

Minutes of the Planning and Regulatory Committee

Wychavon District Council (Civic Centre, Queen Elizabeth

Drive, Pershore, Worcestershire, WR10 1PT)

Tuesday, 28 November 2023, 10.00 am

Present:

Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Andy Fry, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Tony Miller, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr Kit Taylor and Cllr Malcolm Victory

Also attended:

Cllrs Matt Dormer and Jo Monk attended as local councillors 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 meeting held on 7 February 2023 (previously circulated).

1121 Apologies/Named Substitutes (Agenda item 1)

Apologies were received from Cllrs Allah Ditta, Bill Hopkins, and David Ross.

1122 Declarations of Interest (Agenda item 2)

None.

1123 Public Participation (Agenda item 3)

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

1124 Confirmation of Minutes (Agenda item 4)

RESOLVED that the Minutes of the meeting held on 7 February 2023 be confirmed as a correct record and signed by the Chairman.

1125 Proposed change of use to Sui Generis waste use for development of a facility for recovery of precious metals from metal containing wastes, minor modifications to existing building, including the installation of exhaust flues and addition of other minor ancillary structures to support development at Unit 10 Merse Road, Moons Moat North Industrial Estate, Moons Moat, Redditch, Worcestershire (Agenda item 5)

The Committee considered the proposed change of use to Sui Generis waste use for development of a facility for recovery of precious metals from metal containing wastes, minor modifications to existing building, including the installation of exhaust flues and addition of other minor ancillary structures to support development at Unit 10 Merse Road, Moons Moat North Industrial Estate, Moons Moat, Redditch, 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 the Waste Hierarchy; the location of the development; Landscape character, visual impact and historic environment; Residential amenity (including noise and vibration, dust, odour and health impacts); Traffic, highway safety and public rights of way; Ecology and biodiversity; Water environment; Economic impact; Climate change; Consultation and publicity; and other matters - Human Rights Act 1998; and obligations under the Equality Act 2010.

The Head of Planning and Transport Planning concluded that:

Waste Hierarchy

The proposed change of use development would provide a highly specialist and bespoke facility for the recovery and recycling of precious metals with a modest throughput of up to 250 tonnes per annum, of which a proportion would undergo no physical processing on site and which would be sorted / batched up in preparation for transfer and subsequent recycling / recovery by specialist operators (where possible) elsewhere, that it would comply with the objectives of the waste hierarchy in accordance with the objectives of the adopted Worcestershire Waste Core Strategy and National Policy.

Location of development

Policy WCS 3 of the adopted Waste Core Strategy required waste management facilities that enabled re-use or recycling of waste, such as this

proposal, to be permitted within all levels of the Geographic Hierarchy, where it was demonstrated that the proposed location was at the highest appropriate level of the Geographic Hierarchy.

The application site was located within Level 1 the highest level of the Geographic Hierarchy and, therefore, complied with Policy WCS 3 of the adopted Waste Core Strategy.

Policy WCS 6 of the adopted Waste Core Strategy directed waste management development to land with compatible uses. Policy WCS 6 directed enclosed re-use and recycling facilities, such as this proposal, to land which included existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes.

As the proposed development would be located on existing and allocated industrial land, it was considered the proposal complies with Policy WCS 6 of the adopted Waste Core Strategy. It was also noted that the site would be located within an area designated as a Primarily Employment Area in the adopted Borough of Redditch Local Plan No.4, and Policies 23 and 24 of the adopted Borough of Redditch Local Plan No.4 considered such areas were appropriate locations for waste management facilities, subject to other relevant material planning considerations.

The Head of Planning and Transport Planning therefore considered that the proposal would be sited within an established and allocated industrial area, in accordance Policies WCS 3 and WCS 6 of the adopted Waste Core Strategy and Policies 23 and 24 of the adopted Borough of Redditch Local Plan No.4.

Landscape character, visual impact and historic environment

Based on the advice of the County Landscape Officer, the County Archaeologist, Hereford and Worcester Gardens Trust and Historic England, the Head of Planning and Transport Planning was satisfied that the proposed development would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area and the historic environment, subject to the imposition of an appropriate condition requiring that a non-reflective low visibility surface treatment is used to mitigate the appearance of the proposed external exhaust flues, in accordance with Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy and Policies 11, 16 and 36 of the adopted Borough of Redditch Local Plan No.4.

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

Based on the advice of Worcestershire Regulatory Services, the Environment Agency (EA), the Health and Safety Executive, Worcestershire County Public Health, and Worcestershire Emergency Planning Unit, the Head of Planning and Transport Planning considered that the proposal would not have an unacceptable adverse noise, vibration, dust, air quality or odour impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions, and considered that the proposal would be in

accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy.

Traffic, highway safety and public rights of way

Based on the advice of the County Highways Officer and County Footpaths Officer, the Head of Planning and Transport Planning was satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety or public rights of way, subject to the imposition of appropriate conditions, in accordance with Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policies 19, 20 and 22 of the adopted Borough of Redditch Local Plan No.4.

Ecology and biodiversity

Based on the advice of the County Ecologist, Natural England and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considered that, subject to the imposition of an appropriate condition, as recommended by the County Ecologist, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, and would provide proportionate enhancement of the site's value for biodiversity, in accordance with Policies WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy and Policies 11 and 16 of the adopted Borough of Redditch Local Plan No.4.

Water environment

Based on the advice from the County Ecologist, Natural England, Worcestershire Wildlife Trust, North Worcestershire Water Management, Severn Trent Water Limited and the Environment Agency, the Head of Planning and Transport Planning was satisfied that there would be no unacceptable adverse effects on the water environment, subject to the imposition of appropriate conditions, in accordance with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy and Policies 16, 17 and 18 of the adopted Borough of Redditch Local Plan No.4.

Economic impact

The Head of Planning and Transport Planning considered that the proposal would provide a specialist small scale facility for the recovery and recycling of precious metals from waste and would as a result provide sustainable economic growth benefits to the local economy, in accordance with the NPPF, Policy WCS 15 of the adopted Worcestershire Waste Core Strategy, and Policies 1 and 23 of the adopted Borough of Redditch Local Plan No.4.

Climate change

The Head of Planning and Transport Planning considered that given the proposal would be located on previously developed land, re-use an existing building and was close to local primary and strategic road network; would move waste up the waste hierarchy, and included the provision for solar panels, electric vehicle charging, cycle storage, and rainwater harvesting that, therefore, the proposal would contribute to achieving sustainable development and mitigating and adapting to climate change, in accordance with Policies WCS 1 and WCS 11 of the adopted Worcestershire Waste Core Strategy, and Policies 1 and 15 of the adopted Borough of Redditch Local Plan No.4.

Consultation and publicity

The Head of Planning and Regulatory Planning was satisfied that the County Planning Authority had complied with the appropriate consultation and publicity procedures in accordance with the requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Worcestershire County Council's Statement of Community Involvement.

Taking into account the provisions of the Development Plan and in particular 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 Policy 1, Policy 2, Policy 5, Policy 11, Policy 15, Policy 16, Policy 17, Policy 18, Policy 19, Policy 20, Policy 22, Policy 23, Policy 24, Policy 36, Policy 37, Policy 38, Policy 39 and Policy 40 of the adopted Borough of Redditch Local Plan No.4, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety

The representative of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site and noting the surrounding industrial units and the location of the kidney dialysis centre. Members had viewed the site itself and walked along the adopted link paths in the neighbouring wooded area, viewing the site from the rear at the nearest residential properties. Members then viewed the site from the entrance of Hillmorton Close.

He added that since the publication of the agenda, an objection had been received from the local MP, Rachael McClean concerning the impact on the local environment and residents, the lack of consideration of local residents concerns, the close proximity to a densely populated residential area and wildlife area to the site, and the negative impact on Redditch's ability to play its role in reaching the UK's net zero target by 2050 due to the emissions from this proposal. She asked the Committee to recognise the strength of the opposition to the proposal. She included 3 further letters of representation which brought the total to 7 additional letters of representation since the agenda publication. These letters captured issues already raised through previous public representations.

In response to the presentation by the representative of the Head of Planning and Transport Planning, the following queries were raised:

- In response to a query, the representative of the Head of Planning and Transport Planning explained that a cycle parking area was proposed which would be covered and enclosed as set out in proposed condition 16
- What experience did WRS have in dealing with thermal reclamation/foundries in Worcestershire? A representative of WRS responded that a similar facility was located in Kidderminster also next to a residential area. That site was monitored by WRS and the EA with the melting of metal regulated by Wyre Forest District Council

- Were there any catchment tanks located within the gullies in case of an unexpected spillage on site? The representative of the Head of Planning and Transport Planning responded that the applicant had indicated that they were not aware of any such tanks on site but the EA permit would control the water environment including any spillages. In addition, Severn Trent Water had requested a condition related to drainage which had been added as proposed condition 12 requiring drainage plans for the disposal of foul and surface water
- In response to a query, the representative of the Head of Planning and Transport Planning responded that the dispersal of stray fumes had been assessed in the emissions modelling assessment which was available on the Council's website
- The representative of the Head of Planning and Transport Planning confirmed that the 1.8m acoustic fence had been included in the application
- The report had indicated that the kidney dialysis centre was upwind from the application site. What guarantee could be made that the wind direction would not change? The representative of the Head of Planning and Transport Planning responded the predominant direction of the wind in the UK was from the south-west. The impact on the centre had been assessed as not being significant and paragraph 188 of the NPPF stated that it should be assumed that the EA permit would control the emissions from the site. If an adverse impact was detected and not resolved then the EA could close the business down.

Mr Matt Newman, an objector to the application addressed the Committee. He commented that the level of objections proved that the Oaktree dispersion and drainage reports were inaccurate, misleading and not based on proven data. The reports related to areas too dissimilar to Redditch – topography was vastly different and central Leamington Spa and Acocks Green were not comparable. Surrogate data had been used throughout and the output was only theoretical data with limited variable inputs. On analysing the updated reports, data had been removed from the tables. Numerous Receptor results had been omitted as the results were at a critical level and incriminating data. This showed the reporting had been manipulated.

He queried why existing data from their facility had not been used. Circumstantially, it suggested the applicant did not have any data or they did not want to publish it as it implicated them. The reports had no creditworthiness.

He added that evidence existed via Freedom of Information that the Environmental Agency monitoring procedures for the existing facility were a tick list of questions which Kaug Refinery responded to without any proof or evidence. The EA had openly advised that they were not able to monitor fully due to lack of resources. Without actual data, the Environmental Agency's response should be considered null and void. If precedent continued, real world monitoring would not be conducted on the new facility.

He stated further that the County Council had identified eight areas in Redditch which would be suitable for a refinery, of which none were North Moons Moat,

so it was queried why it should be positioned here. North Moons Moat had been identified as a light industry only estate. A refinery utilising the hazardous chemicals was not light industry. It also could not be considered as recycling as only 0.05% of the input was recovered.

He considered that the Green Zone was being ignored and this refinery was not going to contribute to Green policies as Co2 emissions had not been considered for net zero purposes. Historically there had been no such facility or refinery within North Moons Moat. The APIS acceptable level for NO and NO2 would be exceeded. The NO2 concentration was close to being a health risk according to APIS guidelines. There was a kidney dialysis centre treating vulnerable patients every day on the same Industrial Estate. The patients' treatments meant they were in the vicinity for long periods of time with already low immune systems. The pollutants in the atmosphere would be detrimental to their health.

He argued that there was no benefit to Redditch by granting this application, as only 2 jobs would be created. It did not enhance the natural and local environment so would directly contravene paragraph 174 of the National Planning Policy Framework (NPPF). The objections related to the pollution, the visual aspects of the skyline and pollution effluents, and its effect on residents' health. The facility should be placed away from residential and green spaces. There had been 642 objections from residents, objections from 2 local councillors and an objection from Beoley Parish Council against this application. These could not be ignored.

He concluded that if this proposal was approved, he queried whether it could be claimed that there would be no risk with a kidney dialysis centre, residents and 3 schools and day nursery within close proximity.

Mr Newman was then asked questions about his presentation:

- In response to a query about his reference to flawed data, Mr Newman indicated that there were incongruences in the data, for example using comparator data from Pershore which had a totally different topography and prevailing wind direction, and the omission of results from a number of receptors (R1 -R18) in version 1.5 of the emissions modelling report. The representative of the Head of Planning and Transport Planning responded that the WRS had considered the use of data from Pershore to be acceptable. The original modelling had incorrectly included the modelling of receptors R1 – R21 when it should have included ecological receptors R2 -R42. These corrections had been made in the subsequent revisions of the application and had been uploaded on the Council's web site
- There appeared to be a divergence of views between officers and the objectors on the acceptable levels of NO and NO2 at the site. The representative of the Head of Planning and Transport Planning reported that the County Ecologist had deferred to the WRS on the methodology for the modelling of the impact of NO and NO2 on the environment. The WRS had indicated that they were happy with the methodology used and that no significant impact from air pollution was predicted at any

statutory and non-statutory designated sites, including the adjacent local habitat site

- Did the objector consider that there were the proposed conditions set out in the report were satisfactory? Mr Newman commented that WRS would only “rubber stamp” the application if the EA did so first. There was a precedent for monitoring these refining processes which was no more than a tick list completed by the applicant with no evidence from the EA using “real world” monitoring or checks. All the data received was surrogate or modelled data with very limited variable inputs, for example the dispersions model did not take account of surrounding buildings, structures, or local topography. A representative of WRS commented that emissions testing would be carried out under the EA and WRS permits on all emissions to air. The emissions modelling was based on a worst-case scenario of the maximum emissions allowable under the permit conditions. The applicant must demonstrate that the emissions were within the limits set in these permits
- What information had been made available regarding the applicant’s activities at its current site in Birmingham? Mr Newman responded that all the data collected and submitted had been surrogate data, not “real world” data. There did not appear to be any data available from the current site. The representative of the Head of Planning and Transport Planning commented that an environmental permit was in operation at the existing site. A new EA permit would be required for the application site. The EA had stipulated that an Installation Permit was necessary rather than the usual Waste Permit and this permit would include a more rigorous assessment process. He reminded members of the guidance in the NPPF and Planning Practice Guidance that where matters were covered by other legislation or regimes, then the Waste Planning Authority should assume that these regimes would operate effectively.

Dr David Young, the agent acting on behalf of the applicant addressed the Committee. He commented that the proposed operations would be located within an established industrial estate which hosted a wide range of existing industrial processes, including some operations which were regulated under Environment Permits. Therefore, the proposals were in keeping with the existing context of the estate. As confirmed by planning officers, the location of the development was compliant with all national and local planning policies.

He added that the applicant was a family business, which had been operating the same processes at an existing site in Birmingham for over 40 years and had been subject to regulation under an Environmental Permit. They had had no compliance issues over decades of operation and therefore had a demonstrable track record. The recent regeneration of the area within which the existing operation was located, together with the imposition of parking restrictions and lack of external space has meant that it had been desirable for the operator to move to a more modern unit in a more sustainable industrial location, such as the site at Merse Road. The operator was not being forced to leave their existing site. Indeed, it was testament to the environmental profile of the operation that Birmingham City Council had authorised multiple residential

apartments to be constructed adjoining the operators existing site in recent years.

He explained that the operation was extremely small scale for a waste recycling operation with a maximum of 250 tonnes of metal containing wastes to be imported to site in any one year. It was important to observe that the majority of waste received would be circuit board waste, which would be batched, or shredded and batched, and then sent on for further recovery. A much smaller quantity of waste would be subject to thermal and chemical treatment for extraction of metals, anticipated to be less than 50 tonnes per year based on recent waste return data.

He indicated that the operations would be subject to full regulation in accordance with a Part B Environmental Permit, regulated by Worcestershire Regulatory Services and a further permit, regulated by the Environment Agency. The Part B permit had already been issued, providing confirmation that the regulator was satisfied that appropriate controls would be in place. Subject to planning consent being forthcoming, a further permit application would be submitted to the Environment Agency.

Permits would not be issued unless the regulators were satisfied that potential impacts on air, land and water would be acceptable and in accordance with national planning policy, such control should not be duplicated under the planning regime and the planning authority must trust that permitting controls would operate effectively when determining planning applications. Despite the above, the planning application had been accompanied by detailed assessments of impacts from residual air emissions and noise, confirming that impacts would not be significant. The assessments were based on a series of conservative assumptions to provide a high level of confidence in the conclusions. The relevant technical statutory consultees had raised no objection.

He concluded that overall, the proposed development, subject to the imposition of appropriate conditions, planning officers had considered that it fully accorded with national and local planning policies and there were no grounds for refusal. Given this, he requested that planning permission be granted in accordance with the recommendation set out in the report.

Dr Young was then asked questions about his presentation:

- It was queried why the applicant's emissions assessments had taken account of data from different years, including a meteorological assessment data dating back to 2018 which had no wind modification on the modelled fall out. Dr Young responded that the applicant was required to consider a minimum of 3-5 years of dispersal monitoring data. The applicant had opted to use 5 years of sequential weather data. The impacts were then assessed on the worst-case year from those 5 years of data in accordance with EA's guidance on dispersal modelling. The contour modelling took account of 5 years of data and different wind directions and the worst case hourly mean concentration was taken from this data. The dispersal model took account of buildings

and in particular, building down wash . The contour profiling indicated that the peak emissions would be in immediate proximity to the plant and decrease rapidly further away from the plant. The concentration levels at the relevant human health or ecological receptors had been assessed accordingly

- Would the emissions from the proposed stacks be continuously monitored or just when the processes were being carried out and how often was the data presented to the EA? Dr Young explained that there would be two permits required. The Part B permit monitoring the thermal emissions from the process which included continuous indicative monitoring of particulate matter, supplemented by an extractive test on an annual basis. The data was logged and available at any time to demonstrate compliance with the permit. The additional Installation Permit would control the other processes on site and included various emission limits to be agreed by the EA based on best available techniques. This permit was the highest tier of EA permit
- Was it the case that the applicant could carry on operating at their existing site with appropriate regulation but by moving site had opened themselves to more stringent regulation? Dr Young indicated that the applicant was operating with an historical EA permit at its existing site which did not have any monitoring requirements. However, that permit was not a static document and the EA could request changes to operating practices/monitoring at any time but had chosen not to do so. The applicant was not being forced out from the existing site. Space was very limited at the existing site which was an historical building with limited parking available. The applicant was inviting further regulation by moving location
- What processes were in place to prevent the discharge of emissions from the acid scrubber over neighbouring homes? Dr Young responded that it was a matter that would be agreed with the EA. The applicant would need to provide data to the EA on any emissions, including abnormal events. A management process would need to be in place which set out the procedures necessary in a worst-case scenario. Essentially, the EA would be notified and the facility could be shut down
- The requisite servicing regime, component updating and monitoring of the plant during a shutdown was queried. Dr Young commented that there would be a manufacturer recommendation for the necessary servicing arrangements for plant and machinery. It was likely that any component updates would take place at the servicing stage. During any shut down, data monitoring would be continuous with measurements taken from a sample point on the flue irrespective of any changes of machinery/plant. Monitoring would be undertaken via an automated system. The extractive testing would normally be carried out by a specialist independent monitoring consultant
- The creation of downwash would increase the chances of pollutants entering the local water supply. What methods would be in place to monitor water discharge into the local brook, particularly during heavy rainfall? Dr Young explained that any procedures for monitoring water discharge would need to be agreed with the EA. Water emissions had been assessed at all required ecological receptors. As the neighbouring

wildlife area did not have any statutory status, there was no requirement to take measurements at that location

- Would the applicant consider using the electric furnace only as it released far less emissions than the gas furnace and would that be acceptable as a condition of the planning permission? Dr Young commented that the applicant used the electric furnace as its main melting furnace but the type of furnace used depended on the type of contact with the material required to be melted. On that basis, it would not be possible to commit to the use of an electric furnace only
- In response to a request to clarify the reasons for the change of location for the business to a predominantly residential area, Dr Young explained that the proposed site was on an industrial site including light and heavy industry, not a residential area. It was the highest tier of planning policy in hierarchical terms. It was acknowledged that there was a residential area nearby and the impact had been and would be assessed accordingly. It was the right location as long as ecological impacts could be satisfied. The reference by objectors to the clean air zone was only relevant to vehicle emissions not those from industrial processes. The applicant was not being forced to move and there were no issues at the existing site only that there was insufficient space because it was not an established industrial estate. Other sites had been considered but were not considered suitable
- How many hours a week would the gas furnace be utilised? Justin Horne, a representative of the applicant responded that it was not possible to give a precise answer because it varied from week to week. Every effort was made to avoid melting metals and wherever possible the material was processed to a powder to enable testing of the material. The melting process was generally used for high value materials to ensure that all the most valuable material could be retrieved into an ingot form for testing. This was done mostly in the electric furnace as it was more efficient but occasionally because of the heating technique, the gas furnace was most appropriate. At the moment it would not be appropriate to dispose of the gas furnace
- Did the applicant use a different type of process to treat the more environmentally harmful vintage circuit boards? Justin Horne responded that the applicant did not handle older circuit boards. The materials dealt with by the applicant would be discarded manufacturer waste recently.

Cllr Jo Monk, a local councillor objected to a proposal on the grounds that it would irrevocably change the fabric of the local community, bringing heavy industry into the area. She queried why the applicant was moving the business from Birmingham because it would not create a large number of jobs or move into a purpose-built facility. Instead, a building had been acquired on a light industrial estate close to residential properties and areas of historical value and wildlife. The area sat in a dip and was often misty and as a result large scale emissions from this facility would have an impact. She was concerned about the impact of noise from the use of machinery at the site, vehicle movements, and air and water pollution.

Cllr Matt Dormer, a local councillor objected to the application because of the detrimental impact on the lives of local people. There might be a benefit in the future in employing additional staff. However, there was a potential negative impact on local housing through air pollution. The processing of material would result in as much waste being produced as an end product as would initially be taken into the site. The use of fossil fuels in the processes at the site would have a negative impact on the health and well-being of the local community. Given the lack of monitoring at their existing site, it was difficult to have faith in future monitoring regimes. There had never been a history of waste recycling/transfer on this site. It would set a dangerous precedent to grant permission for this type of activity on an industrial site so close to houses and a kidney dialysis centre. It should be noted that a by-product of this process was hydrogen cyanide.

In the ensuing debate, the following points were made:

- The environmental impacts had been modelled to take account of the maximum possible outputs. It should not be assumed that the applicant would be operating at these maximum levels as it did not suit their operating processes
- The Committee needed to accept that the EA would be responsible for monitoring the primary operational controls as set out in the Installation Permit for this application
- In response to a query about the light industrial nature of the site, the representative of the Head of Planning and Transport Planning explained that the public register of the environmental permit stated that 2 other premises located on the industrial site were subject to Part B environmental permits. The Waste Core Strategy for Worcestershire had identified the need for new waste management facilities in the county. Redditch fell within level one of the Strategy's geographical hierarchy alongside Kidderminster and Worcester. It was expected that the majority of waste management sites would come forward in these areas. The Borough of Redditch Local Plan stated that it was primarily an employment area which would be appropriate locations for waste management facilities subject to other relevant planning considerations
- In response to a query about the ability to control the operations on the site should an appeal be made to Planning Inspectorate if permission was refused, the representative of the Head of Planning and Transport Planning explained that if the matter was the subject of such an appeal, the CPA would be consulted on conditions but the final decision would be made by an inspector. Any planning conditions proposed should meet the test of planning conditions
- Would it be possible to request that gullies on the site included a catchment tank or receptor? The representative of the Head of Planning and Transport Planning explained that there was a proposed condition requiring a drainage scheme but such a request could be forwarded to the EA for comment
- In response to a request to include a condition relating to future carbon capture, the representative of the Head of Planning and Transport Planning commented that such a condition would not pass the test of

conditions because the Committee could only consider the application before it today

- What changes to the original application had been requested by officers? The representative of the Head of Planning and Transport Planning commented that further information had been requested following local residents' concerns relating to noise assessments, particularly proposed evening work after 5pm. The applicant would rarely work beyond 5pm and therefore had accepted the amended working hours. In preparing the environmental permit, the applicant revised the noise assessment and as a result a noise attenuation fence was proposed on the north elevation
- It was queried where the material being brought to the site would be from. The representative of the Head of Planning and Transport Planning responded that because of the bespoke nature of the facility, the material would be brought in from across the UK
- As the applicant was moving into a new facility, they would be required to use the best available technology at the site. It would then be the responsibility of the WRS and EA to monitor the site effectively
- The visual aspect of the site was not a concern but what reassurances could be given about the impact of fumes/pollution/noise from the facility? The Head of Planning and Transport Planning commented that the assessments had been undertaken in line with the methodology agreed with WRS. The EA had raised no objections. The impact on noise was predicted to be low. The assumptions in the methodology were that the plant would be running continuously which was the worst-case scenario (this would not be the case in reality) and the impact remained low in these extreme circumstances. The same methodology had been applied to air quality assessments. The local members and resident's concerns had been raised with experts. These experts had concurred with the methodology used in those assessments that no significant impact was predicted. In addition, there would be a requirement for the environmental permit to control those issues. In addition, there was a proposed condition to require the applicant to close the doors of the plant to prevent noise escaping, together with the acoustic fence. A representative of WRS added that the EA and WRS would ensure that the facility was run with the best available techniques. The EA would be responsible for the whole site in terms of all emissions to air including odour, noise etc to ensure that there was no adverse impact on local residents
- The likelihood of any odours emitting with the use of modern equipment at this site was minimal. If an issue did occur, it would be dealt with accordingly. It might be beneficial for the applicant to liaise with local residents to show them how the process operated. There were no reasons to justify refusing permission for this application
- The application was for a small-scale operation which would receive ongoing monitoring from WRS and the EA and therefore permission should be granted
- If the Committee refused permission, it was highly likely that the decision would be overturned on appeal with the possibility that the conditions put forward in the report being lost. Therefore granting

permission would give the local residents far more protection than if it was refused and went to appeal

- The application was for a light industrial process dealing with relatively small quantities of material which safeguarded jobs.

RESOLVED that planning permission be granted for the proposed change of use to Sui Generis use for the recovery of precious metals from metal containing wastes, minor modifications to the existing building, including the installation of exhaust flues and addition of other minor ancillary structures to support development at Unit 10 Merse Road, Moons Moat North Industrial Estate, Moons Moat, Redditch, Worcestershire, subject to the following conditions:

Commencement

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

Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following drawings, except where otherwise stipulated by conditions attached to this permission:

- Drawing number: 2765-009-01, titled 'Site Location Map', dated 20 May 2022;
- Drawing number: 2765-009-02, titled 'Site Location Plan', dated 20 May 2022;
- Drawing number: 2765-009-03, titled 'Existing Layout Plan', dated 14 March 2023;
- Drawing number: 2765-009-04, Rev D, titled 'Proposed Layout Plan', dated 17 August 2023;
- Drawing number: 2765-009-05, titled 'Existing Elevations', dated 15 December 2022; and
- Drawing number: 2765-009-06, Rev A, titled 'Proposed Elevations', dated 17 August 2023.

Throughput

- 3) The annual amount of imported waste materials handled by the development hereby approved shall not exceed 250 tonnes 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.

Waste Acceptance

- 4) No wastes other than those defined in the application, namely metal containing wastes shall be brought onto the site.

Public Access

- 5) 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.

Operational Hours

- 6) **Operations, including waste processing, delivery or export of materials to and from the site, and any repair and maintenance of vehicles, plant and equipment within the development hereby approved, shall only take place between the hours of 06:00 hours and 17:00 hours Mondays to Fridays inclusive, with no operations on Saturdays, Sundays, Bank or Public Holidays, with the exception of the extraction systems for the alkaline process area and abatement plant (scrubber) serving the acid processing area, which shall be permitted to both operate 24 hours per day, 7 days per week to ensure that any residual fumes are abated/dispersed whilst the systems are cooling down.**

Construction Hours

- 7) **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 Doors

- 8) **All doors to the building shall be kept closed except to allow entry and exit.**

Acoustic Fencing

- 9) **The 1.8-metre-high close boarded acoustic fencing, as shown on drawing numbered: 2765-009-04, Rev D, titled 'Proposed Layout Plan', dated 17 August 2023, shall be installed prior to the use of the development hereby approved, and shall be maintained for the duration of the development.**

Exhaust Flues

- 10) **Notwithstanding the submitted details, prior to the erection of the No. 4 exhaust flues hereby approved as shown on drawing numbered: 2765-009-04, Rev D, titled 'Proposed Layout Plan' and drawing numbered: 2765-009-06, Rev A, titled 'Proposed Elevations' both dated 17 August 2023, a detailed scheme for the external appearance of the No. 4 exhaust flues including dimensions, external materials, finish, and colour 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 and maintained for the duration of the development.**

Storage

- 11) **No storage of waste shall take place outside the confines of the building hereby approved, except for the storage of effluent within the No. 3 7,000 litre external Alkaline Effluent Storage Tanks as shown on drawing numbered: 2765-009-04, Rev D, titled 'Proposed Layout Plan' and drawing numbered: 2765-009-06, Rev A, titled 'Proposed Elevations' both dated 17 August 2023.**

Water Environment

- 12) Notwithstanding the submitted details, the development hereby approved shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details before the development is first brought into use.
- 13) There shall be no discharge of foul or contaminated drainage from the development hereby approved into either groundwater or any surface waters whether direct or via soakaways.

Biodiversity

- 14) Prior to the use of the development hereby approved, ecological enhancement measures to include the installation of at least No. 2 bat boxes (Nest box company Eco Bat Boxes) and at least No. 2 bird boxes (Nest box company Eco Small Bird Box) shall be carried out in accordance with document referenced: 2765-009-E, titled 'Ecological Appraisal', dated 29 March 2023. On implementation of the ecological enhancement measures, a Statement of Conformity shall be submitted to the County Planning Authority for approval in writing confirming successful implementation and completion so as to provide evidence (e.g., photographs and location plan) to ensure that the number, specification, location, and appropriate installation of these measures has taken place.

Highways

- 15) The development hereby approved shall not be brought into use until the layout has been provided as shown on drawing numbered: 2765-009-04, Rev D, titled 'Proposed Layout Plan', dated 17 August 2023.
- 16) The development hereby approved shall not be brought into use until sheltered, safe, secure and accessible cycle parking has been provided in accordance with details which shall be submitted to and approved in writing by the County Planning Authority. Such details shall be in accordance with the Council's adopted Highway Design Guide. Thereafter the development shall be carried out and maintained in accordance with the approved details and the cycle parking shall be kept available and maintained for use by bicycles only.
- 17) The development hereby approved shall not be brought into use until the provision of one additional electric vehicle charging space (two in total) have been provided in accordance with a specification which 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 and the vehicle charging spaces and power points shall be kept available and maintained for the use of electric vehicles only.

- 18) The development hereby approved shall not be brought into use until the provision of two accessible car parking spaces have been provided in a location to be agreed and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the spaces shall be kept available and maintained for use by disabled users only.
- 19) The development hereby approved shall not be brought into use until the provision of two secure motorcycle parking spaces have been provided in a location to be agreed and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and kept available and maintained for motorcycle parking only.
- 20) All loaded vehicles entering and leaving the site shall be enclosed or covered to prevent dust emission and spillage of materials on to the public highway.

Renewable Energy

- 21) Notwithstanding the submitted details and prior to the use of the development hereby approved, the specification and the location 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 approved facilities shall be provided prior to the use of the development hereby approved and maintained for the duration of the development.

1126 Application for a Public Path Order (Extinguishment) (Agenda item 6)

The Committee considered an application for a Public Footpath Order (Extinguishment Order) under Section 118A Highways Act 1980. The Order is to stop up the public right of way, Tutnall and Cobley footpath TC-504, in the interests of the safety of members of the public and to stop up the length of footpath Lickey LK-524 running from its junction with footpath TC-504 to its junction with Fairways Drive.

In the ensuing debate, the following points were made:

- The local councillor acknowledged that the railway crossing was extremely unsafe and did need to be shut. However since 2017, he had been promised mitigation measures to provide local residents with alternative pedestrian routes. A number of promises had been made by officers to find solutions over this time but with no resolution. He agreed that the bridge over the railway line was tight and was designed for small vehicles, not larger vehicles so to put in a footpath would be impractical. The most appropriate solution would be to provide signage and introduce a speed restriction on that part of Blackwell Road. However these suggestions had to date been considered to be against Council policy. Local residents were merely requesting the ability to

walk over the bridge, down the Blackwell Road (a rural road with fast-moving traffic) and onto the golf club off the Blackwell Road. He would support the extinguishment order but would like an undertaking from the Council to meet him to work out a mitigated route to allow local residents to walk safely down the Blackwell Road

- It was evident that the crossing was unsafe and the proposal for an extinguishment order in this location should be supported
- Would Sections 503B and 505C of the footpath network be closed? The Mapping Manager responded that due to the nature of the order, it would not be possible to extinguish any other areas of footpath outside the proposed area for safety issues. It might be possible in the future that an agreement could be reached with the landowner to shut those footpaths if requested
- The local councillor requested a condition be added that officers undertook to liaise with the local councillor to introduce mitigation measures. On the advice of the representative of the Assistant Director for Legal and Governance, the Chairman advised that it was not possible to introduce such a condition. However he undertook, on behalf of the Committee, to write to the Strategic Director for Economy and Infrastructure to request that possible arrangements for a diversion route and appropriate signage be investigated in consultation with the local councillor. The local councillor welcomed the way forward suggested by the Chairman.

RESOLVED that AN ORDER BE MADE under Section 118A Highways Act 1980 to stop up the public right of way, Tutnall and Cobley footpath TC-504, in the interests of the safety of members of the public and to stop up the length of footpath Lickey LK-524 running from its junction with footpath TC-504 to its junction with Fairways Drive it being expedient to do so.

1127 Safety of Sports Grounds Annual Review 2022/2023 (Agenda item 7)

The Committee considered the Safety of Sports Grounds Annual Review 2022/23.

In the ensuing debate, the following points were made:

- It was queried why the Valley Stadium in Redditch had not been included under the Safety of Sports Grounds legislation. The representative of Worcestershire Regulatory Services (WRS) advised that the legislation only applied if the venue had a covered stand with over 500 seats. This was not the case at the Valley Stadium. However, WRS would always wish to discuss safety issues with stadium owners/event organisers even where the legislation did not apply
- It was queried why New Road, the home of Worcestershire County Cricket Club was not covered by the legislation. The representative of WRS explained that the legislation referred to covered stands and none of the major stands at WCCC were covered. The cricket club did liaise

with WRS especially in relation to other events that took place at the venue

- A query was raised about the involvement of WRS in other major non-sporting events. The representative of WRS commented that the responsibility for safety of events always rested with the organiser/promoter of the event. WRS would provide safety advice for large events if requested. There was separate guidance available for these types of events outside the Safety of Sports Grounds legislation. The capacity of the venue was a key factor in determining the evacuation and safety procedures
- The Chairman thanked the representative of WRS for arranging the previous Safety of Sports Grounds site visit to Kidderminster Harriers Football Club and recommended that councillors attend similar visits arranged in the future.

RESOLVED that:

- a) The 2022/23 Annual Review of activities carried out by the Council to manage and implement the Safety at Sports Grounds legislation be noted: and**
- b) It be further noted that the Council has successfully met its statutory duty in respect of Safety at Sports Grounds legislation during 2022/23.**

The meeting was adjourned from 12.00 Noon to 12.10pm and ended at 12.50pm.

Chairman