050-20141016 of the PPG elaborates on this matter, stating that "*there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body*".

346. The PES and accompanying Assessment of the Potential Noise Impact considered noise levels the nearest sensitive receptors which include Fairfield Lodge, Lower Madeley Farm, Oak Villa, The Cottage, Harbours Hill, Bringsty, Sandy Lane, Wildmoor Quarry property (Dolfor House), Farcroft and No 1 Madeley Road, The noise has been considered by assessing the noise generated by plant which would be used on-site and included the proposed extraction of sand and restorations activities. The noise impact has been predicted using the 'worst case' scenario when the noise generated by on-site activities are at their loudest. The PES states that *"in reality, the majority of the proposed operations will take place within the Sandy Lane quarry void,*

at significant depth below surrounding ground levels where sensitive receptors are located".

347. The Assessment of the Potential Noise Impact predicts the noise levels at the nearest sensitive receptors for combined site daytime activity and for temporary works and recommends a site noise limit in relation to each receptor. The temporary works involve the construction of a bund, measuring approximately 5 metre-high and the supporting platform within the quarry void above a height of 160 metres AOD. The calculated noise levels and recommended site noise limit are outlined in the tables below:

Table 1: Daytime operations (combined site activity) noise levels.

Receptor	Calculated Site Noise Level (Combined site activity) – (dB LAeq, 1-hour free field)	Recommended Site Noise Limit – (dB LAeq, 1-hour free field)
Fairview Lodge	49	55
Lower Madeley Farm	45	48
Oak Villa	46	48
The Cottage, Harbours Hill	31	50
Bringsty, Sandy Lane	34	55
Wildmoor Quarry property (Dolfor House)	49	55
Farcroft	55	55
No. 1 Madeley Road	55	55

Table 2: Temporary works noise impacts

Receptor	Calculated Site Noise Level – Normal Daytime Operations (dB LAeq, 1-hour free field)	Recommended Site Noise Limit – Normal Daytime Operations (dB LAeq, 1-hour free field)
Fairview Lodge	50	70
Lower Madeley Farm	46	70
Oak Villa	47	70
The Cottage, Harbours Hill	31	70
Bringsty, Sandy Lane	35	70
Wildmoor Quarry property (Dolfor House)	49	70
Farcroft	56	70
No. 1 Madeley Road	69	70

348. The Assessment of the Potential Noise Impact also looks at the potential for cumulative noise impacts taking into account other mineral extraction and restoration in the area, namely Chadwich Lane Quarry (located approximately 400 metres to the north-east of the site) and Wildmoor Quarry (located approximately 50 metres to 100 metres south of the site). The Assessment notes that it is unlikely that the highest noise levels from each site are unlikely to occur simultaneously.

349. Condition 37 of Planning Permission ref: 18/000036/CM, dated 24 March 2021, relating to Chadwich Lane Quarry states that the noise levels should not exceed 52dB LAeq 1hr'. The nearest dwellings to Chadwich Lane Quarry are Lower Madeley Farm, The Stables and Oak Villa. The combined calculated site noise levels for Chadwich Lane Quarry and Sandy Lane are below the noise limit at dwellings imposed by Condition 37 of the planning. They include:

- Lower Madeley Farm – 50 dB LAeq, 1-hour
- The Stables – 50 dB LAeq, 1-hour
- Oak Villa – 51 dB LAeq, 1-hour

350. The Assessment of the Potential Noise Impact states that there is insufficient information available for the existing and proposed operations at Wildmoor Quarry.

351. The Assessment of the Potential Noise Impact also considers the potential noise impacts arising from off-site vehicle movements. The document concludes that the proposed additional HGV movements would result in a negligible noise impact.

352. The Assessment of the Potential Noise Impact concludes that "*the site noise levels for site operations during daytime periods are at or below the suggested site noise limits at the nearest receiver locations considered*".

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

- The inclusion of a soil bund, measuring approximately 5 metres high by 300 metres long by 22 metre wide, which would span along western and southern site boundaries.
- Use of appropriate modern plant and equipment in order to protect the amenity of the area during extraction and restoration operations
- General 'best practice' measures would be employed to minimise noise generated onsite, including the use of non-intrusive reversing systems on vehicles wherever possible, and minimising drop heights.

354. WRS have been consulted and have no objection to the application in terms of noise.

355. In view of the above, the Head of Planning and Transport Planning considers

that subject to the imposition of appropriate conditions that the proposal would not have an unacceptable noise impact.

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

357. The Dust and Air Quality Impact Assessment states that in terms of extraction of sand the 'as dug' mineral would not be processed on-site but extraction of mineral has the potential to generate dust when the material is dry and friable. However, sand has an inherently high moisture content, which together with the extraction being undertaken at depth should result in minimal dust being created by excavation and loading activities, with negligible potential for fugitive emissions. In terms of restoration, the inert restoration materials would be transported to the site. These activities involve both vehicle movements and tipping activities, which have the potential to generate dust if not adequately controlled. There is potential for roadways and unvegetated surfaces to produce dust emissions during dry, windy conditions. The movement of vehicles across the site can be a significant source of dust generation. Mitigation measures are especially pertinent when vehicle movements are in the vicinity of sensitive receptors. Uncleaned vehicles leaving the Site have the potential to deposit mud and dirt along the access road and public highway

358. The Dust and Air Quality Impact Assessment identified the nearest sensitive receptors within 250 metres of the boundary of the proposed quarry. It identified Farm building along Madeley Road to the north, row of residential dwellings along Madeley Road, north-west of the roundabout, Fairfield Lodge, Davescott and Farcroft at high potential sensitivity. It states that "*All receptors identified within the vicinity of the site are either residential dwellings, which are therefore designated as having a 'high' sensitivity to dust, or farming operations and farm buildings, which have a 'low' sensitivity*".

359. The Dust and Air Quality Impact Assessment goes on that "*the nearest receptors to the proposed development are residential properties to the west and south-west. The nearest of these are the row of residential properties along Madeley Road, Stoneybridge. The nearest façades are located approximately 40 metres west of the 5 metre-high temporary perimeter noise attenuation bund along the south-west area of*

the site, and 50 metres from the closest excavation area. There is the potential for a major impact from dust at these receptors without the application of appropriate mitigation. However, the creation of the screening bund during the initial phase of the development would be for a relatively short duration and would ultimately aid mitigation. The majority of the development would be at significantly greater distances than the nearest boundary, whilst a degree of screening is provided by retained mature vegetation, which would ameliorate any dust impact". Additionally, the predominant south-westerly winds observed in this area have the potential to disperse any dust the in a north and east direction away from these receptors. The assessment states that "*the diligent application of the appropriate mitigation measures would minimise potential dust impact and reduce the magnitude to insignificant*".

360. In terms of impact on the remaining sensitive receptors, the Dust and Air Quality Impact Assessment conclusions are summarised below:

- Fairfield Lodge –south-west of the proposal and just within 100 metres of the nearest site activities. As such there is the potential for a major and intermediate impact from dust. Davescott is slightly further to the west and has the potential for an intermediate impact. However, the combination of screening by vegetation and bunding, greater distance from the majority of operations and being located away from the effects of the predominant wind direction, the impact is reduced. The diligent application of appropriate mitigation measures would further minimise potential dust impact.
- Farcroft residential receptors are located approximately 170 to 180 metres south-west from the nearest operational area of the proposal and to the west of the roundabout. If unmitigated, the closest operations have the potential to generate a slight o intermediate impact. However, the application of appropriate mitigation would readily reduce the magnitude of any impact to insignificant.
- The farm buildings and along Madeley Road to the north of the proposal are approximately 80 metres north of the north-west corner of the restoration area. As such, with the receptors possessing a low sensitivity, there is the potential for a slight impact if operations are unmitigated. However, the implementation of appropriate mitigation would reduce the magnitude of any impact to insignificant.

361. Dust mitigation measures specified in the Dust and Air Quality Impact Assessment include:

- Compliance with the suppression methodologies as per industry best practice.
- The adoption of best practicable means to ensure dust and fumes from the site are effectively suppressed.
- Regular servicing of mobile plant, which would be equipped with effective exhausts to prevent fume emissions.
- Maintenance of haul roads.

- Use of a water bowser during dry conditions on the access road and any other trafficked areas.
- Implementation of vehicle speed limits on access and other trafficked areas by the Site Manager. This would be adhered to with due regard to weather and ground conditions in order to reduce fugitive dust generation.
- Inspecting and cleaning all vehicles as appropriate prior to leaving the site onto the public highway.
- Sheeting all vehicles leaving the site onto the public highway.
- Employing a road sweeper in the unlikely event that dust or mud from the site has been deposited on the public highway.
- Undertaking regular inspections of the public highway by the Site Manager or instructed site personnel in order to identify the need for any cleaning requirements.
- Observations from all inspections would be logged.
- Minimising drop heights while loading and unloading vehicles. This is especially pertinent construction of the noise attenuation bund to the southwest and the placement of restoration materials in the vicinity of sensitive receptors.
- Using an excavator, dump trucks and dozer during temporary operations such as bund formation and final restoration.
- Undertaking operations with due regard to weather conditions and type of material being handled in order to reduce dust generation.
- The peripheral screening bund along with mature woodland and associated foliage would reduce dust pick-up by wind and reduce fugitive emissions.
- Screening bunds would be seeded as soon as possible, whilst the site would undergo progressive restoration in accordance with the phased sequence of working.
- Appropriate training for all site employees in order to ensure that they are conversant with the site dust control strategy.

362. The Dust and Air Quality Impact Assessment also states the deposition of dust can also impact on agricultural and ecological systems. However, it concludes that this material is chemically inert and, therefore, would not have a toxic impact on the surrounding vegetation.

363. It also concludes that in terms of no statutory or non-statutory designated ecologically sensitive habitats, none have been identified within a 250-metre radius of the proposed extraction boundary Sandy Lane Quarry and therefore no impacts are identified.

364. The Dust and Air Quality Impact Assessment also considers the impact of the development on local air quality.

365. The HGV movements associated with sand and gravel extraction would be approximately 34 HGV movements (equating to 17 HGVs in and 17 HGVs out) per day. The HGV movements associated with importation of restoration materials would be approximately 84 HGV movements (equating to 42 HGVs in and 42 HGVs out) per day. For three-year period these movements would overlap and in the worst-case

scenario HGV movements would equate to total 118 per day. This does not include the potential for backloading, which would reduce numbers.

366. In terms of AQMAs, the closest one is Lickey End AQMA located approximately 3 kilometres south-west of the application site.

367. The Dust and Air Quality Impact Assessment states that because there are no AQMAs identified by the Local Authorities in the immediate vicinity of the application site, therefore, *"with the slight increase in vehicle numbers associated with the proposal being within the criteria specified within IAQM* [Institute of Air Quality Management] *guidance for requiring an air quality assessment, the assessment concludes that it is not necessary to undertake a traffic related air quality impact assessment. This suggests there would be no undue impact on air quality pollutants along the public highway associated with the exportation of sand off site or the importation of inert materials for restoration*".

368. WRS have been consulted and raise no objections to this proposal in terms of air quality impact.

369. WRS have no objections in terms of dust nuisance. They state that the dust mitigation measures in the submitted Dust and Air Quality Assessment are acceptable.

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

371. With regard to contaminated land, WRS have no objections to this proposal.

372. They state that they understand the proposal is to restore a former quarry using inert materials imported from external source. An EP has been applied for with the EA which would set standards for material suitability and monitor activities on site. The proposal would therefore pose a low risk to human health receptors, and as such they do not have any objections.

373. The EA have no objections to the proposal subject to imposition of condition relating to storage of fuels and other potentially polluting liquid. Detailed EA comments are included in section 'Water environment including flooding' of this report.

374. Based on the above advice, the Head of Planning and Transport considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable impact on land contamination.

375. In terms of litter, the applicant confirms that no domestic/household waste would be imported. They propose to import clean inert waste material. There is no risk of household-type rubbish (plastics, wrappers etc) sourced at the site causing an issue.

376. With regard to health and wellbeing impacts, the PPG states that "*it is helpful if the Director of Public Health is consulted on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it. This would allow them to work together on any necessary mitigation measures. A health impact assessment is a*

useful tool to use where there are expected to be significant impacts" (Paragraph Reference ID: 53-005-20190722).

377. The applicant submitted an HIA Screening. The Screening has not identified any significant risks to the health and well-being of the population and concludes that the proposed development can be carried out without adverse impact on human health.

378. With specific regard to the comments received by Bournheath Parish Council, the applicant states that they are not aware of any link between historic quarrying activity at Sandy Lane Quarry and local cancer rates. The applicant also confirms that the proposed operations would be undertaken in accordance with best industry practice.

379. The County Public Health have been consulted and initially requested the completion of the HIA. They had no further comments in relation to the HIA Screening.

380. WRS have been consulted and raised no objections in relation to impacts of air quality, dust and noise on human health, subject to appropriate conditions (as specified earlier in this section of the report).

381. The EA raised no objections in relation to pollution subject to relevant conditions (as specified later in 'Water environment including flooding section' of this report).

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

383. In view of the above matters, the Head of Planning and Transport Planning considers 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 impacts upon Public Rights of Way

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

385. County Councillor Adrian Kriss objects to the proposal based on concerns regarding adverse impacts upon traffic and highway safety, including concerns that increase in traffic would cause congestion at peak times, HGVs would park on local roads and development would generate mud and debris on the roads. Whilst not objecting, County Councillor Shirley Webb also raises the above as concerns and states that they need to be carefully monitored. County Councillor Adrian Kriss suggests that a "bond" should be sought to be laid aside to cover local council costs of clearing roads.

386. Bournheath Parish Council have no objection to this proposal but raises concerns regarding increase in HGV traffic causing mud on roads and damage to road surface. The also suggest conditions to include wheel wash on exit.

387. Paragraph 111 of the NPPF states *"development should only be prevented or*

refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

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

389. Policy BDP16 Sustainable Transport of the Bromsgrove District Plan states that… "*"BDP16.1 Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network. (…) BDP16.3 The Council will support the use of low emission vehicles including electric cars through encouraging the provision of charging points in new developments. (…) BDP16.6 Infrastructure for pedestrians and cyclists, for example access routes and cycle parking, will be provided in a safe and sustainable environment within the context of green infrastructure, as an integral feature of proposed development. Developments which would worsen walking and cycling access and exacerbate motor vehicle dependence should not be permitted".*

390. Policy BDP19 High Quality Design of the Bromsgrove District Plan state that development should ensure that measure the potential impact of pollution in relation to air, noise, vibration, light and water to occupants, wildlife and the environment.

391. Vehicular access to the site would be via Sandy Lane (A491), which forms part of the major road network and connects to junction 4 of the M5 Motorway, located approximately 2 kilometres broadly east of the site. A roundabout is located adjacent to the south-west corner of the application site and connects Madeley Road, which runs along the western boundary of the site, with Sandy Lane (A491) and the Stourbridge Road (B4091).

392. The Transport Assessment and Planning and Environmental Statement cover issues of transport and highways safety. The Planning and Environmental Statement states that an existing access directly off Sandy Lane (A491) would be utilised for this development and as such no new site access or any remodelling of public highway would be required. "*The access is already in use for HGV entry and egress in connection with Sandy Lane Quarry operations"*. It also serves the adjoining restored Veolia landfill and is the sole access to the landfill for HGV's.

393. The proposed hours for HGVs to enter and exit the site would be between the hours of 07:00 – 19:00 hours Mondays to Fridays, and 07:00 – 13:00 hours on Saturdays to facilitate the removal of 245,000 tonnes of sand from the site and the importation of 975,000 cubic metres (approximately 1.1-1.2 million tonnes) of inert materials for restoration.

394. The overall duration of the proposed development would be six years, with sand extraction taking place for three years (concurrent with importation of restoration materials). Importation of inert materials to create the final site landform would take six

years - three years overlapping with sand extraction and three years beyond.

395. The HGV movements associated with sand and gravel extraction would be approximately 34 HGV movements (equating to about 17 HGVs in and about 17 HGVs out) per day. The HGV movements associated with importation of restoration materials would be approximately 84 HGV movements (equating to about 42 HGVs in and about 42 HGVs out) per day. For three-year period these movements would overlap and in the worst-case scenario HGV movements would equate to total of approximately 118 per day.

396. This would contribute to all daily vehicle movements along the A491 by less than 1%, which falls well below the 5% threshold considered to represent a material increase in traffic.

397. The applicant clarifies that their HGV trip generation figures are based on the as the worst-case scenario of the separate trips for the export of sand and import of fill material. However, some of the vehicles that the company uses are suited to hauling both sand / aggregate and inert soils and therefore the number of HGV movements could be minimised through backloading.

398. The applicant continues to state *that the company has extensive experience of route planning and maximising efficiency. All HGV trips are planned and routed to backload wherever possible. The Company's fleet of vehicles are fitted with trackers to minimise road miles and would maximise efficiency of deliveries (both export from the site and import to the site).*

399. In terms of road safety, the applicant states that the latest available road safety collision statistics demonstrate that "*no collisions were recorded relating to the functioning of the site access and no collisions in the wider vicinity were recorded involving HGVs*". Furthermore, they state that "*the A491 itself is a designated non-trunk lorry route within the Worcestershire Advisory Lorry Route Map (…). The road connects the site with the A456 at Hagley to the north-west, and the Strategic Road Network at junction 4 of the M5 motorway to the south-east. In the vicinity of the site, the A491 is used by HGVs associated with sand and gravel extraction taking place south of the A491, with the access to that quarry located approximately 35 metres west of the application site's access"*.

400. Based on the above, the Transport Assessment concludes that "*the small number of trips to be added to the highway network comparative to the existing traffic volumes means that there would be no material change in road safety risk as a consequence of the development*".

401. In terms of impacts of mud and dust on road safety. The applicant submitted the Dust and Air Quality Impact Assessment which identifies mitigation measures to reduce the spread of dust and mud on the surrounding area. The full consideration of this matters is available in 'Residential Amenity' section of this report. Some examples of the measures proposed include:

- Sheeting vehicles prior to their leaving the site onto the public highway

- Regular inspections of the public highway
- Using a road sweeper in the unlikely event that dust or mud from the site has been deposited on the highway

402. It needs to be noted that the application site already benefits from the existing wheel wash and the requirement for it would be secured by the imposition of an appropriate condition.

403. The County Highways Officer has been consulted and has no objection to the proposal, subject to conditions relating to submission of a Construction Environmental Management Plan (CEMP) and details of signage scheme, wheel wash facilities, car parking provision, EV charging facilities, cycle parking and level of signage illumination. This is based on a robust assessment of the information submitted to support this planning application.

404. WRS have no objections in terms of dust nuisance. They state that the dust mitigation measures in the submitted Dust and Air Quality Assessment are acceptable.

405. In relation to comments made by County Councillor Adrian Kriss in relation to a 'bond' should be sought from the applicant to cover Local Council costs of clearing the roads of debris and mud. The Head of Planning and Transport Planning notes that the County Highways Officer has raised no objections to the proposal, subject to conditions. Furthermore, it is considered that this request would not pass the tests for planning obligations (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development). As set out at paragraph 57 of the NPPF, planning obligations must only be sought where they meet all of these tests. Additionally, WCC have powers under Section 149 of the Highways Act to remove anything which gets deposited on the highway and which is causing a nuisance. This legislation also allows WCC to recharge the costs back from the applicant should they be negligent on that matter.

406. With specific reference to the monitoring of the traffic and safety issue on local roads raised by County Councillor Shirley Webb, this is covered in the sub-section 'Monitoring and Enforcement' under 'Other Matters' further in this report.

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

408. Footpath BB-680 runs along the northern and western boundaries of the site, however, the applicant states that there would not be any direct impact on this footpath. The proposals for engineering operations to support the retaining wall would be limited to the eastern portion of the quarry void, located a significant distance and at a much lower level than the Footpath BB-680. The completion of the site's restoration, including the importation and spreading of inert materials to create final profiles, would similarly take place at a much lower level than the top of the former extraction faces on which the Footpath BB-680 is located.

409. Two other Public Footpaths are located outside but in the vicinity of the site. Footpath BB-597 is located adjacent to the north-east corner of the sand quarry site. Footpath BB-675 is located on the southern side of Sandy Lane (A491) adjacent to the Stourbridge Road / Madeley Road roundabout, about 50 metres south of the application site. The proposed development would not impact the Rights of Way network beyond the site due to the location of the operations within the existing void.

410. Specific reference has been made in letters of representation to improvements to the adjacent public footpath to the north of the site that could be done as part of this proposal. It is noted that the Footpath BB-680 lies outside of the application site and the proposed development would have no direct impact on this path as such it would not meet the six tests of planning conditions as specified in the Planning Practice Guidance (Paragraph: 003 Reference ID: 21a-003-20190723)

411. The County Footpaths Officer has been consulted and has no objection to the proposal subject to the applicant adhering to their obligations to the public rights of way. They emphasise the responsibility on the applicant to ensure the safety of the public using the right of way, taking appropriate measures including if necessary, making application for closure of the right of way to maintain public safety during development.

412. Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a public right of way during works the appropriate application should be made to the Public Rights of Way Mapping Team at WCC at least 8 weeks prior to the earliest requested closure date. The applicant should also adhere to their obligations to the public rights of way.

413. The Ramblers Association has been consulted and has no objection to this proposal.

414. In view of the above, the Head of Planning and Transport Planning is 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

415. Comments regarding the potential impact of the proposal on water environment have been received from local County Councillor Shirley Webb, Belbroughton Parish Council and Wildmoor Residents' Association.

416. The local County Councillor Shirley Webb states that the safeguarding of the underlying water table and possible contamination would need monitoring should this proposal is minded being approved.

417. Belbroughton Parish Council comment that the safeguarding of the water protection zone and the ground water supply to the aquifer within which the site is located should be guaranteed. Therefore, the Parish Council request that careful

consideration is given to the maximum depth of sand extraction that will be permitted above the water table.

418. Wildmoor Residents' Association is also concerned with the safeguarding of the underlying water table. They state that the site is located within a water protection zone for the Wildmoor Aquifer and its water pumping station less than 1,000 metres away which supplies some 19,000 homes in Bromsgrove. Whilst the proposed infill materials are said to be inert this does not rule out the possibility of ground water contamination. They would like to see at least a physical protection membrane applied at the base of the sand excavation to ensure the safeguarding of the ground water area. Also, that the depth of the proposed sand excavation is restricted to the limiting margins determined for safety by the Water Authority

419. Policy BDP19 High Quality Design of the Bromsgrove District Plan state that development should ensure that measure the potential impact of pollution in relation to air, noise, vibration, light and water to occupants, wildlife and the environment.

420. Policy BDP22 Climate Change of the Bromsgrove District Plan supports climate resilient developments by ensuring developments and infrastructure are planned to avoid increased vulnerability to the range of impacts and take advantage of the opportunities arising from climate change, having regard to the intended lifetime of the development.

421. Policy BDP23 Water Management of the Bromsgrove District Plan states that (BDP23.1) the Council will deliver safe developments with low environmental impact through "c*) Ensuring development addresses flood risk from all sources, follow the flood risk management hierarchy when, planning and designing development, and do not increase the risk of flooding elsewhere. Where inappropriate developments in areas at risk of flooding are necessary after the sequential test is applied, appropriate designs, materials and escape routes that minimise the risk(s) and loss should be incorporated b) Requiring all developments to work with the Lead Local Flood Authority and SuDS Approval Body and pay necessary regard to the Local Flood Risk Management Strategy and its evidence; e) Requiring all major developments to engage with Severn Trent Water at the earliest opportunity to ensure that sufficient capacity of the sewerage system (i.e. wastewater collection and treatment) is available to accommodate the development; f) Supporting developments that protect and enhance water quality. This includes ensuring the phasing of development is in line with the completion of the required infrastructure and non-mains drainage will follow the foul drainage hierarchy with appropriate management plans in place; g) Requiring developments to set aside land for Sustainable Drainage Systems (SuDS) and follow the SuDS management train concept. This includes maximising opportunities for restoring watercourses, deculverting, delivering multiple benefits in line with BDC24 Green Infrastructure and ensuring that an appropriate buffer zone is provided between the watercourse and any development*".

422. Policy BDP24 Green Infrastructure of the Bromsgrove District Plan encourages development to deliver a high quality multi-functional Green Infrastructure network by *"a) Ensuring developments adopt a holistic approach to deliver the multiple benefits and vital services of Green Infrastructure, with priorities determined by local circumstances; b) Requiring development to improve connectivity and enhance the*

quality of Green Infrastructure; c) Requiring development to provide for the appropriate long term management of Green Infrastructure; d) Requiring development to have regard to and contribute towards, the emerging Worcestershire Green Infrastructure Strategy, any local GI Strategy (…).

423. Policy WCS 10: 'Flood risk and water resources' of the adopted Worcestershire Waste Core Strategy refers to considering flood risk as well as any potential impacts on surface and ground water.

424. With regard to flood risk, the proposal is situated within Flood Zone 1 (low probability of flooding), as identified on the EA's Indicative Flood Risk Map. As the application site measures approximately 46 hectares in area (red line boundary), a Flood Risk Assessment is required to accompany the application, in accordance with paragraph 167 and Footnote 55 of the NPPF, as the site exceeds 1 hectare in area.

425. The PPG at Paragraph Reference ID: 7-033-20140306 states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding). The PPG at 'Table 3: Flood risk vulnerability and flood zone 'compatibility', as updated by Annex 3 of the NPPF: 'Flood risk vulnerability classification' indicates that 'water compatible' development, such as the proposed sand extraction operations and 'more vulnerable' development, such as the subsequent infilling are considered acceptable in Flood Zone 1.

426. With regard to surface water and sustainable drainage systems, paragraph 169 of the NPPF states that "*major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate. The systems used should:*

a) take account of advice from the Lead Local Flood Authority;
b) have appropriate proposed minimum operational standards;
c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
d) where possible, provide multifunctional benefits".

427. The Flood Risk Assessment (FRA) and the Water Resources and Flood Risk section in the Planning and Environmental Statement summarise the risk from all sources of flooding. They state that there generally a low risk of flooding to the site from all sources of flooding due to the facts that:

- Areas at risk of surface water flooding occur within the void space of former mineral workings to the east and south. Given the depth of void spaces these areas would not pose a risk of flooding to the site. Surface water run-off from the restored Veolia landfill site to the east would be managed by its water management system.
- During mineral extraction and infilling incident rainfall would be directed to a sump on the quarry floor where water would infiltrate to the underlying sandstone. It is not intended to place permanent plant or buildings within the void space, therefore, the depth of water ponding on the quarry floor would not pose a risk to site operations.
- Following restoration there would be no receptors on site and run-off would be directed to perimeter drains and a containment pond

- Groundwater levels are expected to remain well below the minimum quarry floor level. Backfilling would occur soon after mineral extraction, which would increase the height above the watertable.
- In terms of sewer flooding, mineral working has already occurred and the site is located in a predominantly rural area. Future activities within the quarry void are not expected to encounter buried services.

428. In terms of flooding from the site the FRA concludes that there is a generally a low risk of flooding from all sources of flooding. It states that "*the site lies within Flood Zone 1 and is not considered to be within a floodplain. The proposed development would not result in the loss of floodplain storage which could otherwise cause an increase in fluvial flood risk to external areas*". It states that in terms of fluvial and pluvial flooding due surface run-off, rainfall over the quarry void during mineral extraction and infilling activities would be contained by the surrounding walls of the quarry and the proposed screening bund. Any standing water would be directed to a low point on the quarry floor for disposal through infiltration. There would be no need to discharge water offsite. Restoration of the site would be completed using sandy soils and revegetating the site which would promote infiltration. Run-off from the restored landform would be captured by perimetre drains which would discharge into a containment pond. The pond design would then gradually disperse water to ground through infiltration. The FRA concludes that *"in the unlikely event that rainfall over the restored landform exceeds the design event, run-off would overflow the pond into Madeley Road. Water surcharging highway drains would follow the gradient of the road southwards to the junction with the A491*. G*iven the small size of the site relative to surrounding areas, emergency overflow is not expected to significantly increase flood risk to houses along Madeley Road. Overflowing water would enter fields to the west-southwest of the junction and a nearby field drain which forms part of the wider Fenn Brook catchment. Nearby fields would be flooded by run-off from areas surrounding the site".* In terms of groundwater, groundwater levels are expected to be well below the base of the quarry creating sufficient unsaturated zone to accommodate incident rainfall during the operational phase. The FRA then states that "*given the small area of the quarry relative to the underlying aquifer any enhanced recharge from the quarry void is unlikely to cause widespread increases in groundwater levels. The restored landform will increase the thickness of the unsaturated zone and thereby reduce any flood risk from groundwater*".

429. As such, the FRA concludes that as the site is not considered to be at the significant risk of flooding, no mitigation is required. However, the proposal would include sustainable drainage measures which would contribute to minimising any potential flood risk on site and to the surrounding areas including parameter ditches which would discharge water into a containment pond.

430. The Planning and Environmental Statement states that "*the proposed surface water storage pond would be located in the north-western corner of the site with surface water collected from within the site naturally draining north-westwards accumulating to form the standing surface waterbody. The feature has been designed with a capacity of approximately 2,000 cubic metres in order to cater for the anticipated surface water run-off from the rest of the site, which has been estimated to a return period of 1 in 100 years plus an allowance for climate change".* The pond design would then gradually disperse water to ground through infiltration. Upon final

restoration these sustainable drainage features would be vegetated to create biodiversity and landscape character gains.

431. A full Hydrogeological Impact Assessment (HIA) has been alongside the Planning and Environmental Statement by the applicant. The document concludes that the potential impacts on groundwater quality and flows are significantly limited because the proposed operations would take place above the water table. The applicant confirms that mineral extraction would take place at a maximum depth of approximately 150 metres AOD whilst groundwater levels from borehole data in the area are shown in the range of about 143 metres AOD and 146 metres AOD, therefore, there would be at least a 4 metre buffer above groundwater. The development would not lead to any abstractions or dewatering. Similarly, the proposal would not include any discharge of water off-site. The document concludes that no internationally important sites such SAC, SPA or Ramsar, Local or National Nature Reserves, SSSIs or Local Wildlife Sites would have hydrological links between the designations and the site and they are not considered to be at risk from any proposed site operations.

432. The closest watercourses to the site are Fenn Brook and Battlefield Brook located approximately 0.7 kilometres north-west and 0.9 kilometres south west of the site. The Planning and Environmental Statement concluded that the proposals would not have any impact on these watercourses.

433. The Planning and Environmental Statement states that "*the site is not located within a Drinking Water Protected Area, or Safeguarded Zone for surface water. However, it is located within surface water Nitrate Vulnerable Zone. The site is located within the Sherwood Sandstone Group is classed by the EA as a Principal Aquifer. The aquifer is a regionally important groundwater resource for industrial use and public water supply. The area of the aquifer in which the site is located is over abstracted, which has resulted in a long term fall in groundwater levels. Consequently, there has been a loss, or reduction, in baseflow to watercourses in the area, in particular, Battlefield Brook"*. The tests undertaken on site demonstrate that during and after periods of heavy rainfall, ephemeral surface water is present within the void on the application site.

434. The document explains that the proposals have the potential to result in accidental spillages of hydrocarbons entering the unsaturated zone through the importation of inert waste and during the lifting of sand resources identified during site operations. The applicant proposes a number of measures to reduce these risks to include storing fuel outside the quarry void on hardstanding and in a bunded area, maintaining all plant in accordance with best practice, provision of spill kits, appropriate clean-up and disposal of contaminated materials and an emergency response plan. Additionally, the applicant proposes four monitoring boreholes to be installed around the periphery of the site to monitor groundwater level and water quality.

435. NE have no objection to the proposal. They consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites, including SSSI or landscapes.

436. The County Ecologist and WWT both have no objections to this proposal, subject to the imposition of appropriate conditions including a CEMP, LEMP and EDS. The County Ecologist requests that the LEMP provide detailed design of the proposed waterbody (demonstrating its design principles for biodiversity*).*

437. NWWM have been consulted and has no objections to this proposal, subject to conditions relating to detailed design drawings for surface water drainage and SuDS Management Plan. NWWM would like this information to include a calculation of a pond capacity in a comparison with a 40% climate change allowance.

438. The EA have no objection to the proposal subject to imposition of condition relating to storage of fuels and other potentially polluting liquid. The EA states that the groundwater risk assessment, monitoring regime and mitigation measures provided by the applicant are considered to be sufficient to prevent groundwater pollution. With regard to extraction, the remaining mineral to be extracted is located above the local water table in the sandstone and no dewatering of the site is required.

439. The EA also confirms that the applicant would require an EP to authorise the landfilling operation proposed as part of the restoration of the site. The permit would require the applicant to submit groundwater monitoring regime. The landfill must have a geological barrier in place that extends along the base and sides of the site and provides a barrier to any emissions of contaminants. Where the operator intends to rely on the natural geology to form a barrier they must show that it is suitable and meets all of the relevant requirements. In line with the planning report, they advise all stored fuels and other potentially polluting liquids must be stored with adequate secondary containment, and where static storage is located, on an impermeable surface. This could be controlled through the imposition of an appropriate condition.

440. Severn Trent Water have no objection, as they consider that the proposal would have a minimal impact on the public sewerage system and do not require a drainage condition to be applied.

441. WRS have been consulted and raised no objections in relation to impacts of air quality, dust and noise on human health subject to appropriate conditions (as specified earlier in this section).

442. In relation to comments made by the Councillor Shirley Webb, Belbroughton Parish Council and Widlmoor Residents' Association, the application documents state that the potential impact on groundwater quality and flows are significantly limited because the proposed operations would take place above the water table. Additionally, there would be no need for any abstractions or dewatering. The applicant proposes a number of measures to reduce risks of groundwater contamination and commits to four monitoring boreholes to be installed around the periphery of the site to monitor groundwater level and water quality. Matters of water extraction and ground water contamination would be controlled by EA permit to include a requirement of a geological barrier to control emissions of contaminants and a groundwater monitoring regime. The EA raises no objections to this proposal subject to imposition of condition relating to storage of fuels and other potentially polluting liquid.

443. With specific reference to the monitoring of the water table and water quality

raised by County Councillor Shirley Webb, this is covered in sub-section 'Monitoring and Enforcement' under 'Other Matters' further in this report.

444. In view of the above, the Head of Planning and Transport Planning considers 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

445. Bournheath Parish Council comment that the planning decision should include conditions regarding creation of nature reserve once the site is levelled post minerals extraction. Belbroughton Parish Council comments that the reinstatement of the site and its landscaping and tree planting should be carried out in accordance with the County Council's requirements.

446. One letter of representation has been received objecting to the proposal on the grounds of adverse impacts upon ecology and biodiversity. Wildmoor Residents' Association comments that they would like to see the applicant to implement the most suitable landscaping and tree and shrub planting to harmonise with the surrounding environment.

447. Policy BDP21 Natural Environment of the Bromsgrove District Plan seeks to achieve better management of Bromsgrove's natural environment by expecting developments to protect and enhance core areas of high nature conservation value, enhance restoration areas and creating buffer zones, guard protected species, maximise multi-functionality of Green Infrastructure and provide appropriate management, ensuring development follows the mitigation hierarchy and achieves net gains in biodiversity. The policy also states that "*due to the national importance of SSSI proposals likely to have an adverse impact within or outside of a SSSI, either individually or in combination with other developments will not normally be permitted. An exception will only be made when it can be demonstrated that the benefits of the development clearly outweigh the impact on the site or network of sites".* It also states that developments should contribute to the conservation and enhancement of geodiversity, in line with the objectives and actions in the Worcestershire Geodiversity Action Plan, where appropriate.

448. Policy BDP24 Green Infrastructure of the Bromsgrove District Plan encourages development to deliver a high quality multi-functional Green Infrastructure network by *"a) Ensuring developments adopt a holistic approach to deliver the multiple benefits and vital services of Green Infrastructure, with priorities determined by local circumstances; b) Requiring development to improve connectivity and enhance the quality of Green Infrastructure; c) Requiring development to provide for the appropriate long term management of Green Infrastructure; d) Requiring development to have regard to and contribute towards, the emerging Worcestershire Green Infrastructure Strategy, any local GI Strategy (…).*

449. Policy BDP19 High Quality Design of the Bromsgrove District Plan state that development are expected to ensure that "(…) development enhances the character and distinctiveness of the local area"; *(…) all trees that are appropriate (e.g. in terms*

of size, species, conditions and predicted climate) are retained and integrated within new development" and sufficient measures are incorporated the potential impact of pollution in relation to air, noise, vibration, light and water to occupants, wildlife and the environment.

450. Policy WCS 9: Environmental Assets of the WCS, includes ensuring that that proposals, will have no unacceptable adverse impacts on international, national or locally designated or identified habitats, species or nature conservation sites. Policy WCS 10: Flood risk and water resources of the WCS refers to ensuring that proposals would *"have no likely significant effects on any internationally designated sites".*

451. Paragraph 131 of the NPPF states that *"trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that…opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible".*

452. Section 15 of the NPPF, paragraph 174 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including protecting and enhancing…sites of biodiversity…(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".*

453. Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*; and *"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"*.

454. The application submission includes a Planning and Environmental Statement which contains an 'Ecology and Nature Conservation' section and accompanying PEA Report, Breeding Bird Survey, Bat Survey Report and Reptile Survey.

455. The applicant undertook ecological analysis of the current situation on-site with regard to habitats and species. A PEA additional surveys and reports, including specific reports for breeding birds, bats, and reptiles have been prepared.

456. In terms of protected species, the PEA ruled out the possibility of great crested newts on site. A surface water lagoon near the eastern boundary of the adjacent landfill site was inspected to assess its potential to support breeding great crested newts. The eDNA sample returned a negative result, which indicates that the lagoon is

not used as a breeding site by this species.

457. A number of bird species were recorded within the site, including wren, chaffinch, woodpigeon, blackbird, robin and blue tit. A single sand martin was observed foraging over the site. Additionally, sand martins were also observed flying high over the site before commuting into other adjacent habitats. They predominantly nest in vertical sand cliffs, such as the ones on site, yet no nests were noted during the PEA. The PEA stated that proposed development has the potential to impact on four Red List Species (herring gull, house sparrow, skylark and song thrush) and six Amber List species (bullfinch, dunnock, meadow pipit, mallard, teal and willow warbler). The development also has the potential to impact a variety of common and opportunistic breeding species.

458. A total of 6 bat species were recorded during the bat activity surveys, these were common pipistrelle, soprano pipistrelle, noctule, myotis species, whiskered bat and Nathusius' pipistrelle. The majority of bats were generally recorded foraging along the boundary woodland during the surveys, however species were also occasionally recorded foraging in the centre of the site and over the standing water within the site. The majority of species recorded during the surveys were species assessed to be common and widespread and the general overall abundance was assessed to be generally low. They assessment concluded that the were no suitable habitat for roosting bats within the site boundary.

459. Some reptile observations were undertaken by the applicant during the breeding bird surveys. The PEA reported that no reptiles were recorded within the site during the breeding bird surveys. WWT and the County Ecologist in their comments request that should planning permission be granted an invertebrate surveys should be undertaken to demonstrate that the applicant adequately considered risk of impact to protected and notable species and that detailed design of the restoration strategy is appropriately targeting invertebrate species found on site. WWT the County Ecologist request that this evidence is required before site vegetation clearance is undertaken.

460. The Badger Survey Report identified 1 main badger sett within the north-west corner of the site boundary, located along the existing public footpath. The applicant clarified that excavation works would not excavate into the existing cliff face containing the main badger sett. The works within the quarry void moving and storing inert materials with the use of machinery would unlikely disturb a badger sett as specified within the NE guidelines, therefore no licence is required.

461. There was also one outlier sett identified within the centre of the quarry. The outlier set would be required to be closed under a NE licence.

462. The Planning and Environmental Statement states that the conservation status of the broad-leaved semi-natural woodland is assessed as of county importance. The woodlands are largely located surrounding the boundaries of the site. Whilst some vegetation on site, mainly within the quarry void, would be removed, approximately 11 hectares of existing woodland blocks across the site would be retained. The retained woodland includes all of the peripheral site woodland located atop the former extraction faces on the northern, southern, and western boundaries of the site.
It is anticipated that the loss of trees would be approximately 0.4 hectares, whilst new

proposed woodland planting would amount to approximately 0.88 hectares. It is therefore assessed that the proposed works would result in short-term/negative effect without causing long-term or irreversible damage.

463. The Planning and Environmental Statement states that total land area of the ecological value created as part of restoration scheme would include approximately 5.07 hectares of acid grassland, approximately 0.88 hectares of tree and shrub planting and approximately 0.21 hectares of wildlife pond and surface water run-off features.

464. The surface water pond is proposed to be located on the north-western corner of the site. For drainage purposes, ditches would be created along the northern, eastern, and western site boundaries. Upon final restoration, the surface waterbody and ditches would also provide opportunities for biodiversity as well as the waterbody providing an attractive visual feature.

465. Where required, sand extracted in the works to stabilise the wall would be stored on-site and used as topsoil in the restoration of the site to create optimum conditions for the successful establishment of the species rich acid grassland that is proposed to be the dominant habitat at the restored site.

466. The Planning and Environmental Statement also concluded that changes to habitats for breeding birds and bats would be minimised by the phased working which would limit the duration of working in each part of the site with soil stripping operations (and timing of tree felling / vegetation removal) to be managed to avoid disturbance to nesting birds. This would result in short-term negative effect without causing long-term or irreversible damage to the status of breeding birds. The restoration scheme for the proposed extension area includes the creation of acid grassland, tree and shrub planting and a wildlife pond. It is anticipated that the proposed restoration would enhance the site with a mosaic of habitats replacing habitats of no ecological value for breeding birds and bats such as bare ground. As such, it is anticipated that the proposed restoration would result in a long-term beneficial impact for breeding bird species and bats.

467. The Planning and Environmental Statement also specifies mitigation measures in relation to lighting impacts on bats commuting and foraging habitats. It states that any lighting used within the scheme would be kept to minimum and would be designed so it prevents light spilling onto important foraging and commuting features.

468. The Planning and Environmental Statement suggests due to the time taken for trees and shrubs to reach maturity, it would also be necessary to provide temporary nest sites for breeding birds. The applicant suggests that the bark boxed would be installed within retained woodland to provide suitable nesting habitat for smaller nesting species such as wren or great tit.

469. The proposed acid rich grassland meadow would be cut or selectively grazed once every 2 years to allow tussock to development and insect population to increase. This would provide winter food for species such skylark and provide nesting habitat.

470. The applicant states that whilst that minerals site faces are generally too hard for

sand martin to borrow into, therefore, it is not considered that sand martins could nest within the site during the site operation period. However, the applicant recognises the opportunity to attract them to the site post-restoration. As such, a sand martin nesting bank could be provided within the mitigation strategy.

471. The County Ecologist raised no objection to the proposal subject to the imposition of appropriate conditions relating to undertaking the invertebrate survey to demonstrate that the applicant has adequately considered risk of impact to protected and notable species and that detailed design of the restoration strategy is appropriately targeting invertebrate species found on site prior to vegetation clearance. The decision should include a pre-commencement condition relating to CEMP to provide soil depth/structure/pH and nutrient levels, seed selection and management activities proposed during the first critical years of establishment of acid grassland, to detail the volume of the retention of an appropriate volume of sandy soils, to include calculations of the extend and depth of substrate so that appropriate volumes of substrate to establish acid grassland is retained prior to mineral extraction commencing, to detail measures to protect nesting birds if vegetation clearance is scheduled within the bird nesting season (widely acknowledge as late March to late August, inclusively) and to detail licensing strategy for outlier and, if required, main badger sett(s). The CEMP should outline how, prior to commencement of each phase, an updated badger survey would be undertaken and reported by a suitably experienced and competent Ecological Clerk of Works (ECoW). The decision should include a pre-commencement condition relating to LEMP. The County Ecologist states that the LEMP should identify the species, provenance, numbers, density and planting/seeding methods of seed mixes, trees and shrubs to be used and provide detailed design of the proposed waterbody (demonstrating its design principles for biodiversity). The County Ecologist also requires a pre-commencement condition requiring an EDS and Lighting Strategy. The County Ecologist also recommends conditions relating to the provision of nest boxes and an interpretation panel to be provided within 12 months of commencement.

472. WWT raised no objection to the proposal, subject to the imposition of appropriate conditions regarding a CEMP to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, surface water runoff, noise, extraneous light or dust risks to groundwater, the nearby woodland, mature trees and hedgerows. Method statements to limit impacts on protected species and timing of works to avoid nesting birds may also be needed; SuDS to ensure that long-term drainage of the site does not cause harm to receiving waterbodies or nearby habitats; LEMP to include biodiversity enhancement in line with planning policy, together with long-term management of that enhancement where required.

473. WWT considers that information in relation to invertebrates is not sufficient and recommend further work to be completed by an appropriately qualified invertebrate ecologist prior to determination. However, based on the applicant's clarification regarding the urgency to rectify a situation at Sandy Lane Quarry taking into account safety of a retaining wall and in light of the recommendation of the County Ecologist who is satisfied for this matter to be considered post determination, WWT consider that the MPA can proceed with a Grampian (negative worded) condition requiring survey post determination. They state, however, that this evidence would be required

before site clearance because it may not be effectively covered by 'vegetation clearance'.

474. In relation to invertebrates, WWT states that installation of additional features for the benefit of invertebrates, including further sandy micro-cliffs and a varied topography of free-draining surface materials may be 'sandy/acidic' soils for the final restoration cap it may be that this can be further improved by the addition of 'raw' sand deposits in some places. Future management of all elements of the restored landscape would be required and may be made more complex by the range of habitats proposed. This would need close consideration.

475. Details of the nearest statutory and non-statutory designated wildlife sites are set out in 'The Site' section of this report. The Planning and Environmental Statement states that for the four SSSIs within 2 kilometres of the site there would be no direct change to land cover, habitats and features. The site falls within the SSSI risk zone for all of these sites and the Planning and Environmental Statement assesses that the proposed development does not present a risk to these sites. In addition, the proposed works would be located over 500 metres from these Statutory Designated sites and therefore the Planning and Environmental Statement does not anticipate that there would be any hydrological, noise, dust or vibration impacts to these sites. As a result, no impact is predicted upon and of these Statutory Designated Sites.

476. The EA and NE have been consulted and have no objection to this proposal. NE consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites, including SSSI or landscapes.

477. With regard to HRA and potential impacts upon European designated sites, the closest of which are the Fen Pools SAC, which is located approximately 12.4 kilometres north-west and the Lyppard Grange Ponds (SAC) located 21.7 kilometres south-west of the application site. The application site is also located approximately 70.5 kilometres north-east of the Severn Estuary SPA, SAC and Ramsar site. The Walmore Common SPA and Ramsar site is located approximately 60 kilometres south-west of the proposal. The River Wye SAC is located about 40 kilometres south-west of the site. Despite the distance from the Severn Estuary SPA, SAC and Ramsar site and River Wye SAC the application site is considered functionally linked to these European sites. In view of this, and due to the nature and location of proposed project, there is potential the proposal may affect the interest features of these European designated sites through functional connectivity and the potential presence of migratory species within the upper River Severn catchment. Whilst there are no strategic and primary roads within 30 mile radius of the site which are also within 200 metres of the Severn Estuary SPA/Ramsar boundary, there may be functionally linked habitats within 200 metres of routes most likely to be used by HGVs going to and from this application site. The Fen Pools SAC is located within 15 kilometres of the application site, therefore, is considered to fall within the upper limit of potential dry deposition of pollutants from mineral extraction sites, and thus its interest features may be affected. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

478. The Government's Planning Practice Guidance (PPG) provides advice and guidance in relation to planning applications which may impact upon European sites.

"HRA refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites and European Offshore Marine Sites identified under these regulations are referred to as 'habitats sites' in the NPPF.

479. All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'HRA screening' – should take into account the potential effects both of the plan / project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured" (Paragraph Reference ID: 65-001-20190722).

480. The PPG goes on to state that *"if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017). A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment. The conservation objectives relate to each of the habitats and species for which the site was designated"* (Paragraph Ref ID: 65-002-20190722).

481. As set out in the PPG at Paragraph Reference ID: 65-005-20190722, "*in April 2018, the Court of Justice of the European Union delivered its judgment in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta ('People over Wind'). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures. As a result, a competent authority may only take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of an appropriate assessment itself".*

482. As part of the Regulation 25 Submission (April 2022) the applicant submitted a shadow HRA screening. The shadow HRA screening concludes that *"it is not anticipated the proposed development will present any likely significant effects on the qualifying interest of any relevant designated sites for the Severn Estuary SPA, and SAC".*

483. An ecological consultant on behalf of the MPA as the competent authority, has

carried out a HRA screening to identify whether the proposal would result in likely significant effects upon European sites. The HRA screening concludes that no likely significant effects have been identified on any European Sites.

484. The County Ecologist notes that the HRA screening has identified that the proposed development, acting either alone or in combination with other plans or projects, is not predicted to cause any likely significant effects upon either habitat sites or their functionally linked habitats. The County Ecologist also states that the HRA screening has not needed to consider any measures intended to avoid or reduce harmful effects of the development upon European Sites, and is therefore compliant with requirements set out by case CJEU C-323/17 ('People Over Wind and Peter Sweetman vs Coillte Teoranta'). Subject to any further comments from NE on HRA, the County Ecologist considers that the MPA now has sufficient ecological information on which to base its determination.

485. The EA and NE have both been consulted on the HRA screening. The EA state that they have no comments to make. NE comment that the HRA screening concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, NE concurs with this view.

486. In view of the above, the Head of Planning and Transport Planning considers that no likely significant effects, including cross-boundary effects upon European sites are anticipated either alone or in-combination.

487. Based on the advice of the County Ecologists, NE, the EA and WWT the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 9 of the WCS and Policies BDP19, BDP21 and BDP24 of the adopted Bromsgrove District Plan.

488. With regard to geology, the Hereford and Worcester Earth Heritage Trust has no objections to the proposal, but initially queried the access for the public and from H&WEHT (or other appropriate body) for the purpose of logging and recording the exposed extraction faces and making the findings publicly available. The applicant explained that due to health and safety reasons, it is not the intention to provide public access to the exposed faces. The restoration scheme is to maximise the ecological value of the site and suggested changes would require modifications of the site's drainage pond compromising the site's drainage and biodiversity value. However, the accompanied access to the exposed Wildmoor Sandstone faces present at the adjacent eastern section of Sandy Lane Quarry (not related to this application) can be arranged for any geological interest groups, should any parties contact the landowner directly. This has been accepted by H&WEHT.

489. In view of the above, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity and

geodiversity.

490. The Head of Planning and Transport Planning considers that the proposed development accords with Polices WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

Restoration and Aftercare

491. Local County Councillor Shirley Webb made comments that the restoration and willingness of the applicant to work with the local authority and residents to complete the development would need careful monitoring.

492. Neighbouring Bournheath Parish Council states that the site should be restored to create a nature reserve. Belbroughton Parish Council comments that the reinstatement of the site and its landscaping and tree planting should be carried out in accordance with the County Council's requirements.

493. The NPPF states in relation to the restoration of mineral workings, that *"planning policies should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place"* (Paragraph 210, h). It goes on to state that mineral planning authorities should "*provide for restoration and aftercare at the earliest opportunity, to be carried out to a high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances"* (Paragraph 211, e). This is reiterated in the National Planning Policy for Waste in relation to landfill sites, which at paragraph 7 states *"when determining waste planning applications, waste planning authorities should ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary".*

494. The PPG at Paragraph 036 Reference ID: 27-036-20140306 to Paragraph 059 Reference ID: 27-059-20140306 provides more detailed guidance on restoration and aftercare of mineral workings. In particular to ensure that applicant deliver sound restoration and aftercare proposals, the PPG states at Paragraph: 041 Reference ID: 27-041-20140306 that *"mineral planning authorities should secure the restoration and aftercare of a site through the imposition of suitable planning conditions and, where necessary, through planning obligations".*

495. Draft Policy MLP 10 North East Worcestershire Strategic Corridor of the Emerging Worcestershire Minerals Local Plan states that:

> *"Planning permission will be granted for mineral development within the North West Worcestershire Strategic Corridor that contributes towards the quality, character and distinctiveness of the corridor through the conservation, delivery and enhancement of green infrastructure networks. A level of technical assessment appropriate to the proposed development will be required to demonstrate how, throughout its lifetime, the development will, where practicable, optimise the contribution the site will make to delivery of the following green infrastructure priorities:*
>
> *a) conserve, enhance and restore characteristic hedgerow patterns and*

tree cover along watercourses and streamlines;
b) slow the flow of water in upper reaches and increase flood storage and floodplain connectivity in lower parts of the catchment;
c) create accessible semi-natural green space, incorporating information or routes which increase the legibility and understanding of the geodiversity, heritage and character of the area;
d) in the Riverside Meadows, conserve and restore permanent pasture, incorporating wetland habitats such as fen and marsh, wet grassland, reedbed and lowland meadows alongside pastoral land use;
e) in the Sandstone Estatelands, conserve, enhance and create lowland heathland, acid grassland and scrub.

Proposals should demonstrate how the development will deliver these priorities at each stage of the site's life, and why the proposed scheme is considered to be the optimal practicable solution. Where site-specific circumstances and/or other policies in the development plan limit the ability to deliver one or more of the priorities, this should be clearly set out in the assessment

Where the proposal would make very limited or no contribution to the delivery of significant deviation from these priorities as a whole, this will only be considered appropriate where economic, social and/or environmental benefits of the proposed development outweigh the benefits of delivering the corridor priorities".

496. The Head of Planning and Transport Planning considers that the proposal would broadly accord with this draft policy in that the application site would be subject to ecologically led and progressive restoration.

497. The applicant states that end of Stage Two of the operations, all viable sand reserves would have been removed from the site and the site would be restored. The restored site would include a mix of habitats including:

- approximately 5.07 hectares of acid rich grassland
- approximately 1.11 hectares of retained existing woodland and 0.88 hectares of tree and shrub planting
- approximately 0.21 hectares of wildlife pond and surface water run off collection
- the retention of approximately located predominantly along the periphery of the site

498. Seeding with a species rich acidic grassland mix would take place progressively prior to the cessation of site operations.

499. The progressive restoration of the site would result in a final landform at a higher level than the existing floor of the quarry void. The proposed final levels are at between approximately 160 metres Above Ordnance Datum (AOD) and 174 metres AOD, compared with the existing site levels which are typically between approximately 151 metres AOD and 160 metres AOD.

500. The restored site will be subject to a 5 Year Aftercare Management regime to ensure the successful establishment of agricultural land, locally distinct character features and habitats.

501. With specific reference to the monitoring of the restoration schemes raised by the Councillor Shirley Webb, this is covered in sub-section 'Monitoring and Enforcement' under 'Other Matters' further in this report.

502. With specific reference to comments made by neighbouring Bournheath Parish Council that the site should be restored to create a nature reserve, it is noted that, as specified above, the site would be restored to achieve significant ecology gains and benefit wildlife and habitats.

503. In relation to comments made by Belbroughton Parish Council comments that the reinstatement of the site and its landscaping and tree planting should be carried out in accordance with the County Council's requirements. The applicant's compliance with the restoration plans would be controlled by appropriate planning conditions.

504. Policy WCS 5 of the Worcestershire Waste Core Strategy identifies that no capacity gap has been identified for the landfill or disposal of waste. The Policy then states that planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated it meets one of the 3 listed criteria. In this instance, it is considered that Part iii) is relevant, which states *"the proposal is essential for operational or safety reasons or is the most appropriate option".* Paragraph 4.45 of the explanatory text states *"landfill or disposal may also be necessary for a variety of operational or safety reasons. Landfill is often an essential component in the restoration of mineral workings".*

505. The Head of Planning and Transport Planning considers that given the nature of the proposed working, which would require a stabilisation works to the eastern boundary and include extract minerals to a maximum depth of approximately 150 metres AOD and require an infill of existing quarry void, it is considered that in principle the restoration of the site by the importation of inert materials is 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.

506. In relation to financial guarantees, the responsibility for the restoration and aftercare of mineral sites lies with the operator, and in case of default the landowner. Paragraph Reference ID: 27-048-20140306 of the PPG states that *"a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases include:*

- *very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

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

508. As such, the Head of Planning and Transport Planning considers that the proposed development accords with Polices WCS 5 of the adopted Worcestershire Waste Core Strategy, Draft Policy MLP 10 of the Emerging Worcestershire Minerals Local Plan and Policies BDP19, BDP20, BDP21, BDP22, BDP23 of the adopted Bromsgrove District Plan.

Other Matters

Cumulative Effects

509. Regulation 4 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on a number of factors this includes the interaction between the factors of population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape. Schedule 4, Part 5 states in relation to information for inclusion within Environmental Statements, this includes *"the cumulation of effects with other existing and / or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources".*

510. Cumulative effects result from combined impacts of multiple developments that individually may be insignificant, but when considered together, could amount to a significant cumulative impact; as well as the inter-relationships between combined effects of different impacts, for example noise, air quality and visual impacts on a particular receptor.

511. The Planning and Environmental Statement states that an assessment of the potential for cumulative impacts of the proposed development, taking into account the existing and proposed operations onsite and nearby, including the Chadwich Lane Quarry (MPA Ref: 18/000036/CM, Minute No. 1069 refers) and Wildmoor Quarry (Ref: 107104 and 407219, Minute 67 refers) located immediately to the south and separated from the site by Sandy Lane (A491).

512. The Planning and Environmental Statement states in relation to the impacts caused by the proposed development in conjunction with other developments that have occurred or are likely to occur in the foreseeable future that "*although the site is not currently operational, it should be concluded that the operations proposed will complete all operations at Sandy Lane Quarry. The final restoration of the site will be achieved without unacceptable harm*".

513. The impacts on nearby receptors that could arise following the proposed

restarting of operations at Sandy Lane Quarry have been considered in combination with those that could occur at Wildmoor Quarry and Chadwich Lane Quarry. Properties with the potential to be impacted simultaneously by the proposed operations are limited to:

- Properties at Stoneybridge and at Far Croft (in combination with Wildmoor Quarry);
- Fairview (in combination with Chadwich);
- The Stables (in combination with Chadwich);
- Oak Villa (in combination with Chadwich); and
- Lower Madeley Farm (in combination with Chadwich).

514. The Planning and Environmental Statement also points to the fact the proposed operations would be temporary and would cease after approximately six years upon final restoration of the site. As such, any impacts would be limited in time.

515. The Planning and Environmental Statement considers cumulative impacts in terms of:

- Landscape and visual impact
- Nature conservation and ecology
- Water resources
- Amenity impacts including noise, dust and air quality
- Archaeology and cultural heritage
- Traffic and transport

516. The Planning and Environmental Statement concludes that there "*are no cumulative impacts that will arise from the scheme in combination either within itself or with other existing or proposed developments that would render the operations proposed within this application unacceptable*".

517. Based on the above justification and on the advice on the technical consultees (as specified in respective sections of this report) who have been consulted and have no objections to this proposal, it is considered with regard to inter-relationships between impacts, that there is no single topic or combination of issues which should objectively prevent the development from proceeding.

518. On balance, the Head of Planning and Transport Planning does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

<u>Utilities</u>

519. As specified in 'The Site' section of this report, Western Power Distribution's overhead powerline runs immediately adjacent to the site's western and southern boundaries. National Grid's overhead powerline runs approximately 90 metres west of the proposed application boundary. Gas mains are located approximately 200 metres west, 270 metres south-west and 350 metres south-east of the site boundary, respectively. A STW sewage pumping station is located approximately 100 metres west of the proposed development.

520. STW have been consulted have no objection, as they consider that the proposal would have a minimal impact on the public sewerage system and do not require a drainage condition to be applied.

521. Western Power Distribution comment that that their apparatus are located in the vicinity to the application site (Electricity / WPD Surf Telecom); the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive Guidance HS(G)47, Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

522. National Grid has been consulted and state that they have no objections to the proposal which is in close proximity to a High Voltage Transmission Overhead Line.

523. The HSE have been consulted and state that this application does not fall within any HSE consultation zones, therefore HSE has no comment to make.

524. Cadent Gas have no objections to this proposal.

525. Based on the above advice and due to the distance from gas pipes and overhead powerlines, the Head of Planning and Transport Planning considers that the proposed development would not impact on the utilities' networks.

Monitoring and enforcement

526. Letters of representation have been received questioning the effectiveness of environmental monitoring.

527. The EA have confirmed that the storage, treatment and disposal of inert extractive wastes resulting from the extraction of mineral resources and the importation of any inert waste post extraction for restoration purposes (landfilling) would require an EP under the EPR, which would be monitored by the EA.

528. The County Council, as the MPA also has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development. When development takes place without permission the MPA has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is being caused as a result of the breach, how to remedy the situation and whether it is expedient to take enforcement action. Furthermore, the MPA carryout proactive monitoring of minerals and landfill sites, as under Regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended), MPAs dealing with county matter applications can charge to monitor mineral and landfill permissions. This covers initial implementation to the end of the period of aftercare required by a condition of the planning permission (Paragraph Reference ID: 22-046-20180222 of the PPG).

529. It should also be noted that the imposition of a condition is recommended should planning permission be granted, requiring the applicant to submit a scheme that sets out measures for liaison arrangements with the local community, and for this local

liaison to be carried out for the duration of the development.

Economic Impact

530. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are independent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives. In particular the NPPF sees the economic role of planning as *"to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure"* (paragraph 8).

531. The NPPF at paragraph 81 states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".*

532. In addition, paragraph 209 of the NPPF states that *"it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation".*

533. The applicant states that the proposal would support the local economy. The Planning and Environmental Statement states that "*the operations would directly generate 9 jobs, as well as indirectly creating employment through the use of between 8 and 12 dedicated HGV drivers depending on daily site requirements*."

534. By providing jobs and a service to other businesses the proposal would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

535. Furthermore, the Bromsgrove District Plan sets out targets to 2030 for growth, including a housing target of 7,000 houses (of which 2,300 dwellings are dependent on a Green Belt Review and Local Plan Review being undertaken), and the development of 28 hectares of land for employment. Land has also been identified within Bromsgrove District to enable Redditch Borough to achieve their housing target. To this end, there is a target to 2030 of providing 3,400 houses for Redditch growth as well as 10 hectares of employment land. These developments would require aggregate raw material to allow the various development projects to proceed.

536. It is also noted that the Minerals Product Association (MPA) estimates that "*the construction of a typical new house uses up to 50 tonnes of aggregates - from the foundations through to the roof tiles".* Further aggregates are required for the construction of any supporting infrastructure and in the maintenance and refurbishment of the existing housing stock and other types of development. But broadly, based on this figure of 50 tonnes, the proposed development would provide

enough aggregate for the construction of approximately 4,900 homes.

537. The Head of Planning and Transport Planning acknowledges that the NPPF affords significant weight to the need to support economic growth and notes that paragraph 209 of the NPPF states that *"it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs".* Paragraph 217 of the NPPF also states that *"when determining planning applications, great weight should be given to the benefits of the mineral extraction, including to the economy*". It is considered that the proposal would provide a small number of direct employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighs in its favour.

Climate change

538. It is acknowledged that Bromsgrove District Council declared a climate emergency in July 2019 and also that WCC declared a climate emergency in July 2021 and a commitment to tackle its own impacts on climate change through the Worcestershire County Council Net Zero Plan (2020).

539. The effects of climate change and the vulnerability of the development proposal to these changes has been considered as part of the preparation of the EIA, particularly in terms of hydrology / flood risk and ecology (i.e., the impacts of climate change on habitats / species).

540. Policy WCS 1: 'Presumption in favour of sustainable development' of the Waste Core Strategy sets out a presumption in favour of sustainable development and how it should be applied locally.

541. Policy WCS 11: 'Sustainable design and operation of facilities' of the Waste Core Strategy states that *"waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of sustainable development practices and climate change mitigation and resilience through:…b) reducing water demand where possible and considering water efficiency in the design and operation of all new built development; and c) reducing energy demand where possible and considering energy efficiency in the design and operation of all new built development; and…e) the consideration of land stability and subsidence; and f) landscaping which enhances, links and extends natural habitats, reflects landscape character or acts as a carbon 'sink'".*

542. Policy BDP1 Sustainable Development Principle of the Bromsgrove District Plan states at part BDP1.4 that "*In considering all proposals for development in Bromsgrove District regard will be had to (…) The causes and impacts of climate change i.e. the energy, waste and water hierarchies, flood risk and future proofing*";

543. Policy BDP22 Climate Change states that "*the Council will deliver viable low carbon climate resilient developments through (…) Ensuring developments and infrastructure are planned to avoid increased vulnerability to the range of impacts and*

take advantage of the opportunities arising from climate change, having regard to the intended lifetime of the development. Where developments and infrastructure are brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures."

544. In relation to climate change the NPPF states that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"* (paragraph 152).

545. Achieving sustainable development is a fundamental objective of the NPPF. Paragraph 8 of the NPPF states:

> *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
>
> *a)* ***an economic objective*** *– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
>
> *b)* ***a social objective*** *– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
>
> c) **an environmental objective** *– to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*.

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

547. The Planning and Environmental Statement states that the applicant is "*committed to ensuring that site operations are required to stabilise the retaining wall and to restore the former quarry void will be carried out as efficiently as possible. This*

includes 'backloading' vehicles whenever possible to minimise HGV trips required to complete the proposed operations".

548. The applicant also states that there are sustainability benefits in maximising the extraction of sand from Sandy Lane Quarry. The site would provide a contribution to the Worcestershire's landbank of permitted sands reserves. The proposed development being an existing quarry would be a reuse of existing land without the requirement for a disturbance to undeveloped land in the county. As a result, the remaining viable sand reserved would not get sterilised. The site also already benefits from in situ physical infrastructure required to operate a mineral extraction site, such as weighbridge and suitable access.

549. The Planning and Environmental Statement continues that the restoration scheme proposed would also contribute to the network of acid grassland within Worcestershire and would provide beneficial habitat creation through the development of a carefully designed green space.

550. The County Sustainability Officer has been consulted and raises no comments on the proposal.

551. Taking into account that the proposal would be utilising the existing quarry site and extracting the remaining sand deposit, supporting infrastructure is already in place, the applicant would seek to utilise backloading of vehicles to reduce vehicle movements where possible; the restoration scheme would make provision for SuDS and extensive tree, woodland and habitat creation, the Head of Planning and Transport Planning considers that overall, the proposal would contribute to mitigating and adapting to climate change, in accordance with Policies WCS 1 and WCS 11 of the adopted Worcestershire Waste Core Strategy and Policies BDP1 and BDP22 of the adopted Bromsgrove District Plan.

Prematurity

552. As set out earlier, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraphs 48 to 50 of the NPPF sets out how weight may be given to policies in emerging plans, and the limited circumstances in which it may be justified to refuse an application on the basis that it is premature.

553. The NPPF states that *"arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area"* (paragraph 49)*.*

554. *The NPPF goes onto state that "refusal of planning permission on grounds of*

prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process" (paragraph 50). This is reiterated within the PPG Paragraph Reference ID: 21b-014-20190315.

555. As set earlier in the report, the Council is now in receipt of the Independent Inspectors' Report, which concludes that the emerging Worcestershire Minerals Local Plan provides an appropriate basis for the planning of minerals for the County, provided that a number of main modifications are made to it, as set out in the schedule of main modifications appended to their report. As the Inspectors have recommended main modifications, the Council may only adopt the emerging Minerals Local Plan if these are included in their entirety. The Council cannot choose to adopt it without those main modifications. If the Council did not want to accept the recommended main modifications, the only alternative is to resolve to withdraw the plan, modify it, undertake further consultation on it, and resubmit it to the Secretary of State for further examination.

556. However, the Council does have discretion in relation to the additional modifications. Additional modifications were also published alongside consultation on the main modifications, and no comments were received on them. Some further additional modifications are required to update specific references to the revised NPPF.

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

558. In view of the above, it is the Head of Planning and Transport Planning's view that from the date of the Inspectors' Report until adoption by resolution of full Council the emerging Minerals Local Plan should be given substantial weight in development management terms in the determination of planning applications, including this application.

559. The Head of Planning and Transport Planning considers that on the whole, the proposal is broadly in accordance with the emerging Worcestershire Minerals Local Plan.

560. It is considered that as the emerging Mineral Site Allocations DPD is at an early stage of preparation, and has not been subject to consultation, tested at examination or adopted by the County Council, that it should be given very limited weight in the determination of this application.

561. In view of the above, the Head of Planning and Transport Planning considers

that refusal of planning permission on the grounds of prematurity could not be justified in this instance.

Human Rights Act 1998

562. Letters of representation have been received objecting to the proposal on the grounds of the development impacting resident's quality of life.

563. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

564. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

565. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the County Planning Authority would not detrimentally infringe the human rights of an individual or individuals.

Obligations under the Equality Act 2010

566. The MPA in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. The Head of Planning and Transport Planning considers that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

EIA Team and Expertise

567. Regulation 18 (5) of the Town and Country Planning (EIA) Regulations 2017 requires the applicant to ensure that the Environmental Statement is prepared by competent experts and the Environmental Statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts. This is in order to ensure the completeness and quality of the Environmental Statement.

568. The ES contains a 'Statement of Competence for the Preparation and Management of Planning Applications Subject to Environmental Impact Assessment'. This states that the consultancy, who have prepared the Environmental Statement, have specialist planning knowledge including that relating to minerals and waste, and

that the consultancy has undertaken and managed Environmental Impact Assessments, and prepared and submitted Environmental Statements and Non-Technical Summaries since 1999. The statement also sets out that all members of the professional team are members of the Royal Town Planning Institute (RTPI).

569. In view of this, the Head of Planning and Transport Planning is satisfied that the applicant has engaged competent experts to prepare the Environmental Statement.

Other points

570. Concerns have been raised by local residents that property values or desirability would be adversely affected by the proposal. The Head of Planning and Transport Planning notes their concerns but advises Members of the Committee that property values are not a relevant material consideration in the determination of this planning application.

Summary

571. The applicant seeks planning permission 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.

572. The proposed development is a historic quarry which is no longer operational and has not been restored. The previous works on this site resulted in an exposed face which act 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 states that the quarry face is unstable, therefore, they are proposing this development.

573. 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.

574. 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 is 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.

575. The applicant states that the extracted sand would not be processed on site, it would be lifted and exported from the site “as raised”. Therefore, there is no requirement to erect or install fixed processing plant on-site. It is 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 originates.

576. 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

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

578. 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 is likely to be less than 3.81 years. This is below the minimum landbank for at least 7 years for sand and gravel.

579. It is 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 is currently provided by a limited number of active sites (Wildmoor Quarry and Chadwich Lane Quarry, north of Bromsgrove; Clifton Quarry, south of Worcester; and Ryall North Quarry, north of Upton-upon-Severn).

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

Sieve test/methodology

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

582. Policy 2 and paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan sets out the methodology against which new proposals for sand and gravel extraction not in an identified preferred area are to be assessed. If the area is subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission will not normally be granted unless there are exceptional circumstances. It is considered that the site would be affected by one primary constraint and one secondary constraint. Notwithstanding this, the impacts upon these constraints has been considered in detail, as set out in the 'Sieve test / methodology' section of this report and are not considered to constitute a reason for refusal in this instance. Furthermore, it is considered that Policy 2 of the adopted Minerals Local Plan should be given limited weight, in that it is out of date and not in accordance with the NPPF which does not operate a sieve test or impose a blanket ban on all development within

primary constraints. The emerging Minerals Local Plan also does not include a similar sieve test. Furthermore, even if Policy 2 did apply, the circumstances of this application in accordance with the analysis in this report, including the date and status of the policy, is capable of amounting to “exceptional circumstances” which would justify departure from the strict outcome of the sieve test.

Alternatives

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

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

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

Green Belt

586. The proposal is located within the West Midlands Green Belt.

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

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

589. The Head of Planning and Transport Planning considers 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 is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would 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 is considered that the visual impact on openness

does not make this development “inappropriate”.

590. Neither would the development result in urban sprawl, as set out earlier in this report, in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] Carnwath LJ considered that “*as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”.* In this respect, whilst the proposal would be located between Catshill, Rubery and West Hagley, and it would include infrastructure, some of which is 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 consists 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 are found if it did not have this level of infrastructure and vehicle movements, even when considered cumulatively with other developments, so this in itself could not make it inappropriate. The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be returned to an open state following completion of extraction and would be no more built up on completion of the development as a result of the proposal as it is now, as a result of the proposal.

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

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

593. As the proposed development is not considered to constitute inappropriate development, there is 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 are minded to grant planning permission for this development.

<u>Landscape Character, Visual Impacts and Historic Environment</u>

594. It is considered that the scope and scale of scheme is 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.

595. Given the nature of the application site which is an unrestored former sand quarry with existing void, there is no potential for direct impact on heritage through archaeology. The Heritage Statement submitted with this application concludes 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".

596. 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.

597. In view of the above and based on the consultees' advice, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area 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)

598. Based on the advice provided by EA, WRS and the County Public Health Officer, the Head of Planning and Transport Planning considers 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

599. Based on the advice provided by National Highways, County Highways, County Footpath Officer, Ramblers Association, the Head of Planning and Transport Planning is 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

600. Based on the advice provided by NWWM, EA and Severn Trent Water, the Head of Planning and Transport Planning considers 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

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

602. The Head of Planning and Transport Planning considers that the proposed development accords with Polices WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy BDP21 of the adopted Bromsgrove District Plan.

Restoration and Aftercare

603. The Head of Planning and Transport Planning considers that, given the nature of the proposed working, which would require a stabilisation works to the eastern boundary and include extract minerals to a maximum depth of approximately 150 metres AOD and require an infill of existing quarry void, in principle the restoration of the site by the importation of inert materials is 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.

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

Conclusion

605. In accordance with paragraph 11 d) of the NPPF, where the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance, taking into account the provisions of the Development Plan and in particular Policy 2 of the adopted County of Hereford and Worcester Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy, and Policies BDP1, BDP4, BDP13, BDP15, BDP16, BDP19, BDP20, BDP21, BDP22, BDP23, and BDP24 of the Bromsgrove District Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

606. **The Head of Planning and Transport Planning recommends 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: -

i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
ii. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
iii. The hours that 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.

<u>Boundary Treatment</u>

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.

<u>Aftercare</u>

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.

Contact Points

Specific Contact Points for this report

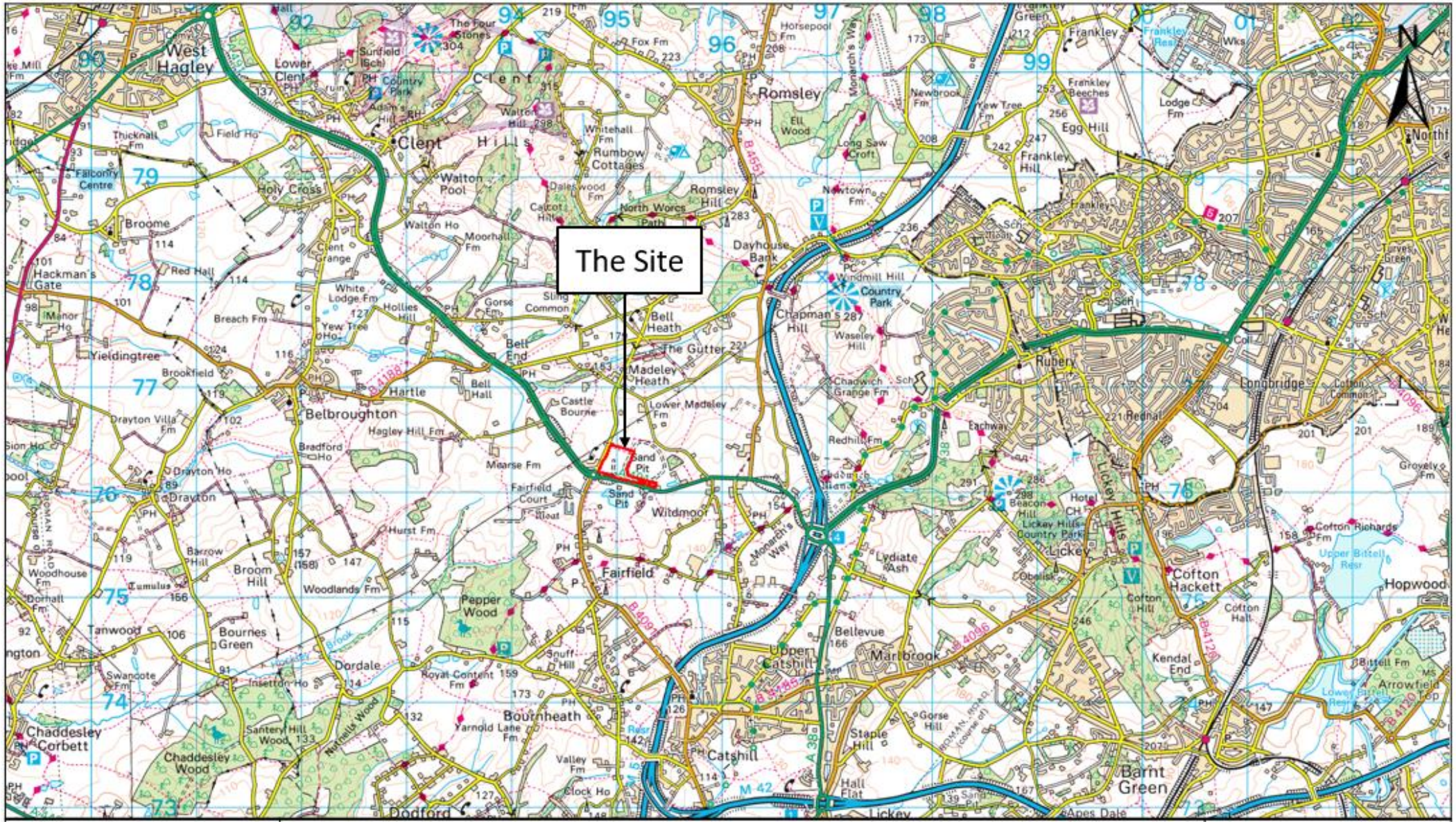
Case Officer: Marta Dziudzi-Moseley, Principal Planner - Development Management:
Tel: 01905 846794
Email: mdziudzimoseley@worcestershire.gov.uk

Steven Aldridge, Team Manager – Development Management
Tel: 01905 843510
Email: saldridge@worcestershire.gov.uk

Background Papers
In the opinion of the proper officer (in this case the Head of Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 21/000029/CM, which can be viewed online at: http://www.worcestershire.gov.uk/eplanning by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.

Plan 1



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. Ref: 21/000029/CM

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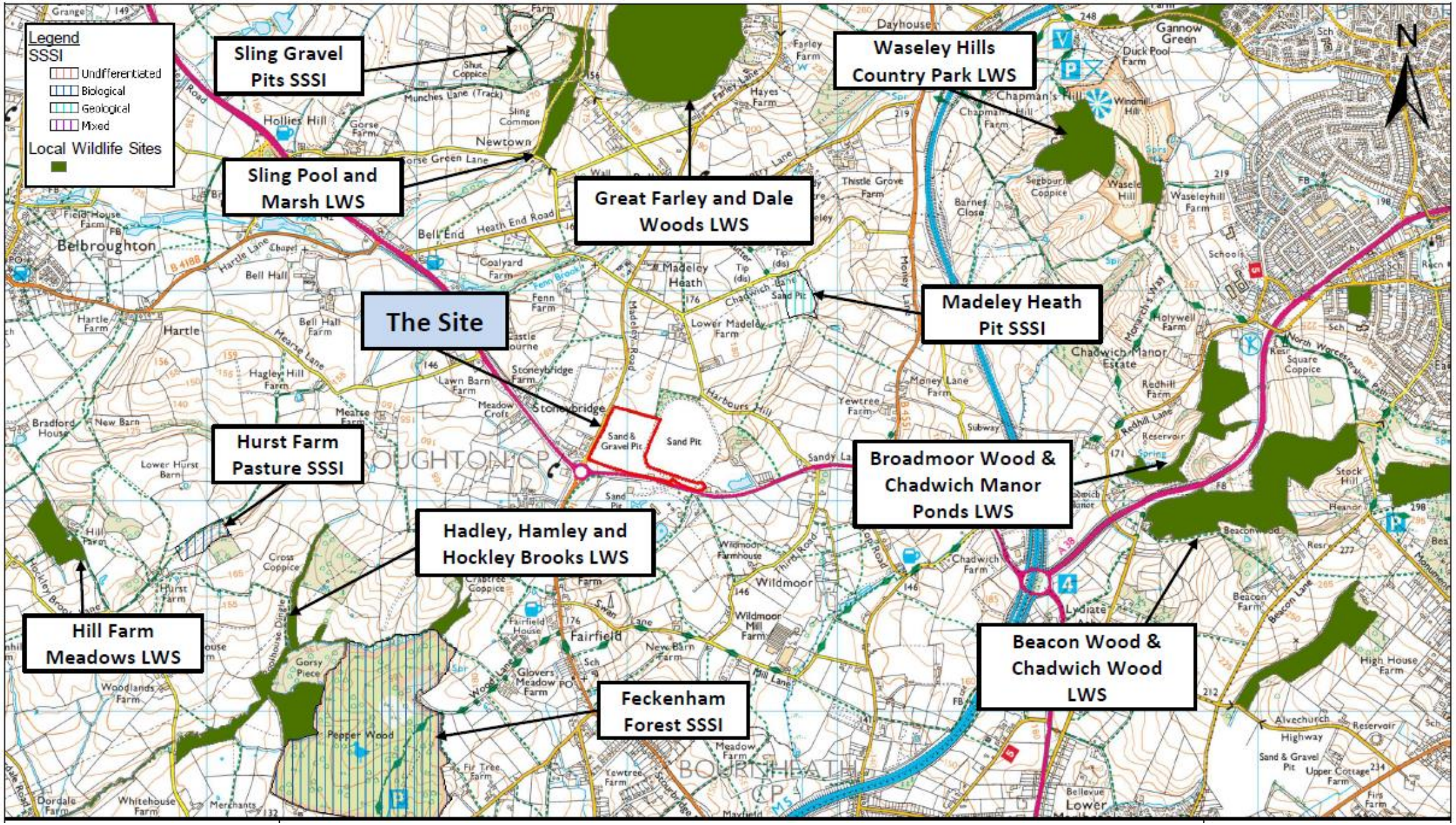
Plan 2



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. Ref: 21/000029/CM

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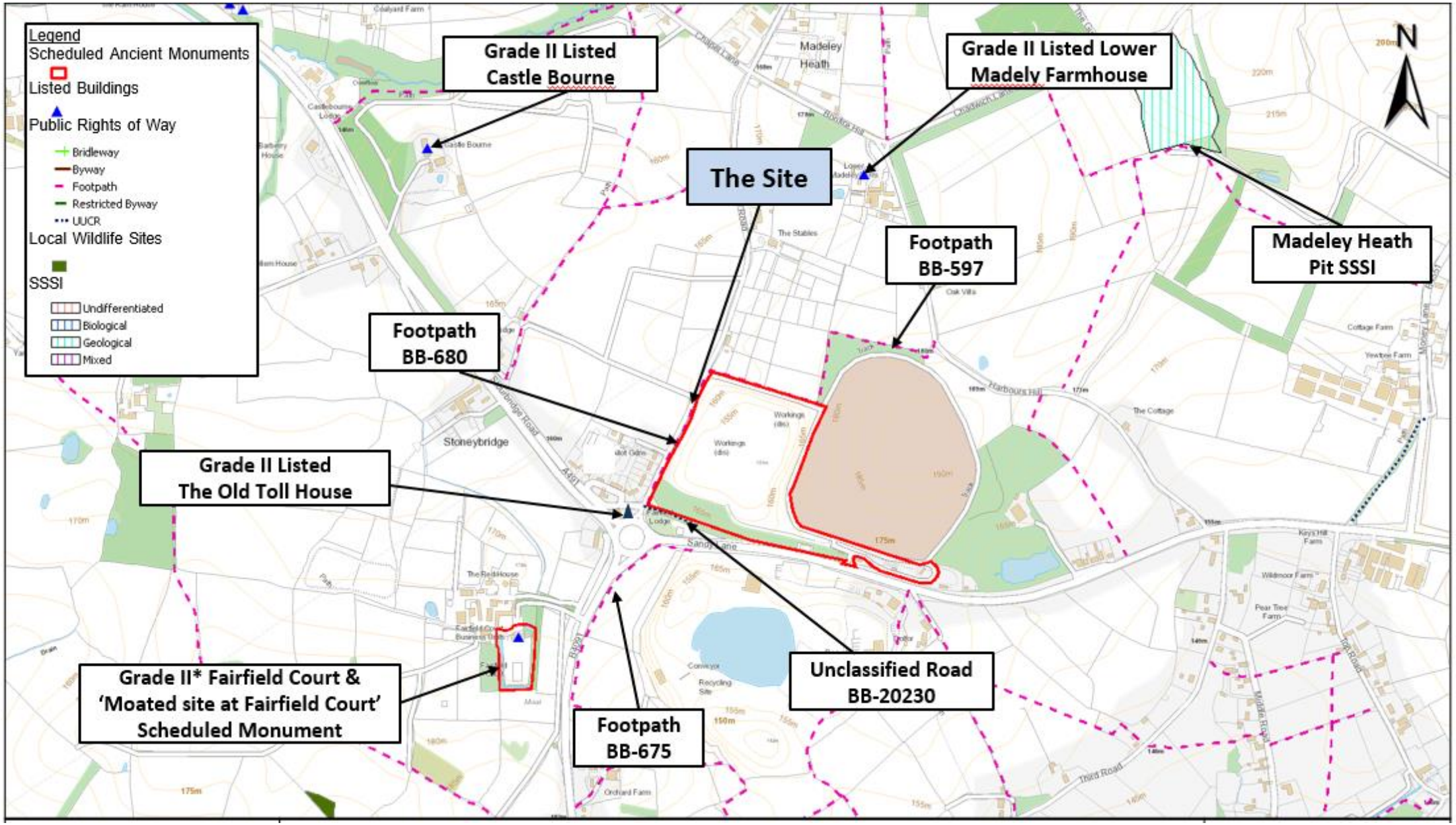
Plan 3



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. Ref: 21/000029/CM

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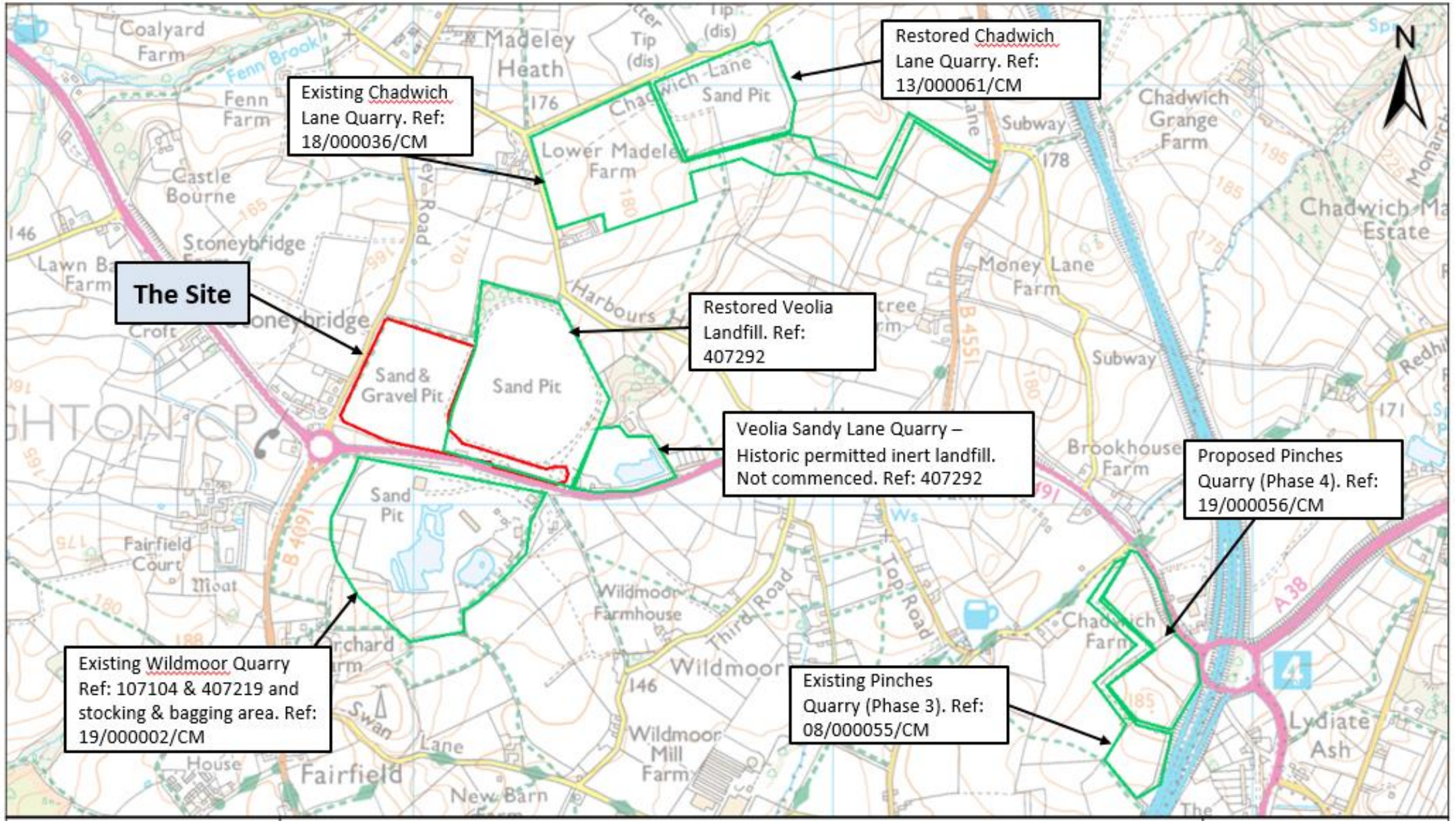
Plan 4



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. Ref: 21/000029/CM

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Sandy Lane Quarry

Current Situation

Agricultural Land

Agricultural Land

Madeley Road

Harbours Hill

MADELEY ROAD

160.0

164.0

170.0

174.0

178.0

190.0

194.0

154.0

156.0

151.0

152.0

150.0

180.0

Existing Worked Out Void

AREA OF LAND REQUIRING STABILISATION

VEOLIA UK Sandy Lane Site *Restored*

toneybridge

Pumping Station

STONEYBRIDGE

A49 - Stourbridge Road

Rosedene

Davescott

Fairfield Lodge

Farcroft

Posts

B 4091

A491

A491 - Sandy Lane

A491 - Stourbridge Road

Fairfield

Weighbridge & Office

Site Entrance

Sand Pit

Wildmoor Quarry - *Operational*

Agricultural Land

Lake

Sand Pit

Conveyors

Depot

WB

Path (um)

Page 119

LEGEND

- Application Site Boundary
- Existing Vegetation (Trees & Hedgerows)
- Buildings, Roads & Tracks
- Water Bodies
- Disturbed Ground - In-Situ Mineral
- Natural Regeneration
- 194.0 Existing 2m Contours (m aOD) & Spot Levels

Proposals:

The application Site is directly accessed off the A491 - Sandy Lane.

Enginering works are required to the eastern boundary of he Site, adjacent to the previous Sandy Lane Tip Landfill Site.

The application works would release ~ 245,000 tonnes of sand

Th engineering and restoration works will require ~ 975,000m³ of imported inert material.

Heatons
Planning Environment Design

PROJECT
Sandy Lane Quarry

DRAWING TITLE
Current Situation

DATE
April 2021

REFERENCE
NRS-001-W.D.007

SCALE
1:2,500 @ A3

STATUS
FINAL

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Sandy Lane Quarry

Stage 1 Operations

Agricultural Land

Agricultural Land

Madeley Road

Harbours Hill

Existing Peripheral Vegetation to be Retained

Base of Extraction

Temporary 5m Soil Noise Attenuation Bund

Establishment of Stabilisation Buttress

VEOLIA UK Sandy Lane Site *Restored*

STONEYBRIDGE

Pumping Station

A49 - Stourbridge Road

Rosedene

Davescott

Fairfield Lodge

Farcroft

Posts

B 4091

RAMP

Access Ramp

A491 - Sandy Lane

A491

Existing Peripheral Vegetation to be Retained

Weighbridge & Office

Site Entrance

WB

Path (um)

Sand Pit

Wildmoor Quarry - *Operational*

Sand Pit

Lake

Conveyors

Depot

Stage 1 Operations

1. Initial engineering works to involve the importation and placement of materials for use in the creation of a stabilisation Buttress along the eastern boundary of the Site's internal void. The Buttress to permanently stabilise and support the previously created Sandy Lane Landfill Site.

2. Concurrently, imported inert materials are to be placed within the south western area of the Site, to both achieve final restoration levels, and create a temporary 5m high soil screening / noise attenuation barrier. The soils within the temporary bund to be utilised at the and of the works, to help create a soil profile on top of the restored landform. Bund to be seeded and maintained.

3. On-Site sand which could be sterilised by the stabilisation and restoration works is to be extracted and removed as "as dug" material.

LEGEND

- Application Site Boundary
- Existing Vegetation (Trees & Hedgerows)
- Buildings, Roads & Tracks
- Water Bodies
- Disturbed Ground - Mineral Operations
- Natural Regeneration
- 194.0 — 2m Contours (m aOD) & Spot Levels
- Placement of Imported Material
- Temporary Soil Screening / Noise Attenuation Bund (5m)

Materials Audit within this Phase:

Establishment of Buttress	Imported Inert Materials: ~ 230,000m³
Progressive Restoration	Imported Inert Materials: ~ 205,000m³
Subtotal	**Imported Inert Materials: ~ 435,000m³**
Soils in Temporary Bund	Imported Soils: ~ 16,000m³

Heatons
Planning Environment Design

PROJECT
Sandy Lane Quarry

DRAWING TITLE
Stage 1 Operations

DATE
April 2021

REFERENCE
NRS-001-W.D.008

SCALE
1:2,500 @ A3

STATUS
FINAL

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Stage 2 Operations

1. On-Site sand which could be sterilised as a result of restoration works is to be extracted and removed from Site as "as dug" material.
2. Concurrently, imported inert materials are to be placed within the unrestored void to achieve restoration formation levels. These materials to be placed progressively, in a north to south direction.
3. During this stage, imported sandy / acidic soils will be either directly placed onto progressively restored land at restoration formation levels to complete and achieve a soil profile of 300mm, or, temporarily placed in soil storage bunds of up to 3m in height, within the southern area of the Site for use in achieving the final restoration soil profile.
4. All restored land to be seeded with a Species Rich Acidic Grasslad mix and placed within a 5 Year Aftercare Management Scheme.

LEGEND

- Application Site Boundary
- Existing Vegetation (Trees & Hedgerows)
- Buildings, Roads & Tracks
- Water Bodies
- Disturbed Ground - Mineral Operations
- Natural Regeneration
- 194.0 — 2m Contours (m aOD) & Spot Levels
- Landform / Buttress Created in Stage 1
- Temporary Soil Screening / Noise Attenuation Bund (5m)
- Temporary Soil Storage Bund(s)
- Progressive Placement of Inert Restoration Materials
- Direction of Placement of Inert Restoration Materials

Materials Audit within this Phase:

Progressive Restoration to establish Formation Levels	Imported Inert Materials: ~ 540,000m³
Soils either Directly Placed or Temporarily Stored	Imported Soils: ~ 1,000m³

Heatons
Planning Environment Design

PROJECT
Sandy Lane Quarry

DRAWING TITLE
Stage 2 Operations

DATE
April 2021

REFERENCE
NRS-001-W.D.009

SCALE
1:2,500 @ A3

STATUS
FINAL

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Sandy Lane Quarry

Concept Restoration

Madeley Road

Harbours Hill

Agricultural Land

Agricultural Land

In-Situ Sand Face

Drainage Ditch

Surface Water Management / Wildlife Pond

Existing Peripheral Vegetation to be Retained

Species Rich Acidic Grassland

VEOLIA UK Sandy Lane Site *Restored*

New Native Woodland Fringe (Tree & Shrub Planting)

Access Ramp

A491 - Sandy Lane

Existing Peripheral Vegetation to be Retained

Site Entrance

A491 - Sandy Lane

Wildmoor Quarry - *Operational*

STONEYBRIDGE

A49 - Stourbridge Road

Pumping Station

Rosedene

Davescott

Fairfield Lodge

Farcroft

Posts

B 4091

Sand Pit

Sand Pit

Sand Pit

Lake

Conveyors

Depot

WB

Path (um)

160.0 164.0 168.0 170.0 172.0 174.0 178.0 180.0 190.0 194.0

Concept Restoration

Aim: To establish a safe and sustainabl landform which stabilises the adjacent restored Sandy Lane Tip and creates new wildlife habitat to help meet Worcestershire's Biodiversity Targets.

Restoration Land Uses:

1.11 Ha of Existing Woodland Blocks

0.88 Ha of Proposed Tree & Shrub / Woodland Fringe Vegetations

5.07 Ha of Acidic Species Rich Grassland

0.21 Surface Water Management System *(to be determined)*

LEGEND

- Application Site Boundary
- Existing Vegetation (Trees & Hedgerows)
- Buildings, Roads & Tracks
- Water Bodies
- Disturbed Ground - Mineral Operations
- 194.0 2m Contours (m aOD) & Spot Levels

Restoration Proposals

- Species Rich Acidic Grassland
- New Native Woodland / Tree Shrub Planting
- Surface Water Management / Wildlife Pond
- Drainage Ditches
- In-Situ Sand Face

Heatons
Planning Environment Design

PROJECT
Sandy Lane Quarry

DRAWING TITLE
Concept Restoration

DATE
Nov 2021

REFERENCE
NRS-001-W.D.010 Rev A

SCALE
1:2,500 @ A3

STATUS
FINAL

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