

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

### **County Hall, Worcester**

**Tuesday, 7 February 2023, 10.00 am**

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#### **Present:**

Cllr Ian Hardiman (Chairman), Cllr Bob Brookes, Cllr Allah Ditta, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Tony Miller, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers and Cllr Kit Taylor

#### **Also attended:**

Cllr Alastair Adams attended as a local councillor for Agenda item 5.

#### **Available papers**

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and
- C. The Minutes of the meetings held on 25 and 31 October 2022 (previously circulated).

#### **1116 Apologies/Named Substitutes (Agenda item 1)**

Apologies were received from Cllrs Martin Allen, Andy Fry, David Ross and Jack Satterthwaite.

#### **1117 Declarations of Interest (Agenda item 2)**

None.

#### **1118 Public Participation (Agenda item 3)**

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

#### **1119 Confirmation of Minutes (Agenda item 4)**

Planning and Regulatory Committee Tuesday, 7 February 2023  
Date of Issue: 03 April 2023

**RESOLVED** that the Minutes of the meetings held on 25 October 2022 and 31 October 2022 be confirmed as a correct record and signed by the Chairman.

**1120 Proposed retention of existing facilities, operations and access; the installation of a wash plant and associated infrastructure for the processing of inert materials, to produce recovered aggregate and soils; the relocation of the waste sorting shed, workshop permitted under planning permission ref: 18/000048/CM, and provision of a new site office at Long Marston Works, Long Marston Road, Long Marston, near Stratford- Upon-Avon (Agenda item 5)**

The Committee considered the proposed retention of existing facilities, operations and access; the installation of a wash plant and associated infrastructure for the processing of inert materials, to produce recovered aggregate and soils; the relocation of the waste sorting shed, workshop permitted under planning permission ref: 18/000048/CM, and provision of a new site office at Long Marston Works, Long Marston Road, Long Marston, near Stratford- Upon-Avon.

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 the Waste Hierarchy, Location of the Development, Landscape Character, Visual Impacts and Historic Environment, Residential Amenity (Noise, Dust and Air Quality), Traffic and Highway Safety, Water Environment, and Ecology and Biodiversity.

The Head of Planning and Transport Planning concluded that as the proposed development would include the collection, recycling and reuse of soils and inert wastes generated from building projects and would facilitate the bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators, it would comply with the objectives of the waste hierarchy and Policy WCS 2 and help to address the capacity gap identified in the Waste Core Strategy, and Policy MLP 13 of the Worcestershire Minerals Local Plan, and Policy SWDP 32 of the South Worcestershire Development Plan in relation to contributing to the supply of recycled aggregate.

In terms of location, although the development site was sited within Level 5 'All other areas' of the Geographic Hierarchy, it was considered that the principle of the development in this location had already been established by the granting of planning permission CPA Ref: 18/000048/CM, which was considered to be ancillary to the existing MRW waste management site and that it would improve the working conditions by providing new buildings, secure compounds and more space for the management of waste, thereby improving

staff welfare and enabling greater working efficiency. The proposed aggregate recycling facility would refine current operations at the site and enable the recovery of material that would normally be landfilled. The diversification of the product range on an existing and established site would enable MRW to meet current market demand for aggregate materials, the applicant stated that MRW would attract new business from the construction sector. In addition, the proposed aggregate recycling facility would be ancillary to the existing waste management operations. In view of this, it was considered that the proposal would comply with Policy WCS 3 of the Worcestershire Waste Core Strategy. As the proposed development would be located on existing industrial land with current use rights for waste management purposes and would be ancillary to the existing and permitted waste management facility, it was considered the proposal complies with Policy WCS 6 of the Waste Core Strategy.

The Head of Planning and Transport Planning was satisfied that the proposed development would support the growth of an existing waste management facility in an appropriate location and would generate further employment opportunities in a rural location and co-locate waste management facilities together with complementary activities.

Based on the advice of the Cotswolds Conservation Board, Historic England and the County Landscape Officer, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable impact upon the landscape character and appearance of the local area, the historic environment or visual amenity subject to the imposition of appropriate conditions and in accordance with Policies WCS 9, WCS 12 and WCS 14 of the Worcestershire Waste Core Strategy and Policies SWDP 6, SWDP 21, SWDP 23, SWDP 24 and SWDP 25 of the South Worcestershire Development Plan.

Based on the advice of WRS, the EA and County Public Health, the Head of Planning and Transport Planning considered that the proposal would have no adverse noise, dust, odour or air quality impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions and in accordance with Policy WCS 14 of the Waste Core Strategy and Policy SWDP 31 of the South Worcestershire Development Plan.

Access arrangements for the site had been amended through discussion with the County Highways Officer, Warwickshire County Council Highway Authority and Gloucestershire County Council Highway Authority, such that these were now considered to be appropriate and safe, therefore the Head of Planning and Transport Planning was satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, in accordance with Policies SWDP 4 and SWDP 11 of the South Worcestershire Development Plan and Policy WCS 8 of the Worcestershire Waste Core Strategy and subject to the imposition of appropriate conditions.

Based on the advice of the EA, WRS, the LLFA and Severn Trent Water, the Head of Planning and Transport Planning considered that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions and in accordance with Policy WCS 10 of the Waste

Core Strategy and Policies SWDP 29, SWDP 30 and SWDP 31 of the South Worcestershire Development Plan.

The Head of Planning and Transport Planning considered that subject to the imposition of appropriate conditions as recommended by the County Ecologist, the proposal would not have an unacceptable impact on ecology and biodiversity at the site or the surrounding area and in accordance with Policies WCS 9 and WCS 10 of the Worcestershire Waste Core Strategy, and Policies SWDP 5, SWDP 22 and SWDP 31 of the South Worcestershire Development Plan.

Taking into account the provisions of the Development Plan and in particular Policy MLP 13 of the Adopted Worcestershire Minerals Local Plan, Policies WCS 1, WCS 2, WCS 3, 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 8, SWDP 11, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 32 of the Adopted South Worcestershire Development Plan, and Policies P3, P5, and P9 of the made Pebworth Parish Neighbourhood 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 corrected an error in paragraph 33 of the report in relation to the hours of operation. The Waste Processing Operations hours of operation should read 07:00 to 17:00 hours Mondays to Fridays, inclusive and 07:00 to 12:00 hours on Saturdays, and the Site Maintenance hours of operation should read 07:00 to 17:00 Mondays to Fridays and 07:00 to 17:00 hours on Saturdays.

The objector, Tim Phillips was unable to attend to address the Committee.

Ian Briggs, the agent acting on behalf of the applicant addressed the Committee. He commented that the main purpose of the application was to add an aggregate washing plant to the site, which meant that some of the permitted buildings needed to be moved. The washing plant was needed because the material brought onto the site was dry screened which produced a dirty crushed stone. This material was then turned into higher specification products that could compete with primary aggregates.

He indicated further that this was an existing waste site on the same location as two other waste sites. The plant was situated behind the SIMS buildings which was bigger with an existing bund. There was also a bund to the west of Long Marston Road. There was a lot of existing environmental infrastructure on the site already. There was a shortage of aggregates across the Midlands at present with landbanks at minimal or below minimal level. The application therefore provided an opportunity to take an existing material and produce more with it. However, the facilities were necessary to split the materials into their component parts.

He added that in terms of the environmental effects, none of the statutory consultees had objected and there was only a handful of local resident objections which was unusual for an application of this kind. The objections had been addressed in the scheme that had come forward. Thirty-three conditions were proposed and the site would be subject to an environmental permit to control the site.

He concluded that it was hard to think of a more appropriate location for this type of development. The project was sound from an environmental perspective and the material was needed in the local region therefore permission should be granted.

Ian Briggs was then asked questions about their presentation:

- Had the applicant considered vertical growing including moss and a wildflower mix on the vertical concrete wall to improve the aesthetics and reduce the carbon footprint? Ian Briggs commented that it was intended to plant the east side of the wall, looking into the site so eventually it would look like a broad-leaf hedge. He would speak to the applicant about the potential to use of moss
- Would light be contained within the boundary of the site? Ian Briggs responded that lighting at the site was only necessary during the winter months and the lighting would meet the standard specifications
- Had the applicant considered the addition of PV panels on the site to generate electricity? Ian Briggs commented that the applicant might consider the addition of PV panels at the site in due course
- The planting on the existing bund was of poor quality. The applicant might wish to consider wildflower planting on the bund. Ian Briggs advised that the applicant did not own the bund
- It was queried whether the request for a much greater throughput on the site meant that the nature of the operations on the site would change. In addition, it was queried whether a crusher would be required on site. Ian Briggs responded that two mobile crushers were on-site at present to break up materials such as concrete. The nature of the operations would change. The greater tonnage throughput had been requested to provide economies of scale. The maximum throughput of 180k tonnes had been included in the application as a worst-case scenario amount and it was unlikely that the throughput would be anywhere near that level. There was a lot of excavation waste of different sizes and types being generated locally which would be brought to the site in larger lorries to be processed
- In response to a query about the monitoring arrangements, the number, size and the noise levels of the vehicles using the site, Ian Briggs responded that every vehicle entering the site was required to use the weighbridge and be ticketed in and out and this would provide an indication of vehicle movements. There was no provision to make that information available to the Council but it could be made available through the Council's regular monitoring visits. The background noise levels had been assessed at different locations around the site. Noise emission levels of each item of plant had then been assessed as well as the vehicle movements on the site. The noise attenuation measures put

in place meant that the site would be within the British standard accepted noise levels

- In response to a query about potential changes to the legislation around noise levels, Ian Briggs explained that the applicant could only operate within the best practice outlined within existing legislation. Any changes were more likely to be relevant to the Environment Permit and the EA reviewed permits from time-to-time. The applicant would respond to any changes as necessary
- It was not clear from the application whether the martialling yard for the skips would continue to operate. Ian Briggs indicated that the use of skips would continue using the shed when it was constructed. The representative of the Head of Planning and Transport Planning commented that the primary environmental control on the site was the Environmental Permit which dealt with the operations on the site whereas planning permission was concerned with whether the application was an appropriate use for the land. The finer details of the skips movement around the site would be determined by the Environmental Permit
- In response to a query, Ian Briggs advised that the application site would receive vehicles ranging in size from skip vehicles to 20 tonne vehicles but no larger than that
- In response to local concerns, the local councillor queried whether the mains water supply would be improved to comply with fire regulations and to ensure that water in the aggregates washer was replenished. Ian Briggs responded that water would be sourced from 3, potentially 4 locations. There would be 150 litre storage tanks on site which initially would be fed from the mains water on site until reaching capacity. The yard would be surfaced and drained down to an interceptor. On the southern boundary there was an agriculture trench that ran east/west. The tanks would circulate water through the plant and water would be reused and topped up from time-to-time. There was potential for a borehole to be created. There was also potential to access the water mains from the Meon Hill housing development. However, at present there had not been any request made to upgrade the existing water mains
- The local councillor referred to an issue at the site where the fire brigade had found the water unfit to use in their appliances. Ian Briggs noted this issue but indicated that the water used on the application site would be clean water. The representative of the Head of Planning and Transport Planning commented that the Environmental Permit included fire prevention plans and this application would require update/amendments to the Permit.

In the ensuing debate, the following points were made:

- Concern was expressed about the damage to the roads and hedges caused by an increase in HGV movements. It was queried whether the applicant would be required to pay for any damage and whether any mitigation measures were proposed. The representative of the County Highways Officer responded that no request had been made for the applicant to enter into a Section 106 agreement to fund future road

maintenance. Unless video evidence was available, it was very difficult to confirm that the applicant's vehicles had caused the damage. It was considered that the additional 36 vehicle movements would not have an unacceptable impact on highway safety, capacity or maintenance. No additional mitigation measures had been requested aside from an improvement to the visibility splay at the entrance to the site with the removal of fencing and trees

- Were the proposed hours of operation for this application on Saturdays similar to SIMS metals? The representative of the Head of Planning and Transport Planning responded that it was proposed to have shorter hours of operation than SIMS Metals (which had permission to operate until 8pm). The Certificate of Lawful Use that applied to the whole site had longer hours than the applicant proposed to work
- Had the applicant provided an assurance about the size of vehicles to be used and could a condition be added to ensure that the number of vehicle movements did not increase? The representative of the Head of Planning and Transport Planning indicated that the County Highways Officer had accepted the proposed increase in vehicle movements, given the type of material being transported. Such a condition would not pass the test of a reasonable condition because it would not be possible to effectively enforce given the different operators on the site
- The local councillor commented that the main concern for residents was the impact on the roads of the huge increase in the throughput at the site. The residents queried whether the estimated increase of 80 vehicle movements a day was accurate and had requested a condition be added to the permission to hold the applicant to account for the number of movements. The use of weighbridge ticketing would be a way of monitoring vehicle numbers. The roads turning right out of the site leading up to the village of Long Marston were very narrow with an old railway bridge that could not cope with 40 tonne lorries. Vehicles should turn left out of the site albeit the roads in this direction had deteriorated and were in poor condition, sunken in parts due to the weight of larger vehicles entering the site following the last planning permission. Any pressure that this Council could put on Gloucestershire County Council to improve that stretch of road would be welcomed. Tyres were being punctured by debris on the road and he would welcome regular sweeping of the road. 40 tonne vehicles were regularly queueing to enter the site and blocking the road. Widening the road would resolve this issue. Crushing and washing of stone on site would generate noise and therefore monitoring of noise levels at the site would be welcomed. In the summer there was a combined impact of dust and pollutants from all activities on the site. It was queried whether the applicant had sufficient water available on site to dampen dust and other emissions. It was important that any wash off of pollutants from the site did not harm Noleham Brook that ran adjacent to the site. There was a lack of transparency concerning the operations of the applicant therefore it was important that whatever planning permission was granted, the applicant abided by it. If these issues were addressed, it would alleviate residents' concerns
- The representative of the Head of Planning and Transport Planning understood the concerns expressed by the local councillor about the

transparency of the operations on the site but emphasised that planning permission ran with the land, not the operator. Condition 4 of the proposed permission stipulated a maximum combined throughput of 155k tonnes per annum of construction, demolition and extraction waste. The issues associated with HGV movements appeared to be existing problems. It was possible to introduce an HGV management plan which would be applicable to this site only

- This applicant was seeking to take a small skip hire operation and turn it into a much larger bulk waste operation. It would appear not to be an extension of the existing operations but rather a totally new business. A concern was that if permission was granted for this application, further applications would be forthcoming in the future to increase the scale of operations further. A conditions survey of the local road network, monitoring vehicle movements and noise and dust would be welcomed. The representative of the Head of Planning and Transport Planning responded that the Committee needed to consider the application before it on its merits. The Committee needed to assess whether the harm of the application was or was not acceptable. In relation to maintenance of the roads, as result of comments made, the roads had been assessed by the county highways maintenance team and patching work was recommended but no issue was found with the road itself
- The Council should undertake the patching work on the highway before undertaking a condition survey in a few months' later to assess the level of deterioration. An appropriate planning condition would hold the user of the road to account for future damage
- The potential deterioration of the road was a hypothetical matter for the local councillor to take up in the future, if necessary
- Concern was expressed whether the applicant would be able to abide by the working hours set out in the conditions in relation to maintenance. The representative of the Head of Planning and Transport Planning commented that the working hours were set out in conditions 7, 8 and 9 of the proposed permission in terms of processing, maintenance and loading and did not include Sunday maintenance. These hours of operation had been agreed by the applicant. Enforcement powers were available to the Council, should these conditions be breached
- The different types of crushers used on the site would make different types of noise and there was nothing to protect residents in this respect
- Concern was expressed about the monitoring of the use of the roads. A condition could be added to monitor the weighbridge ticketing every 3 months. The representative of the Head of Planning and Transport Planning indicated that an HGV management plan was an option for the Committee to add as a condition. The haul road was quite extensive and allowed stacking of HGVs on it. The representative of the County Highways Officer added that both Gloucestershire and Warwickshire county highways had been consulted on the application and had not requested Section 106 contributions towards maintenance. No concerns had been received about HGVs queueing in the morning at the site. A condition could be added for the introduction of an HGV management plan in consultation with the Chairman, Vice-Chairman and local



councillor to liaise on the wording in the plan. Such a plan would only relate to the application site and this planning permission and not any other users of the site

- Would it be possible to request a condition for a water bowser to be used on site in the summer to dampen dust? The representative of the Head of Planning and Transport Planning responded that dust mitigation was controlled under condition 21 of the proposed permission through a dust management plan including the use of a bowser and road sweeping of the haul road twice a day, sheeting of lorries, and controlling the height of stockpiles amongst other measures
- Could the conditions be amended to allow vehicles to queue on the site rather than blocking the highway in the morning? The representative of the Head of Planning and Transport Planning anticipated that an HGV management plan would address this issue
- In response to a query, the representative of the Head of Planning and Transport Planning confirmed that condition 7 of the proposed permission referred to no working on Bank Holidays
- The removal of the fir trees at the entrance of the site would have a negative impact on the acoustics of the site. Could a condition be added that the replacement native trees be a minimum of 10 feet high? The representative of the Head of Planning and Transport Planning indicated that the issue was ensuring that the visibility splay was maintained. The County Landscape Officer and the County Highways Officer had requested native tree planting to maintain the visibility splay for vehicles entering and leaving the site. The representative of the County Highways officer added that the full 120m visibility splay needed to be kept clear of anything above a height of 0.6m in perpetuity for safety reasons. The representative of the Head of Planning and Transport Planning would, in consultation with the County Landscape Officer and County Ecologist, look at the possibility of additional tree planting near the entrance to the site where it is safe to do so
- The acoustic fencing would have a reflective effect on sound generated at the site and vertical growing and in particular moss type matting would be beneficial for carbon reduction
- The application would increase the opportunity to deal with waste in the local area. There was a lack of available facilities to dispose of the end product of the recycling activities within the county and at present, the applicant was transporting material to a plant in Sheffield which was not helpful for the carbon footprint and was something for the Council to bear in mind for its future waste management
- In response to a query, the representative of the Head of Planning and Transport Planning advised that the availability of water on site for use by the Fire Brigade would be a matter for the Environment Agency
- Given that there could be 700 tonnes of material being transported on average per day at full volume, could the number of vehicle movements be stipulated in the HGV management plan? The representative of the Head of Planning and Transport Planning advised that the HGV management plan would address the issue of queueing on the highway.

**RESOLVED that planning permission be granted for the proposed retention of existing facilities, operations and access; the installation of a**

plant and associated infrastructure for the processing of inert materials, to produce recovered aggregate and soils; the relocation of the waste sorting shed, workshop permitted under planning permission Ref: 18/000048/CM, and the provision of a new site office at Long Marston Works, Long Marston Road, Long Marston, near Stratford-upon-Avon, subject to the following conditions and an additional condition to introduce an HGV management plan. (The wording to be agreed by the Head of Planning and Transport Planning in consultation with the Chairman, Vice-Chairman and local councillor):

**Commencement**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development.

**Approved Plans**

- 3) The development hereby permitted shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:
  - Drawing number: LD-119-MRW-001, titled: `Location Plan`, dated October 2021;
  - Drawing number: LD-119-MRW-002a, titled: `Planning Application, Landholding and Existing Site Layout`, dated October 2021;
  - Drawing number: LD-119-MRW-003a, titled: `Proposed Site Layout`, dated March 2022;
  - Drawing number: TQ-1004-GA-001, titled: `Proposed Plant`, dated August 2020;
  - Drawing number: LD-119-MRW-005, titled: `Sorting Shed Plan and Elevations`, dated September 2021;
  - Drawing number: LD-119-MRW-006, titled: `Workshop Plan and Elevations` dated September 2021;
  - Drawing number: LD-119-MRW-007, titled: `Proposed Site Office`, dated September 2021;
  - Drawing number: LD-119-MRW-008, titled: `Landscape Plan - Proposed Site Layout` dated September 2021;
  - Drawing number: LD-119-MRW-009, titled: `Proposed Stock Area and Additional Hedge Planting – South`, dated March 2022;
  - Drawing number: LD-119-MRW-010, titled: `Proposed Stock Area and Additional Hedge Planting – North`, dated March 2022;
  - Drawing number: LD-119-MRW-011, titled: `Northern Visibility Splay`, dated May 2022.

#### Throughput and Waste Acceptance

- 4) The annual throughput of materials handled by the development hereby approved, together with the existing site as outlined in blue on Drawing Numbered: LD-119-MRW-002a, Titled: 'Planning application, landholding and existing site layout' shall be limited to a combined maximum of 155,000 tonnes of construction, demolition and excavation waste and a combined maximum of 25,000 tonnes of municipal and commercial industrial waste in any one calendar year (January to December) and records shall be kept for the duration of the operations on the site, and made available to the County Planning Authority within 10 working days of a written request being made.
- 5) No wastes other than those defined in the application, namely municipal and commercial industrial and construction, demolition and excavation wastes, shall be brought onto the site.
- 6) No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site.

#### Working Hours

- 7) Waste Processing Operations shall only be carried out on the site between 07:00 to 17:00 hours on Mondays to Fridays inclusive, and 07:00 to 12:00 hours on Saturdays, with no waste processing operations taking place on Sundays, Bank or Public Holidays.
- 8) Maintenance operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved, shall only take place between the hours of 07:00 hours and 17:00 hours Mondays to Fridays inclusive, and between 07:00 to 17:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays. No machinery or equipment shall operate on the site outside these hours.
- 9) Loading, sales and deliveries shall only be carried out on site between 07:00 and 18:00 hours on Mondays to Fridays inclusive, and between 07:00 to 13:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays.

#### Construction Hours

- 10) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank or Public Holidays.

#### External Storage Heights and Locations

- 11) The height of any external stockpiles of material, stored skips and containers shall not exceed 10 metres and a scheme for the

setting up of a permanent marker that allows operatives and officers from the County Planning Authority a means of visually checking this height shall be submitted to the County Planning Authority for approval in writing prior to the operation of the development hereby approved. The agreed height marker shall be erected and maintained on site for the duration of the development hereby approved.

### **Ecology**

**12) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP for biodiversity shall include the following:**

- i. Risk assessment of potentially damaging construction activities;**
- ii. Identification of “biodiversity protection zones”;**
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These can be submitted in the form of a set of ‘Precautionary Method Statements’ (see below).**
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;**
- v. The times during construction when specialist ecologists need to be present on site to oversee works;**
- vi. Responsible persons and lines of communication;**
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and**
- viii. Use of protective fences, exclusion barriers and warning signs.**

**The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the County Planning Authority.**

**13) A set of Precautionary Method Statements (PMW) to underpin the scheme’s CEMP should be prepared to the satisfaction of the County Planning Authority, these will address the following:**

- i. Methods for habitat manipulation, to remove suitability for reptiles and to provide contingency processes in event of discovery of great crested newt or other protected species;**
- ii. Precautionary working methods with regards badgers, to include both pre-commencement inspections in and around working areas, and also to confirm measures to be employed so as to protect badgers from becoming**

- trapped in open excavations and/or pipes or culverts;
- iii. Construction phase lighting strategy, designed to minimise any impact on light-sensitive flora and fauna during works;
- iv. Soft felling measures for trees identified with Potential Bat Roosting Features (low value PRF only).
- v. Vegetation clearance with regards nesting birds; confirming that no vegetation clearance will take place between March 1st and August 31st inclusively, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation to be submitted to the County Planning Authority; and
- vi. A biosecurity protocol to detail measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of a project.

The PMW shall be submitted to and approved in writing by the County Planning Authority prior to commencement and shall be carried out in accordance with the approved details.

14) No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. Thereafter, the LEMP shall be implemented in accordance with the approved details. The LEMP shall include the following:

- i. Description and evaluation of features (both created and retained) to be managed for their biodiversity value. New habitats, as recommended in the Preliminary Ecological Appraisal Report (RSE\_4311\_R2\_V1\_PEA, RammSanderson, November 2020) will include native species rich grassland (such as Naturescape N4 seed mix), hedgerow, tree and shrub planting. The LEMP will illustrate the location, extent, planting specifications and management for establishment of these habitats. Hedgerow and woodland features should be underplanted with an appropriate ground flora mix (such as the proposed Naturescape N9 and N10 seed mixes);
- ii. Aims and objectives of management;
- iii. Appropriate management options for achieving aims and objectives;
- iv. Prescriptions for management actions;
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

- vi. Details of the body or organization responsible for implementation of the plan;
- vii. Ongoing monitoring and remedial measures, including clearly defined and appropriate criteria and measures of 'success' against which the performance and effectiveness of the LEMP can be judged.

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance, unless otherwise agreed in writing with the County Planning Authority. No peat, insecticides or fungicides to be used. No fertilisers to be used in areas of wildflowers, any topsoil used in these locations to be of low fertility. Tree guards deployed should be biodegradable or, the LEMP will identify a date on termination of aftercare period when all plastic tree guards are to be collected and removed from site. The approved plan will be implemented in accordance with the approved details. A brief Statement of Conformity is to be submitted to the County Planning Authority which reviews measures implemented and their effectiveness against stated success criteria at the end of the LEMP's aftercare period.

#### **Boundary Treatment**

- 15) Within 6 months of this permission, a scheme setting out an appropriate boundary treatment for the northern visibility splay shall be submitted to and approved in writing by the County Planning Authority. The boundary treatment shall not impede the visibility splay. The boundary treatment should consist of native species referred to within the Worcestershire Woodland Guidelines, and specifically, advice for the relevant area: E2, Ecological Zone: Avon Vale Claylands, which includes details of species that (with the notable exception of Ash) would be appropriate for inclusion. Once approved, the boundary treatment scheme shall be implemented within 12 months of such approval.

In the event that the boundary treatment scheme includes any hedge planting, the scheme shall also provide for its long-term maintenance and cutting back to prevent vegetation encroaching into the visibility splay.

- 16) Notwithstanding the submitted details, details of all new boundary fences, walls and other means of enclosure shall be submitted to the County Planning Authority for approval in writing within 3 months of the commencement of the development hereby approved. Thereafter the development shall be carried out in accordance with the approved details.

#### **Materials**

- 17) Notwithstanding any indication of the materials, which may have been given in the application, within 1 month of commencement of the development hereby approved, a schedule and/or samples

of the materials and finishes for the new buildings shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

**Renewable Energy**

- 18) Prior to the use of the development hereby approved, details of renewable or low carbon energy generating facilities to be incorporated as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to the use of the development hereby approved.

**Noise**

- 19) The development hereby approved shall be carried out in accordance with Section 2.0 'Site Description', Paragraph 2.9 in the submitted document titled 'A Noise Assessment for Proposed Wash Plant, MRW, Long Marston on behalf of MRW Waste Recycling Limited' (Report Reference: RA00689 – Rep 1) dated October 2021.
- 20) The vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers.

**Dust**

- 21) The development hereby approved shall be carried out in accordance with Section 5.0 'Dust Management Plan', Paragraphs 5.1 to 5.10 in 'Dust Management Plan for a Proposed Wash Plant, MRW, Long Marston (Report Reference: RE00075 – Rep 2)', dated October 2021.

**Lighting**

- 22) Prior to commencement of the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the County Planning Authority. The strategy shall include:
- i. Height of lights;
  - ii. Intensity of the lights;
  - iii. Spread of light in metres (Lux plan);
  - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
  - v. Times when the lighting would be illuminated; and
  - vi. Measures to minimise the impact of lighting upon protected species and habitats, including:
    - identifying those areas / features on site that are particularly sensitive for bats and invertebrates and

that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, such as for foraging; and

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

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

#### Highways

- 23) All loads of waste materials carried on HGV into and out of the development hereby approved shall be enclosed or covered so as to prevent spillage or loss of material at the site or on to the public highway.
- 24) No mud, dust, dirt, or debris shall be deposited on the public highway.
- 25) Prior to the commencement of development hereby approved, details of how clear visibility splays can be achieved from a point of 1.05 metre above carriageway level at the centre of the access to the application site and measured 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres in each direction, measured along the nearside edge of the adjoining carriageway and offset a vertical distance of 0.6m from the carriageway shall be submitted to and approved in writing by the County Planning Authority. Nothing shall be planted, erected and/or allowed to grow in the triangular area of land so formed, which would obstruct the visibility described above. The approved scheme shall be fully implemented prior to development first commencing.

#### Parking and Travel

- 26) Notwithstanding the submitted details, the development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide has been provided in accordance with details which shall first be submitted to and approved in writing by the County Planning Authority. Thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
- 27) Notwithstanding the submitted details, the development hereby approved shall not be brought into use, until at least 2 electric



vehicle charging spaces to comply with Worcestershire County Council's Streetscape Design Guide, have been provided in accordance with details which shall first be submitted to and approved in writing by the County Planning Authority. Thereafter, such spaces and power points shall be kept available and maintained for the use of electric vehicles only.

- 28) Notwithstanding the submitted details, the development hereby approved shall not be brought into use until at least 3 accessible car parking spaces to comply with Worcestershire County Council's Streetscape Design Guide have been provided in a location which shall first be submitted to and approved in writing by the County Planning Authority, and thereafter shall be kept available for disabled users as approved.

**Pollution**

- 29) 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 should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

**Contamination**

- 30) No development shall commence, other than that required to be carried out as part of an approved scheme of remediation, until Parts i) to iii) below have been complied with:
- i. The approved remediation strategy (as detailed in the reports entitled "Remediation Method Statement: Long Marston Works, Long Marston Road, CV37 8AQ", ref V.268.19, dated 14/02/2020 and "Phase II Geo-environmental Investigation Report - Long Marston works, Long Marston road, CV37 8AQ - Midlands Reclamation & Waste Ltd" ref IV.268.19, dated 30/08/2020, produced by Ivy House Environmental) must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the County Planning Authority;
  - ii. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried

out must be produced and is subject to the approval of the County Planning Authority prior to the occupation of any buildings;

iii. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the County Planning Authority prior to the occupation of any buildings.

31) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the County Planning Authority prior to the use of any buildings.

**Planning Permission**

32) 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 period 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 11.55am.

Chairman .....