

## **Minutes of the Planning and Regulatory Committee**

### **County Hall, Worcester**

**Monday, 31 October 2022, 10.00 am**

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#### **Present:**

Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Andy Fry, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Tony Miller, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers and Cllr Jack Satterthwaite

#### **Available papers**

The Members had before them:

- A. The Agenda papers (previously circulated); and
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated);

#### **1112 Apologies/Named Substitutes (Agenda item 1)**

Apologies were received from Cllrs Bill Hopkins, David Ross and Kit Taylor.

#### **1113 Declarations of Interest (Agenda item 2)**

None.

#### **1114 Public Participation (Agenda item 3)**

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

#### **1115 Proposed extraction of sand and gravel with restoration using site derived and imported inert material to wetland, nature conservation and agriculture (cross-boundary application) on land at Bow Farm, Bow Lane, Ripple, Worcestershire (Agenda item 4)**

The Committee considered the proposed extraction of sand and gravel with restoration using site derived and imported inert material to wetland, nature

conservation and agriculture (cross-boundary application) on land at Bow Farm, Bow Lane, Ripple, Worcestershire.

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

The report set out the Head of Planning and Transport Planning's comments in relation to Worcestershire's landbank of sand and gravel reserves, Location of the development, Best and Most Versatile (BMV) agricultural land, Alternatives, Traffic, highway safety and impact upon public rights of way, Residential amenity (including noise, dust, air quality, vibration, lighting and health impacts), Landscape character and appearance of the local area, Historic environment, Ecology, biodiversity and geodiversity, Water environment and flood risk, Restoration and aftercare of the site, Economic impact, Climate change and sustainability, Cumulative effects, Prematurity, and Other matters - Impact upon tourism, Site security, Utilities / pipelines, Adequacy of the ES and Environmental Impact Assessment team and expertise, Monitoring and enforcement, Consultation, Human Rights Act 1998, Obligations under the Equality Act 2010, and other points.

The Head of Planning and Transport Planning concluded that:

#### **Worcestershire's landbank of sand and gravel reserves**

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

The LAA (published February 2022) covered the period up to 31 December 2020 and, in accordance with the NPPF (paragraph 213), calculated annual provision requirements on a rolling average of 10 years' sale data in Worcestershire and other relevant local information. The annual production guideline for sand gravel identified by the LAA was 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 was below the 7-year landbank required by national policy and indicated that there was currently a shortfall of permitted reserves in the county.

Since 31 December 2020, the MPA granted planning permission on 25 March 2021 for a proposed sand quarry, on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove. Based on the proposed extraction of approximately 1.35 million tonnes per year, this had increased the landbank by approximately 1.58 years.

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 on

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.

Since 31 December 2021, the MPA granted planning permission on 8 July 2022 for the proposed importation of inert restoration material and extraction of approximately 245,000 tonnes of sand to enable engineering operations for stability purposes and completion of site restoration at (Western portion of the former) Sandy Lane Quarry, Wildmoor. This had increased the landbank by approximately 0.29 years.

Assuming production guideline for sand and gravel set out in the LAA (0.853 million tonnes) continued in 2022, then the landbank of permitted reserves on 30 September 2022 would be approximately 2.606 million tonnes of sand and gravel, equating to about 3.06 years. Consequently, at the time of the determination of this application, Worcestershire had a land landbank of sand and gravel reserves below the minimum 7-years required by national policy and indicated that there was currently a shortfall of permitted reserves in the county.

Should this planning application be granted permission, it would increase the landbank by approximately 1.69 years, equating to a landbank of approximately 4.75 years, which was still below the minimum landbank for at least 7 years for sand and gravel.

It was considered that the proposal would contribute to providing a balanced geographical spread of mineral reserves and provided an additional mineral site, contributing to a steady and adequate supply of mineral and adding to resilience to the mineral supply in Worcestershire, which was currently provided by a limited number of active sites. In view of this, it was considered the proposal was consistent with paragraph 213 f) of the NPPF, as it would contribute towards the MPA's landbank for sand and gravel.

### **Location of the development**

Paragraph 209 of the NPPF stated that "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".

The Government's PPG further stated that "planning for the supply of minerals has a number of special characteristics that are not present in other development: minerals can only be worked (i.e., extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited...".

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

shown and defined on the Minerals Local Plan Policies Map, in accordance with Policy MLP 1 of the adopted Worcestershire Minerals Local Plan.

The adopted Worcestershire Minerals Local Plan designated “areas of search”, and Policy MLP 3 set out a policy framework in how to consider applications within and outside “areas of search” but located in Strategic Corridors. Phases 1 to 9 of the proposal would be located within an “area of search” as shown and defined on the Minerals Local Plan Policies Map. However, Flexible Working Areas A and B, lie outside the “area of search”.

In considering the proposal against Policy MLP 3 of the adopted Worcestershire Minerals Local Plan, it was concluded that proposal would meet the relevant criteria of this policy, namely there was a shortfall in extant sites and allocated specific sites and / or preferred areas to meet the scale of provision required over the life of the plan; and in relation to the flexible working areas, the deposits were not known, or were not considered to be resources of local or national importance, and therefore did not inform the identification of mineral allocations, and sufficient geological and market data had been provided by the applicant to demonstrate the presence of a nationally or locally important mineral resource.

In view of the above, the Head of Planning and Transport Planning considered that the location of the proposed development accorded with the strategic locational policies of the adopted Worcestershire Minerals Local Plan, in accordance with Policies MLP 1 and MLP 3 of the adopted Worcestershire Minerals Local Plan.

### **BMV agricultural land**

With regard to the soil resource and BMV agricultural land, approximately 32.9 hectares of the existing agricultural land (in Gloucestershire and Worcestershire combined) was Grades 2 (located in Gloucestershire) and 3a, which were BMV agricultural land. The proposed restoration sought to establish new areas of nature conservation and wetland and approximately 30 hectares of agricultural land, restored to Grade 3a, equating to an overall net loss of BMV by approximately 2.9 hectares (Worcestershire and Gloucestershire combined). The applicant had confirmed that there would be a loss of approximately 3.36 hectares of BMV agricultural land in Gloucestershire due to the retention of the clean water pond and silt ponds and surrounding habitats. However, in Worcestershire there would be a gain of approximately 0.46 hectares as the applicant proposed to create additional BMV agricultural land on the swathe of former Grade 3b agricultural land in part of Phases 1 to 9. Natural England raised no objections to the proposal, stating that they were satisfied with the Detailed Restoration and LEMP and Soils Handling Strategy, except they considered that the applicant should design under land drainage into the scheme at the start rather than rely on retro designing if needed.

In view of the above, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions relating to the management of the soil resource, including the development being carried out in accordance with the submitted Soil Handling Strategy, detailed drainage scheme, an updated Outline Aftercare Scheme and Detailed Aftercare

Scheme, then the objectives of the NPPF in respect of soils and their use in the restoration of BMV agricultural land would be met, and the scheme would be in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

### **Alternatives**

With regard to the consideration of alternatives, the PPG stated that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 did not require an applicant to consider alternatives. However, where alternatives had been considered, Paragraph 2 of Schedule 4 required the applicant to include in their ES a description of the reasonable alternatives studied and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. The applicant considered a number of alternatives including: no development option; alternative extraction sites option; alternative methods of extraction and processing; alternative methods of transportation; and alternative restoration. In view of the above, the Head of Planning and Transport Planning considered that the applicant's approach to the consideration of alternatives is acceptable in this instance.

Letters of representations had been received objecting to the proposal and suggesting the development should be carried out on alternative land elsewhere not near any villages. The Head of Planning and Transport Planning considered this was not one of the exceptional cases where an alternative scheme was relevant. Vague alternative schemes should be given very little if any weight and did not constitute a valid reason for refusing this application in this instance. Members were advised that this application should be determined on its own merits, in accordance with the Development Plan, unless material considerations indicated otherwise.

### **Traffic, highway safety and impact upon public rights of way**

The proposal would generate approximately 144 HGV movements per day (72 HGVs entering the site and 72 HGVs exiting the site per day), equalling 13 two-way HGV movements per hour, or 1 HGV movement in either direction every 4 to 5 minutes during a weekday. This equated to an increase of approximately 3.3% of total traffic movements along the A38. The impact on Worcestershire's highway network was limited to trips travelling on the A38 north of the M50 Motorway. This was estimated to represent only approximately 5% of the HGV activity, which equated to approximately 7 two-way trips per day.

Vehicular access into the site would be achieved via a bell mouth priority junction onto the A38 in Gloucestershire, leading to an internal haul road. The suitability of the access and the impacted upon the highway network in Gloucestershire were matters for Gloucestershire County Council to consider. In view of this, a condition was recommended restricting commencement of the development unless planning permission had been obtained for access to and from the site via the proposed haul road and access onto the A38 in Gloucestershire. Based on the advice of National Highways, the County Highways Officer, County Footpath Officer, the Ramblers Association and Malvern Hills District Footpath Society, the British Horse Society (East and

West Midlands), and the British Horse Society (South-West), the Head of Planning and Transport Planning was satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or public rights of way in Worcestershire, in accordance with Policies MLP 30 and MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 4 of the adopted South Worcestershire Development Plan, subject to the imposition of appropriate conditions.

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

Based on the advice of Worcestershire Regulatory Services, Environment Agency, UK Health Security Agency and the County Public Health Practitioner, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions, there would be no unacceptable adverse noise, dust, air pollution, vibration or lighting impacts on residential amenity or that of human health, in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.

### **Landscape character and appearance of the local area**

The Head of Planning and Transport Planning considered that should planning permission be granted, conditions should be imposed requiring the permission to be restored within a set timescale, being carried out in accordance with the Soil Handling Strategy, design of screening bunds, phased working scheme, design of conveyors, boundary treatments, annual topographical surveys, detailed drainage scheme and management plan, restricting lighting, Noise, Vibration and Dust Management Plans and monitoring schemes, Biodiversity Mitigation Scheme, updated LEMP, being carried out in accordance with the Arboricultural Report, limiting the height of stockpiles, updated restoration scheme, aftercare scheme, 10-year aftercare period, interpretation strategy, and removing permitted development rights.

In view of the above and based on the advice of the County Landscape Officer, Malvern Hills District Council and the Cotswolds Conservation Board, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including the Cotswolds AONB National Landscape and views from public rights of way, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considered that the proposal was in accordance with Policy MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan.

### **Historic environment**

There were a number of heritage assets with the context of the application site. The Head of Planning and Transport Planning considered that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage assets of Towbury Hill Camp Schedule Monument, the Grade II Listed

Buildings of Puck Cottage, Twyning Farm including Walled Garden and Dairy, Shuthonger Villa, Shuthonger House, boundary wall, gates and gate piers to Shuthonger House and Crown Cottage and Ripple and Uckinghall Conservation Areas. Notwithstanding this harm was less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of the designated heritage assets. Consequently, the fact of harm to designated heritage assets was still to be given more weight than if simply a factor to be taken into account along with all other material considerations.

The Head of Planning and Transport Planning considered that subject to the imposition of appropriate conditions, on balance, in view of the public benefits of the proposal, namely the creation of a small number of direct employment opportunities (approximately 20 employees), as well as contributing to the wider growth aspirations for the County through the supply of local aggregates to the construction market, this outweighed the temporary and less than substantial harm to these designated heritage assets.

Based on the advice of the County and District Archaeologists, the Head of Planning and Transport Planning considered that on balance, subject to the imposition of an appropriate condition, the impact upon the non-designated archaeological assets was not of such significance as to constitute a refusal reason in this instance. The Head of Planning and Transport Planning considered that the proposal was in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

### **Ecology, biodiversity and geodiversity**

The application site was located approximately 40 kilometres north-east of the Severn Estuary SPA and SAC which were European sites. The Severn Estuary was also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI. Despite the distance from these European sites, the application site was hydrologically linked to them and hence had the potential for impacts through functional hydrological connectivity and the potential presence of migratory species within the upper River Severn catchment.

Consultants on behalf of the MPA as the competent authority had carried out a HRA Screening Assessment to identify whether the proposal would result in likely significant effects upon European sites. The HRA Screening Assessment concluded that the proposal could result in likely significant effects to the Severn Estuary SAC / SPA / Ramsar site. Therefore, these effects required further consideration at the HRA AA stage to determine whether, in light of any mitigation and avoidance measures, they would result in adverse effects on the integrity of the above European sites, either alone, or in combination with other plans and projects.

The HRA AA concluded that with appropriate mitigation and protective measures, there would be no effect on the integrity of the Severn Estuary SAC / SPA / Ramsar site in view of its conservation objectives, and as such an

adverse effect in combination was also ruled out and no further assessment was required.

Based on the advice of Natural England, Worcestershire Wildlife Trust, the County Ecologist and the Earth Heritage Trust, it was considered that subject to the imposition of appropriate conditions, the proposed development would have no unacceptable adverse effects on the ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity, in accordance with Policies MLP 31 and MLP 36 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

### **Water environment and flood risk**

A Flood Risk Assessment accompanied the application, as the proposed development spans all three Flood Zones as shown on the Environment Agency's Indicative Flood Risk Map. The submitted Flood Risk Assessment demonstrated that no net loss of floodplain storage would occur throughout the life of the proposed development. As all of the site area would be restored to or below pre-excitation ground levels, it would provide a net gain in floodplain storage and conveyance.

With regard to groundwater, the applicant had confirmed they would install a below ground clay cut-off around the perimeter of the site and key this into the underlying weathered bedrock clay / mudstone to create an impermeable hydraulic seal between the Phase 1 to 9 excavation area and the surrounding sand and gravel aquifer. The placement of an impermeable seal would prevent the groundwater flow from passing westwards through Phases 1 to 9. This had the potential, if there was no mitigation, to prevent groundwater base flow from entering the surface waterbodies (such as Ripple Lake and Napps LWS and the Ripple Quarry Lake) west of the proposed excavation area.

In order to mitigate this potential impact, a groundwater interceptor ditch was proposed around the north, south and eastern periphery of the extraction area (Phases 1 to 9), excavated to the base of the gravel. Groundwater level monitoring was proposed throughout the operational period of the quarry to confirm the integrity of the hydraulic seal around Phase 1 to 9 and to demonstrate the adequacy of the groundwater interception ditch and re-infiltration system.

Based on the advice of the Environment Agency, Canal and River Trust, Lead Local Flood Authority, Gloucestershire County Council's Lead Local Flood Authority, South Worcestershire Land Drainage Partnership and Severn Trent Water Limited, the Head of Planning and Transport Planning considered that the proposal would have no unacceptable adverse effects on the water environment, including flooding, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considered that the proposal was in accordance with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted



Worcestershire Waste Core Strategy, and Policies SWDP 28, SWDP 29 and SWDP 30 of the adopted South Worcestershire Development Plan.

### **Restoration and aftercare of the site**

The proposal sought to progressively restore Phases 1 to 9 to BMV agricultural land (arable), but with Flexible Working Areas A and B being restored to wetland areas for nature conservation purposes, with wetland features including a mosaic of wetland grassland, scrapes and shallows and open water. The proposed restoration of Flexible working Areas A and B would also provide flood storage benefits. The application stated that compared to the current baseline, the proposed restoration would result in the replacement of over 29.7 hectares of agricultural land with biodiversity and nature conservation gain, seeking to establish approximately 16.1 hectares of wet grassland and scrub, approximately 2.5 hectares of wetland marginal habitat, approximately 1.2 hectares of field margins containing floristically rich, tussocky grassland, and approximately 1.6 hectares of deciduous woodland creation. In addition, the proposal would create approximately 2.3 hectares of drainage basin, approximately 2.9 hectares of interceptor ditch, approximately 2.1 hectares of waterbodies and approximately 2 hectares of scrapes. The scheme sought to preserve and reinstate the characteristic hedgerow patterns where possible. However, overall, there would be a loss of hedgerow length of approximately 587 metres. Fundamental to this overall loss was the removal of approximately 500 metres of internal hedgerow within the flexible working area phases. A restoration aim within this area was to attract ground nesting birds through the delivery of wetland scrapes and grassland. It was considered that the reinstatement of this internal hedgerow would provide a vantage point for predators overlooking the habitat, deterring a primary habitat function. Beyond this, removed hedgerow would be largely reinstated to existing lengths albeit impacted by the inceptor drain and drainage basin along eastern and western boundaries of the arable area (Phases 1 to 9).

The Head of Planning and Transport Planning considered that the proposal struck an acceptable compromise between the reinstatement of BMV agricultural land and the creation of wetland / nature conservation areas and, therefore, in principle the restoration of Phases 1 to 9 by the importation of inert materials was acceptable in this instance, and the risk of a lack of availability of suitable infill materials could be satisfactorily addressed by the imposition of appropriate conditions relating to phasing, progressive working and restoration schemes, annual surveys of the ground levels, requiring the site to be restored within 9 years of commencement of the development, long-term aftercare period and detailed restoration and aftercare schemes. This would ensure that there was limited disturbed land at any one time, and that the site was restored at the earliest opportunity and to high environmental standards. In view of the above, it was considered that the proposal accorded with Policies MLP 9 and MLP 26 of the adopted Worcestershire Minerals Local Plan, and Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

### **Economic impact**

The Head of Planning and Transport Planning acknowledged that the NPPF afforded significant weight to the need to support economic growth and that great weight should be given to the benefits of the mineral extraction, including

to the economy. It was considered that the proposal would provide a small number of direct employment opportunities (20 full-time equivalent jobs), as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it was considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighed in its favour.

### **Climate change and sustainability**

The proposal was well located close to the potential markets it would serve; located close to the primary road network; the applicant was proposing use of conveyors where possible to reduce dump truck movements across the site and thereby reduce vehicle emissions; on site recycling of water; the restoration scheme would make provision for SuDS; flood risk betterment; extensive habitat creation; and reinstatement of BMV agricultural land. In view of this, the Head of Planning and Transport Planning considered that overall, the proposal would contribute to achieving sustainable development and mitigating and adapting to climate change, in accordance with Policy MLP 26 of the adopted Worcestershire Minerals Local Plan, Policy WCS 11 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 28 of the adopted South Worcestershire Development Plan.

### **Cumulative effects**

Cumulative effects resulted from combined impacts of multiple developments that individually might be insignificant, but when considered together, could amount to a significant cumulative impact; as well as the inter-relationships between impacts – combined effects of different types of impacts, for example noise, air quality and visual impacts on a particular receptor. With regard to inter-relationships between impacts, it was considered that based upon the studies and content of the individual chapters within the submitted ES, the underlying conclusion was that there was no single topic or combination of issues which should objectively prevent the development from proceeding.

With regard combined impacts of multiple developments, the ES stated that the applicant was not aware of any of the above plans or projects that required due consideration as part of this development proposal and was not aware of any anticipated development proposal likely to result in any adverse cumulative impacts upon the surrounding environment.

Since the submission of the proposed Bow Farm Quarry application and the above conclusions, a separate planning application had been submitted to the County Council by CEMEX for Ripple East Quarry, located approximately 50 metres north of Bow Farm Quarry application site.

To ensure a robust consideration of cumulative effects the applicant submitted additional information in the form of an addendum to the ES. The addendum provides an assessment of the potential for cumulative impacts resulting from the simultaneous operation of the proposed quarry at Bow Farm and the neighbouring proposed Ripple East Quarry. The addendum demonstrated that no significant adverse effects would arise from the simultaneous working of the proposed Bow Farm and Ripple East Quarries, and no conclusions previously

reached within the Bow Farm Quarry ES require alteration, and there was also no need for any additional or revised mitigation embedded within the working and restoration scheme.

In view of the above, the Head of Planning and Transport Planning did not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

### **Prematurity**

Objections had been received on the grounds of prematurity, in particular in relation to the proposal coming forward before the adoption of the Worcestershire Minerals Local Plan and emerging Mineral Site Allocations DPD. The NPPF stated that “arguments that an application was premature were unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed was 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 was at an advanced stage but was not yet formally part of the Development Plan for the area” (paragraph 49).

The Head of Planning and Transport Planning noted that the Worcestershire Minerals Local Plan was adopted by the County Council on 14 July 2022 and now formed part of the Development Plan, replacing the minerals policies in the County of Hereford and Worcester Minerals Local Plan. The Head of Planning and Transport Planning considered that on the whole, the proposal was broadly in accordance with the adopted Worcestershire Minerals Local Plan.

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

In view of the above, the Head of Planning and Transport Planning considered that refusal of planning permission on the grounds of prematurity could not be justified in this instance.

### **Conclusion**

In accordance with paragraph 11 c) of the NPPF, development proposal that accord with an up-to-date Development Plan should be approved without delay. On balance, taking into account the provisions of the Development Plan and in particular Policies MLP 1, MLP 3, MLP 7, MLP 9, MLP 14, MLP 15, MLP 26, MLP 28, MLP 29, MLP 30, MLP 31, MLP 32, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37, MLP 38, MLP 39, and MLP 40 of the adopted Worcestershire Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the

adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32 and SWDP 33 of the adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site observing it from the edge of the village of Ripple, noting the location of the proposed and impending application for Ripple East Quarry by CEMEX. Members then viewed the application site from the M50 overbridge, travelling down Bow Lane to Bow Farmhouse, noting the nearest residential properties. Members then viewed phases 8 and 9 of the application site, noting the location of the flexible working areas, Puckrup Hotel and golf course and the proposed haul road leading to the processing site in Gloucestershire. Members then travelled back along Bow Lane to observe phases 1-7 of the application site.

He added that since the publication of the report, two further letters of objection had been received. One from the action groups RAGE and REACT that was sent to Committee members and one from Church End Nursery sent to the local councillor. The Church End Nursery communication stated that the nursery was a large complex environmentally controlled greenhouse growing soft fruit. They were concerned that the processing plant and concrete batching plant in Gloucestershire would produce a level of dust that would have fatal consequences for the glasshouse. Their business was labour-intensive in peak season and a core staff for the rest of the year. 30-50 people picked the fruit between May and November supervised by a three-man team. The management and permanent team totalled 8 people. They added that the threat to the business was clear with an impact on the local economy if it failed as a significant number of people would lose their jobs. In response to this communication, the representative of the Head of Planning and Transport Planning emphasised that impacts from the processing plant was in Gloucestershire so that was a matter for Gloucestershire County Council to consider.

He indicated further that since the publication of the report, planning permission had been granted for the Ryall North Quarry which had increased the landbank by 0.56 years, equating to a total landbank of 3.62 years. Should this application be approved, it would increase the land bank to 5.31 years which was still below the 7-year landbank required for sand and gravel.

He proposed that the wording of condition be amended to read “3) All mineral extraction operations shall cease within 9 years of commencement of the development hereby approved, and the site shall be restored in accordance with the approved restoration scheme as required by Condition 54) of this permission. 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.” This would avoid the scenario where the applicant was unable to restore the site, as the time limits of the permission had lapsed.

David Lockett, an objector to the application addressed the Committee. He commented that with regard to noise, the applicant had used a bespoke system of noise assessment despite there being a British standard assessment BS5228. The applicant had not chosen to use this standard because the noise levels would result in a failure. The application failed to show that it complied with the framework set out in paragraphs 185 a) and b).

He added that whilst it was accepted that the two local businesses impacted by the site were in Gloucestershire, they should not be ignored. This Council had a duty to co-operate and any decision taken would impact on the nature of these businesses. The nursery grew 20k raspberry plants in an environmentally controlled greenhouse complex. Anyone covering of dust in those greenhouses or being brought into the greenhouse would destroy the crop. Puckrup Hotel employed a number of staff directly and through their supply chain and relied on a quiet baseline environment. There was a danger of a reduction in guest numbers and resulting financial implications if the application was approved.

He indicated that there was a danger of flooding on Bow Lane from the River Severn. The applicant proposed to create an interceptor ditch. The EA had indicated that this ditch could back up and the infill of the site would make the potential for flooding much worse. After heavy rain the water table and the ditch would be full. At present the large aquifer would take that water away but the replacement impacted infill would mean that that water would have nowhere to go therefore overflowing the ditch and increase the flooding of the road.

David Lockett was then asked questions about his presentation:

- In relation to a query about the fact that this site was not named in the Minerals Local Plan, David Lockett commented that by dismissing the minerals site allocation as having little weight, officers did not have the supporting documentation to make a judgement on this quarry as this site had no preferred status and might never have and therefore the decision would be premature
- In response to a query about the impact of this application on local businesses, David Lockett commented that there could be a potentially fatal consequence to the local fruit-growing business if dust got into the greenhouses and destroyed the crop. Additionally, Puckrup Hotel was a first-class establishment and quiet amenity that employed over 200 people. Wedding receptions and golf weekends were held there and could be impacted by the haul road and the dust associated with it. The representative of the Head of Planning and Transport Planning indicated that both businesses had commented on the application albeit he had not spoken directly to them
- In response to a query about flooding in Bow Lane, David Lockett commented that if the role of the aquifer was removed then the water would have to go somewhere. Bow Lane flooded on a regular basis when the aquifer was unable to cope with flooding from the River

Severn and this situation would be worsened on a regular basis as a result of this application

- In response to a question about the impact of pollution caused by flooding of areas A and B, David Lockett indicated that those areas were situated next to the River Severn. When the river rose, the proposed bunds would be washed away and the excavation holes filled. The question then would be how the applicant dealt with the excess water. The consequences were that this water would return to the River Severn with potential resultant pollution.

Nikki Reeves on behalf of the REACT Action Group, an objector to the application addressed the Committee. She commented that it had always been a requirement of planning applications that the provenance of the landfill could be proved before approval which it had not been for this application and would not be given the shortage nationally of inert material because technology now existed to turn this type of material into aggregates. The group's concern was what would be tipped on site given that waste crime had increased significantly in recent years and the applicant had previously been prosecuted for illegal tipping.

She added that the group refuted that the suggested measures for treating silica dust were in any way effective. Evidence provided by the EA and HSE highlighted the deadly nature of this material and it was referred to in the Committee report. The World Health Organisation had cited silica as the new asbestos. It killed people. The operations on the site would create dust levels of 5% under 5 microns which equated to 75k tonnes in total. It was acknowledged that different sized dust particles would be created but the smaller particles would not be stopped and could travel a kilometre in the air. The bund would be ineffective in this respect. The particles under 5 microns were the most lethal and would be blown into the homes of local people. The HSE did not have sophisticated enough equipment to measure particles under 10 microns so it was not possible for them to properly assess the dangers to the health of local people, especially with children with health conditions.

Nikki Reeves was then asked questions about her presentation:

- In response to a query, Nikki Reeves explained that the applicant had been found guilty of dumping 400 tonnes of building waste at his site in the Cotswolds
- In response to a query, Nikki Reeves commented that at a Government inquiry in 2016, HSE had admitted that their equipment was not capable of measuring the smallest and deadliest particles and that there was a lack of research to enable them to diagnose silicosis
- It was queried whether she had expert knowledge on the subject of the impact of silica dust. Nikki Reeves responded that since this application had been submitted 2-3 years ago, she had undertaken considerable amounts of research on the subject
- In response to a query about the impact of silica dust, Nikki Reeves explained that the World Health Organisation had issued a report in 2020 which indicated that the silica dust associated with sand and gravel extraction had resulted in 4.2m deaths globally. Evidence

showed that exposure led to lung and heart disease and childhood cancers. Silica dust had been classified as carcinogenic. The smaller the particles of dust, the greater impact on health. A tea spoon amount of this dust would be sufficient to kill a person

- Was there any evidence that the operations on the site would create silica dust? Nikki Reeves responded that evidence of silica dust had been found at Pages Lane, the applicant's previous site and the geological make-up of this site was similar in nature
- Did the suggested mix of dust exist whilst the current agricultural activities were in operation at the site? Nikki Reeves argued that agricultural activities were different and did not bore down into the soil to the same extent. The background studies had not taken the proposed operations fully into account
- Would the arguments about silica dust production and the proximity of local residents mean that all applications for sand and gravel in the county should be ceased? Nikki Reeves indicated that there was a clear need for sand and gravel in certain areas. There was a Bill going through parliament to prevent quarry workings within a km of any residential dwelling which would make this site illegal

Andy Manson-Jenkins, Director and joint owner of Davis Aggregates based at Astwood Bank, a supporter of the application addressed the Committee. He commented that most of his company's customers were based in Worcestershire, the majority of which were small independent builders and landscapers who were reliant on his company as a source of materials at competitive prices. As well as running low-emission trucks, the company was constantly working to reduce its carbon footprint by hauling materials as short a distance as possible and minimising empty running by returning with stock to the yard but this was only possible if materials were available close to the site of the delivery.

He added that although the company collected from a sand and gravel quarry near Worcester, that site was reliant on the water level of the River Severn. This meant that for periods of time, it was not possible to collect any aggregate from this quarry. In these circumstances, the next nearest available sand and gravel quarry was at Meriden, 40 miles from Worcester. Hauling stone from Meriden to Worcester reduced productivity. Cost considerably more and produced 8kg of CO<sub>2</sub> per tonne hauled (compared to 2.8kg per tonne from Bow Farm).

He indicated that given the additional planned housing in Worcester, it was essential that this application was granted permission to supply the market and end the virtual monopoly of the Worcester quarry, which had imposed three separate price increase totalling almost 20% over the last twelve months. Fuel prices had increased by 50% over this period so to remain competitive, the local source at Bow Farm was essential.

He stated that there was an issue getting a consistent supply of 10mm gravel from Meriden and Worcester with the nearest quarry source being Burton-on-Trent. To haul this gravel from Burton to Worcester produced 9.1kg of CO<sub>2</sub> per

tonne. This would reduce to 2.8kg per tonne from Bow Farm Quarry which made more economic and environmental sense.

He also supported the plans to accept inert subsoil and clay as part of the restoration of the site. His company often missed out on being able to take subsoil and clay away from customer sites as the nearest available disposal was at Meriden. The Bow Farm application would allow the company to win more work and operate more efficiently by disposing of spoil then taking aggregate direct to customers, saving as much as 125kg of CO2 per load.

Andy Manson-Jenkins was then asked questions about his presentation:

- How long had his company been operating for? Andy Manson-Jenkins responded that the company had been operating in different forms for approximately 50 years
- Did HSE provide any guidance about the type of equipment that your operatives should wear on site? Andy Manson-Jenkins indicated that drivers were generally in their cabs and there were no excessive dangers to working with the sand and gravel. He could not think of any instances where the health of any current or former operative had been impacted
- What were the required procedures that needed to be followed to allow the tipping of inert material on site? Andy Manson-Jenkins explained that the contractor would complete a form detailing prior use of the site, and whether there were any potential pollutants on site. The quarry site would require a full chemical analysis of the material being taken in. Only after those two requirements had been met could the material be taken into the site
- What weight of load did each lorry carry? Andy Manson-Jenkins indicated that depending on laden weight, they carried approximately 18-20 tonnes of inert material onto the quarry site. If material was being brought back to company's site then it could carry 29 tonnes of material
- How long did it take to load the lorry at the quarry? Andy Manson-Jenkins responded that it would take a matter of minutes to fully load a lorry
- It could be argued that the short length of time taken to load the lorry and the direction of the backdraft away from the driver would minimise any health impact on drivers. Andy Manson-Jenkins argued that at the point of loading or discharge, the driver was at the closest point for the inhalation of dust particles
- Who issued the certificate for the materials to be brought onto the quarry site? Andy Manson-Jenkins explained that a waste transfer note was completed for each load, but nothing would be moved until the producer had provided a chemical analysis of the material which would be forwarded to the quarry site for them to check that it met their acceptance criteria. The producer of the material would need to consult specialist contractors to undertake the sampling. Those samples were sent to a laboratory to test the material and provide a report. The laboratory would need to follow set guidelines in respect of the testing of samples.



Moreton Cullimore, a representative of the applicant addressed the Committee. He commented that he was the landowner of Bow Farm and Managing Director of the Cullimore Group of Companies. The company employed local people who mostly live within a 10/15 mile radius of their place of work. Customers and suppliers were mainly local, which intrinsically linked the company with local economies. If the application was successful, it would enable the company to retain the staff and other businesses over the next decade.

He added that the revenue that would be generated would be kept in the local economy unlike some of our competitors operating nearby. The industry was directly linked with inflation and the materials that the company provided would build infrastructure, homes, schools, retail and business areas. The raw materials extracted were the primary resource for all construction.

He stated that this application had undergone extensive consultation with a full spectrum of experts including specialists in biodiversity, transport, landscape and environmental health. The company had listened for over 3 years to the comments raised in consultation and shaped the application accordingly to the satisfaction of planning officers and the wide-ranging specialists consulted.

He indicated that the company would maintain an open dialogue with the local community. The company had successfully extracted minerals in the Cotswold Waterpark in both Gloucestershire and Wiltshire for over 60 years. The company understood the concerns of those living and working near Bow Farm and although it was considered that the application addressed those concerns, a community liaison group would be established to maintain a dialogue.

He commented that there were many misconceptions of the effects of a sand and gravel quarry operation, particularly in relation to health. Concerns were typically raised about the likely increases of respiratory related illnesses, however this was never experienced in practice. The Health and Safety Executive, a statutory consultee to mineral-related planning applications, had unequivocally stated that:

*“No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease.”* Whilst employees were fitted with PPE to make them visible and protect from the site hazards, this did not include breathing apparatus or masks. The company had never experienced any respiratory illness related to quarrying within the workforce in the 60 years of being mineral operators.

He stated that the application satisfied the concerns of environmental health professionals that an operation at Bow Farm could be undertaken within acceptable limits and without adverse effect upon the local environment. If approved, the operation would be rigorously controlled and monitored throughout its life. The company owned a fleet of vehicles which would be responsible for almost all vehicle movements at Bow Farm. All these vehicles had been fitted with cctv and were tracked live, allowing them to be managed and always monitored; ensuring they avoided any unsuitable routes. G-Force

sensors and motion detectors monitored speeds and braking performance meaning drivers were monitored.

It had been queried why the company did not propose to barge material via the River Severn to an alternative site for processing and onward transport. The company did not own and could not reasonably secure access to a processing site to achieve this. Notwithstanding the impracticalities of high and low water levels making access to boats extremely difficult during acceptable working hours, it was not a viable option. Highway officers and National Highways were satisfied that the proposed access and network were suitable to accommodate this proposal.

He emphasised that the material at Bow Farm was the highest quality, quartz aggregate perfect for local building and infrastructure projects. There was a proven need for this material in Worcestershire to which the 1.4 million tons at Bow Farm would make a significant contribution. The restored developed land would deliver over 28 hectares of wide-ranging biodiversity; a benefit which would remain in perpetuity. The planning application at Bow Farm was robust. It had been proved that a quarry could exist in this landscape, for a temporary period, without detriment to the local environment and deliver a much-needed sand and gravel resource to the local economy. He requested that the officer's recommendation be approved.

He referred to the allegation referenced to by the objector. He had admitted guilt to the charges made at a previous site but the material that had been placed on site had not been tipped in lakes or rivers. It had been stored in the wrong part of the site, beyond the line of the designated area of the quarry. The reason for this breach was the inability to store materials correctly as the restoration work was taking place on that part of the site. The material in question was certified as inert. The EA did not ask the company to move the material and it remained on site, half of which was recycled and the rest tipped under a permit which was later provided by the EA.

Moreton Cullimore was then asked questions about his presentation:

- In response to a query, Moreton Cullimore explained that different sized types of building sand as well as gravel would be extracted from the site. It was high strength quartzite material
- Would the quarrying operations produce dust particles as small as 2.5 microns? John Bruce, a dust expert on behalf of the applicant responded that the vast majority of particles produced would be of a larger size but there would be some particles as small as 2.5 microns
- Would the operations on the site be a danger in terms of causing silicosis? John Bruce commented that there was no current ambient concentration limit for silica in the UK. There was a lack of research in the UK but certain US states had set background ambient levels. The HSE had undertaken a study of 4 quarries both upwind and downwind in relation to levels of silica. The levels recorded were below the acceptable levels that had been used by some states in the USA. This indicated that the impact of these emissions beyond the workplace was minimal. This replicated the impact of silica emissions that the specialist

company he worked for had examined. He confirmed that there was equipment available which was able to measure particles down to 2.5 microns and this equipment would be used at this site

- A query was raised about the previous workings of the applicant at a different site. The representative of the Head of Planning and Transport Planning indicated that the history of the applicant was not a material planning consideration and members needed to focus on the planning considerations
- In response to a query, Moreton Cullimore confirmed that the works on site would be permitted and controlled by the EA. Samples taken by the company from each load of waste was sent to an independent laboratory (not related to the applicant) to be chemically tested before being brought onto the site and issued with a certificate that it was inert. If the laboratory did not issue a certificate, the material would not be brought on site. These certificates were submitted to the EA. The EA also sent an enforcement officer to visit the site 4-6 times a year. Both Worcestershire and Gloucestershire County Councils would also send enforcement officers to check the operations on site. The site was very closely monitored. The applicant was also BSI kite marked and had an ISO environment certificate to prove the quality of material. The staff undertaking the checks within the company had the appropriate qualifications to undertake the work
- In response to a query about the size of the sand particles compared to those experienced on a beach, John Bruce indicated that PM10 was naturally occurring. With for example the Saharan dust episodes there was an increase in the levels of PM10. PM10 was different to quartzite in that it was a transboundary issue. Monitoring across the country showed large fluctuations in measurements for PM10 and PM2.5. Local sources of dust, for example from quarries quickly dispersed to local levels
- Was it possible to monitor particle levels in the air below 10 microns on this site? John Bruce confirmed that it was and that samples would need to be taken on site and sent to a laboratory to determine the weight of silica dust present
- In response to a query about the dry/damp nature of the dust extracted from the site, Moreton Cullimore explained that the mineral was sat in an aquifer so when it was dug out it was wet. It was then processed on site which introduced more water. The only time the material would dry out was if it was left out for a long period of time in dry weather. The material on site was constantly being sold and replenished on site so unless there were no customers, the material would not remain on site long enough to dry out. Dust could arise from the use of the haul road and therefore dust suppression and water bowsers would be used to control emissions
- Could the activities on site be considered dusty in nature? John Bruce responded that if the process was appropriately managed through dust suppression mechanisms, then sand and quarry operations tended to produce lower dust emissions than other types of quarry.

In the ensuing debate, the following points were made:

- In response to a query about the dust management system, the representative of the Head of Planning and Transport Planning commented that scheme involved the erection of poles in multiple locations on site (locations to be agreed with the Mineral Planning Authority) which would enable live recordings of the dust levels on the site. The system also took into account weather and climatic conditions. It provided an early warning system if dust levels rose within the site
- How many trees would be lost or gained through this application? The representative of the Head of Planning and Transport Planning responded that no trees would be lost in Worcestershire. Through negotiation with the applicant, the size of the excavation area had been reduced to protect the existing trees on site. There were trees being removed around the access to the site in Gloucestershire but that was a matter for Gloucestershire County Council
- What would happen if dust levels rose above the recommended levels? The representative of the Head of Planning and Transport Planning responded that the scheme required certain thresholds to be met, agreed with Worcestershire Regulatory Services. If these thresholds were exceeded, the applicant would be required to stop working and mitigation measures undertaken before work could restart
- Would the dust particles generated by agricultural working of the land be smaller than those generated by this application? The representative of the Head of Planning and Transport Planning confirmed that agricultural practices did produce levels of fine dust
- Was this application included as a named site in the Minerals Local Plan? The representative of the Head of Planning and Transport Planning commented that the Hereford and Worcester Minerals Local Plan originally included part of the flexible working areas of the site. However, that Plan had been superseded and no weight could be placed on it. There was currently a call for sites so the Council was looking for appropriate sites in the future so there were no specific or preferred site allocations in the county at present
- As the Council had not reached its 7-year landbank, would the planning inspectorate look favourably at this application? The representative of the Head of Planning and Transport Planning indicated that in his professional judgement that there were no planning reasons to justify a refusal and that any such refusal would be overturned at appeal
- Would the level of noise generated by the M50 Motorway be higher than that created by this application? The representative of the Head of Planning and Transport Planning explained that the applicant had provided a noise assessment from readings across several locations on the site. The noise levels varied across the site, for example at Bow Lane North and Bow Lane South, the levels had been recorded at 54 and 44 dba respectively so at certain points the background noise would be higher than that of the quarry workings
- What type of electronic dust monitoring was proposed? The representative of the Head of Planning and Transport Planning explained that it would be an electronic device on a pole that would measure the levels of dust particles in the air (which could be solar-powered). The number of poles to be erected was to be agreed between the minerals planning authority and Worcestershire Regulatory

Services. The applicant would be able to confirm the size of particles measured but it would certainly be down to 2.5 microns

- This application should be granted planning permission because it increased the county's landbank. This was important because there was currently insufficient levels of sand and gravel to provide for planned housing development in the county. It made no economic or environmental sense to import material from outside the county
- The UK Health Security Agency had indicated that they had no significant health concerns about the impact of this application on the health of local population provided that the applicant took all necessary measures to control pollution and the applicant had confirmed that these measures would be in place
- It was emphasised that such a quarry would be temporary in nature and a number of conditions were being proposed to control activities on site
- In response to a query, the representative of the Head of Planning and Transport Planning confirmed that this site was allocated in the Minerals Local Plan as an area of search but was not a specific or preferred site which was as much as could be achieved at present, as specific or preferred site were to be allocated in the emerging Mineral Site Allocations Development Plan Document
- Should the application be deferred until it was allocated in the Minerals Local Plan? The representative of the Head of Planning and Transport Planning responded that the NPPF stated that arguments around the prematurity of an application were unlikely to justify refusal other than in limited circumstances and none of those limited circumstances applied in this instance
- In response to a query, the representative of the Head of Planning and Transport Planning explained that planning policies rather than the objectives of the Minerals Local Plan were the main factor in determining this application
- In response to a query about the impact of dust on health, the representative of the Head of Planning and Transport Planning indicated that the application had been thoroughly assessed and the appropriate statutory bodies consulted and it had been demonstrated that there was not an unacceptable impact on residential amenity and human health. In particular, the HSE had indicated that no cases of silicosis had been found in the UK showing that exposure to silica dust was not sufficiently high to cause this occupational disease. It was not for this Committee to argue what the national objectives on dust emissions should be
- In response to a query about the impact of dust particles on a number of properties within 400 metres of the site, the representative of the Head of Planning and Transport Planning indicated that the impact had been assessed in relation to air quality including PM10 and PM2.5 and was found to be within the government-set national air quality objectives and therefore the impact on those residential properties was considered reasonable
- In response to a query, the representative of the Head of Planning and Transport Planning explained that the worst-case scenario referred to the measurement of the impact on those properties closed to the plant

operations in the driest possible weather conditions and in such circumstances the application had been assessed as acceptable

- In response to a query about predicted impacts, the representative of the Head of Planning and Transport Planning explained that there were professional standards that needed to be followed in assessing the level and impact of dust including factors such as wind speed, proximity and sensitivity to local properties
- In response to a query, the representative of the Head of Planning and Transport Planning confirmed that the impact of the dust from the processing plant on local businesses was a matter for Gloucestershire County Council
- In response to a query, the representative of the Head of Planning and Transport Planning confirmed that the NPPF stated that the planning process should be focused on whether the application was a suitable use of land and not on the control mechanisms which were subject to different pollution control regimes. It should be assumed that these regimes would work effectively. This site would be the subject of an environmental permit that would control the type of waste deposited, the quantity and the emissions from the waste whether dust or noise
- It would appear that all the appropriate measure to control the operations on site were in place and the application should be supported
- Was there an opportunity being missed to improve the biodiversity on the site and could a condition be added to increase the green canopy. The representative of the Head of Planning and Transport Planning commented that there would be additional tree planting as part of the planned restoration of the site including 27 hectare of biodiversity nature gain. The representative of the County Ecologist added that 1.63 hectares of deciduous woodland was proposed to be planted in two blocks within the application site
- It was queried whether the fact that noise assessments had not been carried out in line with BS5228 was an issue. Steve Williams, a noise expert from Worcestershire Regulatory Services advised that he considered that the noise assessment was robust and was content with the methodology used by the applicant's noise consultants and the predictions in the noise assessments were within the minerals guidance noise limits set out by the government
- The local councillor commented that planning permission should be refused on the following grounds as it did not meet or fulfil the following objectives:
  - MLP objective MLP04 to protect and enhance the health, well-being, safety and amenity of local communities
  - MLP objective MLP29 to not cause harm to sensitive receptors. He argued that due to the proximity to local properties and villages, it did cause harm
  - P156 of the MLP - impacts on health and well-being through changes to the environment and amenity impact. He argued that mental and physical health could be affected
  - Policy MLP28 – The proposed development would cause unacceptable harm to sensitive receptors

- there would be no benefit to local businesses with the potential for the loss of 100-150 jobs
- Policy MLP7 – potential impact on climate change of so many lorry movements including policies MO2, MO3 and MO5

In addition, high quality agricultural land was being lost for potentially 10 years. There was a danger that if the material deposited was not inert, it could impact on the water quality of the River Severn. The local population did not want this application and it was not good for the environment and negatively impacted on local employment

- Based on the control and monitoring mechanisms in place for this site, the operations on the site would be safe and that the application would be a benefit to the county. The site would also be gradually restored to a lovely environment
- Was there any further means of providing assurance to local residents about the levels of silica dust particle emissions from the site, for example a condition that stipulated that the quarry could only operate within certain levels of silica emissions? The representative of the Head of Planning and Transport Planning commented that the proposed conditions included a stipulation that the site should operate in accordance with the dust management plan including the different mechanisms to control dust emissions. There were also conditions related to the height of stockpiles, spraying of bowsers, upward-facing exhausts, speed limits and a continuous dust monitoring scheme (including the locations, trigger levels and mitigation measures should the triggers be breached). John Bruce confirmed that silica emissions could be included in that regime
- All the issues put forward for refusal had been addressed in the report and at the meeting today. Would the Council lose its important local ability to set and monitor the conditions for the site if permission was refused and then subsequently overturned at appeal? The representative of the Head of Planning and Transport Planning explained that should permission be refused, the applicant would have up to 6 months to appeal the decision. Should the applicant appeal, it was considered highly likely that permission would be granted on appeal. Should that be the case then there could be costs awarded against the Council. If the Planning Inspectorate considered it should be granted planning permission, it would have a lawful permission. The Council would then have to monitor that permission based on the conditions set by the Planning Inspectorate in consultation with this Council
- This application would benefit Worcestershire with considerably less vehicle movements delivering aggregates across the county
- A proposal to approve permission for the application with an amendment to condition 3) as recommended by the representative of the Head of Planning and Transport Planning was agreed.

**RESOLVED that having taken the environmental information into account, planning permission be granted for proposed extraction sand and gravel quarry using site derived and imported inert material to wetland, nature conservation and agriculture (cross-boundary**

application) on land at Bow Farm, Bow Lane, Ripple, Worcestershire, subject to the following conditions:

**Commencement**

- 1) The development hereby approved must be begun not later than the expiration of 3 years beginning with the date of this permission.
  
- 2) The operator shall provide written notification to the Mineral Planning Authority at least 14 days prior to:
  - i. The commencement of the development hereby approved;
  - ii. The commencement of soil stripping operations in any phase;
  - iii. The commencement of mineral extraction in any phase;
  - iv. The commencement of infilling operations in any phase; and
  - v. The completion of soil replacement operations in any phase.

**Time Limits**

- 3) All mineral extraction operations shall cease within 9 years of commencement of the development hereby approved, and the site shall be restored in accordance with the approved restoration scheme as required by Condition 54) of this permission. 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:
  - 2636-4-4-3-Fig.2-S4-P6, titled: 'Existing Conditions';
  - 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction';
  - 2636-4-4-2-1-DR-0003-S4-P8, titled: 'Phases 3 and 4 Extraction';
  - 2636-4-4-2-1-DR-0004-S4-P8, titled: 'Phases 5 and 6 Extraction';
  - 2636-4-4-2-1-DR-0005-S4-P8, titled: 'Phases 7,8 and B Extraction';
  - 2636-4-4-2-1-DR-0006-S4-P9, titled: 'Phase 9 Extraction';
  - 2636-4-4-2-1-DR-0007-S4-P9, titled: 'Proposed Restoration';
  - 2636-4-4-2-1-DR-0008-S4-P2, titled: 'Overburden Depth Isopachyte';
  - 2636-4-4-2-1-DR-0009-S4-P2, titled: 'Mineral Depth Isopachyte';
  - 2636-4-4-2-1-DR-0010-S4-P1, titled: 'Bridge Detail';
  - 2636-4-4-2-DR-0011-S4-P1, titled: 'Site Location';



- 2636-4-4-2-1-DR-0012-S4-P2, titled: 'Borehole Location Plan';
- 2636-4-4-2-1-DR-0013-S4-P4, titled: 'Proposed Plant Site Cross Sections';
- 2636-4-4-2-2-DR-0014-P3, titled: 'Cross Section – Interceptor Ditch';
- 2636-4-4-2-1-DR-0015-P5, titled: 'Plant Site Details';
- 2636-4-4-2-1-DR-0016-P3, titled: 'Plant Site Elevations';
- 2636-4-4-2-1-DR-0017-P2, titled: 'Proposed Pipeline Crossing';
- 2636-4-4-2-1-DR-0018-P2, titled: 'Proposed Bridleway Crossing Detail';
- 2636-4-4-2-1-DR-0019-P2, titled: 'Bridleway, Common Land and Haul Route';
- 2636-4-4-2-1-DR-0020-P1, titled: 'Common Land Designation';
- 2636-4-4-2-1-DR-0021-S4-P3, titled: 'Tree Protection Plan';
- 2636-4-4-2-1-DR-0022-P1, titled: 'GCC Cross Sections';
- 2636-4-4-2-1-DR-0023-P1, titled: 'Towbury Hillfort SAM Sections'; and
- 2636-4-4-2-1-DR-0024-P1, titled: 'Flexible Working Area A Restoration Cross Section'.

#### **Extraction Boundary**

- 5) Notwithstanding the submitted details, no soil stripping operations shall take place until a drawing showing the limit of mineral extraction has been submitted to and approved in writing by the Mineral Planning Authority. The limit of mineral extraction shall exclude land underneath the eastern soil screening bund. Thereafter, the development shall be carried out in accordance with the approved details.

#### **Waste Acceptance**

- 6) No waste materials other than those defined in the application or stipulated by conditions(s) attached to this permission shall be imported to the site.
- 7) Inert waste material that is imported for the purpose of infilling and restoration purposes shall consist of uncontaminated or treated sub-soils and construction, demolition and excavation waste such as but not limited to: concrete, bricks, tiles, and ceramics that will not undergo any physical, chemical or biological transformations of significance and will not give rise to environmental pollution or risk harm to human health as a result of coming into contact with other matter.

#### **Phasing and Restoration**

- 8) 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: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction'; 2636-

4-4-2-1-DR-0003-S4-P8, titled: 'Phases 3 and 4 Extraction'; 2636-4-4-2-1-DR-0004-S4-P8, titled: 'Phases 5 and 6 Extraction'; 2636-4-4-2-1-DR-0005-S4-P8, titled: 'Phases 7,8 and B Extraction'; and 2636-4-4-2-1-DR-0006-S4-P9, titled: 'Phase 9 Extraction', except where otherwise stipulated by conditions attached to this permission.

### Working Hours

- 9) Except in emergencies, all operations and uses on the site including the running of any plant or machinery, shall only take place between 07:00 to 18:00 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.

### Design

- 10) Notwithstanding the submitted details, prior to the construction of the overland and radial conveyors, as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction', detailed design drawings of the conveyors including dimensions, materials, colour and finishes, shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details.

### Highways

- 11) No development shall commence until planning permission has been obtained for access to and from the site via the haul road and access onto A38 as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction'.
- 12) Access to and from the site shall only be gained via the haul road and access onto A38 as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction'.
- 13) Prior to the commencement of mineral extraction, a Geotechnical Assessment shall be submitted to and approved in writing by the Mineral Planning Authority, in consultation with National Highways. The Geotechnical Assessment must demonstrate that:
- i. The side slope of the excavation does not undermine the M50 Motorway in the short or long-term;
  - ii. The inspection regime for the edge of the excavation adjacent to the M50 Motorway and procedures for addressing any stability issues are identified and agreed with National Highways; and

- iii. The dewatering and lowering of the groundwater table during excavation does not undermine the M50 Motorway or the adjacent Bow Lane bridge structure.

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

#### **Boundary Treatment**

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

#### **CCTV**

- 15) Details and locations of any Closed-Circuit Television (CCTV) to be installed at the site 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.

#### **Topographical Survey**

- 16) During the 12<sup>th</sup> month following the commencement date for mineral extraction as notified under Condition 2 Part iii of this permission, a topographical survey of the application site as shown edged red on approved drawing numbered: 2636-4-4-2-DR-0011-S4-P1, titled: 'Site Location', shall be carried out and the resulting data submitted to the Mineral Planning Authority within 2 months from the date the survey was carried out. Every 12<sup>th</sup> month thereafter, a topographical survey of the site as shown edged red on approved drawing numbered: 2636-4-4-2-DR-0011-S4-P1, titled: 'Site Location' shall be carried out and the resulting data shall be submitted 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 submitted to the Mineral Planning Authority within 2 months of such a request. Each topographical survey shall be submitted to the Mineral Planning Authority at a scale of 1:1250, with all levels related to Ordnance Datum. Each topographical survey shall include the extent of land open for quarrying or undergoing restoration and include quarry floor levels. The requirement to undertake an annual topographical survey of the site shall cease upon the expiration of this permission, as set out in Condition 3 of this permission.

#### **Water Environment**

- 17) Prior to the commencement of the development hereby approved, a scheme to monitor ground and surface water features (including but not limited to springs, boreholes, and wells) shall be submitted to and approved in writing by the Mineral Planning Authority in consultation with the Environment Agency, having regard to the approved 'Water Environment and Flood Risk' section of the

**Environmental Statement, Revision P2, dated 31 October 2019, and section 12: 'Water Environment' of the Environmental Statement Regulation 25 Addendum, Revision P2, dated 7 August 2020, and 'Bow Farm Sand and Gravel Quarry Development Hydrogeological and Hydrological Impact Assessment and Flood Risk Assessment undertaken by GWP Consultants, Report Ref: 190714, Version v.02, dated 27 August 2019. The scheme shall include: frequency and location of monitoring boreholes; method and nature of sampling. Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme.**

- 18) If the monitoring scheme approved under Condition 17) of this permission, shows any adverse risk of deterioration to the water features then extraction shall cease until proposals: to investigate the cause of deterioration; to remediate any such risks; and to monitor and amend any failures of the remediation undertaken, have been submitted to the approved in writing by the Mineral Planning Authority, in consultation with the Environment Agency. Thereafter, the development shall be carried out in accordance with the approved details.**
- 19) Prior to the commencement of development hereby approved, a scheme for flood storage compensation including flood risk betterment (post scheme) and improvements to flood flow, in accordance with the approved 'Bow Farm Sand and Gravel Quarry Development Hydrogeological and Hydrological Impact Assessment and Flood Risk Assessment undertaken by GWP Consultants, Report Ref: 190714, Version v.02, dated 27 August 2019, including Appendix 13: 'Floodplain Storage Compensation Assessment' and accompanying drawing numbered: Appendix 13.1, Version B, Drawing Ref: BOWFHIA1907, shall be submitted to and approved in writing by the Mineral Planning Authority in consultation with the Environment Agency. Thereafter, the development shall be carried out in accordance with the approved scheme.**
- 20) 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.**
- 21) 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, together with maintenance schedules for all SuDS features and associated pipework 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. The approved SuDS Management Plan shall be implemented in full in accordance with the agreed terms and conditions and shall be**

managed and maintained in accordance with the approved Management Plan and thereafter.

- 22) Flexible Working Areas A and B as shown on approved drawing numbered: 2636-4-4-3-Fig.2-S4-P6, titled: 'Existing Conditions' shall not be dewatered.
- 23) 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.
- 24) 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.
- 25) 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.
- 26) 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.
- 27) Notwithstanding the submitted details, prior to the construction of the bridges, as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction', the detailed design of the bridges, including surfacing details, materials, colour and finishes shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details.

#### Lighting

- 28) No external lighting shall be installed on the part of the application site falling within the administrative boundaries of Worcestershire, as detailed at paragraph 7.5 of the approved 'Ecological Impact Assessment', Revision P2, dated 6 November 2019.

### **Noise and Vibration**

**29) Notwithstanding the submitted details, no soil stripping operations shall take place until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Mineral Planning Authority, which shall include a scheme for noise and vibration monitoring. Thereafter, the development shall be carried out in accordance with the approved scheme.**

**30) The noise attributable to mineral operations from the site shall not exceed the levels set out below at the receptor locations identified in approved Appendix 5: 'Noise and Vibration Response and Noise Management Plan – NVC Ltd', dated July 2020 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2020, as updated by Appendix 5: 'Noise Response', dated May 2021 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2021, when measured in terms of an LAeq 1-hour level (free field), as measured at a point closest to the noise source with the microphone at a height of 1.2 metres above ground level:**

- **Silvermead (North): LAeq, 1-hour 55dB;**
- **Bow Farm: LAeq, 1-hour 54dB;**
- **Puck Cottage, Bow Cottage, Bowfields, Threshing Bow, The Bow (East): LAeq, 1-hour 54dB;**
- **Bowbridge Cottage, Scarecrow Stables, Dadsley Cottage (East): LAeq, 1-hour 54dB**
- **Puckrup Lane (Puckrup Hall): LAeq, 1-hour 53dB;**
- **Fairfield Bungalow: LAeq, 1-hour 55dB;**
- **Twyning Farms and Owls End (South-East): LAeq, 1-hour 54dB;**
- **Redpools Farm (South): LAeq, 1-hour 55dB;**
- **Windmill Tump and Bushley Green (South-West): LAeq, 1-hour 53dB;**
- **The Stall, Bredon School, and Church End Farm (West): LAeq, 1-hour 54dB; and**
- **Far End / Church End Nursery: 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 approved Appendix 5: 'Noise and Vibration Response and Noise Management Plan – NVC Ltd', dated July 2020 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2020, as updated by Appendix 5: 'Noise Response', dated May 2021 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2021, shall not exceed 70dB LAeq 1-hour (free field), as measured at a point closest to the noise source with the microphone at a height of 1.2 metres above ground level. Such temporary operations shall not exceed a total of 8 weeks duration at any of the identified receptor locations in any continuous 12-month period. Prior written notice of at least 5 working days, being**

**Mondays to Fridays inclusive, shall be given to the Mineral Planning Authority of the commencement and the duration of such operations.**

- 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 nearest sensitive properties. The scope, methodology and timescales for delivery of the noise assessment shall be agreed in writing with the Mineral Planning Authority before assessment begins. Thereafter, the noise assessment shall be completed in accordance with the agreed scope and shall be presented to the Mineral Planning Authority within the timescales for delivery.**
- 33) Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 32) of this permission, including all noise measures and any audio recordings, where the Mineral Planning Authority is satisfied of an established breach of noise limits set out in the Conditions 30) and / or 31) of this permission, 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) Notwithstanding the submitted details, no soil stripping operations shall take place, until the detailed design of the soil screening bunds as shown on approved drawing number: 2636-4-4-2-1-DR-0002-S4-P8, titled: 'Initial Works and Phase 1 Extraction' 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 soil screening bunds shall be constructed prior to mineral extraction taking place within the application site within the administrative boundaries of Worcestershire.**
- 35) 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.**
- 36) All mobile plant and machinery used on the site shall incorporate white noise reversing warning devices.**
- 37) Internal roads shall be maintained such that their surface remains in a good condition free of potholes or other defects.**

**38) No soil stripping operations shall take place until a scheme to monitor vibrations has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include: method, nature, frequency, duration and locations of monitoring, trigger levels and contingency and mitigation proposals should a trigger level be breached. Thereafter monitoring shall be carried out in accordance with the approved scheme.**

#### **Dust**

**39) The development hereby approved shall be carried out in accordance with the approved 'Dust Management Plan – Proposed Quarry at Bow Farm', Revision D, dated 8 December 2021.**

**40) Notwithstanding the provisions of Condition 39) of this permission, the following measures shall be undertaken to suppress dust emissions on the site arising from all operations, including vehicular movements, mineral extraction, infilling operations and restoration:**

- i. The provision of a water bowser and spraying units which shall be used at all times when there is a risk of dust arising from operations at the site;**
- ii. All plant vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground; and**
- iii. There shall be a maximum speed limit of 10mph within the site.**

**41) No soil stripping operations shall take place, until a scheme for continuous dust monitoring has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include: method, nature, frequency, duration and locations of monitoring, trigger levels and contingency and mitigation proposals should a trigger level be breached. Thereafter monitoring shall be carried out in accordance with the approved scheme.**

#### **Archaeology**

**42) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions and:**

- i. The programme and methodology of site investigation and recording;**
- ii. The programme for post investigation assessment;**
- iii. Provision to be made for analysis of the site investigation and recording;**



- iv. Provision to be made and timetable for publication and dissemination of the analysis and records of the site investigation;
- v. Provision to be made and timetable for archive deposition of the analysis and records of the site investigation; and
- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

### **Ecology**

**43) Prior to the commencement of the development hereby approved, a Biodiversity Mitigation Scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The Scheme shall be based on Sections 8, 9.1 to 9.4 and Appendix 5 of the approved 'Ecological Impact Assessment', Revision P2, dated 6 November 2019 and Sections 3.14 to 3.25 of the 'Detailed Restoration Proposals and Landscape and Ecological Management Plan', Revision P4, dated 17 December 2021. The Scheme shall be compiled by a suitably qualified ecologist and include method statements with details of further surveys, protection measures, translocation arrangements, timings of works, creation or enhancement of habitats and features, related aftercare management, monitoring, and contingency measures. The Scheme shall include (but not limited to) appropriate and precautionary method statements for:**

- i. Roosting bats in trees;
- ii. Badgers plus hedgehogs and polecats;
- iii. Hedgerow, tree and ground nesting birds;
- iv. Flora that will be lost;
- v. Grass snakes and other reptiles;
- vi. Otters;
- vii. Other wild mammals;
- viii. Any other legally protected or priority species that might be encountered (precautionary measures only);
- ix. Buffer or stand-off zones for all retained hedgerows, trees, plantations and watercourses;
- x. Checking of temporary bunds and stockpiles for protected species and their protection prior to bund or stockpile removal;
- xi. Measures to control and prevent the spread of non-native invasive species;
- xii. A work schedule of tasks (including a 10 year timetable and a long-term strategy for protected and priority species);
- xiii. Monitoring and remedial or contingency measures; and
- xiv. Ecological Clerk of Works responsible for implementation of the scheme.

Thereafter, the development shall be carried out in accordance with the approved details. Any significant modifications to the approved details for example as a result of a protected species licence being required must be submitted to and approved in writing by the Mineral Planning Authority.

44) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an updated Landscape and Ecological Management Plan (LEMP) 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.

45) The development hereby approved shall be carried out in accordance with the approved 'Arboricultural Report on Trees', dated December 2021 and drawing numbered: 2636-4-4-2-1-DR-0021-S4-P3, titled: 'Tree Protection Plan'. All protective structures installed shall be maintained until all works have been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree or hedgerow within or immediately bordering the application site.

46) A fish rescue shall be carried out in accordance with the approved 'Fish Rescue Strategy – Land at Bow Farm, Ripple, Worcestershire – Planning Applications 19/000048/CM and 19/0081/TWMAJM', dated 31 August 2022. This shall include a post flood event review undertaken by a specialist contractor to ensure voids are investigated and cleared of any fish.

#### Stockpiles

47) The height of any stockpiles shall not exceed 5 metres.

#### Soil Handling and Storage

48) The development hereby approved shall be carried out in accordance with the approved Soil Handling Strategy, Revision P4, dated 8 December 2021.

49) Soil handling and placement shall be carried out in accordance with The Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021), and only when the soils are dry and friable and in dry ground conditions.

50) Notwithstanding Condition 48) of this permission, soil handling and movement, including soil stripping and the construction of soil storage bunds shall not be carried out between the months of December to March inclusive.

51) All topsoil and subsoil shall be permanently retained on site and used in restoration. All available soil forming materials shall be recovered during excavation to achieve restoration of the site.

**52) All topsoil, subsoil and soil forming materials shall be stored in separate bunds which:**

- i. Shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;**
- ii. Shall not be traversed by heavy vehicles or machinery except where essential for the purposes of mound construction or maintenance;**
- iii. Shall not be subsequently moved or added to until required for restoration;**
- iv. Shall have a minimum 3 metre stand-off buffer of undisturbed ground around each storage mound;**
- v. Shall only store topsoil on like textured topsoil and subsoil on like textured subsoil;**
- vi. Topsoil bunds shall not exceed 3 metres in height and subsoil (or subsoil substitute) bunds shall not exceed 5 metres in height; and**
- vii. Shall, if continuous bunds are used, have dissimilar soils separated by a third material previously approved in writing by the Mineral Planning Authority.**

**53) No plant or vehicles shall cross any area of unstripped soil or subsoil, except where such trafficking is essential for the purposes of undertaking permitted operations. Essential traffic routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated, traversed or used as a road for the stationing of plant or buildings or for the storage of subsoil, overburden, waste or mineral deposits, until all available topsoil has been stripped from that part. The exceptions are that topsoil may be stored on like topsoil and subsoil may be stored on like subsoil.**

#### **Restoration**

**54) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed restoration scheme for the site, based on drawing numbered: 2636-4-4-2-1-DR-0007-S4-P9, titled: 'Proposed Restoration', shall be submitted to the Mineral Planning Authority for approval in writing. The detailed restoration scheme shall include:**

- Final contour levels, with all levels related to Ordnance Datum and shall ensure the land is free from ponding and capable of receiving an effective artificial under-drainage system; and**
- Final access arrangements, along with any ownership, tenancy, legal and funding mechanisms by which the long-term management will be secured.**

**The scheme shall be implemented as approved by the Mineral Planning Authority. Any significant modifications to the approved**

details, for example as a result of unforeseen circumstances, must be submitted to and approved in writing by the Mineral Planning Authority.

55) 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 54) 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 of being approved in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.

56) 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 in writing with the Mineral Planning Authority prior to such soils being imported to the site.

#### **Aftercare**

57) The land within the application site shall undergo aftercare management for a 10-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.

58) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an updated outline aftercare scheme shall be submitted to the Mineral Planning Authority for approval in writing. 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 approved restoration scheme, as required by Condition 54) of this permission. These steps shall include the following:

- i. Control of invasive species;
- ii. Timing and pattern of vegetation establishment;
- iii. Cultivation practices;
- iv. Management of soil, fertility and weeds;
- v. Drainage;
- vi. Irrigation and watering;
- vii. A timetable for undertaking the aftercare scheme; and
- viii. The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and

review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance.

**59) A Detailed Aftercare Scheme shall be submitted within 6 months of the commencement of the development hereby approved. 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**

**60) Within 6 months of the commencement of the development hereby approved, an interpretation strategy for cultural heritage, landscape, biodiversity and geodiversity shall be submitted to the Mineral Planning Authority for approval in writing. The Strategy shall include the content topic headings, design, size, quantity and location of any interpretation panels and the timescales for their installation. Thereafter, the development shall be carried out in accordance with the approved details.**

#### **Permitted Development Rights**

**61) Notwithstanding the provisions of Class A of Part 2, 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 gate, fence, wall or other means of enclosure, 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**

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

**63) No processing or treatment of mineral shall take place within the application site within the administrative boundaries of Worcestershire, as shown on approved drawing numbered: 2636-4-4-3-Fig.2-S4-P6, titled: 'Existing Conditions'.**

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

**65)No materials shall be burned on the site.**

**Local Liaison**

**66)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**

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

The meeting ended at 12.30pm.

Chairman .....