

# Agenda

## Planning and Regulatory Committee

**Tuesday, 28 November 2023, 10.00 am  
Wychavon District Council (Civic Centre,  
Queen Elizabeth Drive, Pershore,  
Worcestershire, WR10 1PT)**

**Notes:**

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

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

## DISCLOSING INTERESTS

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

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

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

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

### WHAT MUST I DO WITH A DPI?

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

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

### WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

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

### WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

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

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

Not normally. You must withdraw only if it:

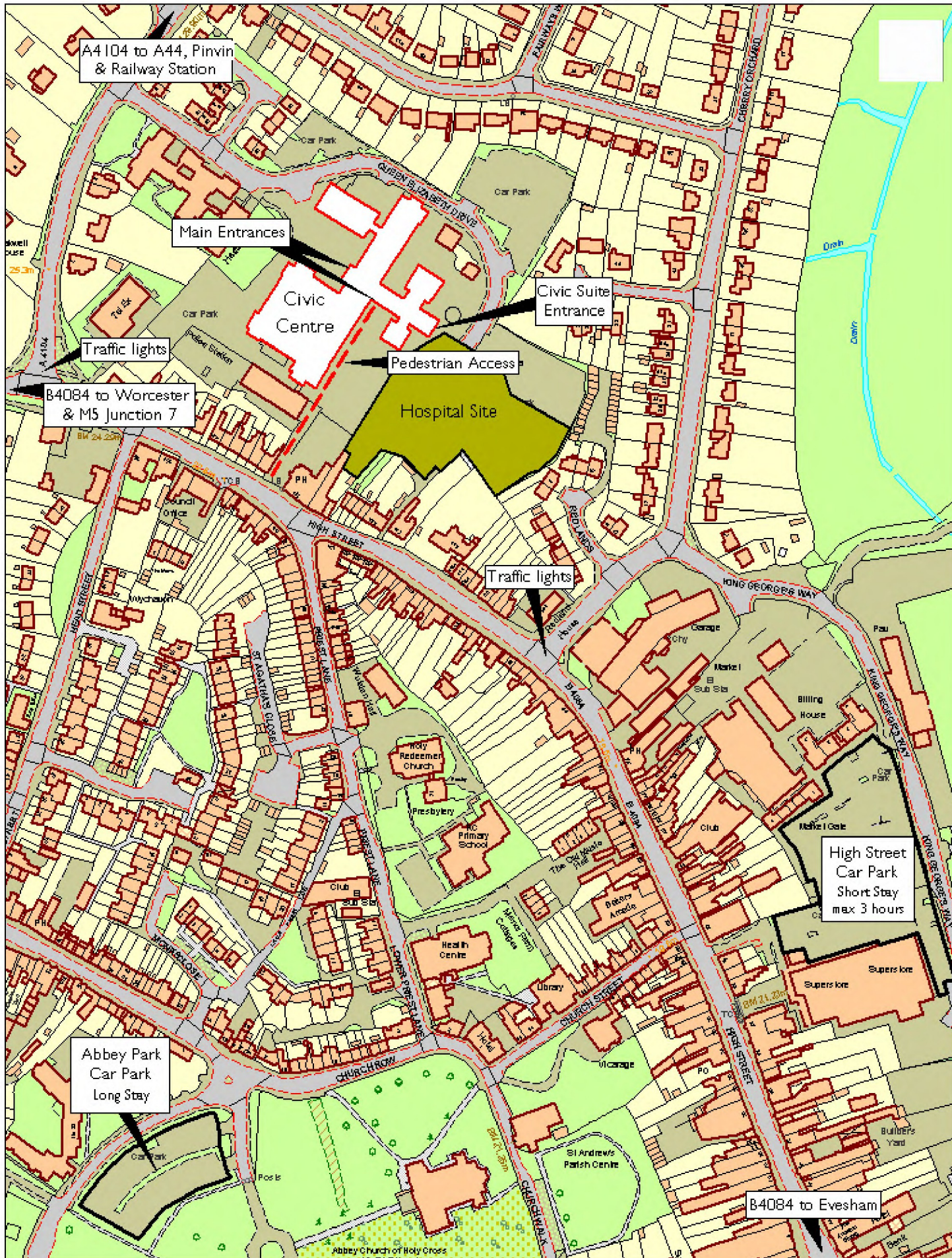
- affects your **pecuniary interests** **OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

### DON'T FORGET

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







A4104 to A44, Pinvin & Railway Station

Main Entrances

Civic Centre

Civic Suite Entrance

Traffic lights

Pedestrian Access

Hospital Site

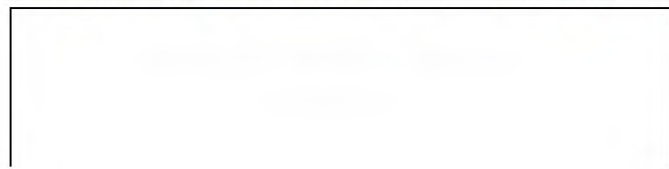
B4084 to Worcester & M5 Junction 7

Traffic lights

Abbey Park Car Park Long Stay

High Street Car Park Short Stay max 3 hours

B4084 to Evesham





**Planning and Regulatory Committee**  
**Tuesday, 28 November 2023, 10.00 am, Wychavon District**  
**Council (Civic Centre, Queen Elizabeth Drive, Pershore,**  
**Worcestershire, WR10 1PT))**

**Councillors:** Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Andy Fry, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Tony Miller, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Kit Taylor and Cllr Malcolm Victory

**Agenda**

| <b>Item No</b> | <b>Subject</b>   | <b>Page No</b> |
|----------------|--|----------------|
| 1              | <b>Apologies/Named Substitutes</b>   |                |
| 2              | <b>Declarations of Interest</b>  |                |
| 3              | <b>Public Participation</b><br>The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application. |                |
| 4              | <b>Confirmation of Minutes</b><br>To confirm the Minutes of the meeting held on 7 February 2023. (previously circulated)   |                |
| 5              | <b>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</b>   | 1 - 100        |
| 6              | <b>Application for a Public Path Order (Extinguishment)</b>  | 101 - 120      |
| 7              | <b>Safety of Sports Grounds Annual Review 2022/2023</b>  | 121 - 126      |

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

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

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

Date of Issue: Friday, 17 November 2023

| Item No | Subject | Page No |
|---------|---------|---------|
|---------|---------|---------|

**PLANNING AND REGULATORY COMMITTEE**  
**28 NOVEMBER 2023****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**

---

**Reference Number**

23/000019/CM

**Applicant**

Kaug Refinery Services Limited (Ltd)

**Local Member**

Councillor Matt Dormer

Councillor Jo Monk

**Purpose of Report**

1. To consider a County Matter planning application for a 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, B98 9HL.

**Background**

2. The applicant, Kaug Refinery Services Ltd is currently based at 31 Green Street, Deritend, Birmingham, where they have been operating the same processes for 40 years. The company specialises in the recovery and recycling of precious metals from various metal containing wastes from a variety of waste streams.
3. The applicant states that the relocation of the business is driven by a number of factors which includes the ongoing regeneration of the existing site area in Deritend from an historically industrial use to a predominately residential use, the imposition of parking restrictions and the implementation of the Birmingham Clean Air Zone. These



factors have made it desirable to relocate the business to a more sustainable and established industrial location.

4. In terms of the current location in Deritend, Birmingham, the applicant has confirmed that planning permission was granted in 1992 by Birmingham City Council Ref: 1992/01396/PA for the '*Continuation of use for precious metal refining*' and has been operating in accordance with an Environmental Permit regulated by the Environment Agency for approximately 20 years, prior to which it was regulated by Birmingham City Council in accordance with a waste license.

5. The planning history for the application site, 10 Merse Road, is set out below:

- Redditch Borough Council Ref: 1988/401/FUL  
Change of use from amenity land to industrial. Approved – 8 July 1988
- Redditch Borough Council Ref: 1989/335/FUL  
Extension to printing factory to provide additional office and factory floor space. Approved – 27 June 1989

6. In June 2022, an Environmental Impact Assessment Screening Opinion (22/000031/SCR) was adopted by Worcestershire County Council, as the County Planning Authority for the '*Proposed change of use to Sui Generis waste use for development of a facility for recovery of precious metals from metal containing wastes and modifications to existing building, including the installation of exhaust flues at 10 Merse Road, Redditch, Worcestershire*'. The Screening Opinion concluded that the proposed development is not unusually complex, large or of greater than local significance and, therefore, would not create any significant effects on the environment by virtue of its nature, size, and location. It is, therefore, considered that the proposal is not one for which an Environmental Impact Assessment is required.

## The Proposal

7. Kaug Refinery Services Ltd is seeking planning permission for a 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.

8. The proposal is for the operation of a specialist facility for the recovery and recycling of precious metals from various metal containing wastes. The proposed facility would have a throughput of up to 250 tonnes per annum of metal containing wastes, which would be imported to site. Various processing operations would then be undertaken to recover precious metals from the waste streams.

9. The types of wastes accepted would include the following:

- Printed circuit scrap and edge connectors;
- Connectors, switches and pins;
- Reel to reel;
- Webbing and stamping scrap;

- Gold rags, wipes and bottle etc;
- Screen printing waste;
- Lithographic waste;
- China;
- Gold colour;
- Gold plating solutions and dragouts;
- Gold stripping solutions;
- Silver solutions;
- Platinum, Palladium and Rhodium solutions;
- Ion exchange resins;
- Filters;
- Carbon packs;
- Anodes;
- Polishing and sweeps;
- Lemels and cuttings;
- Bombing (stripping) solutions;
- De-burring;
- Fan dust;
- Polishing grain;
- Casting scrap;
- Crucibles; and
- Clean scrap.

10. The applicant states that a proportion of the waste received would not undergo physical processing on site. Approximately 150 tonnes per annum of precious metal bearing circuit boards would be sorted / batched and shipped on for further recovery. The applicant states that currently there are no restrictions on waste throughput at the existing site and that whilst waste input would be expected to vary fractionally year to year, the amount of waste would not vary hugely. The applicant provides an example of waste input at the existing site as follows:

- Total waste input over a 12-month period from January 2021 to December 2021 was approximately 187.1 tonnes; and
- Total waste input over a 12-month period from April 2022 to March 2023 was approximately 179.1 tonnes.

11. The proposed development would include a number of processes to extract and recover various precious metals. In summary this would include processes such as shredding, acid and alkali digestion, operation of a small-scale thermal appliance for removal of non-metal contaminants and small-scale metal smelting processes. The processes would be regulated under two separate permits, an Installation Environmental Permit for the chemical and physical processing operations regulated by the Environment Agency and a Part B Environmental Permit regulated by the Local Authority (Worcestershire Regulatory Services). The applicant confirms that a Part B Environmental Permit was issued by Worcestershire Regulatory Services on 11 August 2023 and that an application for an Environmental Permit was submitted to the Environment Agency, but that the Environment Agency subsequently changed their position on the activities that needed to be applied for and that as such a further Environmental Permit is currently being prepared for submission to the Environment Agency.

12. An Environmental Management Plan would be implemented for the operational day to day management of the site to ensure compliance with both permits.

13. The applicant states that the final internal configuration of the site would be agreed as part of the permitting process but would include the inventory of plant equipment and machinery as described below, which also includes the proposed function of the plant.

14. **Plant Description - Purpose / Function**

- **No. 2 x Steam boiler (200KWh rated thermal input)** – Steam raising for acid and alkaline digestion processes;
- **No. 4 x 225 litre glass lined steam jacketed vessel** – Dissolution of precious metal away from previous metal bearing material using acid;
- **Acid solution precipitation tanks** - Precipitation of precious metals from acid solutions;
- **No. 1 x Acid scrubber** – Fume abatement from acid dissolution process;
- **No. 1 x 1000 litre stainless steel steam jacketed kettle, No.1 - 450 litre stainless steel steam jacketed kettle, No.1 - 80 litre stainless steel steam jacketed kettle** – Chemical precipitation of precious metal from alkaline solutions, predominantly cyanide based solutions;
- **No. 1 x Alkaline strip line** – Surface stripping of precious metals within alkaline solutions;
- **No. 1 x Chiller** – Provides cooled water for condensers;
- **No.1 x 1KW electric oven, No.1 - 12 KW electric oven** – Drying of precious metal precipitates;
- **No.1 x 60KW electrical induction furnace, No.1 - 112KW gas fired induction furnace** – Melting of precious metals to form ingots;
- **No.2 x 50kg crushing and grinding mill** – Grinding and crushing of precious metal bearing material;
- **No.1 x 100kg crushing and grinding mill** - Grinding and crushing of precious metal bearing material;
- **No.1 x small scale thermal appliance for metal decontamination (500kwh rated thermal input)** – Combustion of precious metal bearing material to remove organic material;
- **No.1 x Shredder** – Shredding of circuit boards; and
- **No.1 x Laboratory** – Precious metal analysis.

15. The applicant states with regard to material processed on site, that the following products / outputs are generated:

- Precious metal powders & ingots (the applicant's product), which are sold into the precious metal market;
- Base metal scrap following precious metal recovery, which is sold into the general metal recycling market; and
- Waste effluent, which is taken away from site for treatment.



16. The applicant states that they process precious metal waste from customers throughout the United Kingdom, including Scotland and Wales, as they are a specialist facility.

17. No additional floorspace is being proposed as part of this planning application. All loading and unloading of waste would be undertaken on impervious surfaces inside the building, except for the removal of effluent from the external sealed tanks, which would be pumped into enclosed tankers.

18. No additional external lighting is being proposed.

19. No. x 3 external alkaline effluent storage tanks with a 7,000-litre capacity each, would result in a combined total of 21,000 litre capacity and which would be located to the rear of the unit (west) and stored behind a purpose build brick bund wall. The purpose-built brick bund wall would measure approximately 0.56 metres in height, be capable of containing a minimum of 110% of the volume of liquid stored in the tank, be locked, and secured, constructed to prevent damage by frost and clearly marked.

20. With regard to the amount of waste stored at the site, the applicant states that total waste storage at peak volume would be anticipated to be approximately 40 tonnes including incoming wastes, which would be processed within a couple of weeks and storage of waste effluents. The applicant confirms that up to approximately 21 tonnes of Alkaline based effluents accumulated over a period of several weeks would be the only wastes stored outside contained within sealed vessels and banded. Acid and alkaline effluents would be collected from the site periodically, e.g., once storage vessels are full. Alkaline based effluents are typically collected approximately 4 or 5 times per year and acid effluents approximately 2 or 3 times per year. Approximately 16 tonnes of acid-based effluents would be stored within the building.

21. Waste storage and capacity would be controlled by the Installation Environmental Permit issued by the Environment Agency and all handling of waste would be in accordance with health and safety requirements. The applicant states that the only operations taking place outside of the industrial unit would be in relation to the sealed storage referred to above and all loading and unloading of waste would take place on an impervious surface.

22. The site would be locked and secured outside of operational hours and existing CCTV would be in operation both externally and internally.

23. A 1.8-metre-high close boarded fence would be installed on part of the northern boundary of the application site to acoustically shield processing equipment and increase security provision.

24. As part of the planning application, the applicant has provided a substances inventory which provides an inventory of substances and expected quantities which may be used / stored on site either as raw materials or wastes, many of which have hazardous properties (see extract below). The substances inventory confirms that none of the thresholds in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 are expected to be exceeded for each substance.

25. The process of acid and alkaline processing would require the following quantities of the following reagents and chemicals and due to the specialist nature of the proposal may be varied accordingly dependant on need:

- Sulphuric acid (96%) = approximately 450 litres/ per annum;
- Hydrochloric acid (28%) = approximately 4,850 litres/ per annum;
- Nitric acid (60%) = approximately 3,650 litres/ per annum;
- Sodium chloride = approximately 450kg/ per annum;
- Sodium hydroxide = approximately 1,350 litres/ per annum;
- Ferrous sulphate = approximately 400kg/ per annum;
- Urea = approximately 133kg/ per annum;
- Sodium cyanide = approximately 200kg/ per annum;
- Sodium hydroxide = approximately 2,906kg/ per annum;
- Sodium dithionite = approximately 1,680kg/ per annum;
- Sodium m-nitrobenzene sulphonate = approximately 400kg/ per annum;
- Sodium carbonate = approximately 133kg/ per annum;
- Sodium hypochlorite = approximately 20, 000 litres/ per annum;
- Sodium bicarbonate = approximately 1, 900 kg/ per annum; and
- Borax = approximately 400kg/ per annum.

26. The applicant confirms that the proposed processes at the application site would be the same as those that have been undertaken at the existing site for approximately 40 years and regulated by the Environment Agency.

27. The proposal would make use of an existing industrial building, with proposed modifications to include the addition of No. x 4 external exhaust flues to be installed for ventilation and to dilute and disperse residual emissions from the small-scale thermal treatment processes. The applicant states that the design of the external flue system is still to be finalised as a consequence of the Installation Environmental Permit process, which would define the required design and anticipates that they would emerge a maximum of approximately 4 metres above the height of the existing roofline.

28. The applicant states that it should be assumed that all incorporated flues would be operated for the duration of the proposed operational hours as detailed below, apart from the abatement plant (scrubber) and the alkaline process extraction system which would both be operational 24 hours a day and that this accords with operational procedure at the current site in Deritend, Birmingham.

29. The applicant has provided a comparison of the use of flues and their processes at the existing site in Deritend, Birmingham and the rationalisation of flues proposed at the application site for the same processes, as set out in Table 1 below. In summary, the existing site in Deritend operates with a total of No. x 9 flues and the proposed site would operate with a total of No. x 4 flues.

30. Table 1 - Processes Served by Extraction Flues at both the existing and the proposed site:

| <b>Existing Site Processes Served by No.9 x Extraction Flues – (Green Street, Deritend, Birmingham)</b> | <b>Proposed Site Processes Served by No.4 x Extraction Flues – (Unit 10 Merse Road)</b>                 |
|---|---|
| Alkaline Kettles – flue height approx. 6.5 metres   | Emission Point A3 – Combined flue for Alkaline Processing – flue height approx. flue height 9.44 metres |
| Alkaline Strip Line - flue height approx. 5 metres  |   |
| Thermal appliance for metal decontamination – flue height approx. 6 metres                              | Emission Point A4 – Combined flue for Thermal Treatment Process – approx. flue height 9.44 metres       |
| Gas Furnace - flue height approx. 6 metres  |   |
| Induction Furnace - flue height approx. 6 metres  |   |
| Drying Oven - flue height approx. 6 metres  |   |
| Steam Generator Main - flue height approx. 7 metres   | Emission Point A2 – Combined flue for Steam Boilers – approx. flue height 9.44 metres                   |
| Steam Generator Backup - flue height approx. 7 metres   |   |
| Acid Scrubber - flue height approx. 7 metres  | Emission Point A1 – Flue for Acid Scrubber approx. flue height 10.44 metres                             |

31. An external chiller and external acid scrubber and associated flue would be located on the north side of the unit. As mitigation a 1.8-metre-high close boarded fence would be installed on part of the northern boundary of the application site to acoustically shield processing equipment and increase security.

32. The applicant states that no operation of the waste processing plant, including chemical, physical and thermal processing, deliveries or export of material would take place outside of the proposed operational hours, which would be:

- Mondays to Fridays – 06:00 to 17:00 hours; and
- Saturdays, Sundays and Bank and Public Holidays – no operations.

33. The applicant confirms that at the current site in Deritend, Birmingham, operational hours are unrestricted.

34. The external area to the north-west of the building would be retained and used for cycle storage and staff / visitor parking. Part of the current parking area to the south-west of the building would be used for vehicle manoeuvring, including unloading, and loading operations. 16 car parking spaces are proposed to be retained in total, which would accommodate up to 11 members of staff. No changes to the existing access onto Merse Road are being proposed. The applicant is proposing the addition of No. x 1 electric charging point and the retention of an existing electric charging point which would total No. x 2 electric vehicle charging points as part of the parking provision.

35. With regard to vehicle movements, the proposed development would generate approximately 6 rigid Heavy Goods Vehicle (HGV) movements per week (about 3



HGVs entering the site and 3 HGVs exiting the site), approximately 12 articulated HGV movements per year (about 6 HGVs entering the site and 6 HGVs exiting the site), approximately 40 Light Goods Vehicle (LGV) movements each week for low volume/weight waste collections (about 20 LGVs entering the site and 20 LGVs exiting the site) and approximately 10 car movements per day associated with site staff (about 5 cars entering the site and 5 cars exiting the site).

36. Currently, the business provides 9 full-time jobs, which the applicant states would be retained and that it is anticipated that a further 1 to 2 jobs would be created.

## **The Site**

37. The application site is located at 10 Merse Road, Redditch, Worcestershire, located approximately 3.3 kilometres north-east of the Redditch town centre, in Moon's Moat. The application site (red line boundary) measures approximately 0.28 hectares.

38. The application site is located within the Moons Moat North Industrial Estate which has good connections to the surrounding transport network including the Coventry Highway (A4023), Alcester Road (A435) and junction 3 of the M42 motorway.

39. The industrial unit consists of an existing two storey purpose-built unit comprising industrial and office use with associated parking area provided in the south-west and north-west of the unit. The building is partly brick built and metal profile clad.

40. The unit is located within a cul-de-sac and accessed via Merse Road which is an unclassified road and via a dedicated access point. The site is located within walking distance of amenities, bus routes (including No's 57 and 62) and bus stops.

41. Mature deciduous and coniferous trees are located around the perimeter of the application site and the immediate area surrounding the site. Mature planting is located to the along the southern boundary of the site. The perimeter of the site is enclosed by green wire mesh fencing.

42. The wider industrial estate contains approximately 60 industrial units ranging in size, the units generally do not exceed two storeys in height. The estate is well laid out with wide access roads that are generally uncluttered by on street parking.

43. Land located immediately adjacent (north, north-east and east) to the application site is currently under consideration (decision pending) by Redditch Borough Council (planning application Ref: 23/00940/FUL) for "Part-demolition of existing buildings, followed by construction of 4 no. new Class E (g)(iii)/B2/B8 buildings with ancillary office space; extension to existing building to provide additional office space, provision of parking, landscaping and other ancillary works at Burnt Meadow Road, Moons Moat North Industrial Estate, Redditch, Worcestershire.

44. The nearest Public Rights of Way are footpath RD-798 which is located approximately 210 metres north-west of the application site and footpath RD-799, which is located approximately 200 metres east of the application site. Adopted link footpaths run through the wooded area to the west of the application site.

45. The site is not located within or immediately adjacent to a designated site of nature conservation interest. The nearest watercourse is Church Hill Brook which is a tributary of the Blacksoils Brook and runs through the wooded area located west of the application site, which at its nearest point is located approximately 14 metres from the red line boundary of the application site.

46. The nearest Site of Special Scientific Interest (SSSI) is Ipsley Alders Marsh which is located approximately 1 kilometre south-east of the application site. Dagnell End Meadow SSSI is located approximately 2.1 kilometres west of the application site.

47. Ravensbank Drive Bridle Track Local Wildlife Site (LWS) is located approximately 180 metres north-east of the application site. Holt End Meadows LWS is located approximately 655 metres north of the application site and Ipsley Alders Marsh LWS is located approximately 900 metres south-east of the application site. Pinkgreen Wood LWS is located approximately 1.3 kilometres north-east of the application site. Carpenter's Hill Wood and Prior Fields Comple LWS are located approximately 1.5 kilometres north-east of the application site. Arrow Valley Park Lake and River Arrow LWSs are located approximately 1.5 kilometres and 1.8 kilometres south-west of the application site, respectively and Dagnell Brook LWS is located approximately 1.9 kilometres west of the application site. Proctor's Barn Meadows Local Nature Reserve (LNR) is located approximately 1.6 kilometres south-west of the application site.

48. Pink Green Wood Ancient Woodland is located approximately 1.3 kilometres north-east of the application site. Carpenters Hill Wood Ancient Woodland is located approximately 1.4 kilometres north of the application site and Clifford's Wood Ancient Woodland is located approximately 1.1 kilometres north-east of the application site.

49. The nearest Listed Building to the application site is that of the Grade II Holt End Farmhouse Holt End Grange, located approximately 610 metres north of the application site on Beoley Lane. Gorgot Hall Grade II\* Listed Building is located approximately 1.57 kilometres south-east of the application site, further Listed Buildings and structures associated with Gorgot Hall, include Right Gapier and Garden Wall Grade II approximately 30 metres south-west of Gorgot Hall; Left Gapier and Garden Wall Grade II approximately 30 metres south-west of Gorgot Hall; Left Gapier and Garden Wall Grade II approximately 10 metres south-east of Gorgot Hall; Right Gapier and Garden Wall Grade II approximately 10 metres south-east of Gorgot Hall and Stable, Granary and Attached Barn and Animal House Grade II located approximately 7 metres north of Gorgot Hall. Further Grade II Listed Buildings are located beyond along Beoley Road. Beoley Conservation Area is located approximately 535 metres north of the application site.

50. The Mount Scheduled Monument is located approximately 880 metres north-west of the application site. Moon's Moat Scheduled Monument is located approximately 715 metres south-west of the application site and Bordesley Abbey Scheduled Monument is located approximately 2 kilometres west of the application site.

51. Beoley Hall Historic Park and Garden is located approximately 1 kilometre north-west of the application site. It is not a Registered Park or Garden, a designation that relates to international or national interest. It is, however, of considerable local interest and contributes to the landscape character and cultural and historical understanding of the Parish of Beoley.

52. The nearest residential properties to the application site are located approximately 80 metres west of the application site on Hillmorton Close, which is part of a wider residential housing estate known as Church Hill. An area of mixed woodland which measures approximately 80 metres in width is located between the application site and the wider Moons Moat North Industrial Estate and the Church Hill residential estate.

53. The site is located within Flood Zone 1 (low probability of flooding) as identified on the Environment Agency's Indicative Flood Risk Map.

## Summary of Issues

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

- The Waste Hierarchy
- Location of the development
- Landscape character, visual impact and historic environment
- Residential amenity (including noise and vibration, dust, air quality, odour, and health impacts)
- Traffic, highway safety and public rights of way
- Ecology and biodiversity
- Water environment
- Economic impact
- Climate change
- Consultation and publicity

## Planning Policy

### National Planning Policy Framework (NPPF)

55. The revised National Planning Policy Framework (NPPF) was published on 5 September 2023 and replaces the previous NPPF published in March 2012, July 2018, February 2019, and July 2021. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

56. The revised NPPF sets out the governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

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

58. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

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

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

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

an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

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

### **National Planning Policy for Waste**

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

### **The Development Plan**

64. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy Development Plan Document, and the Adopted Borough of Redditch Plan No. 4.

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

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

### **Worcestershire Waste Core Strategy Development Plan Document (Adopted November 2012)**

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

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity  
Policy WCS 3: Re-use and Recycling  
Policy WCS 6: Compatible land uses  
Policy WCS 8: Site infrastructure and access  
Policy WCS 9: Environmental assets  
Policy WCS 10: Flood risk and water resources  
Policy WCS 11: Sustainable design and operation of facilities  
Policy WCS 12: Local characteristics  
Policy WCS 14: Amenity  
Policy WCS 15: Social and economic benefits

**Borough of Redditch Local Plan No.4. (Adopted January 2017)**

68. The Borough of Redditch Local Plan No.4 policies that are of relevance to the proposal are set out below:

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Settlement Hierarchy  
Policy 5: Effective and Efficient Use of Land  
Policy 11: Green Infrastructure  
Policy 15: Climate Change  
Policy 16: Natural Environment  
Policy 17: Flood Risk Management  
Policy 18: Sustainable Water Management  
Policy 19: Sustainable Travel and Accessibility  
Policy 20: Transport Requirements for New Development  
Policy 22: Road Hierarchy  
Policy 23: Employment Land Provision  
Policy 24: Development within Primarily Employment Areas  
Policy 36: Historic Environment  
Policy 37: Historic Buildings and Structures  
Policy 38: Conservation Areas  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

**Other Documents**

**Waste Management Plan for England (2021)**

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

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



Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

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

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

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

72. The Strategy sets five strategic ambitions:

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

73. It contains 8 chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal.

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

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

### **The Government Review of Waste Policy England 2011**

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

### **The Noise Policy Statement for England (March 2010)**

76. The aim of the document is to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion.

## **Consultations**

77. Worcestershire County Council carried out public consultation on the planning application between 10 May to 1 June 2023. Following consideration of comments received the applicant submitted amended / further information, including amended operational hours, amended Noise Impact Assessment, amended Emissions Modelling Assessment, amended Noise and Vibration Management Plan, amended Planning Statement, Health Impact Assessment Screening, amended Proposed Layout Plan and amended Proposed Elevations Plan, which Worcestershire County Council considered would be material to the determination of the planning application, further public consultation was carried out between 6 September to 27 September 2023.

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

79. **County Councillor Matt Dormer** objects to the proposal and considers that not enough answers have been provided and not enough consideration has been given to the local environment and neighbourhood.

80. **County Councillor Jo Monk** wishes to strongly object on the following grounds:

- she has been a resident of Redditch for 38 years;
- The proposal is in very close proximity to a densely populated residential estate and several schools;
- The proposal is in close proximity to wildlife areas which are populated with bats, birds, deer, and foxes;
- The proposal is within half a mile of domesticated animals such as horses, and farm animals such as cows and sheep;
- They run a thriving family farm in close proximity to the proposal;
- Gorgot Hall Grade II\* Listed Building is a wedding venue located less than a mile from the proposal;
- Arrow Valley Park Lake LWS is located about 1 mile from the site and would be severely affected by the proposal;
- Several locations have been referred to in the planning application but have not been taken account of. The proposal would not just affect the residents of

- Church Hill, but would affect neighbouring Winyates Green, Beoley and the majority of Redditch;
- That the fumes and odour would be unbearable and result in health risks;
  - Most of Redditch sits in a dip (hence the name Red ditch) and as a result is regularly covered in a foggy mist, especially in the Moons Moat area and that due to the toxicity being exhumed into the atmosphere would result in the area being covered with dangerous chemicals;
  - Kaug Refinery Services are relocating from a city (Birmingham), which has a Clean Air Zone policy in place and questions why the proposal should be allowed to operate in an area which residents consider is a 'Clean Environment'; and
  - Net zero targets are in place to be met by 2050; this refers to the government agenda to reduce greenhouse gas emissions by 100% from 1990 levels and that should this be met would mean that greenhouse gas emissions produced by the UK would be equal to or less than the emissions removed by the UK from the environment and that this target would not be feasible should planning permission be granted.

81. **County Councillor Aled Luckman (Neighbouring)** no comments received.

82. **Beoley Parish Council** object to the proposal, stating that they have significant concerns regarding the proposed use in the vicinity of Beoley Village and the wider parish area. They state that they have major concerns regarding the proposed use, specific processing methods and air emissions and impact on local residential properties in the immediate vicinity. They state that they wish to maintain the setting and environment in the parish and consider that the proposal would have a detrimental impact on the surrounding area. In response to further consultation on further / amended information, Beoley Parish Council reiterate their previous comments above, and state that they have not had sight of any further documentation contrary to their previous comments.

83. **Redditch Borough Council** have no comments to make on the principle of the proposal and state that they consider that the County Planning Authority should ensure that all relevant regulations associated with processes being undertaken on the site are satisfactorily secured.

84. **The Environment Agency** in response to consultation on further / amended information confirm that they have no objections to the proposal. The Environment Agency wish to reiterate their previous comments which they state remain valid and to provide further clarity with regard to their previous response and to offer reassurance of the controls of an Environmental Permit.

85. With regard to the Environmental Permit application, the Environment Agency wish to provide an update to their previous consultation response, which stated *“that due to the sensitivity of operations on site and proximity to local residents being within approximately 200 metres that the proposal would require a bespoke Installation A1 Environmental Permit for a Physical and Chemical Treatment Facility, the Environment Agency confirm that a permit application had been submitted to them.”* The Environment Agency now confirm that that the Environmental Permit application for a waste operation on the site in Redditch was returned to the operator stating that the operator was informed that an Installation A1 Environmental Permit would be more appropriate due to the type of proposed operations on site. The Environment

Agency confirm that the operator has not yet applied for an Installation A1 Environmental Permit but reiterate that one would be required for the site to operate.

86. With regard to the 'twin tracking' of an Environmental Permit and in response to consultation on further / amended information, the Environment Agency state that they encourage more comprehensive submissions which would enable more informed and speedier decisions and that more detailed information should be available to enable sufficient information of key land use issues and to assist in the determination of a planning application. The Environment Agency state that if applications are not twin tracked, then the planning application would normally need to provide the County Planning Authority with sufficient detail / assessment to confirm impacts relating to any land use planning considerations.

87. In response to consultation on further / amended information, the Environment Agency confirm that they would inform the County Planning Authority of any further progress if and / or when it becomes available as this could be used to inform the determination of the planning application. They state that they appreciate that the County Planning Authority could adopt their own independent review (third party review) of the similar assessment associated with the planning application. The Environment Agency confirm that at this time they are not able to provide comments upon these aspects at the planning application stage in the absence of an Environmental Permit due to resource pressures.

88. In response to consultation on further / amended information, the Environment Agency confirm that the applicant has undertaken a Noise Impact Assessment and Noise and Vibration Management Plan and note that as part of their permit determination that they would have the modelling work checked by the national Air Quality Management and Assessment Unit (AQMAU) and state that based on the resource pressures that it would be difficult to make any further detailed comments on the updated submission.

89. In accordance with their previous consultation comments, the Environment Agency state that the Installation A1 Environmental Permit would control the day-to-day general management of the site, including operations, maintenance, and pollution incidents. It would oversee operations, including permitted activities and Best Available Techniques (BAT) and emissions, land, water, and air. The Environment Agency confirmed in their original comments that they consider it would not be necessary for planning conditions to be imposed to control these aspects through any subsequent planning permission.

90. The Environment Agency confirmed in their original comments that due to the proximity of the proposed site to residential dwellings that a robust Management Plan would be required in to mitigate and reduce any potential impact to sensitive receptors and state that a monitoring programme would also be likely to be required.

91. The Environment Agency confirmed in their original comments that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The Environment Agency wish to highlight the proximity of the proposed development to existing residential development and ask that the County Planning Authority review whether

the proposed development is in accordance with Paragraphs 174 and 188 of the NPPF.

92. The Environment Agency also state that the site lies adjacent to an ordinary watercourse, is located in Flood Zone 1 and that no European Designated Sites, such as SSSIs or Ramsar sites are within 200 metres of the application site. Their internal mapping system indicates that the site is situated atop a secondary aquifer and that it is not within (or within 50 metres) of a Source Protection Zone and note that this may not take into account private boreholes which may not appear on the internal mapping system.

93. The Environment Agency confirmed in their original comments that the current site operates under a waste Environmental Permit and that they have no record of substantiated complaints with regard to the current operational facility based in Deritend, Birmingham over the past year. The Environment Agency state that as they do not currently regulate the proposed site at Moons Moat, Redditch, they currently have no regulatory control and therefore confirm no issues such as noise or odour complaints.

94. The Environment Agency recommend that the County Planning Authority seek comments from Worcestershire Regulatory Services and the County Public Health Practitioner.

95. With regard to the submission of an amended application form to tick the hazardous substances box and the provision of an inventory of hazardous substances submitted by the applicant in response to concerns raised by letters of representation, the Environment Agency confirm that they have no further comments to make with regards to the submitted substances inventory and state that if it is deemed that Hazardous Substances Consent is required that they would provide further comments via a Control of Major Accident Hazards (COMAH) consultation. They state that they note concerns raised by letters of representation regarding adverse impacts on air quality on natural features, however, as stated in their original consultation response they are not able to provide comments on the submitted Air Quality Assessment submitted in support of the planning application due to resource pressures, with specific emphasis on the National Air Quality team. They state that they would provide a more detailed assessment at the permitting stage as per their roles and responsibilities.

96. In response to a letter of representation and associated video clip which showed flooding of the ordinary watercourse located in the vicinity of the site, the Environment Agency confirm that the site is located within Flood Zone 1 on the Flood Map for Planning and do not wish provide further comments upon flooding within a low risk zone and recommended that the County Planning Authority consult the Lead Local Authority (LLFA), who would have more knowledge of flooding issues associated with the ordinary watercourse and would be the first point of contact for surface water flooding.

97. **Worcestershire Regulatory Services (Air Quality)** have reviewed the amended / further information including the following;

- Oaktree Environmental Ltd (29.08.23) 'Response to Consultation Comments.' Ref: 2765-009-G; and

- Oaktree Environmental Ltd (05/09/23) 'Emissions Modelling Assessment – Precious Metals Recovery Facility, Merse Road, Redditch.' Ref: 2765-009-C v1.9.

98. Worcestershire Regulatory Services state and reiterate that they have no adverse comments to make in respect of impacts of the proposal on local air quality.

99. Worcestershire Regulatory Services reviewed the previously submitted superseded Emissions Modelling Assessment and noted that comments are provided in respect of Air Quality Objectives Contained in the Air Quality (England) Regulations 2000 (as Amended 2002) and human health receptors only.

100. Worcestershire Regulatory Services stated with regard to the previously submitted superseded Emissions Modelling Assessment that appropriate modelling of impacts of the proposed development on local air quality in line with available guidance was undertaken and noted that conservative parameters had been utilised within the model and modelled outputs indicate no exceedances of the above Air Quality Objectives at any modelled receptor.

101. In response to letters of representation received objecting on the grounds that the modelling undertaken was inadequate and would result in an unacceptable impact on air quality, Worcestershire Regulatory Services state that for clarification, the main pollutants of concern that the Local Authority would report on annually to DEFRA as part of an Annual Status Report are Nitrogen Dioxide and particulates PM10 and PM 2.5, and to a much lesser extent Sulphur Dioxide. Worcestershire Regulatory Services undertake regulation of Local Air Quality Management (LAQM) (monitoring and reporting) on behalf of the six Districts Councils in Worcestershire.

102. Worcestershire Regulatory Services confirm that currently there are no, and never been, any Air Quality Management Areas declared in Redditch due to exceedances of the Air Quality Objectives. Generally, available monitoring data and background pollution maps produced by DEFRA indicate air pollution within Redditch is well within Air Quality Objectives.

103. With regard to letters of representation received objecting to the proposal on the grounds that the data (monitoring locations) used to inform the Air Quality Assessment was not relevant to Redditch. Worcestershire Regulatory Services state that they undertake monitoring of Nitrogen Dioxide in Redditch via Palmers diffusion tubes and that no local automatic (continuous real time) monitoring of any pollutants is currently undertaken within Redditch and that furthermore, there are no sites located within Worcestershire that are part of the national monitoring network (AURN). In the absence of local monitoring data Worcestershire Regulatory Services confirm it is common practice, in line with guidance, to utilise data from the nearest and most appropriate available monitoring sites and / or national background mapping produced by DEFRA for local and modelling assessments. Worcestershire Regulatory Services confirm that they consider that the AURN sites used within the submitted Air Quality Assessment provides a degree of conservatism within the model due to the elevated levels of monitored pollutants and background levels at those urban locations compared to the background levels at the proposed development site.



104. Worcestershire Regulatory Services state that with regard to meteorology, they concur that the use of data from the Pershore site, is considered the most appropriately available meteorological dataset representative of Worcestershire compared to the nearest alternative at Birmingham International Airport.

105. Worcestershire Regulatory Services confirm and wish to reiterate that following confirmation from their permitting team, that emissions of particulates would be minimised by the requirement for a particulate filtration and capture process as part of the Part B Permit.

106. With regard to air quality, Worcestershire Regulatory Services have reviewed letters of representation received which object to the proposal on the grounds of air quality, Nitrogen Dioxide levels and pollution and state that, as outlined in their above formal consultation response that they can only provide comments in respect of human health impacts.

107. Worcestershire Regulatory Services state that they are unable to provide any expertise with regards to impacts on ecology as a result of air quality, Nitrogen Dioxide levels and pollution and recommend consulting the Environment Agency with regard to these aspects as the main regulator of pollution prevention. Similarly, for aspects regarding particular modelling parameters, they recommend referring to the applicant and authors of the Air Quality Assessment.

108. Worcestershire Regulatory Services confirm that with regard to concerns raised via letters of objection in respect of impact on sensitive receptor locations (adopted link footpaths) for walking adjacent to green spaces that such a situation is not representative of a Sensitive Receptor location as defined within LAQM guidance TG22 against any Air Quality Objectives, even for the short term 1 hour objective for Nitrogen Dioxide. Based on further letters of representations in respect of concerns about Nitrogen Dioxide, Nitrogen Oxides levels adjacent and within green zones and paths near the site, including a further baseline study, Worcestershire Regulatory Services reiterate their previous responses and state that they have no further comments in respect of air quality.

109. Worcestershire Regulatory Services state that the current background levels within Redditch and the conservative assessment provided do not indicate any exceedances of the relevant Air Quality Objectives or foresee significant impact requiring mitigation measures.

110. Worcestershire Regulatory Services state with regard to letters of representation that question the target criteria for air quality in Redditch and Worcestershire that the administrative area of Redditch Borough Council complies with the national Air Quality Objectives (AQO) which are outlined on the government's website – UK Air Quality Limits, by Defra. Worcestershire Regulatory Services state that with regard to Carbon Dioxide emissions that Carbon Dioxide is not defined as an air quality pollutant. Worcestershire Regulatory Services state that with regard to letters of objection received that state that Worcestershire Regulatory Services should undertake their own surveys and modelling assessments, that under LAQM regime local authorities are required to report annually to Defra on the status of air quality within their administrative area and that this is achieved through a combination of local authority monitoring and available Defra background maps (data) which are informed by a national monitoring network (AURN) and that both of these elements

have been used to determine a local baseline within the assessment provided to support the current planning application. Worcestershire Regulatory Services state that under the planning regime, it is incumbent upon the applicant to provide sufficient information to support their application to satisfy the requirements of local and national planning policy. Worcestershire Regulatory Services state that national air quality objectives include a number of short-term objectives (hourly, daily) in addition to annual objectives for the different air pollutants. The amended Emissions Modelling Assessment provided has considered the impacts of the proposed development in the context of these objectives and incorporated meteorological influences in the amended Emissions Modelling Assessment. Worcestershire Regulatory Services state that there are currently no, and historically never have been any Air Quality Management Areas within the Redditch Borough area. Worcestershire Regulatory Services state that in considering current pollutant concentrations and the control of processes through the Local Air Pollution Prevention and Control (LAPPC) Regulations, it would be anticipated that the emissions of air pollutants from the proposed facility would not be significant or result in exceedance of AQO's in the context of LAQM and air quality in Redditch. With regard to concerns raised regarding 70 ug/m<sup>3</sup> for Nitrogen Dioxide, Worcestershire Regulatory Services state that the amended Emissions Modelling Assessment predicts one hour mean Nitrogen Dioxide concentrations of 65 to 70ug/m<sup>3</sup> at the location of the clinic compared with the health-based Air Quality Standard for one hour mean Nitrogen Dioxide concentrations of 200 ug/m<sup>3</sup> and that, therefore, the predicted concentrations would be less than 50% of national objectives.

111. In conclusion, Worcestershire Regulatory Services confirm that they do not wish to amend or alter their previous consultation responses outlined above in view of the reviewed letters of representation which object to the proposal on the grounds of adverse impacts on air quality and reiterate that their previous comments remain unchanged.

112. **Worcestershire Regulatory Services (Dust, Noise and Odour)** have no objection with regard to dust emissions.

113. With regard to noise emissions, Worcestershire Regulatory Services previously stated that the submitted superseded Noise Impact Assessment appeared satisfactory and predicted a low noise impact from site operations during the proposed normal working hours and would incur a slight adverse impact during the previously proposed occasional operating hours of 17:00 and 23:00 hours.

114. Prior to the submission of amended / further information, Worcestershire Regulatory Services stated that assumptions had been made within the submitted superseded Noise Impact Assessment relating to noise emissions from the PCB shredder and No.4 proposed extraction flues and therefore they recommended that a condition should be imposed which would require that prior to the commencement of full operations at the site, monitoring should be carried out when the equipment is in place in order to provide an accurate Noise Impact Assessment of the PCB shredder and the No.4 proposed extraction flues. Thereafter, Worcestershire Regulatory Services revised their consultation response advising that prior to the determination of the planning application that the applicant should establish the actual noise levels of the PCB shredder, the No.4 proposed extraction flues and the acid scrubber and submit a revised Noise Impact Assessment for further comment. Furthermore, with regard to potential noise emitted as a result of the previously proposed operational

hours extending beyond 17:00 hours to 23:00 hours, that the applicant should consider what additional noise mitigation measures could be employed at the site and that these considerations should be included within a revised Noise Impact Assessment.

115. In consideration of the above, the applicant submitted amended / further information and a revised Noise Impact Assessment, to which Worcestershire Regulatory Services have no objection in terms of noise nuisance. They state that the revised Noise Impact Assessment, appears satisfactory and predicts, that for the proposed (revised) operational hours of 06:00 to 17:00 hours Mondays to Fridays, that noise from the proposed industrial activities should not adversely impact the nearest sensitive receptors either during daytime or night-time. The applicant confirms that PCB shredding would be the single loudest internal activity on site and that this would be operational for approximately 1 to 2 hours per day and that it should be noted that the Noise Impact Assessment assumes that the PCB shredder would be in continual operation during the proposed operational hours (worst case scenario).

116. Worcestershire Regulatory Services previously commented that as the proposed development is within an established industrial estate and would be operated in line with the submitted Noise and Vibration Management Plan, they consider the proposal to be acceptable.

117. Worcestershire Regulatory Services have reviewed letters of representation received which object to the proposal on the grounds of noise and state that they consider that the background noise monitoring location is acceptable and that while noise from Hillmorton Close would have been included, existing noise from the industrial estate would have been minimised due to distance and the screening provided by the intervening dwellings and they, therefore, consider that the predicted noise impact, relative to background and absolute, are acceptable subject to the submission of a revised Noise Impact Assessment as stated above.

118. With regard to odour nuisance, originally Worcestershire Regulatory Services requested that the applicant provide a statement on odour emissions and if necessary, how the applicant would intend to mitigate any odorous emissions. Following the subsequent submission of the applicant's statement on odour emissions Worcestershire Regulatory Services confirmed that they have no objection and state that potentially odorous emissions from activities would be abated as required by the Installation Environmental Permit, regulated by the Environment Agency, and they do not consider that the activities regulated by the Local Authority would give rise to odorous emissions and, therefore, following submission of the applicant's subsequent response confirm that they have no objection.

119. **The County Archaeologist** has no objection and state that there are no archaeological concerns with this application.

120. **Historic England** have no comments to make on the proposal and recommend that the County Planning Authority seek the views of the County Council and District Council's specialist conservation and archaeological advisers, as relevant.

121. **The County Ecologist** has been consulted on the amended / further information and state that they maintain their previous recommendations and reiterate

that they have no objection to the proposal, subject to the imposition of a nesting bird informative and the submission of a Statement of Conformity to be issued to the County Planning Authority in order to provide evidence regarding the installation of two bird nest boxes and two bat nest boxes at the site.

122. The County Ecologist states that due to the very low risk level of unexpectedly discovering nesting birds or other wildlife, such as roosting bats at the site that the proportional biodiversity enhancement measures proposed by the applicant's project ecologist would be acceptable.

123. With regard to the amended / further information and the updated Emissions Modelling Assessment, the County Ecologist states that the Emissions Modelling Assessment has assessed cumulative effects of airborne emissions on a number of ecological receptors, namely: Ravens Bank Drive Bridle Track LWS , Holt End Meadows LWS, Ipsley Alders Marsh Site of Special Scientific Interest, Clifford's Wood Ancient Semi-Natural Woodland (erroneously listed as a LWS), Carpenters Hill Wood and Prior Fields Complex Local Wildlife Site, Proctors Barn Meadow Grassland Inventory Site LWS, the River Arrow LWS, Pink Green Wood LWS, Grove Wood (Ancient Semi-Natural Woodland) and Dagnell End Meadow SSSI.

124. The County Ecologist considers that based on what the assessment describes as a series of 'conservative assumptions', significant impacts on both short-and long-term critical levels at the identified ecological receptors are not predicted.

125. The County Ecologist has queried the Air Pollution Information System (APIS) to understand what the critical levels of Nitrogen Oxides m-3 might be within habitats located immediately adjacent to the proposed development site, at National Grid Reference: SP072687. The Worcestershire Habitat Inventory confirms that this is UKHab w1, broadleaved and mixed woodland, Air Pollution Information System (APIS) indicates critical levels here are 30 µg and that, during the most recent monitoring period (2019-2021), exceedance values here were -9.27 µg.

126. The County Ecologist caveats that they are not an expert in the assessment of air pollution effects on ecological receptors, but that their understanding of information presented is that no significant impacts from air pollution are predicted on statutory and non-statutory designated sites, and that the adjacent woodland habitat appears to be below the recognised Nitrogen Oxides exceedance level.

127. In response to a letter of representation which has raised concerns regarding whether the scheme would have the potential to cause exceedance over the 30 µg critical level of Nitrogen Oxides in natural habitats during working hours, and should that be the case, whether this may cause an adverse impact on non-designated habitats abutting the scheme's red line boundary. The County Ecologist states that they regret that this is not an area of expertise in which they can provide further advice on the findings of submitted assessments and that should more detailed analysis of air pollution findings be required that they recommend seeking the support of a specialist ecologist. They state that they do not consider the amended / further information to have changed the validity of their previous comments and / or previously recommended conditions and caveat that they consider that this matter lies outside of the sphere of their professional expertise.

128. With regard to letters of representation received objecting on the grounds that the proposal would adversely impact on air quality, the County Ecologist states that good practise guidance relates to impacts on designated sites of national and international importance, locally designated sites, and individual habitats and that the process of determining site critical thresholds of air pollution impacts on these types of habitats are not straightforward.

129. The County Ecologist confirms that the closest ecological receptor to the proposal is the adjacent area of broadleaved, mixed woodland and Church Hill Brook watercourse which are not designated as a site of nature conservation and confirms that the nearest designated site of nature conservation is Ravensbank Drive Bridle Track LWS located approximately 180 metres north-east of the site and which is well separated from the site by other industrial development and highway. The County Ecologist notes that there are downstream ecological receptors, but that hydrological connectivity would appear spurious with regard to air pollution impact pathways, particularly given separation by the Coventry Highway (A4023) and the intervening residential, commercial, and industrial development.

130. The County Ecologist states with regard to air quality that good practice guidance (Air Quality Impacts on Nature Sites 2019 and Air Quality Advice Note) states that *“the impact of nitrogen deposition on vegetation composition of woodlands is poorly understood, partly due to the strong confounding influence that tree canopy structure places on ground flora species richness, cover and other parameters that might otherwise enable one to discern the effects of nitrogen deposition”* and that *“Calculating nitrogen deposition rates, rather than relying purely on scrutiny of Nitrogen Oxides concentrations, has the advantage of being habitat-specific. For some habitats a defined change in nitrogen deposition is directly relatable to measurable effects on the ground through scrutiny of published dose-response relationships. However, where critical levels are exceeded, consideration should also be given to the potential for direct effects from Nitrogen Oxides, especially where concentrations of sulphur dioxide and/or low-level ozone are also elevated”*.

131. The County Ecologist confirms that the adjacent woodland habitat has not been identified as a Biodiversity Action Plan (BAP) ‘priority habitat’ site, but that nonetheless, the description of effects and implications of nitrogen deposition on woodland BAP habitat contained within ‘*Nitrogen Disposition: Broadleaved, Mixed and Yew Woodland Air Pollution Information System (APIS)*’ is helpful and which states that *“Nitrogen deposition is not believed to have a direct, major effect on tree growth in the UK, but as illustrated above its indirect effects are many and varied: Nitrogen can affect woodlands through eutrophication and acidification and these changes are likely to predispose woodlands to these more highly deleterious indirect effects. Woodlands are complex ecosystems, comprising various compartments with different sensitivities to Nitrogen”*. The County Ecologist states that based on a worse-case assumption by treating the adjacent woodland as if it were a BAP priority habitat, the APIS website indicates a critical deposition load of nitrogen to be approximately 10 to 20 kilograms/per hectare/per year (kg/ha/yr).

132. With regard to air quality, the County Ecologist admits that they are not very familiar with using APIS webmap to query air pollution levels, with experience predominantly being with regard to Habitat Regulation Assessment (HRA) processes for European Sites but consider that the most recent data for total Nitrogen deposition across the surrounding approximate 5-kilometre square mile grid is 9.2 kg/ha/yr (APIS

app | Air Pollution Information System). The County Ecologist states that they would need to defer to advice from both Worcestershire Regulatory Services and the Environment Agency with regards to the scheme's potential to cause unacceptable air quality impact on nature conservation features, however, as a matter of planning balance, they note that immediately adjacent habitats have not been formally identified as priority habitats, and have not been designated either internationally, nationally or locally as a site of importance to nature conservation, and therefore consider that they would not receive comparable legislative or planning policy protection.

133. With regard to letters of representation received objecting to the proposal on the grounds that the proposal would adversely impact on wildlife, flora and fauna, the County Ecologist states key concerns raised appear to relate to matters of tranquillity and risk of deterioration through effects of noise and air quality issues on adjacent habitats, and subsequent ability to support wildlife, or the risk of spills and other point source pollution events damaging wildlife, including downstream designated sites.

134. The County Ecologist states that with regard to objections raised about the risk of pollution events, no discharge to the adjacent watercourse is proposed and that the applicants submitted Sustainability Statement states that to prevent pollution of land, ground water and surface water, process effluents would be kept separate from clean surface water which would be collected and taken off site by tanker to undergo suitable disposal and recovery. The County Ecologist reiterates that only clean water from the roof and yard areas would be discharged to the existing water drainage system and that, therefore, no anticipated direct interaction between the proposed site operations and the adjacent watercourse or designated sites downstream are proposed. The County Ecologist states that the Environment Agency, being the competent authority, would ensure appropriate and acceptable pollution control measures are secured, applied, and enforced through their own regulatory mechanisms in order to control the risk of pollution / spills from the application site.

135. With regard to letters of representation objecting to the proposal regarding the impact of the proposal on flora and fauna, the County Ecologist states that there are no clear thresholds in policy or legislation relating to disturbance of wildlife from noise or air quality outside of the case-law established for sensitive Habitat Sites, such as Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites) (sites which benefit from international levels of legal protection). A qualitative assessment of impact risks must be made to assess potential for a significant effect, with particular consideration to the national hierarchy of designated sites and the presence of European Protected Species and/or Natural Environment and Rural Communities Act 2006 (NERC) Section 41 Priority Species. The County Ecologist notes that the applicant project ecologist has not identified a risk (significant or otherwise) of the deterioration of adjacent habitats or protected/notable species. The County Ecologist reiterates that that the Sustainability Statement, Noise and Vibration Management Plan and Noise Impact Assessment have not predicted significant indirect impacts on flora or fauna.

136. The County Ecologist notes consultation comments received from Worcestershire Regulatory Services with regard to odour and states that in light of the proposed abatement measures that no odorous emissions are predicted.



137. The County Ecologist notes consultation comments received from Worcestershire Regulatory Services with regard to noise that state that the previously submitted Noise Impact Assessment is satisfactory indicating low level impact during proposed operational hours. Based on the above, the County Ecologist states that indirect impacts on nature conservation are, therefore, not anticipated to be significant and would be capable of being monitored through existing mechanisms as proposed by Worcestershire Regulatory Services.

138. In response to a letter of representation which questions whether concerns raised regarding the potential impacts on ecological receptors have been examined in sufficient detail by statutory consultees and which question the validity of the consultation responses to date that conclude no objection in terms of pollution, air quality and adverse impact to wildlife and green infrastructure, the County Ecologist has been re-consulted and has reiterated previous confirmation that they have no objection to the planning application on ecological grounds. They state that the amended Emissions Modelling Assessment has identified the network of nationally and locally designated sites of nature conservation value and predicts that the proposal would cause “*no significant impacts on short-and long-term levels and loads of relevant ecological receptor locations*”. The County Ecologist notes that the amended Emissions Modelling Assessment has selected ecological receptors which are designated sites of importance to nature conservation, and that these sites are located beyond the woodland immediately adjacent to the red line boundary of the application site. The County Ecologist reiterates previous comments stating that the woodland adjacent to the application site is not a designated site of importance for nature conservation. Neither does it appear to be recorded as an Irreplaceable habitat, such as Ancient Semi-Natural Woodland. The County Ecologist considers that the levels of Nitrogen Oxides and Nitrogen deposition on immediately adjacent woodland are likely to be higher than anticipated contributions to the ecological receptors selected, however, the risk and degree of air pollution effects on adjacent woodland would be contingent on many factors, including typical wind speed and direction.

139. The County Ecologist has reviewed the conclusions of the amended Emissions Modelling Assessment and the baseline pollutant maps and habitat-specific critical load thresholds as provided by the APIS and considers that based on advice provided by APIS, it would not be unreasonable to assume that additional deposition of nitrogen could result in exacerbating effects on woodland nutrient balance, contribute to changes in soil processes and modify composition of fungi and ground vegetation.

140. The County Ecologist considers that attributing a level of significance to air pollution impacts on nature conservation would be contingent on the sensitivity of the ecological receptors and is often better understood in designated sites or ancient woodlands, because the site citations and qualifying features provide an overview of the scarce and vulnerable biodiversity present.

141. To reiterate advice from APIS: “*N deposition is not believed to have a direct, major effect on tree growth in the UK ... its indirect effects are many and varied*”. The significance of air pollution effects on flora and fauna depends on their sensitivity to air pollution, for example: cavity-roosting bats and birds and rare deadwood-specialist (*saproxylic*) invertebrates would likely benefit from increasing availability of standing deadwood, whereas condition of woodland soil fauna and scarce fungi may deteriorate once air pollution levels exceed critical load thresholds.

142. The County Ecologist considers that the County Planning Authority is required to consider the significance of effects on biodiversity following the 'hierarchy of sites' as set out in local and national legislation and policy. An adverse impact to a non-designated site does not hold the same significance as an adverse impact posed to an Irreplaceable Habitat, or to a statutory or locally designated site. This is reiterated in Policy 16 of the adopted Borough of Redditch Local Plan No.4, which states that "*In determining applications affecting sites of wildlife importance, the Borough Council will apply the hierarchy of designated sites and appropriate weight will be given to their importance and contribution to wider ecological networks*".

143. The County Ecologist considers that the selection of designated sites as ecological receptors included within the amended Emission Modelling Assessment limits the County Planning Authority's ability to quantify air quality changes to the woodland adjacent to the red line boundary, however, they consider that given the 'hierarchy of sites' methodology as set out in planning policy that the rationale used for the Emission Modelling Assessment's receptor selection is acceptable.

144. The County Ecologist states that they do not feel sufficiently qualified to challenge the amended Emissions Modelling Assessment's methods and / or its findings and as such, they defer to the technical expertise of Worcestershire Regulatory Services and the Environment Agency to confirm that the amended Emission Modelling Assessment has been produced to an acceptable methodology and standard.

145. The County Ecologist states that having assumed that Worcestershire Regulatory Services, the Environment Agency, and Natural England accept the findings of the amended Emissions Modelling Assessment, and that based on the conclusions and findings of the amended Emissions Modelling Assessment that they do not consider or anticipate that the proposed development would cause a loss of semi-natural habitat extent, nor do they anticipate that the proposed development would unacceptably compromise the ability of the adjacent woodland to provide a wildlife corridor.

146. The County Ecologist states that the potential increase in the deposition of Nitrogen or Nitrogen Oxides may become a further contributing factor to the adjacent habitat's ecological condition and that whilst they encourage planning decisions to secure measurable biodiversity betterment that working within the planning system's framework they regrettably do not have evidence that potential air quality effects on the adjacent woodland should be considered an unacceptable or significant adverse impact in planning terms.

147. In conclusion, the County Ecologist states that whilst they empathise with the concerns raised in the letters of objection with regard to impact on flora and fauna, they can see no defensible grounds for objecting to the proposal and consider that the risk of impacts on flora and fauna from noise, vibration, odour or pollution would be acceptably controlled.

148. **Worcestershire Wildlife Trust** have been consulted on the amended / further information and reiterate their previous consultation response of no objection on ecological grounds. They acknowledge the content of the revised Emissions Modelling Assessment and welcome the commentary regarding potential impacts on

nearby sensitive ecological receptors and state that the modelling adequately demonstrates compliance with relevant emissions requirements and clearly demonstrates that there should be no significant effects on nearby LWSs or other habitats. They reiterate that as per their previous consultation response that they remain content to defer to the County Ecologists recommendations regarding the imposition of a nesting bird informative and all other on-site biodiversity issues.

149. **Natural England** have been consulted and reviewed the amended / further information and consider that the proposed development would not have significant adverse impacts on Ipsley Alders Marsh SSSI and, therefore, have no objection.

150. Natural England state that they have reviewed the updated Emissions Modelling Assessment and note that the assessment indicates that the proposed development would generate less than 1% in Process Contributions for nitrogen and acid depositions of the relevant critical loads assigned to Ipsley Alders Marsh SSSI on Air Pollution System.

151. Based on the information submitted, Natural England consider that the proposed development would not damage or destroy the interest features for which the Ipsley Alders Marsh SSSI have been notified.

152. **Hereford and Worcester Gardens Trust** have been consulted and have no comments to make on the application.

153. **The County Landscape Officer** has no objections to the proposal, subject to the imposition of a condition requiring details of surface treatment of the proposed extraction flues.

154. The County Landscape Officer states that having reviewed the application documents and the previous comments made in respect of pre-application advice ref: 22/0005/PRE, wishes to reiterate that no landscape issues or concerns were identified as part of the pre-application process in landscape terms, with the exception of the addition of the proposed extraction flues, which they considered, then as now, would introduce new structural elements that would extend beyond the current visual envelope of the building. The County Landscape Officer states that the final height of the extraction flues was not known at the pre-application stage and advised that should a full planning application be submitted to the County Planning Authority that specific assessment should be undertaken by the applicant to assess the potential visual impact of the extraction flues on residential receptors located approximately 80 metres west of the application site.

155. The County Landscape Officer notes that Section 8.8 (Landscape and Visual Impact) of the Planning Statement submitted in support of the current planning application states that "*flue heights would extend to a maximum of 4 metres above the existing building height*" which would result in a combined maximum height of 10.44 metres. The Planning Statement states that "drone imaging" has recorded a tree canopy height (in the existing woodland to the west of the application) of between 19 metres to 23 metres, and that this would result in no visual impact. The County Landscape Officer concurs with this assessment, given that the woodland buffer provides approximately 80 metres distance between the site boundary and the nearest residential receptors and considers that this should provide an effective functional screen even during the winter months. Therefore, based on the above, the

County Landscape Officer recommends that a non-reflective, low visibility surface treatment should be used on the flues to assist with blending the structures with the intervening woodland canopy to be secured by condition.

156. The County Landscape Officer states that there are no other matters that they consider present a material impact to the landscape setting of the scheme, and therefore, providing that the measures set out as above are secured that they have no objection to the scheme on landscape grounds.

157. **The County Footpaths Officer** states that there are no public rights of way on the definitive map in the area of the proposed development. With regard to the paths which are located within the wooded area to the west of the application site, the County Footpaths Officer states that they are maintained as highway by Worcestershire County Highways that it would be County Highways who would submit comments on these routes rather than the County Footpaths Officer.

158. **The County Highways Officer** has no objection, subject to the imposition of appropriate conditions requiring the development to be carried out in accordance with the layout plan, details of cycle storage, parking bays for disabled users, motorcycle parking and provision for a combined total of two electric vehicle parking bays. The County Highways Officer recommends that an informative restricting drainage or effluent from the development should be attached to prevent discharge into highway drainage.

159. The application site currently consists of an existing building comprising industrial and office use with associated parking provision for 26 cars and is located within a wider industrial estate known as Moons Moat North Industrial Estate and is accessed off an unclassified road. The County Highways Officer notes that the existing building has been in recent active industrial and commercial use.

160. Merse Road has footways, street lighting and double yellow line restrictions in force in the immediate vicinity of the site. The site is located within walking distance of some amenities and bus routes serving the 57 and 62 services which have a frequency of approximately 5 to 15 minutes during peak periods.

161. The County Highways Officer notes that the existing vehicular access would be suitable for all proposed vehicle types. Swept path analysis has been undertaken that demonstrates that a 12 metre long rigid and a 16.5-metre-long articulated HGV could access the loading area from the Merse Road turning head. A turning area has been provided within the site to enable all vehicles to enter and depart in a forward gear.

162. With regard to vehicular movements, the proposal would generate approximately 6 rigid HGV movements per week (3 in and 3 out), approximately 12 articulated HGV movements per year (6 in and 6 out), approximately 40 Light Good Vehicles (LGV) movements per week for low volume weight collections (20 in and 20 out), and approximately 10 car movements per day associated with the proposed full-time 11 employees (5 in and 5 out). The County Highways Officer considers that the level of trip generation being proposed would be fewer than existing, with a net decrease of between approximately 3 to 5 two-way vehicles in the AM and PM peak hours and that the level of trip generation being proposed is negligible and could be accommodated on the existing highway network without adverse impact.

163. With regard to car parking provision, the County Highways Officer states that current car parking spaces would be reduced from 26 to 16 which would be sufficient to accommodate the proposed 11 members of full-time site staff. The County Highways Officer considers that Worcestershire County Council parking standards are not applicable in this instance due to the proposed Sui Generis waste use and associated very specific operations and that instead, the level of parking provision at the site has been dictated by anticipated staff numbers.

164. In order to determine the number of car parking spaces required the applicant has provided analysed census records for Redditch, the results of which show a demand for 8 car parking spaces, the applicant proposes 16 car parking spaces. The applicant has confirmed that no HGV parking would take place on site.

165. Accident data shows that no accidents were recorded on Merse Road during a five-year period. One accident, categorised as serious, was recorded at the junction of Moons Moat Drive and Merse Road.

166. With regard to footpaths in the immediate vicinity of the site, the County Highways Officer states that they would not be affected by the proposal and reiterates that they are not classified as public rights of way and are instead adopted link footpaths and would continue to provide safe and suitable access for pedestrians.

167. The County Highways Officer concludes that based on the analysis of the submitted information that there would not be an unacceptable impact and that therefore, there are no justifiable grounds on which an objection on highway grounds could be maintained.

168. **The County Public Health Officer** have been consulted on the amended / further information and reiterate that they have no comments to make, unless any further concerns are raised by Worcestershire Regulatory Services or the Environment Agency.

169. **North Worcestershire Water Management** have no objection to the proposal and note that the proposed development site is situated in the catchment of the Church Hill Brook and that the site falls within Flood Zone 1, which they consider would not result in any significant fluvial flood risk to the site and that the Environment Agency's flood mapping indicates that risk to the site from surface water flooding is minimal.

170. In response to a letter of representation and associated video clip which showed flooding of the ordinary watercourse located in the vicinity of the site, North Worcestershire Water Management have been consulted and state that they have reviewed the footage and letter of objection and state that they are aware of flooding at this location in the past, but do not have records of flooding for 2022. They state that the flood water was retained within the open space where the footage was taken and did not impact the unit and that they have double checked their records which show that the unit has not been impacted by flooding in the past. They reiterate their consultation comments and state that the proposal would not increase the footprint of the site and that no alteration to the existing drainage is being proposed and that they do not seek any mitigation measures to be put in place.

171. North Worcestershire Water Management consider no reason to withhold approval of the application on flood risk grounds and do not require a drainage condition.

172. **Severn Trent Water Limited** have no objection, subject to the imposition of conditions regarding a prior commencement condition requiring drainage plans for the disposal of foul and surface water flows; and implementation in accordance with the approved details before the development is brought into use, to ensure that the development is provided with a satisfactory means of drainage and to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

173. Severn Trent Water Limited state that they would not permit a surface water discharge into the public foul sewer and recommend that the applicant seeks alternative arrangements.

174. Severn Trent Water Limited state that they would insist that soakaways and other Sustainable Drainage Systems (SuDS) techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

175. **West Mercia Police** - no comments have been received.

176. **Worcestershire County Council Emergency Planning** have no objection to the proposal, stating that they have reviewed the planning application documents and consultee responses from key statutory partners / consultees, including Hereford & Worcester Fire and Rescue Service, Worcestershire Regulatory Services and the Environment Agency and note that none of these agencies have raised any risks that would require any additional emergency planning consideration either as a single agency or from a multi-agency perspective and that, therefore, based on the above, County Emergency Planning have no further observations to make.

177. **Hereford & Worcester Fire and Rescue Service** comment that if the proposed new buildings would be subject to Building Regulations approval, then the Fire Service would be consulted by either Local Authority or Approved Inspector Building Control bodies for comments on Building Regulations requirements and matters to be addressed under the Fire Safety Order (2005), once the building is occupied. Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1. In particular, there should be Fire Service vehicle access for a Fire Appliance to:

- 15% of the perimeter;
- Within 45m of every point of the footprint of the building;
- Access road to be in accordance with ADB 2019 Vol. 1 Table 13.1.

178. Water for firefighting purposes should be provided in accordance with: ADB 2019 Vol. 2 B5, section 16.

179. **Cadent Gas** identified that there are utilities apparatus in the vicinity of the site and that therefore the contractor should contact Plant Protection before any works are carried out to ensure that the apparatus is not affected by any of the proposed works.

180. **National Grid Electricity Distribution** have been consulted and have identified that there are utilities apparatus in the vicinity of the site and that therefore the



contractor should contact Plant Protection before any works are carried out to ensure that the apparatus is not affected by any of the proposed works.

181. **Health and Safety Executive (HSE)** has no comment to make on the proposal, stating that as the proposal is not within a consultation zone or a major hazard site or major accident hazard pipeline, the HSE does not need to be consulted on the proposal.

182. HSE also comment that the planning application is not for hazardous waste consent and that, therefore, there is no reason to consult the HSE.

## **Other Representations**

183. The application has been advertised on site, in the press and by neighbour notification. To date, 648 letters of representation commenting on the proposal have been received, some of which are from the same respondents and include representations from Winyates Green Residents Association, Diaverum Ltd Kidney Treatment Centre, County Councillor Emma Marshall, District Councillor Bill Hartnett, District Councillor Karen Ashley, District Councillor Luke Court, 28 of which are comments, and 620 are letters of objection. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

### Comments

- Questions how much pollution would be generated.
- A false declaration has been made with regard to the use and storage of hazardous substances within the application form.
- What is a 5/10 business plan?
- Questions whether there would be any future expansion of the site.
- Questions the viability of a waste reclamation facility at the proposed location.
- Questions whether the applicant would undertake public consultation.
- The proposal is not in keeping with other uses on the industrial estate.
- States that the proposal cannot meet the Birmingham environmental requirements and, therefore, want to move out of Birmingham.
- Questions why the proposed area should be subject to harmful emissions.
- States that people are concerned about the value of their properties and impact on health, wildlife and schools in the area.
- Questions whether residents' questions are going to be answered.
- States that the consultation period is not long enough, the publicity of the application has been very limited and only 1 public notice was put up.
- The public consultation should be extended.
- Concern about the relocation of a precious metal smelter from Deritend which currently handles extraction from toxic material, as declared on the Kaug Refinery website, to be located close to a residential area.
- Concerned with the potential planning approval of a waste processing plant within 500 metres of residential properties.
- Concern about pollution and emissions.
- Concern about noise pollution.
- Concern about the proposed operational hours.
- The current location of Kaug Refinery is located further from residential properties than the proposed location.

- All residential properties within 500 metres of the application site should be notified of the application.
- The original use of Moons North Industrial Estate is not for this type of business.
- Questions if the applicant has been in contact with the Environmental Health Officer and health protection authorities due to the potential impact on amenity and health in accordance with the explanatory text included at paragraph 6.67 of the Waste Core Strategy.

### Letters of Objection

#### Location of the development

- The location of the proposal is unsuitable, Moons Moat North Industrial Estate is for light industry only and not for toxic chemical processing.
- The location of the proposal is too close to residential properties being approximately 80 meters to the west of the application site.
- The proposed location of the facility does not accord with policies contained within the Waste Core Strategy Identified Areas of Search (Table 16 Geographic Hierarchy Level 1).
- Moons Moat North Industrial Estate is too small to accommodate the proposal.
- The proposal would adversely impact on house prices in the area.
- Recovering precious metals from waste is good, but unit 10 Merse Road is an unsuitable location.
- The use of chemicals such as Nitrogen Dioxide, Sulphur Dioxide, Nitrogen, Benzene, Carbon Monoxides and acids cannot be regarded as a light industrial use.
- The location of this type of facility should be located at least a mile radius from residential properties.
- No other units on the Moons Moat North Industrial Estate process chemicals.
- The proposed unit is not suitable for the proposed use.
- The proposed change of use would be a significant shift from a storage-based facility (stack, rack and pack, distribution/administrative unit).
- The location of the facility would contaminate other units on the Moons Moat North Industrial Estate, especially food preparation units. Contaminated food would then enter the food chain.
- This type of facility should be located in an urban area.
- Current employees based at the site in Deritend, Birmingham would need to travel to Redditch which would increase Carbon Dioxide emissions.
- Smelting of waste material cannot be considered as light industry.
- A similar planning application was refused by Wolverhampton City Council, which would be considered a more appropriate location for heavy industry.
- The proposal should be located on a brownfield site.
- The proposal is being located in a rural area that has already been decimated by industry.
- A number of large developments are already located on the Moons Moat North Industrial Estate that are operational 24 hours a day (including Amazon).
- The application should be determined by Redditch Borough Council as the site is within the Borough of Redditch. Worcestershire County Council does not care about Redditch and the determination of this application is another example of being a dumping ground for Worcester and Worcester centric politics.
- The proposal would set a precedent for future location of large industry.

- Redditch is being ruined by industrial / factory units.
- The application site is one of the closest units to residential properties located in Church Hill.
- The proposed unit would not be secure enough for the storage of precious metals and chemicals.
- Currently being located close to the Jewellery Quarter in Birmingham is sustainable and reduces the transportation of materials used in the proposed processing.
- Redditch is located within a topographical hollow and particulate emissions would not be able to naturally disperse effectively.
- Church Hill North is an affluent area, and the proposal would not be compatible with the character of the area.
- The proposal does not accord with Policy WCS 4: 'Other Recovery' of the Waste Core Strategy.
- Annex A: Areas of Search identified within Worcestershire Waste Core Strategy does not include Moons Moat North as a suitable location.

#### Traffic, highway safety, and public rights of way

- The existing road network is not suitable and cannot accommodate the proposed vehicle movements.
- The planning application does not include an HGV / vehicle routing agreement.
- Increased transportation of hazardous waste on the local highway network.
- The relocation of the facility is to avoid paying the Birmingham £50-day Clean Air Zone charge for HGVs.
- No provision for parking HGVs / lorries on site.
- No reference to the network of public footpaths in the area.
- Proposal is less than 10 metres from a public right of way.
- The planning application documents state that the proposal would not be visible from a public footpath, but a public footpath is located adjacent to the proposed unit.
- Additional HGV movements would use Far Moor Lane, which is already congested and used as a lorry park, as a cut through.
- Merse Road and adjacent roads are already congested.
- The Amazon unit on Moons Moat North Industrial Estate already causes congestion.
- Proposed vehicle movements would increase Carbon Dioxide emissions and noise.
- Nitrogen Dioxide emissions would be double the proposed levels and would adversely impact people using the paths in the vicinity of the site.

#### Residential amenity

- The trees that screen the site from the residential area located west of the site are predominantly deciduous, therefore, the site would be more visibly during the winter months.
- If the trees suffer from die back due to pollution from the site, the site would then be more visible to the residential area located west of the site.
- The nearest residential area is located approximately 80 metres from the site and is densely populated.
- The proposed flues would be over 10 metres in height and would result in an adverse impact on residential amenity, which would be exacerbated during the winter months due to the loss of tree foliage.

- The proposal would impact on local residents' enjoyment of the wooded area to the rear of the proposal.
- The proposal would impact on residents' enjoyment of their gardens.
- Discrepancies in the proposed hours of operation.
- Proposed hours of operation would adversely impact on residential amenity.
- Toxic chemicals such as sodium cyanide, sodium dithionate, sodium hydroxide, sodium m-nitrobenzene sulphonate, hydrochloric acid and sulphuric acid would be used adjacent to a residential area.
- Kaug Refinery objected to a residential planning application to be located directly adjacent to the current premises in Deritend, Birmingham, on the grounds that the impact of the processing operations at their current site on the proposed residential amenity of adjacent occupiers would result in noise complaints as a consequence of unrestricted operational hours. Therefore, why should Kaug Refinery be allowed to be located in close proximity to a residential area.
- The proposal would adversely impact on the existing tranquillity of the area.
- Not in accordance with Policy WCS 14 of the adopted Waste Core Strategy which refers to sensitive receptors being located approximately 250 metres from waste facilities, the application site is located approximately 80 metres from residential sensitive receptors.
- The proposal would be obtrusive and disruptive.
- The proposed heavy industrial use recycling poisonous metals should not be permitted adjoining residential development.
- The proposal would adversely impact on sensitive receptors and discrete sensitive receptors as defined within the Worcestershire Waste Core Strategy as being located within 250 metres of the facility and would result in long term exposure to hazardous waste.

#### Noise and dust

- Chemical scrubbing processes would result in adverse noise impact.
- Noise would be generated up to 11 hours a day, 5 days a week.
- Noise given in decibels is hard to gauge impact when no comparison, such as birdsong, car, or aeroplane given.
- Who would monitor noise, how often and what steps would be taken if noise at the site is exceeded.
- Worcestershire Regulatory Services consultation response comments that noise impact would 'appear satisfactory' and 'predicts low noise impact', this assessment is based on the application submitted Noise Impact Assessment and there is no independent verification of noise impacts that substantiate Worcestershire Regulatory Services consultation assessment.
- Noise would be more prevalent in the winter months due to the loss of leaves on the intervening trees.
- The proposed extraction flues would generate excessive noise.
- Assumptions have been made with regard to noise emitted by the shredder and extraction flues.
- A planning application for housing in the vicinity of their current site in Deritend, Birmingham was considered by the Planning Committee of Birmingham City Council on 25 May 2017. Kaug Refinery objected to the planning application on the basis that *"there could be noise complaints from residents regarding the established uses who do not have any restriction on their hours of operation"*.

- The previous use of the unit was for a printing and then water services and resulted in very little noise.
- Have the planning officers visited the current site to determine noise and fumes from the current site in Deritend.
- All processing operations should stop at 17:00 hours every day, with no processing at the site allowed in the evenings.
- The proposed extended operational hours between 17:00 and 23:00 hours would result in more than a 'slight adverse impact'.
- Not all of the equipment has been assessed for noise within the Noise Impact Assessment.
- Has the current site in Deritend had any noise and / or emission complaints?
- Predicted noise levels are inaccurate and misleading.
- The application states that the proposal would result in approximately 35dB, which is equivalent to a quiet conversation, which would be constant during the proposed operational hours and would be unacceptable compared to the level of noise currently experienced.
- What does  $\mu\text{g.m}^{-3}$  mean in real language.
- Noise pollution from Hymatic Engineering and Master Magnets (Bunting) have been experienced in the past and resulted in impacts on residential amenity.
- Noise estimates of the PCB shredder are not included in the applicant's submission. The sound level selected to represent this equipment (85dB at 1 metre) is higher than other projected sources of noise. Any error here would have a substantive effect on the projected noise levels.
- Why monitoring of the existing ambient sound levels has been taken on the west side of Hillmorton, when some of the gardens that back onto the wooded area on the east side of Hillmorton are substantially closer.
- Human receptors referred to within the application submission are referenced with an average height of 1.5 metres (4 feet 10 inches), which is below the average height of a person and, therefore, not relevant.
- The consultancy Oaktree Environmental Ltd are biased and have been employed to provide information to enable and facilitate planning permission by Kaug Refinery.
- When the wind direction is blowing via the Moons Moat North Industrial Estate towards the nearest residential area (Church Hill) it is worsened by additional noise from the A435 and can be intrusive as existing, the proposal would be in addition to this.
- Additional noise levels from the proposal in the early morning, evening and during the night would not be acceptable.
- The proposal would create a constant droning noise when operational.
- The proposed operational hours would enable continuous noise and it is expected that the proposal would exceed the proposed operational hours.
- If the unit operates with the roller shutters and doors open during warm weather, the noise would be exacerbated.
- The inclusion of the proposed fencing on the northern perimeter of the site as mitigation against noise would not be adequate.

#### Air quality and odour

- The emissions would adversely impact on air quality.
- The emissions would result in odour.

- What would happen if the equipment, such as the scrubbers used to clean the flue gases break how would this be resolved and what would be the impact on the environment.
- No air filtration incorporated to control odorous emissions.
- The proposed furnace should be electric and not gas fuelled, to reduce pollution.
- Solar panels should be installed on the unit.
- Rubber tyres are burned in Redditch and impacts on air quality, concerned that the proposal would not be sufficiently regulated.
- Circuit boards contain lead and other harmful metals.
- No information contained within the planning application submission relating to an Environmental Management System.
- The facility would use hydrogen cyanide and nitric acid, which are highly dangerous.
- A pollution warning system should be installed to warn people that the site has exceeded emission levels.
- The proposal would have an adverse impact on climate change.
- High localised levels of Nitrogen Dioxide would cause low level ozone formation which would have adverse implications on air quality and nature.
- Pollution and fumes would extend to a five-mile radius around the application site.
- The data presented in the Emissions Modelling Assessment is questionable.
- The proposal would increase Nitrogen Dioxide emissions above national levels which are currently 15.6 ug.m-3
- All estimated numbers for process contribution rates should be increased by 50% to take account of the proposed operational hours.
- Nitrogen deposit rates would exceed recommended amounts.
- Nitrogen Dioxide is heavier than air.
- Prevailing westerly wind would carry emissions from the site towards the nearest residential properties.
- Due to the topography of Redditch the Automatic Urban and Rural Network (AURN) data undertaken in Pershore is not relevant in terms of wind direction.
- The Emissions Dispersal Model does not take account of wind speeds / direction or height of the dispersion model.
- Due to the topography of the area the prevailing wind would favour a south south-westerly direction compounded by the channelling effects of the Malvern Hills and Wye Valley towards the nearest residential area.
- The monitoring of the site in terms of emissions would be difficult to police.
- The chemical Sulphur Dioxide would result in a bad rotten egg smell.
- The Environment Agency are under resourced, and monitoring would in reality just take place on an annual basis.
- The use of petrochemicals is not compatible with the light industrial nature of the Moons Moat North Industrial Estate.
- No timescales for monitoring of the site are specified.
- Local air quality as existing, is not good. According to the World Health Organisation (WHO) guidelines, local levels of Particulate Matter (PM) PM10, PM2.5 and Nitrogen Dioxide were not acceptable in 2020 and the proposal would add to the current level of emissions in the area.

- The information on what substances would be released into the air by the proposal have not been adequately listed and identified. The application only states that the proposed emissions are acceptable or insignificant.
- The current permit enables Kaug Refinery to exceed agreed air pollution limits up to approximately 34 times per year, this is unacceptable.
- Air Quality Standard Regulations 2010 state that annual Nitrogen Dioxide emissions should not exceed 40 ug.m-3 and that the facility would be allowed to legally breach nitrogen dioxide 18 times per year and sulphur dioxide 24 times a year.
- Kaug Refinery are moving out of Birmingham to avoid the Clean Air Zone.
- Kaug Refinery do not know the extent of the fumes that would be emitted from the unit and quantities appears to be based on speculation and assumptions.
- If Birmingham does not accept air pollution, then why should Redditch.
- Worcester should have a clean air policy like Birmingham.
- The nearest air monitoring station is based approximately 26 miles away.
- Pershore is mentioned with reference to wind direction, however that comparison with Church Hill is not accurate enough.
- The referenced air monitoring stations based in Acocks Green, and Leamington Spa are both urban areas and the proposed location is semi-rural, therefore, the comparison is misleading.
- Metal refineries produce air bound nano particles, and this has not been referenced in the application documents.
- Automatic Urban and Rural Network (AURN) base line study / monitoring for the proposal was carried out in Leamington Spa / Acocks Green and does not represent an accurate result of pollution emissions, it undermines the results on air quality and pollution levels.
- Due to efficiency the furnace would be operational 24 / 7 and would pose a danger and contradicts government initiatives on reducing air pollution and Carbon Dioxide emissions.
- Moving a pollution generating business to an area which has clean air.
- Fumes emitted from the flues would be noxious.
- Numerous schools (Abbey Wood First School 650 metres; Beoley First School 705 metres; Moons Moat First School 1 kilometre; Church Hill Middle School 650 metres) are located in the area, and they would be adversely affected by pollution, air quality and odour.
- 187 tonnes of waste would be going into the facility and 171 tonnes of waste would be leaving the facility, where is the missing tonnage going? 16 tonnes of waste would end up as environmental toxic waste being emitted into the atmosphere.
- The applicant intends to increase throughput at the site to 220 tonnes per annum, which represents an increase of 32 tonnes, which would result in an additional 2.88 tonnes of waste being discharged from the site locally.
- The prevailing wind would carry pollution to the local schools in the area, being Abbeywood First School, Church Hill Middle School and Beoley First School.
- The applicant states that pollution levels would be exceeded a number of times a year, but does not indicate the duration, which does not reflect an accurate process that can be controlled.
- The Kaug Refinery website shows photographs of chemical storage containers being left on Green Street, Deritend, on double yellow lines, which does not reflect a good understanding of health and safety requirements and acts as an indication of how the company would operate from the proposed site.

- No clean air zone in Redditch because Redditch has clean air.
- Pollution from the facility would adversely impact on agricultural land, drinking water and grazing land.
- Redditch is known for being a green town, the location of the facility would pollute the area.
- Moons Moat North Industrial Estate already has industries which cause noise (banging) from the scrap metal company, fumes / bad smells from the fast-food units and emissions from existing flues on units within the industrial estate.
- The proposed extraction flues would disperse harmful chemicals into the atmosphere in close proximity to residential properties.
- The proposed flues would be over 10 metres in height and would emit harmful pollutants in close proximity to residential properties.
- The Environment Agency should not allow the proposed toxins to be emitted in close proximity to a residential area.
- The applicant and submitted information exhibits uncertainty in the level of emissions that would result from the processing methods.
- The application is based on hypothetical assumptions and not related to real life in situ situations.
- The applicant has ticked 'no' on the application form for the use and storage of hazardous substances, but the process would use hazardous substances.
- The application does not detail what would happen to the effluent waste from the facility.
- Reference made to Chief Medical Officer's (CMO) independent annual air pollution report 2022, with regard to dispersion modelling and concern about height of the proposed flues and point source emissions.
- The proposed amended operational hours do not take account of the 24-hour operation of the extraction system.
- The proposal would not be in accordance with paragraphs 174 and / or 188 of the NPPF which state that the focus should be on the acceptable use of land rather than the control of processes and emissions. The proposal would be in the wrong location and would be the first unit on the Moons North Industrial Estate emitting toxic and hazardous fumes.
- The impact of planning application Ref: 23/00940/FUL for Part-demolition of existing buildings, followed by: construction of 4 no. new Class E(g)(iii)/B2/B8 buildings with ancillary office space; extension to existing building to provide additional office space, provision of parking, landscaping and other ancillary works located at Burnt Meadow Road North Moons Moat Industrial Estate, should be assessed against the current planning application.
- The amended / further information is based on Oaktree Environmental AERMOD (Air Dispersion Modelling) software, using equipment manufacturer emission specifications for point source emission modelling and not real, Kaug Refinery supplied, point source emission data.
- Would air quality sensors be located inside and outside the building and would they be alarmed and remotely monitored 24 hours a day, 7 days a week.
- Cumulative impacts of the proposal on air quality have not been assessed.
- A baseline survey needs to be undertaken by Worcestershire County Council in order to fully assess the implications of the proposal on air quality.
- The Environment Agency are under resourced as stated in their consultation responses, how would they monitor the site.
- The UK Parliament Clean Air (Human Rights) Bill (Clean Air Bill 2023) protects the right to breathe clean air.



- Concern about the poor air quality likely on still air days, stating that approximately 27% of days have wind of less than 1 knot.
- Concern that no independent expert has looked at the technical aspects of pollution.
- Concerned that consultation responses are being treated as 'no objection'.
- Concern that pollution, especially on frequent still air / low wind days would be harmful to wildlife and humans.

#### Health impacts

- Pollution would adversely impact on the health of the nearby residential area.
- The proposal would impact on the health and wellbeing of employees of the Moons Moat North Industrial Estate.
- Adverse impact on physical health and mental wellbeing.
- Adverse impact on mental wellbeing due to decreased property prices / property blight.
- The proposal would affect children's development, lungs, nervous systems, developing brains and potentially cause long term health issues.
- Prolonged exposure to the pollution being emitted from the site would cause cancer, affect pregnancy outcomes, cardiovascular and respiratory illnesses, breathing problems, asthma and Chronic Obstructive Pulmonary Disease (COPD).
- Carcinogens would be blown towards the residential housing estate.
- A kidney dialysis treatment centre is located at 28 Walkers Heath Road, the proposal would adversely impact extremely vulnerable people with reduced immune systems.
- The production of a fine metallic dust would cause eyes to sting.
- The proposed use would cause Ocular Mucous Membrane Pemphigoid and could result in blindness.
- Polychlorinated biphenyls (PCBs), Gallium Arsenide and Cadmium phosphide may be used at the site which are highly carcinogenic chemical compounds.
- Exposure to heavy metals such as lead, mercury, cadmium and arsenic can have severe adverse impacts on nearby residential areas and result in cognitive impairment, developmental delays and behavioural issues in children.
- The central nervous system can be adversely impacted by the toxic impact of heavy metals.
- The use of chemicals such as Nitrogen Dioxide, Sulphur Dioxide, Nitrogen, Benzene, Carbon Monoxides and acids can result in cardiovascular mortality and respiratory issues.
- The proposal would adversely impact on the health of vulnerable groups such as children, the elderly and people with long-term health conditions who are at a disproportionately high risk of poor air quality.
- Magnesium fumes may cause similar symptoms to Parkinson's disease.
- The submitted Health Impact Assessment Screening does not take into account the pollution impact to health of eating wild fruit and berries in the vicinity if the proposal.

#### Ecology and biodiversity

- The Planning Statement states that "*The alkaline chemical processing operation would predominantly include the precipitation of precious metals from cyanide solutions*". Concern that spillages would leak into the surface water

drainage and the nearby stream and adversely impact on the woodland and flora and fauna.

- The Wildlife Trust recognise that sites within towns and cities provide essential habitats for biodiversity.
- Toxic heavy metals accumulate in the natural environment and can affect the organic nature of fruit and vegetables grown in residential gardens.
- As the business financially grows so would the levels of pollution.
- Would adversely impact on biodiversity.
- Would damage the local ecosystem due to pollution.
- Trees would die from the toxic waste being emitted from the site.
- The proposal would adversely impact on deer, foxes, Mink Jack deer, sparrow hawks, hedgehogs, woodpeckers, a variety of bird species, birds of prey and egrets.
- Pollution from the proposal would enter the water table which would then adversely impact on grassfed organic cattle nearby, which would then enter the food chain.
- Concern about the carbon footprint of the proposal.
- An Environmental Impact Assessment or an Ecological Impact Assessment has not been submitted with the planning application.
- Due to the proximity of the site to trees, a tree survey should be included within the planning application.
- Newts are located within Beoley First School and the application would impact a protected species.
- Beoley has tree protection orders on all trees and the application would adversely impact them.
- Burning of printed circuit boards would impact on the ecology of the area and would not result in recycling but results in the `green washing` of a polluting business.
- Some of the local ponds contain Great Crested Newts.
- The proposal would adversely impact on Ipsley Alders Marsh SSSI and Dagnell End Meadow SSSI.
- The proposal would adversely impact on adjacent woodland which is recorded as a Priority 1 Habitat.
- Nitrogen Dioxide would be higher than is recommended for natural habitats.
- Calculated that 42.3 ug.m would be emitted during operational hours which would be above the limit of 30 ug.m in terms of adverse impact on nature.
- The planning application does not take account of designated sites.
- The proposal would adversely impact on semi-ancient woodland.
- The proposal would increase the number of Roedeer killed in the vicinity of the site.
- The planning application is incorrect stating that there are no SSSI within 2 kilometres of the site, Ipsley Alders Marsh SSSI is located 0.8 kilometres from the site.
- The proposal would adversely impact on bats and birds in the vicinity.
- The location of the alkaline effluent area located in close proximity to 4 manholes and 1 rainwater gully would result in an ecological nightmare in the event of a spill or breach.
- Biodiversity Net Gain is a legal requirement.

- The proposal does not accord with Appendix B: Strategic Green Infrastructure (GI) Assets, which states that the proposal is located within a Subregional GI Asset, and therefore must not be approved.

#### Historic environment

- The proposal would adversely impact the setting of Grade II\* Listed Building Gorcott Hall by reason of pollution and odour and would impact the business / economy of the venue which is currently used for weddings.

#### Water environment and flood risk

- Ground spillage from the site could seep into the ground and contaminate Church Hill Brook located in the wooded area to the west of the site, which would then lead to the contamination of Arrow Valley Park Lake.
- Poisonous air droplets would enter the local watercourses.
- The nearby stream was polluted 10 years ago by waste from the industrial site.
- The rear boundary of the site is located approximately 10 metres from a stream and waste from the site would adversely impact on the River Arrow, Arrow Valley Park Lake and the River Avon.
- Historical issue with drainage since the construction of Church Hill housing estate due to flooding.
- Due to the topography of the area, water runoff would run towards Church Hill Brook.
- The 3 x 7,000 litre vat alkali effluent storage tanks are in close proximity to the Church Hill Brook.
- The proposed bund area is not capable of containing a major spillage and toxic waste would contaminate Church Hill Brook.
- Large quantities of water is used to provide dialysis, concern regarding preventative measures to avoid contamination of the mains water supply.

#### Economic impact

- Only two additional jobs are being created.
- The number of proposed employees, being nine, would avoid Health and Safety legislation which starts at the number of employees being ten.

#### Planning application and public consultation process

- Kaug Refinery paid £1.2 million for the site and Worcestershire County Council have already given approval of the application and is considered to be 'a done deal'.
- Public participation and notification of the planning application has not been in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- Work has / is already commenced on site, new gates have been installed, which adds to the perception that this a 'done deal' and reflects poorly on the County Council.
- Kaug Refinery should address public concern and offer either a zoom conference or a presentation.
- The planning application has numerous inaccuracies, have excluded information, and have made misleading claims of how the site would be operated.
- The consultation neighbour letter was not dated.

- The determination of the planning application by the Planning and Regulatory Committee should be held in Redditch.
- Who is the legal owner of the site?
- Documents referenced within the planning application submission are out of date.
- No hard copies of the planning application were available to view at County Hall.
- Hard copies should be available to view at libraries.
- Worcestershire County Council have been aware of this planning application for 1 year (May 2022) prior to the submission of the current planning application.
- Members of the public have only been given 3 weeks to register their objections to the planning application.
- Insufficient notification of the planning application has been undertaken by Worcestershire County Council.
- All residents within 500 metres of the site should have received a letter notifying them of the planning application.
- Late notification of the planning application is a deliberate attempt by Worcestershire County Council to determine the planning application before local residents could lodge their concerns and objections.
- Concern that problems gaining access to the Planning Portal and the ability to make representations was deliberate.
- Planning Law states that the statutory consultation bodies must be consulted, and the public must be given the opportunity to state their views, this has not been implemented.
- A copy of the Environmental Impact Assessment is requested.
- It is a requirement that an Environmental / Ecological Assessment is undertaken by law.
- Statutory consultation bodies and the public must be given the opportunity to review / comment on the application and this has not been offered / provided.
- Site notices were not positioned in accordance with the Location of Site Notices Plan.
- Site notices were not put in place / displayed until the 31 May 2023.
- Lack of transparency regarding pre-application ref: 22/005/PRE.
- Additional public notices should have been posted in the area.
- The use of site notices on lampposts is an inadequate method of notification, passing drivers cannot see the detail of what the site notice is stating.
- Public participation was undertaken over a bank holiday and the coronation of King Charles III and people were busy having street parties.
- No community participation was undertaken prior to the submission of the planning application or at the pre-application stage.
- No publication of the planning application was made in the local newspaper.
- The details of the planning application were not put onto the Councils website.
- The details of the planning application were taken down from the Councils website prematurely to avoid scrutiny of the application and hinder the communities right to engage in the decision-making process.
- Details of the planning application was published in the Redditch Advertiser, which has not been circulated to residents of Church Hill since the coronavirus (COVID-19) pandemic in 2020 and the majority of residents are not aware of the publication / newspaper.

- Kaug Refinery have already installed seventy thousand pounds worth of CCTV at the site.
- Kaug Refinery have already put in place their business advertisement signage.
- Insufficient public consultation has resulted in misinformation and a lack of transparency.
- Public consultation process is not in accordance with the Localism Act 2011.
- The re-consultation of the amended / further information should include the revision of all application documents submitted to date and misinformation contained in the original submission revised.
- The planning application has resulted in over 500 letters of objection from local residents and the allocation of 3 minutes for a spokesperson selected at random by the committee is ludicrous to address the Planning and Regulatory Committee is ludicrous.
- The Borough of Redditch Local Plan No.4 is not relevant and not yet adopted and assessment of the planning application should be made against policies contained within the adopted Redditch Local Plan No.3.
- Over the past 5 years Worcestershire County Council have approved 90% of submitted planning applications, whilst 5% of planning have been withdrawn by the applicant which demonstrates that applications are being amended on the basis of objections to the planning application and then being resubmitted resulting in the eventual approval of the planning application. This process is biased towards approving planning applications and only serves to take account of the technicalities of the planning application and does not consider the impact on the well-being and social aspects of local residents.

## **The Head of Planning and Transport Planning**

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

### **Waste Hierarchy**

185. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy;
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities;
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of; and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

186. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for

re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

187. This is reiterated most recently in the Waste Management Plan for England (2021) which refers to Our Waste, Our Resources: A Strategy for England (2018), which states that *"the waste hierarchy, which ranks options for waste management, has driven some progress... we have increased our rates of recovery and recycling and generated much more energy from waste. We want to shift away from waste towards resource efficiency, and will do this by focusing not just on managing waste, but on managing the resources which become waste"*.

188. The adopted Worcestershire Waste Core Strategy sets out a number of objectives. Objective WO3 of the adopted Waste Core Strategy seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire. Our Waste, Our Resources: A Strategy for England (2018) seeks to encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

189. The Head of Planning and Transport Planning considers that as the proposed 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 the development**

190. Letters of representation have been received objecting to the proposal on the grounds that the proposal should be considered against Policy WCS 4: 'Other recovery' rather than Policy WCS 3: 'Re-use and Recycling' of the adopted Worcestershire Waste Core Strategy; that the applicant is being forced to vacate their current operational premises in Deritend, Birmingham; that Moons Moat North Industrial Estate is only suitable for light industrial uses; and Annex A: Areas of Search identified within adopted Worcestershire Waste Core Strategy does not include Moons Moat North as a suitable location.

191. Policy 23 of the adopted Borough of Redditch Local Plan No.4: 'Employment Land Provision' explains how Redditch Borough Council will meet its employment needs.

192. Paragraph 23.2 of Policy 23 states *"Provision is made for the identification of around 55 hectares of land which are available for employment uses for the period up to 2030.....Within this provision, an allowance has been made to accommodate waste management facilities within Redditch Borough as identified in the Worcestershire Waste Core Strategy"*.

193. Paragraph 23.9 of the Reasoned Justification to Policy 23 goes on to state *"The Waste Core Strategy for Worcestershire has identified a need for new waste management facilities in the County. Redditch falls within Level 1 of the Strategy's geographical hierarchy, alongside Kidderminster and Worcester and it is expected that the majority of waste management facilities will come forward within these areas."*

*Therefore, Redditch needs to plan for approximately one third of the expected total land requirements. No specific employment sites are designated for waste management provision, although a flexible approach should be taken if proposals for waste management facilities come forward during the plan period in accordance with guidance in the Waste Core Strategy, specifically Policy WCS 6: Compatible land uses and Annex A: Areas of Search”.*

194. Paragraph 24.4 of Policy 24: ‘Development within Primarily Employment Areas’ states *“Primarily Employment Areas are appropriate locations for waste management facilities, subject to other relevant material planning considerations”.*

195. Based on the above, the Head of Planning and Transport Planning considers that the application site is located on land designated as a Primarily Employment Area, within an established and allocated industrial area, and accords with the provisions of Policy 23 and Policy 24 of the adopted Borough of Redditch Local Plan No.4, in terms of the location, siting, and provision of waste management facilities in Redditch, subject to other relevant material planning considerations.

196. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The adopted Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

197. The adopted Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. Waste streams included within the adopted Waste Core Strategy include provisions for the treatment and disposal of both hazardous and non-hazardous waste. The hierarchy sets out 5 levels with the highest-level being Level 1 ‘Kidderminster zone, Redditch zone and Worcester zone’.

198. Policy WCS 3 of the adopted Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste, such as this proposal, to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

199. Based on the above, the application site is located within Level 1 the highest level of the Geographic Hierarchy and, therefore, complies with Policy WCS 3 of the adopted Waste Core Strategy.

200. With regard to letters of representation received objecting on the grounds that the proposal should be considered against Policy WCS 4: ‘Other recovery’ rather than Policy WCS 3: ‘Re-use and Recycling’ of the adopted Worcestershire Waste Core Strategy. The applicant states that *“Policy WCS 4 is not relevant to the proposed metal recovery process at Merse Road. The proposed operation would use a number of specialist processes to recover and recycle precious metals from wastes. In the case of the thermal appliance to be used for decontamination of metals, the purpose is to remove organic matter from precious metal bearing materials to allow the recovery and subsequent re-use of the metals. The melting process is used to melt*

*down the recovered metals from the decontamination process to produce metal ingots which are products from the process which can be re-used. Metals recovered from the thermal decontamination process may also be ground into a powder product which can be re-used”.*

201. The Head of Planning and Transport Planning notes that Article 3(15) of the revised Waste Framework Directive defines ‘recovery’ as meaning “*any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy*”. This definition is also quoted in the adopted Worcestershire Waste Core Strategy, which goes on to state in reference to Policy WCS 4 at Footnote 72 that “*in the Waste Core Strategy ‘other recovery’ includes thermal treatment and any recovery facilities that do not fall into the category of ‘re-use’, ‘recycling’ or ‘disposal’*”. It also states in the ‘Explanatory text’ that “*“Other recovery’ facilities are facilities that recover resources from waste which cannot be recycled*”.

202. Article 3(17) of the revised Waste Framework Directive defines ‘recycling’ as meaning “*any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations*”.

203. Given the definitions set out above in the revised Waste Framework Directive and adopted Worcestershire Waste Core Strategy, and the purpose of the proposed thermal appliance, it is considered that the proposal would be considered under Policy WCS 3: ‘Re-use and Recycling’ of the adopted Worcestershire Waste Core Strategy, which includes “*waste management facilities that enable re-use or recycling of waste, including treatment, storage, sorting and transfer facilities*”. It is considered that Policy WCS 4 would not be relevant in this instance.

204. Policy WCS 6 of the adopted Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs enclosed re-use and recycling facilities, such as this proposal, to land which includes 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.

205. This planning policy direction is also reflected in the National Planning Policy for Waste, which states “*waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages*”.

206. As the proposed development would be located on existing and allocated industrial land, it is considered the proposal complies with Policy WCS 6 of the adopted Waste Core Strategy.

207. With regard to letters of representation objecting to the proposal on the grounds that Annex A: Areas of Search identified within the adopted Worcestershire Waste



Core Strategy does not include Moons Moat North as a suitable location. The Head of Planning and Transport Planning notes that in order to identify whether adequate land is available to enable facilities which fill the capacity gap identified in the adopted Waste Core Strategy to be delivered, a high-level assessment of locations was undertaken and 58 Areas of Search were identified as potentially suitable for waste management facilities, subject to consideration of the details of specific proposals, and are identified in Table 16 of Annex A of the adopted Waste Core Strategy. The Head of Planning and Transport Planning notes that Table 16 of Annex A does not list Moons Moat North Industrial Estate. The adopted Waste Core Strategy and Annex A were informed by the 'Worcestershire Waste Core Strategy Background Document: Identifying areas of search', which considered different parts of the Moons Moat Industrial Estate (North, South and East) separately. With regard to Moons Moat North Industrial Estate, 'Appendix 1. Traffic light assessment' of the background document, states "*The site is an established industrial area. A waste facility would fit within the context of the site, with parts of the site suitable for a medium sized facility*". Notwithstanding this, 'Appendix 2. Inconsistencies between ERM (Environmental Resources Management) and WCC (Worcestershire County Council) officer site assessments' of the background document states that "*ERM found the site to be suitable, but WCC traffic light assessment found the locations to be unsuitable as it is partially in Flood Zone 3*". However, the Head of Planning and Transport Planning notes the application site is not in Flood Zone 3 (as verified by the Environment Agency (Flood Zone 1)) but has been included within the Background Document's blanket conclusion in respect of the wider Moons Moat North Industrial Estate. However, Annex A is only intended as a general guide for developers in searching for suitable locations.

208. With regard to letters of representation objecting to the proposal on the grounds that Moons Moat Industrial Estate is only suitable for light industrial uses. It is noted that the applicant states that the Public Register confirms that there are two other premises located within the Moons Moat North Industrial Estate that use processes that are subject to regulation under a Part B Environmental Permit and that there are an apparent number of exhaust flues which produce emissions to air, regardless of whether permits are required.

209. With regard to letters of representation objecting to the proposal on the grounds that the applicant is being forced to vacate their current operational premises in Deritend, Birmingham. The applicant states that this information is incorrect. The historical industrial nature of the Deritend area is undergoing regeneration for commercial and residential use and that the applicant is seeking to move to a sustainable industrial location which would be better suited to the proposed operations that are being sought. The applicant reiterates that the proposed relocation is voluntary.

210. In view of the above, the Head of Planning and Transport Planning considers that the proposal would be sited within an established and allocated industrial area, in accordance with 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**

211. As set out in the 'Other representations' section of the report letters of representation have been received objecting to the proposal on the grounds that the proposal would adversely impact the setting of Grade II\* Listed Building Gorcott Hall

by reason of pollution and odour and would impact the business / economy of the venue which is currently used for weddings.

212. County Councillor Jo Monk has objected to the proposal on the grounds that Gorgot Hall Grade II\* Listed Building is a wedding venue located less than a mile from the proposal.

213. Beoley Parish Council object to the proposal on the grounds that they wish to maintain the existing setting and environment in the parish and that the proposed use would have a detrimental impact on the surrounding area.

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

215. Policy 11: 'Green Infrastructure' of the adopted Borough of Redditch Local Plan No.4 includes the network of green spaces and natural elements across the Borough and seeks to improve and maintain the network of green spaces for the benefit of people, wildlife and the character and appearance of the Borough. Policy 16: 'Natural Environment' of the adopted Borough of Redditch Local Plan No.4 seeks to protect the Borough's distinctive landscape and avoid any significant adverse impact on skylines and hill features.

216. Paragraph 36.3 of Policy 36: 'Historic Environment' of the adopted Borough of Redditch Local Plan No.4 states that "*designated heritage assets including listed buildings, structures and their settings; conservation areas; and scheduled monuments, will be given the highest level of protection and should be conserved and enhanced*".

217. The application is for the change of use of an existing industrial building located within an established industrial estate and includes associated minor modifications that include additions of equipment for the processing of waste containing metals and consist of the following:

- An external acid scrubber and steam raising boiler which would be externally located along the northern perimeter of the building, and which would be screened by the addition of a 4-metre-high close board fence and existing established vegetation;
- No. 3 x 3 7,000 litre external alkaline effluent storage tanks would be located along the western perimeter of the building screened by a purpose-built bund wall and further screened by the existing palisade fencing and existing established vegetation;
- Cycle storage would be located on the western perimeter of the building and screened by the existing palisade fence and established vegetation; and
- A 1,500-litre rainwater harvesting butt would be located on the southern side of the building and screened by the existing palisade fencing and established vegetation.

218. The applicant states that due to the retention of the existing industrial unit and associated external yard area requiring minimal revisions that the proposal would still be in keeping with the character of the local area and would not adversely impact on landscape setting and views. The site and its immediate perimeter as existing are very well landscaped and, therefore, there is limited scope to include further landscaping measures.

219. The Head of Planning and Transport Planning considers that the addition of the proposed equipment would be ancillary and subservient to the existing main building and would be seen in the context of an industrial estate, against the backdrop of the existing industrial building, and as such the proposed external ancillary development would not be alien features in the locality and as such would have limited adverse impact on landscape character and / or visual impact.

220. The proposal also includes the addition of four external exhaust flues, the tallest of which would extend to a maximum height of approximately 10.44 metres from ground level and which would extend approximately 4 metres above the existing roofline of the building.

221. Due to the main potential for adverse visual impact being when the application site would be viewed from the residential area located approximately 80 metres west of the site, the applicant employed the use of drone imaging to establish the height of the intervening wooded area that separates the application site from the nearest residential properties. The footage confirmed heights of between approximately 19 to 23 metres from ground level, and as such considers that the proposed external exhaust flues would be well screened and that no potential for visual impact would arise.

222. The County Landscape Officer has been consulted and concurs with the applicant's assessment above, stating that the existing woodland buffer measuring approximately 80 metres wide, would provide effective functional screening of the application site even during the winter months, and recommends that should planning permission be granted that the flues are coated in a non-reflective low visibility surface treatment to assist in blending the structures with the intervening woodland canopy. The County Landscape Officer concludes that there are no other matters that would present a material impact to the landscape setting of the scheme and raises no objection on landscape grounds.

223. The Head of Planning and Transport Planning also notes the presence of exhaust flues and stacks of various dimensions are located within the wider industrial estate, and in view of the above, considers they would be adequately visually screened from residential properties.

224. As set out in 'The Site' section of the report, the nearest Listed Building to the application site is Grade II Holt End Farmhouse Holt End Grange located approximately 610 metres north of the application site. Grade II\* Listed Building Gorcott Hall is located approximately 1.57 kilometres south-east of the application site. Beoley Conservation Area is located approximately 535 metres north of the application site. The nearest Scheduled Monument to the application site is Moon's Moat Scheduled Monument, which is located approximately 715 metres south-west of the application site.

225. Beoley Hall Historic Park and Garden is located approximately 1 kilometre north-west of the application site. It is not a Registered Park or Garden, a designation that relates to international or national interest. It is, however, of considerable local interest and contributes to the landscape character and cultural and historical understanding of the Parish of Beoley.

226. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Section 72 (1) imposes a general duty as respects Conservation Areas in the exercise of planning function stating, *"in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

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

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

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

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

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

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

233. Due to the nature, scale and location of the building within an established industrial estate, the location of intervening buildings, established trees and vegetation, topography and the distance between the site and designated and non-designated heritage assets, the Head of Planning and Transport Planning considers that the proposed development would not lead to any harm to any of the identified heritage assets.

234. The Hereford and Worcester Gardens Trust have no comments to make on the application. Historic England have no comments to make on the proposal and recommended that the County Planning Authority seek the views of specialist conservation and archaeological advisors. Redditch Borough Council have been consulted and wish to make no comments on the principle of the proposal, and state that they consider that the County Planning Authority should ensure that all relevant regulations associated with processes being undertaken on the site are satisfactorily secured. The County Archaeologist has no objection to the proposal.

235. In view of the above, and 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 is 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, odour and health impacts)**

236. As set out in the 'Other Representations' section of the report, letters of representation have been received objecting to the proposal on the grounds that the proposal would impact on residential amenity by reason of noise, odour, health, unsuitable operational hours and that the proposal would not accord with Policy WCS 14 of the adopted Waste Core Strategy. Letters of representation have been received which state that an application for the same proposed use was submitted and subsequently refused by another Planning Authority. The Dialysis Clinic located within the Moons Moat North Industrial Estate seek reassurance that immune-suppressed patients would not be adversely affected by reason of noise, vibration and / or emissions.

237. As set out in the 'Consultations' section of the report, County Councillor Jo Monk has objected to the proposal on the grounds that the proposal would adversely impact residential amenity by reason of noise, odour and health, stating that the proposal is in close proximity to the densely populated residential estate of Church Hill, the neighbouring residential areas of Winyates Green, Beoley; the majority of Redditch; and local schools. County Councillor Jo Monk objects to the proposal on the grounds that Kaug Refinery Services are relocating from Birmingham, which has a Clean Air Zone policy and questions why the proposal should be allowed to operate in an area which residents consider as a 'clean environment'.

238. County Councillor Matt Dormer has objected to the proposal stating that not enough consideration has been given to the neighbourhood.

239. Beoley Parish Council have objected to the proposal, stating that they have significant concerns regarding the proposed use in the vicinity of Beoley Village and the wider parish area; major concerns regarding the proposed processing methods, proposed air emissions; and impact on residential amenity.

240. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy sets out, amongst other factors, that "*Relevant assessments should be undertaken to demonstrate that the proposals will not have unacceptable adverse impacts on amenity or health*".

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

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

243. The Noise Policy Statement for England was published in March 2010 and includes an Explanatory Note. The aim of the document is to “*provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion*”. It sets 3 aims, which are:

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

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

244. As set out in the ‘Landscape character, visual impact and historic environment’ section of the report, the visual impact of the proposal is considered to not have an unacceptable adverse or detrimental impact on the local area, subject to the imposition of an appropriate condition.

245. As set out in ‘The Site’ section of the report, the nearest residential properties to the application site are located approximately 80 metres west of the application site on Hillmorton Close, which is part of a wider residential housing estate known as Church Hill. An area of mixed woodland which measures approximately 80 metres in width is located between the application site and the wider Moons Moat North Industrial Estate and the Church Hill residential estate.

246. A Noise Impact Assessment (assessed in accordance with Environment Agency guidance ‘*Noise and vibration management: environmental permits 2022*’), Noise and Vibration Management Plan, an Emissions Modelling Assessment and a Substances Inventory had been submitted in support of the planning application. In response to the consultation comments that were received on the application, set out in the ‘Consultations’ section of the report, the applicant has submitted amended / further information on amended operational hours, additional noise monitoring data; confirmation that the proposed extraction system would be operational 24 hours per day; and the inclusion of noise mitigation measures.

247. In accordance with the proposed amendments, the applicant revised the previously submitted Noise Impact Assessment (amended version 1.4); Noise and Vibration Management Plan (amended version 1.5); and the Emissions Modelling Assessment (amended version 1.9), Planning Statement (amended version 1.6), Proposed Layout Plan (rev D) and Proposed Elevations (rev A), in addition to the above, the applicant submitted a Health Impact Assessment Screening as requested by the County Planning Authority. The amended planning application submission subsequently underwent re-consultation by statutory consultees and members of the public who had been consulted, including all those that had previously commented on the original planning application documents.

248. An Environmental Permit would be required for the operation of the site, with the day-to-day operations of the site being controlled by the Environment Agency. A Part B Environmental Permit would also be required, being issued by Worcestershire Regulatory Services. The Environmental Permits would regulate and control any potential impacts from noise, odour and pollution to air, land, and water.

249. The current operational site is located in Deritend, Birmingham, the building is approximately 2 storeys in height and located approximately 31 metres from the nearest residential properties (purpose-built flats) which are located on Alcester Street, and which are approximately 5 storeys in height. The Environment Agency have confirmed that no complaints of noise have been received at the current operational site.

250. Various types of industry operate from the Moons Moat North Industrial Estate, including manufacturers of spring making machinery, processes using water-cutting and machining of aluminium, distributors of speciality chemicals including corrosion protection and paints and coatings, machine tool manufacturers and food manufacturers. Flues are apparent on units within the industrial estate and range in height from approximately 1 metre above the roofline to approximately 3 metres above the roofline.

251. With regard to letters of representation objecting to the proposal on the grounds that Kaug Refinery Services Ltd submitted an application for the same proposed use which has been refused by another Local Planning Authority, the applicant states that this information is incorrect and that they have not made any other planning applications for the same or similar use to another Local Planning Authority.

252. In relation to noise impacts, background noise surveys were undertaken in July, August, and September 2022 and subsequently on the 14 and 15 of August 2023 in accordance with British Standard 7445-1:2003. The submitted amended Noise Impact Assessment states that the locations for monitoring were based on the nearest noise sensitive receptors, being the residential dwellings located to the west of the application site off Hillmorton Close. The amended Noise Impact Assessment states that the application site has been assessed against the criteria of British Standards 4142:2014 (providing a methodology for assessing and rating industrial sound) and that impacts associated with the proposed operation of the site are considered acceptable based on the comparison of the calculated rating level to the proposed background level and that in addition, noise emissions from the site would be controlled and regulated by the Noise Management Plan.

253. The amended Noise Impact Assessment notes that the parameters / assumptions used within the model are based on those agreed with the Environment Agency who process numerous waste related Environmental Permit applications utilising strict parameters / assumptions (for example, an order of reflection of 3.0 has been utilised, whereas 1.0 is likely to be representative of most scenarios).

254. Worcestershire Regulatory Services have been consulted and concur with the methodology, position locations and modelling used within the amended Noise Impact Assessment.

255. Based on the above advice, the Head of Planning and Transport Planning considers that the submitted amended Noise Impact Assessment produced by an associate member of the Institute of Acoustics and undertaken in accordance with British Standard 4142:2014 and is satisfactory in terms of methodology and conclusions.



256. The amended Noise Impact Assessment states that various processing operations would be undertaken to recover precious metals from waste streams. The acid scrubbing unit (abatement plant) which serves the acid processing area, and the alkaline (unit) process area extraction system would operate 24 hours a day to ensure that any residual fumes are abated / dispersed whilst the system is cooling down. Associated abatement / dispersal would result in No. x 2 flues being in operation 24 hour a day, as would the external acid scrubbing unit. The applicant confirms that the proposed operational procedure is consistent with the applicant's existing operational procedure at the site in Deritend, Birmingham.

257. With regard to the proposed 24 hour per day abatement / dispersal and associated continued operation of No. x 2 flues, Worcestershire Regulatory Services have been consulted, given concerns raised regarding proposed operational hours and emissions to air, and have reviewed the amended / further information and state that in light of abatement measures proposed, no odorous emissions are predicted, and that day and night-time operations should not affect the nearest sensitive receptors.

258. The applicant has confirmed that there would be no operation of waste processing plant, including chemical, physical, and thermal processing and no delivery / export of materials outside of the proposed operational hours. The proposed operational hours would be:

- Mondays to Fridays: 06:00 to 17:00 hours
- Saturdays: No operations
- Sundays and Bank Holidays: No operations

259. The amended Noise Impact Assessment considers that the most significant noise sources associated with the proposed development would arise from the following processes:

- The loading and operation of the printed circuit board (PCB) shredder;
- Noise from the No. x 4 external exhaust flues arising from the internal extraction systems and acid scrubbing unit; and
- Operation of the internal forklift.

260. The amended Noise Impact Assessment states that additional sources of noise from grinders and gas scrubbers have been considered, but that they would be located internally within the building and reiterate that their contribution to overall noise levels would be insignificant. The amended Noise Impact Assessment states that the roller shutter doors would be shut at all times for reasons of security and that internal noise associated with the day-to-day operation of the site, for example the operation of the forklift could include scraping on the floor, reversing alarms, and falling material, but would be inaudible at the nearest sensitive receptors. However, the amended Noise Impact Assessment goes on to state that the internal shredding and external exhaust flue systems may have a tonal element which would just be perceptible and that, therefore, the Noise Impact Assessment of the site has applied an additional 2db (A) penalty as a worst-case scenario, which calculates that typical overall noise levels would be approximately 31.6db (A) at the nearest residential receptors. For purposes of clarity, the amended Noise Impact Assessment defines background noise to comprise of road traffic from the surrounding road network,

birdsong, movements within local gardens and occasional impulsive events from the adjacent industrial estate located to the east of the application site.

261. In response to concerns that the location of the Dialysis Clinic located within the Moons Moat North Industrial Estate has not been taken into consideration as a sensitive receptor within the amended Noise Impact Assessment and concerns that immune-suppressed patients would be adversely affected by reason of noise and vibration. The applicant states that due to the location of the Dialysis Clinic being located approximately 370 metres from the proposal that the likelihood of noise arising from the development was considered negligible and, therefore, not requiring a specific assessment within the amended Noise Impact Assessment. However, the applicant confirms that based on an interrogation of the modelling used within the amended Noise Impact Assessment, noise levels arising from the proposed site would be approximately 13.8dB (A) prior to the addition of any tonal/impulsive penalties. As an example, 13.8dB (A) is quieter than the rustling of leaves and is approximately commensurate with breathing.

262. The applicant reiterates that *“whilst no formal background monitoring has been undertaken at this receptor, typically ambient levels within an industrial/commercial area would range from approximately 40-50+dB (A) as a result of commercial processes and road traffic, including HGVs”*.

263. Based on the above, the applicant states that the internal noise level at the Dialysis Clinic would be approximately 0dB (A). The applicant confirms that no sources of vibration are associated with the proposal.

264. In relation to air quality impacts, the submitted amended Emissions Modelling Assessment states that the potential impacts on Air Quality Limit Values (AQLVs), Environmental Assessment Levels (EALs), critical levels and loads have been undertaken in accordance with government permitting risk assessment guidance and states that the assessment has not predicted any significant impacts on health based short or long AQLVs and EALs at discrete human receptor locations and no exceedances of AQLVs or EALs have been predicted at any location surrounding the plant. Furthermore, the amended Emissions Modelling Assessment does not predict any significant impacts on short-and long-term critical levels and loads at relevant ecological receptor locations. The amended Emissions Modelling Assessment concludes that a series of conservative assumptions have been used throughout the assessment and that confidence in its conclusions are high.

265. In response to letters of representation received which question the use and validity of Air Dispersion Modelling (AERMOD) software, the applicant states that AERMOD is a commonly and acceptable model used by the United States Environmental Protection Agency (EPA) and approved for use by United Kingdom regulators. The United States EPA verify the output of the AERMOD software in comparison to observed data for a number of scenarios, to ensure predictions are as accurate as possible. The latest AERMOD model has been used to run the model for the purposes of the amended Emissions Modelling Assessment.

266. In response to letters of representation received which raise concerns regarding the amended Emissions Modelling Assessment, the applicant provides a summary below of the methods used for assessment to ensure that confidence can be high that potential impacts have not been underestimated:

- Worst case modelled concentrations across 5 years of meteorological data used in assessment;
- Where possible, estimation of existing background pollutant concentrations have been conservative;
- Worst case assumption made that total particulate matter comprises PM10 or PM2.5;
- Worst case assumptions made for Nitrogen Oxides to Nitrogen Dioxide conversion;
- Worst case assumption that organic compounds comprise 100% benzene;
- Worst case emission rates used throughout assessment; and,
- Worst case assumption that the melting furnaces, small scale metal decontamination appliance, steam boilers and acid-based metal extraction process would all operate simultaneously and be continuously operational for 11 hours each day.

267. In response to letters of representation which raise concerns regarding air quality on 'still air days' and 'calm days', as noted above the AERMOD model used to run the model for the purposes of the amended Emissions Modelling Assessment takes into account all various meteorological scenarios including worst case modelled concentrations across 5 years of meteorological data used in the assessment.

268. In response to concerns that the proposal would increase emission levels of Nitrogen Dioxide and Particulate Matter (including PM10 and PM 2.5), the Emissions Modelling Assessment states that no exceedances are predicted and that potential impacts at any relevant receptor location would not be considered to be significant. The Emissions Modelling Assessment concludes that confidence in the predictions is high given the highly conservative assumptions used in the assessment of both Nitrogen Dioxide emissions, PM10 and PM2.5 particulate matter.

269. In response to letters of representation received objecting on the grounds that the proposal would have an adverse impact on air quality, Worcestershire Regulatory Services have been consulted and state that the current background levels within Redditch and the conservative assessment provided do not indicate any exceedances of the relevant Air Quality Objectives or that they foresee significant impact requiring mitigation measures and that in light of the representations received that their consultation comments remain unchanged.

270. In response to concerns that the location of the Dialysis Clinic located within the Moons Moat North Industrial Estate has not been taken into consideration as a sensitive receptor within the amended Emissions Modelling Assessment and concerns that immune-suppressed patients would be adversely affected by emissions. The applicant states that the Dialysis Clinic moved onto the industrial estate in 2016 and is located approximately 370 metres from the proposal. Moons Moat North Industrial Estate includes a mixture of light and heavy industrial uses, which includes Part B permitted processes located approximately 120 metres and 160 metres from the Dialysis Clinic. The applicant confirms that wind speed and direction data (based on five years of weather data) included within the amended Emissions Modelling Assessment bases calculations on the direction of wind as "blowing from" and that due to the location of the Dialysis Clinic this would mean that the Dialysis Clinic is predominantly upwind of the proposal and not downwind. The applicant states that the amended Emissions Modelling Assessment demonstrates

highly conservative assumptions meaning that any potential impacts have been significantly overestimated and demonstrates that no exceedance of short term, health-based Air Quality Standards or Environmental Assessment Levels are predicted at any location surrounding the proposal.

271. The applicant confirms that Air Quality Standards and Environmental Assessment Levels used in the report are approved by both the Environment Agency and DEFRA and are appropriate for assessing potential impacts on human health at short-and long-term receptors.

272. In response to letters of representation which raise concerns that the choice of receptors used for the modelling of emissions did not include schools in the vicinity of the proposal. The applicant states that the residential properties chosen to demonstrate model emissions are significantly closer in proximity than the nearest school and that given any resulting pollutant concentrations decrease with distance from the plant (as demonstrated by the pollutant contour profiles within the Emissions Modelling Assessment) that it can be concluded that impact on the nearest school would be negligible.

273. In response to letters of representation objecting to the proposal on the grounds that Kaug Refinery Services are relocating to the proposed application site due to Birmingham's Clean Air Policy and the resulting Clean Air Zones and pollution, Worcestershire Regulatory Services have confirmed that Clean Air Zones refer to pollutants for road traffic and not from commercial / industrial activities. Worcestershire Regulatory Services state that *"the site would be regulated by both the Environment Agency and Worcestershire Regulatory Services to ensure that pollutant emission limits are complied with, and an Emissions Modelling Assessment has been submitted that concludes that there should be no significant impacts on human health or ecology from site activities"*.

274. In response to letters of representation which reference the Clean Air Bill 2023, the Head of Planning and Transport Planning notes that the Bill has not gained Royal Assent and is at the early stages (2<sup>nd</sup> reading by the house of Commons in progress) of parliamentary process and therefore considered to hold no legislative weight.

275. As set out in the 'Traffic, highway safety and public rights of way' section of the report, due to the proposed modest 250 tonnes per annum throughput, the potential for emissions of pollutants from cars and HGV movements associated with the proposed development would be low and as such there is no requirement for a detailed assessment of vehicle exhaust emissions in accordance with the relevant guidance as the vehicle numbers generated would not be predicted to result in any discernible change in ambient pollution concentrations.

276. Notwithstanding the above, the primary environmental controls over the proposed operation would be contained within the Environment Agency's Environmental Permit for the site which would be a primary instrument to control noise and dust impacts. Paragraph 188 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited"*

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

277. The Environment Agency have been consulted on the amended / further information and raise no objections to the proposal, stating that the proposal would require an Environmental Permit, which would regulate pollution control through general management of the site, permitted activities, waste acceptance including quantity and type, and emissions including odour, noise and vibration. As part of the Environmental Permit application a Fire Prevention Plan would also be required.

278. With regard to air quality, Worcestershire Regulatory Services have been consulted on the amended / further information and have no adverse comments to make. With regard to noise, Worcestershire Regulatory Services have no objection stating that the amended Noise Impact Assessment appears satisfactory and predicts that noise from the proposed industrial activities should not adversely impact the nearest sensitive receptor.

279. With regard to health and wellbeing impacts, the applicant submitted a Health Impact Assessment Screening, which concludes that no significant impacts are predicted on human health or amenity as a result of residual air emissions and noise.

280. The PPG states that *"it is helpful if the Director of Public Health is consulted on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it. This would allow them to work together on any necessary mitigation measures. A health impact assessment is a useful tool to use where there are expected to be significant impacts"* (Paragraph Reference ID: 53-005-20190722).

281. In view of the above guidance, Worcestershire County Public Health have been consulted on the proposal and confirm that they have no comments to make.

282. With regard to letters of representation received objecting on the ground that the application form should have included that Hazardous Substance would be stored at the site, the Head of Planning and Transport Planning confirms that the applicant has amended the application form and provided a list of substances that would be used and stored on the site. The Head of Planning and Transport Planning notes that the proposed number of Hazardous Substances used at the site would be below the threshold for Hazardous Substance Consent and that the use and storage of Hazardous Substances would be controlled as part of the Environmental Permit issued by the Environment Agency. In addition, the Health and Safety Executive have been consulted and state that the planning application does not fall within any Health and Safety Executive consultation zones and that, therefore, they have no comments to make. Worcestershire Emergency Planning Unit has been consulted and has no comments to make.

283. In response to letters of representation objecting on the grounds that the proposal would be processing hazardous waste and emitting toxic chemicals prompting concerns relating to adverse impacts on health and wellbeing, the Head of Planning and Transport Planning considers that due to the modest and conservative scale of the proposal significant impacts are not anticipated and a Health Impact Assessment (HIA) Screening was submitted which concludes that a full HIA is not required. Furthermore, the operations at the site would be controlled by the Environmental Permits, regulated by the Environment Agency and Worcestershire Regulatory Services (on behalf of the Local Authority) the purpose of which is to protect human health and the environment.

284. In response to the letters of representation, which object to the proposal on the grounds that the proposal would not be in accordance with Policy WCS 14 of the adopted Waste Core Strategy, referencing that waste facilities should be located approximately 250 metres from sensitive receptors, and that the application site is located approximately 80 metres from residential sensitive receptors. The Head of Planning and Transport Planning states that the reference to 250 metres in relation to Policy WCS 14 is contained in the Explanatory text at paragraph 6.70 which refers to the requirement by the Environment Agency of a *“bioaerosol risk assessment for development managing biodegradable waste within 250 metres of sensitive receptors”*. It is noted that the proposal would not be processing biodegradable waste, and thus this specific example is not applicable in this instance. Notwithstanding this, it is noted that Policy WCS 14 does seek to protect amenity, and whilst not strictly relevant to this proposal, Policy WCS 16: ‘New development proposed on or near to existing waste management facilities’ of the adopted Waste Core Strategy also refers to a distance of 250 metres, stating at Part b) that *“development within 250 metres of a site with planning permission or existing use rights for waste management that would introduce new sensitive receptor to the area will be permitted where it is demonstrated that the proposed development would not be unacceptably adversely affected by bio-aerosols or emissions from the waste management operation”*. Whilst this policy is seeking to safeguard existing waste management facilities from the introduction to new sensitive receptors to the area, it is noted that the applicant has demonstrated that the proposed development would not have unacceptable adverse noise, dust, or air quality impacts upon residential amenity or that of human health.

285. Based on the advice of Worcestershire Regulatory Services, the Environment Agency, the Health and Safety Executive, Worcestershire County Public Health, Worcestershire Emergency Planning Unit, the Head of Planning and Transport Planning considers 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 considers that the proposal would be in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy.

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

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

287. As set out in the 'Other Representations' section of the report, letters of representation have been received objecting to the proposal on the grounds of adverse impact on the surrounding highway network, public rights of way and no provision for HGV / lorries parking on site.

288. Paragraph 111 of the NPPF states that: *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

289. Policy WCS 8: 'Site Infrastructure and Access' of the adopted Worcestershire Waste Core Strategy states that proposals will be permitted where it is demonstrated that vehicular and pedestrian access to the site is safe and adequate to support the proposed waste management facility, and proposals will not have an unacceptable adverse impact on safety or congestion on the transport network or amenity along transport routes.

290. Policy 19: 'Sustainable Travel and Accessibility' of the adopted Borough of Redditch Local Plan No.4 sets out the requirements to reduce reliance on private car use and encourage the use of public transport to reduce the causes and impacts of climate change. Policy 20: 'Transport Requirements for New Development' of the adopted Borough of Redditch Local Plan No.4 seeks to support the requirements of Policy 19 in the delivery of sustainable transport provision. Policy 22: 'Road Hierarchy' of the adopted Borough of Redditch Local Plan No.4 sets out the Primary and District Distributor Roads which are intended to provide convenient routes of high speed and capacity between destinations.

291. The application site is located within the Moons Moat North Industrial Estate which has good connections to the surrounding transport network of Primary and District Distributor Roads, including the Coventry Highway (A4023), Alcester Road (A435) and junction 3 of the M42 motorway. Vehicular access to the development would be directly off Merse Road, which connects to Moons Moat Drive, which connects to the surrounding transport network. The layout of the Moons Moat North Industrial Estate consists of cul-de-sacs and loops which discourages through traffic, has a speed limit of 30 miles per hour and serves the industrial and commercial units directly.

292. In accordance with Policy 20 of the adopted Borough of Redditch Local Plan No.4, a Travel Plan was not required to be submitted in support of the planning application due to the gross floorspace of the proposal being approximately 1,180 square metres which falls below the threshold of 2,500 square metres. In support of the planning application the applicant submitted a Highways Technical Note.

293. The Highways Technical Note states that ingress and egress to the site is via a 7.3-metre-wide access off a wide turning head at the end of Merse Road. In order to accommodate rigid HGVs to enter and exit the site in a forward gear the applicant has removed six parking bays near the entrance of the site and submitted an amended plan accordingly. The County Highways Officer has been consulted and notes that the existing vehicular access would be suitable for all proposed vehicle types. Swept path analysis has been undertaken that demonstrates that a 12 metre long rigid and a 16.5-metre-long articulated HGV could access the loading area from the Merse Road

turning head. Merse Road has double yellow line restrictions in force in the immediate vicinity of the site.

294. The proposed facility would have a throughput of up to 250 tonnes per annum of metal containing wastes and would generate approximately 6 rigid HGV movements per week (3 in and 3 out), 12 articulated HGV movements per year (6 in and 6 out) which equates to an average of 2 two way (1 in and 1 out) articulated HGV movements every 2 months, approximately 40 Light Good Vehicles (LGV) movements per week for low volume weight collections (20 in and 20 out), and approximately 10 car movements per day associated with the proposed full-time 11 employees (5 in and 5 out). The County Highways Officer considers that the level of trip generation being proposed is negligible and could be accommodated on the existing highway network without adverse impact.

295. With regard to on-site parking provision, the applicant has undertaken an analysis of the census records for Redditch (001 Middle Layer Super Output Area (MSOA)) produced by the Office for National Statistics, the results demonstrate that 73% of people that work in Redditch travel by car which would equate to a parking demand of 8 car parking spaces. There are currently 26 on-site parking spaces, the applicant proposes to reduce the number to 16 on site car parking spaces that would be more than sufficient to accommodate the proposed 9 to 11 members of staff. The County Highways Officer notes that since the proposal is for a *Sui Generis* waste use and proposes very specific operations, that Worcestershire County Council parking standards would not be applicable in this instance.

296. As stated above, due to the proposed modest throughput of up to 250 tonnes per annum and associated proposed frequency of HGV movements diminishes the need to provide on-site HGV parking provision. The applicant has confirmed that HGVs would not dwell in the loading area for long periods of time, no HGV parking exists in association with the current use, and the proposed use would result in a reduction of HGV movements and that, therefore, no HGV parking would be provided or take place on the site.

297. With regard to representations received objecting to the proposal on the grounds that Kaug Refinery Ltd. are relocating to the proposed site in order to avoid paying the Birmingham £50-day clean air zone charge for HGVs. The County Highways Officer considers that the level of trip generation being proposed would be fewer than those associated with the existing / previous use of the site, with a net decrease of between approximately 3 to 5 two-way vehicles in the AM and PM peak hours. The applicant states that the rationale for the relocation of the business is due to the suitability of the proposed premises in terms of size, on-site parking provision, good access to the motorway network and the proposed regeneration by Birmingham City Council of the Deritend area.

298. The Highways Technical Note confirms that the accident record shows that no accidents have been recorded along the entire length of Merse Road over the last five years, although one accident took place, categorised as 'serious' at the junction of Moons Moat Drive and Merse Road junction, located approximately 750 metres from the application site, during that time.



299. The County Highways Officer states that based on their analysis of the submitted information that there would not be an unacceptable impact and no justifiable grounds on which an objection on highway grounds could be maintained.

300. The County Footpaths Officer has been consulted with regard to letters of representation which object to the proposal on the grounds of an unacceptable impact to public rights of way in the vicinity of the application site. The County Footpaths Officer states that there are no public rights of way on the definitive map in the area of the proposed development. The County Footpaths Officer states that the footpaths in the wooded area adjacent to the site are maintained as highway by Worcestershire County Highways and recommend that County Highways are consulted. The County Highways Officer has been consulted with regard to footpaths in the immediate vicinity of the site and state that they would not be affected by the proposal and reiterate that they are not classified as public rights of way and are classed as adopted link footpaths and conclude that they would continue to provide safe and suitable for access for pedestrians.

301. In view of the above and based on the advice of the County Highways Officer and County Footpaths Officer, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety or public rights of way, subject to the imposition appropriate conditions restricting the throughput to 250 tonnes per annum, implementation the submitted layout plan prior to the use of the building, provision of on-site cycle parking, provision of No. x 1 additional electric vehicle charging point (combined total of No. x 2 electric vehicle charging points), provision of two accessible parking spaces for disabled users and provision of two motorcycle parking spaces, in accordance with the relevant Policies of the NPPF, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policies 19, 20 and 22 of the adopted Borough of Redditch Local Plan 4.

### **Ecology and biodiversity**

302. Letters of representation have been received objecting to the proposal on the grounds of adverse impact on ecology and biodiversity, including impacts on wildlife, fauna, and flora, including protected species, SSSIs, LWSs and ancient woodland.

303. Letters of representation have also been received objecting on the grounds that the proposal would adversely impact on the adjacent woodland and Church Hill Brook due to air pollution and the impact of nitrogen deposition on vegetation.

304. Letters of representation have been received objecting on the grounds that consultation responses are being treated as 'no objection' and concern that pollution on still air / low wind days would be harmful to wildlife and humans.

305. Letters of representation have been received objecting on the grounds that the proposal does not accord with Appendix B: Strategic Green Infrastructure Assets, and states that the proposal is located within a Subregional Green Infrastructure Asset and, therefore, must not be approved.

306. County Councillor Matt Dormer objects to the proposal on the grounds that insufficient consideration has been given to the local environment. County Councillor Jo Monk objects to the proposal, commenting that the site is in close proximity to wildlife areas which are populated with bats, birds, deer and foxes; that the proposal

is in close proximity to domesticated animals such as horses and farm animals such as cows and sheep; and states that they own a thriving family farm in close proximity to the proposal.

307. Beoley Parish Council object to the proposal, commenting that the proposal would have a detrimental impact on the surrounding area.

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

309. Policy 11: 'Green Infrastructure' of the adopted Borough of Redditch Local Plan No.4 states that Green Infrastructure (GI) is defined by the NPPF as *"a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities"*. Paragraph 11.6 of Policy 11 goes on to state that *"GI includes the network of green spaces and natural elements across the Borough, which are important in enriching the quality of life of communities, improving health, supporting regeneration and creating attractive environments"*.

310. Policy 16: 'Natural Environments' of the adopted Borough of Redditch Local Plan No.4 states at Part B that *"proposals likely to have an adverse impact within or outside of a SSSI either individually or in combination with other developments, will not normally be permitted. An exception will only be made when it can be demonstrated that the benefits of the development clearly outweigh the impact on the site or network of sites"*. Paragraph 16.5 of Policy 16 goes on to state that *"new development or land use changes likely to have an adverse impact on Sites of Special Scientific Interest, Local Wildlife Sites and Local Nature Reserves, directly or indirectly, will not be allowed unless there are no reasonable alternative means of meeting that development need and the reasons for development clearly outweigh the intrinsic nature conservation and / or geological value of the site or network of sites"*.

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

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

*this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".*

313. As specified in 'The Site' section of this report, the nearest SSSI to the application site is Ipsley Alders Marsh which is located approximately 1 kilometre south-east of the site and Dagnell End Meadow SSSI is located approximately 2.1 kilometres west of the application site.

314. There are a number of LWSs located within approximately 2 kilometres of the application site, the nearest being Ravensbank Drive Bridle Track LWS which is located approximately 180 metres north-east of the application site. Holt End Meadows LWS is located approximately 655 metres north of the application site and Ipsley Alders Marsh LWS is located approximately 900 metres south-east of the application site. Pink green Wood LWS is located approximately 1.3 kilometres north-east of the application site. Carpenter's Hill Wood and Prior Fields Comple LWS are located approximately 1.5 kilometres north-east of the application site. Arrow Valley Park Lake and River Arrow LWS's are located approximately 1.5 kilometres and 1.8 kilometres south-west of the application site, respectively and Dagnell Brook LWS is located approximately 1.9 kilometres west of the application site. Proctor's Barn Meadows LNR is located approximately 1.6 kilometres south-west of the application site.

315. The site is not located within or immediately adjacent to a designated site of nature conservation interest. The nearest watercourse is Church Hill Brook which is a tributary of the Blacksoils Brook and runs through the wooded area located west of the application site, which at its nearest point is located approximately 14 metres from the red line boundary of the application site.

316. Paragraph 16.10 of Policy 16: 'Natural Environments' of the adopted Borough of Redditch Local Plan No.4 states with regard to trees, woodland, and hedgerows (including ancient trees, woodland and hedgerows), that they are an important and distinctive feature in Redditch's landscape which are highly valued by local communities, and which are often used for informal recreation.

317. With regard to the protection of Ancient Woodland, paragraph 180 of the NPPF goes on to state that *"when determining planning applications, local planning authorities should apply the following principles:...c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat] and a suitable compensation strategy exists"*.

318. The nearest Ancient Woodland is Pink Green Wood which is located approximately 1.3 kilometres north-east of the application site. Carpenters Hill Wood Ancient Woodland is located approximately 1.4 kilometres north of the application site and Clifford's Wood Ancient Woodland is located approximately 1.1 kilometres north-east of the application site.

319. The submitted Ecological Appraisal is a letter style desktop proportionate report prepared by a suitability qualified (bat-licensed) ecologist providing an assessment on

the potential and suitability of the existing unit to support roosting bats and / or nesting birds. The Ecological Appraisal concludes that due to the material used in the construction of the unit, being powder coated steel cladding, that the unit would not be suitable. With regard to the fabric and construction of the unit the Ecological Appraisal states that *“the building has a modern well sealed brick wall to first storey level with steel profile sheeting to the first floor and roof”* which are *“highly unlikely to provide potential roost sites for bats and / or nesting sites for birds. The steel sheeting used in this case has a powder coating which makes it extremely smooth, and bats would be unable to grip to it”*.

320. The Ecological Appraisal states that the building has been in active industrial use in recent years with the previous tenants occupying the building up until October 2022 and has, therefore, not been vacant. The Ecological Appraisal confirms that the site is not located adjacent to a designated site of nature conservation interest and that no additional external lighting is being proposed and would, therefore, not cause adverse light spill impact on riparian habitats.

321. The County Ecologist concurs with the conclusions of the Ecological Appraisal and has raised no objection subject to *“the precautionary measures recommended by the project ecologist to mitigate any residual impact of nesting birds or roosting bats which might otherwise and unexpectedly be discovered during works”*. Therefore, the County Ecologist recommends that should planning permission be granted that a Nesting Bird Informative is attached and a further condition imposed requiring a Statement of Conformity to be issued to the County Planning Authority by the applicant on completion of the installation of at least two bat nest boxes and two bird boxes. The County Ecologist states that the proportionate biodiversity enhancement would contribute towards the County Planning Authorities Biodiversity Duties under the NERC Act 2006.

322. With regard to letters of representation and consultee responses received from County Councillor Matt Dormer, County Councillor Joanne Monk and Beoley Parish Council objecting on the grounds that the proposal would adversely impact on ecology and biodiversity, wildlife, fauna, and flora, including protected species, SSSIs, LWSs and ancient woodland, the County Ecologist states that *“there are no clear thresholds in policy or legislation relating to disturbance of wildlife from noise or air quality, outside the case-law established for sensitive Habitat Sites, for example SAC, SPA and Ramsar sites, (sites which benefit from international levels of legal protection). A qualitative assessment of impact risks must be made to assess potential for a significant effect, with particular consideration to the national hierarchy of designated sites and the presence of European Protected Species and/or NERC Section 41 Priority Species. In this case, the project ecologist has not identified a risk (significant or otherwise) of the deterioration of adjacent habitats or protected / notable species. Additionally, the sustainability statement, noise and vibration management plan and noise impact assessment have not predicted significant indirect impacts on flora or fauna”*.

323. The County Ecologist has also reviewed letters of representation received objecting on the grounds that the proposal would adversely impact on the nearest ecological receptor (the adjacent area of broadleaved and mixed woodland and Church Hill Brook watercourse) as a result of pollution. The County Ecologist confirms that this area of woodland is not a designated site of nature conservation interest, has not been formally identified as a priority habitat, has not been designated either

internationally, nationally or locally as a site of importance to nature conservation and notes that the nearest designated site of nature conservation interest is Ravensbank Drive Bridle Track LWS which is located approximately 180 metres north-east of the application site, and which is well separated from the site by intervening industrial development and Thornhill Road.

324. Letters of representation have been received objecting on the grounds that the proposal does not accord with Appendix B: Strategic Green Infrastructure Assets 2023-2028), and states that the proposal is located within a Subregional Green Infrastructure Asset and, therefore, must not be approved. The County Ecologist states that the document referred to has not been formally finalised and is not yet adopted, but that after reviewing both the extant Worcestershire Green Infrastructure Strategy Appendix B: Strategic Green Infrastructure Assets of the (2013-2018) and the consultation document (Draft Worcestershire Green Infrastructure Strategy Appendix C: Strategic Green Infrastructure Assets 2023-2028) that the figures and tables that illustrate strategic Green Infrastructure assets appear to be identical. The County Ecologist states that the only Green Infrastructure asset identified in the Redditch areas is Arrow Valley Country Park and that the Country Park boundaries do not appear to overlay or intersect with the woodland area located to the west of the application site.

325. In conclusion, the County Ecologist states that whilst they empathise with the concerns raised in the letters of objection with regard to impact on flora and fauna, they can see no defensible grounds for objecting to the proposal and consider that the risk of impacts on flora and fauna from noise, vibration, odour or pollution would be acceptably controlled.

326. Letters of representation have been received objecting on the grounds that consultation responses are being treated as 'no objection' and concern that pollution on still air / low wind days would be harmful to wildlife and humans.

327. The applicant has confirmed that no significant impacts are predicted at statutory and local nature sites, given the distance from the site and that potential impacts from Nitrogen Oxides emissions, Sulphur Dioxide emissions and associated nitrogen and acid deposition on ecological sites has been considered in detail within the submitted amended Emissions Modelling Assessment, which demonstrates that impacts would be negligible. The County Ecologist state that they do not consider the amended / further information to have changed the validity of their previous comments or previously recommended conditions. In response to the letters of representation outlined above, the County Ecologist has been re-consulted and has re-confirmed no objection, stating that having assumed that Worcestershire Regulatory Services, Environment Agency, and Natural England accept the findings of the amended Emissions Modelling Assessment, and that based on the conclusions and findings of the amended Emissions Modelling Assessment that the County Ecologist does not anticipate that the proposed development would cause a loss of semi-natural habitat extent. Furthermore, the County Ecologist does not anticipate that the proposed development would unacceptably compromise the ability of the adjacent woodland to provide a wildlife corridor.

328. With regard to the expertise of the County Ecologist, they state that they “*do not feel sufficiently qualified to challenge the Emissions Modelling Assessment’s methods or its findings and defer to the technical expertise of colleagues in Worcestershire*”

*Regulatory Services and the Environment Agency to confirm that the submitted report has been produced to an acceptable methodology and standard”.*

329. Worcestershire Regulatory Services, Environment Agency and Natural England have all confirmed they have no objections. An Environmental Permit would be required from the Environment Agency, the purpose of which is to protect human health and the environment.

330. Natural England have raised no objections to the proposal and Worcestershire Wildlife Trust have also raised no objections to the proposal, deferring to the County Ecologist for all on-site detailed ecological considerations.

331. In view of the above, and based on the advice of the County Ecologist, Natural England, the Environment Agency and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considers 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**

332. Letters of representation have been received objecting to the proposal on the grounds of adverse impact on the water environment, in particular the impact of the proposal in terms of the potential for contamination of the nearest watercourse Church Hill Brook which is a tributary of the Blacksoils Brook and located approximately 14 metres west of the application site (red line boundary). A letter of representation and associated video clip was received which showed flooding of the ordinary watercourse located in the vicinity of the site.

333. County Councillor Jo Monk objects on the grounds that the proposal would adversely impact on Arrow Valley Park Lake LWS which is located approximately 1 mile from the site and fed by Church Hill Brook.

334. As specified in ‘The Site’ section of this report the development site is located within Flood Zone 1 (low probability of flooding) as identified on the Environment Agency's Indicative Flood Risk Map. As the application site measures approximately 0.28 hectares in area (red line application boundary), a Flood Risk Assessment is not required to accompany the application, in accordance with paragraph 167 and Footnote 55 of the NPPF, as the site does not exceed 1 hectare in area.

335. The PPG at Paragraph 027 Reference ID: 7-027-20220825 states that the Sequential Test would not normally be required where *“The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future”*. The PPG at ‘Table 2: Flood risk vulnerability and flood zone ‘incompatibility’” indicates that ‘more vulnerable’ developments (such as *‘sites used for waste management facilities for hazardous waste’*) is acceptable in Flood Zone 1, and the Exception test is not required.

336. Policy WCS 10: 'Flood risk and water resources' of the adopted Worcestershire Waste Core Strategy specifically refers to development being located within Flood Zones 2 or 3. As stated above the application site is located in Flood Zone 1, which has a low probability of flooding.

337. With regard to WCS 10: 'Flood risk and water resources' of the adopted Worcestershire Waste Core Strategy, the applicant states that the proposal would not increase the risk of flood elsewhere and that the site would not be of any increased risk of flooding should planning permission be granted. The applicant states that an impermeable surface covers the site and that the amount of impermeable surface would not change and that, therefore, there would be no change in the characteristics of overground flow and further reiterates that any potential impacts on water would be controlled under the permitting regime.

338. Policy 16: 'Natural Environment' of the adopted Borough of Redditch Local Plan No.4 seeks to protect and enhance the natural environment and landscape. With specific regard to the water environment, Paragraph 16.13 of Policy 16 states "*When a development proposal is located some distance from a designated wildlife site it may still have an adverse effect by, for example, polluting a watercourse or water catchment area, and account will be taken of this possibility when applying this policy*".

339. Policy 17: 'Flood Risk Management' of the adopted Borough of Redditch Local Plan No.4 seeks to minimise the impacts of and from all forms of flood risk, which includes requiring applicants to submit a Flood Risk Assessment (FRA) for certain types of development, including where the proposal includes land in Flood Zones 2 and 3 (as defined by the latest Environment Agency mapping). Policy 17 (iii) of the adopted Borough of Redditch Local Plan No.4. also states that in considering all proposals for development.... "*Incorporation of water efficiency measures and appropriate Sustainable Drainage (SuDS) techniques that utilise retention methods. For Redditch, suitable methods include greywater recycling, rainwater harvesting, green roofs, permeable surfaces, swales, and ponds. SuDS techniques which provide water quality improvements, utilise natural environment features and contribute to the Borough's Green Infrastructure will be encouraged.*"

340. Policy 18: 'Sustainable Water Management' of the adopted Borough of Redditch Local Plan No.4 seeks to minimise flood risk, favouring SuDS to mitigate the risk of surface water and overland flooding and enhance biodiversity and amenity interest.

341. The Sustainability Statement submitted in support of the planning application states with regard to water management that process effluent would be kept separate from clean surface water, collected, and taken off-site for suitable disposal and / or recovery, to prevent pollution of land, ground water and surface water. The applicant has confirmed that all loading and unloading of waste would take place on an impervious surface.

342. In terms of surface water drainage, clean surface water collected from the roof and yard area would be collected within the existing surface water drainage system and only clean and uncontaminated surface water would be discharged into the surface water drainage system. The applicant has confirmed that rainwater harvesting would be incorporated into the proposal and that collected water would be reused dependant on health and safety requirements and need. A 1,500-litre rainwater

harvesting butt would be located on the south-west of the unit to collect surface water run-off from the roof. In response to a letter of representation and associated video clip which showed flooding of the ordinary watercourse located in the vicinity of the site, the Environment Agency confirm that the site is located within Flood Zone 1 on the Flood Map for Planning and could not provide further comments upon flooding within a low risk zone and recommended that the County Planning Authority consult the Lead Local Authority (LLFA), who would have more knowledge of flooding issues associated with the ordinary watercourse and would be the first point of contact for surface water flooding.

343. As set out in the 'Consultation' section of the report, in response to the letter of representation and associated video clip North Worcestershire Water Management (who comment planning applications on behalf of the LLFA) have been consulted and state that they have reviewed the footage and letter of objection and state that they are aware of flooding at this location in the past, but do not have records of flooding for 2022. They state that the flood water was retained within the open space where the footage was taken and did not impact the unit and that they have double checked their records which show that the unit has not been impacted by flooding in the past. They reiterate their consultation comments and state that the proposal would not increase the footprint of the site and that no alteration to the existing drainage is being proposed and that they do not seek any mitigation measures to be put in place.

344. The County Ecologist has reviewed letters of representation objecting on the grounds that the proposal would result in the risk of pollution events, the County Ecologist states that no discharge to the adjacent watercourse is proposed and that the applicants submitted Sustainability Statement states that to prevent pollution of land, ground water and surface water, process effluents would be kept separate from clean surface water which would be collected and removed off site by tankers to undergo suitable disposal and recovery. The County Ecologist reiterates that only clean water from the roof and yard areas would be discharged to the existing water drainage system and that therefore no anticipated direct interaction between the proposed site operations and the adjacent watercourse or designated sites downstream are proposed.

345. With regard to pollution impact on ecological receptors downstream, such as the River Arrow, Arrow Valley Park Lake and subsequently the River Avon, the County Ecologist states that hydrological connectivity would be spurious for air pollution impact pathways in this instance, particularly given the separation by features such as the Coventry Highway (A4023) and intervening residential, commercial, and industrial development.

346. The County Ecologist states that the Environment Agency, being the competent authority, would ensure appropriate and acceptable pollution control measures are secured, applied, and enforced through their own regulatory mechanisms in order to control the risk of pollution / spills from the application site.

347. The Environment Agency have been consulted and have no objection to the proposal, confirming that the Environmental Permit would regulate, and control matters such as general management, and emissions to water, including surface water, monitoring and reporting and that therefore the Environment Agency consider that should planning permission be granted it would not be necessary for conditions to be imposed to control these aspects.



348. Both Worcestershire Wildlife Trust and Natural England have no objections to the proposal. Worcestershire Wildlife Trust defer to the County Ecologist for all on-site biodiversity considerations.

349. Severn Trent Water Limited have no objection to the proposal, subject to the imposition of conditions for the disposal of foul and surface water implementation of the proposal in accordance with the approved details. Severn Trent Water Limited state that this is to ensure a satisfactory means of drainage and to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. They also state that they would insist that soakaways and other SuDS techniques are investigated before considering a discharge to the public surface water sewer. Severn Trent Water Limited further state that they would not permit a surface water discharge into the public foul sewer and recommend that the applicant seeks alternative arrangements. In view of Severn Trent Water Limited's comments, conditions are recommended to this effect.

350. In light of the above and 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 is 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**

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

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

353. Policy WCS 15: 'Social and economic benefits' of the of the adopted Worcestershire Waste Core Strategy states that *"proposals for waste management facilities will be permitted where it is demonstrated: a) That they will benefit the local community and sub-regional economy through; i) contributing towards Worcestershire's equivalent self-sufficiency in waste management capacity; or ii) supporting the development of the local green economy; or iii) the operation of community or voluntary sector waste management services; or iv) educating communities about sustainable waste management"*.

354. Policy 1: 'Presumption in Favour of Sustainable Development' of the adopted Borough of Redditch Local Plan No.4 states that *"when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area"*.

355. Paragraph 23.1 of Policy 23: 'Employment Land Provision' of the adopted Borough of Redditch Local Plan No.4 states that *"the NPPF commits to securing and supporting sustainable economic growth in order to create jobs and prosperity. Therefore, the availability of suitable land is crucial to the economic well-being and development of Redditch Borough. It is important to maintain a balance between residential and economic development in order for Redditch to thrive as a place to live and work"*.

356. The applicant states that the relocation of the existing and thriving business would safeguard the existing nine full-time members of staff and that the relocation would allow a modest expansion and enable an increased workforce of an additional one to two full time employees. As such, the proposal would contribute to the local economic wellbeing and development of Redditch by providing jobs and services to other businesses and would, therefore, accord with the socio and economic aims and objectives of the NPPF.

357. As outlined in the 'Other representations' section of the report, letters of representation have been received objecting to the application on the grounds that the proposal would adversely impact on existing businesses in the area. The location of the proposal and impacts on residential amenity and neighbouring businesses are considered in the 'Location of the development', and 'Residential amenity (including noise and vibration, dust, air quality, odour, and health impacts)' of this report, which are considered acceptable, subject to appropriate conditions.

358. In view of the above, the Head of Planning and Transport Planning considers 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, and this weights in its favour.

### **Climate change**

359. It is acknowledged that Redditch Borough Council declared a climate emergency in September 2019, and that Worcestershire County Council declared a climate emergency in July 2021, and a commitment to tackle its own impacts on climate change through the Worcestershire County Council Net Zero Plan (2020).

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

361. Policy WCS 11: 'Sustainable design and operation of facilities' of the adopted Worcestershire Waste Core Strategy states that *"waste management facilities will be*

*permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of sustainable development practices and climate change mitigation and resilience through: a) the re-use of existing buildings where appropriate and the minimisation of the use of primary materials in construction of new buildings and alterations; and b) reducing water demand where possible and considering water efficiency in the design and operation of all new built development; and c) reducing energy demand where possible and considering energy efficiency in the design and operation of all new built development...e) the consideration of land stability and subsidence; and f) landscaping which enhances, links and extends natural habitats, reflects landscape character or acts as a carbon 'sink'".*

362. Policy 1: Presumption in Favour of Sustainable Development of the adopted Borough of Redditch Local Plan No.4. states *"When considering development proposals the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area"*.

363. Policy 15: Climate Change of the adopted Borough of Redditch Local Plan No.4. at paragraph 15.2 states that *"to be sustainable, new developments must have regard for the need to be climate-resilient"*. The Reasoned Justification to this policy at paragraph 15.9 states *"The EU Waste Framework Directive sets out five steps for dealing with waste, ranked according to environmental impact – the 'waste hierarchy'. Prevention, which offers the best outcomes for the environment, is at the top of the priority order, followed by preparing for reuse, recycling, other recovery and disposal, in descending order of environmental preference"*.

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

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

*"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

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

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

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

366. Paragraph 9 of the NPPF goes onto state that *“These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”.*

367. In line with the above policy recommendations the proposal includes the provision of No. x 1 additional electric charging points (total of No. x 2 electric vehicle charging points), cycle storage, rainwater harvesting system and would be located on previously developed land and re-use an existing building. The proposal would also move waste up the waste hierarchy.

368. In accordance with Policy WCS 11: ‘Sustainable design and operation of facilities’ of the adopted Worcestershire Waste Core Strategy, the applicant states that *“The site will use fuels as efficiently as practicably possible. The operator will invest in systems to ensure the minimum use of electricity. Low energy lighting will be specified from the outset, where additional lighting is required. All staff will receive appropriate training for operations at the site which will include maintenance procedures and basic housekeeping (e.g., switching lights and equipment off when not in use)”.*

369. In accordance with Policy 15: ‘Climate Change’ of the Borough of Redditch Local Plan No.4, which states at paragraph 15.3 that *“the use of small scale renewable technologies will be encouraged in appropriate locations”*, the applicant has confirmed that renewable energy would be provided by solar panels located on the roof of the unit which would provide power to the proposed electric vehicle charging points with any surplus stored on site. A condition is recommended to this effect.

370. With regard to rainwater harvesting and water management at the site, the applicant states that clean surface water from the roof and yard would be collected within the existing surface water drainage system and harvested rainwater would be collected and used where practically feasible subject to health and safety requirements. Process effluents would be kept separate from clean surface water and removed by site by tankers for suitable disposal and recovery to prevent potential pollution of land, ground water and surface water. Only clean, uncontaminated surface water would be discharged to the surface water drainage system.

371. In addition to the above, the proposal would utilise an existing industrial unit located within a sustainable location close to the local primary and strategic road network and situated within an existing industrial estate. The applicant states that reuse of the industrial unit would prevent the necessity for the raw materials in the construction of new premises.

372. In accordance with paragraph 15.9 of the Reasoned Justification to Policy 15: 'Climate Change' of the adopted Borough of Redditch Local Plan No.4, the applicant states that the proposal would provide a specialist facility for the recovery of precious metals from waste which accords with the principles of moving waste up the waste hierarchy. Furthermore, the Environmental Permit would condition that appropriate measures are incorporated to ensure that the waste hierarchy is applied to wastes generated by activities on site.

373. Letters of representation have been received objecting to the proposal on the grounds of adverse impact upon climate change, Carbon Dioxide emissions and requiring carbon audits. The Head of Planning and Transport Planning notes that there are no adopted policies in the Development Plan for the area that expressly requires a carbon audit or carbon offset plan. It is considered that the effects of climate change and the vulnerability of the development proposal to these changes have been adequately considered as part of the planning application, noting the proposed measures / benefits outlined above. Furthermore, it is considered that requiring a carbon audit or carbon offset plan would be disproportionate to the development proposed.

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

### **Consultation and publicity**

375. As set out in the 'Other Representations' section of the report, letters of representation have been received objecting on the grounds of inadequate public participation and restricted access to the Planning Portal and APAS E-Planning System Public Portal and associated link to the webpage in order to make representations.

376. With regard to pre-application public consultation, the Head of Planning and Transport Planning is not aware of any public consultation having taken place in relation to this application by the applicant. Notwithstanding this, it is noted that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised by the NPPF (paragraph 40) and in the County Council's Statement of Community Involvement.

377. The statutory requirements for consultation on planning applications by local planning authorities are outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

378. The statutory requirement is for a site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier (neighbour notification letters); and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

379. The following information must be published on a website maintained by the local planning authority: -

- a) the address or location of the proposed development;
- b) a description of the proposed development;
- c) the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;
- d) where and when the application may be inspected;
- e) how representations may be made about the application; and
- f) that, in the case of a householder or minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

380. Formal consultation of the planning application took place between 10 May 2023 until 1 June 2023. The consultation period took account of the May Spring Bank Holiday on the 29 May 2023 and extended the statutory consultation period to 22 days, which is in accordance with the Council's Statement of Community Involvement.

381. Ten Public Notices were erected at and in the vicinity of the application site. In addition, approximately 115 notification letters were sent to the nearest local residents and businesses prior to the start of the consultation period on the 9 May 2023. A notice of the planning application was published in the Redditch Advertiser on the 10 May 2023. An electronic copy of the submission was also made available on Worcestershire County Council's website.

382. The Head of Planning and Transport Planning notes that public access to the APAS E-Planning System Public Portal was temporarily down on 24 May 2023 from approximately 10:00 to 16:55 hours due to system maintenance. Furthermore, it is noted that whilst the APAS E-Planning System Public Portal was available, a hyperlink to it on the County Planning webpage was removed on 31 May at approximately 10:00 hours and reinstated the same day, no later than 13:30 hours. Notwithstanding this, it should be noted that the County Planning Authority take letters of representation into account up until the determination of the planning application. Therefore, the County Planning Authority are satisfied that the public have not been prejudiced by the temporary technical problems with the Council's website / APAS E-Planning System Public Portal.

383. Furthermore, following consideration of comments received, the applicant submitted amended / further information, including amended operational hours,

amended Noise Impact Assessment, amended Emissions Modelling Assessment, amended Noise and Vibration Management Plan, amended Planning Statement, Health Impact Assessment Screening, amended Proposed Layout Plan and amended Proposed Elevations Plan, which Worcestershire County Council considered would be material to the determination of the planning application and further consultation was carried out between 6 September to 27 September 2023.

384. Ten Public Notices were erected at and in the vicinity of the application site. In addition, over 500 notification letters were sent to the nearest local residents and businesses, including those that had previously commented on the planning application prior to the start of the consultation period on the 4 September 2023. A notice of the planning application was published in the Redditch Advertiser on the 6 September 2023. An electronic copy of the submission was also made available on Worcestershire County Council's website.

385. In view of the above, the Head of Planning and Regulatory Planning is satisfied that the County Planning Authority has 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.

### **Other matters**

#### Human Rights Act 1998

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

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

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

#### Obligations under the Equality Act 2010

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

'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

## **Conclusion**

### Proposal

390. Kaug Refinery Services Ltd is seeking planning permission for a proposed change of use to *Sui Generis* use for the recovery and recycling of precious metals from various metal containing wastes, minor modifications to the existing building, including the installation of No. 4 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, B98 9HL.

391. The proposed specialist facility would have a throughput of up to 250 tonnes per annum of which approximately 150 tonnes per annum of precious metal bearing circuit boards would be sorted / batched and shipped on for further recovery.

392. Various processing operations would then be undertaken to recover precious metals from the waste streams, including shredding, acid and alkali digestion, operation of a small-scale thermal appliance for removal of non-metal contaminants and small-scale metal smelting processes.

393. The processes would be regulated under two separate permits, an Installation Environmental Permit, regulated by the Environment Agency, and a Part B Environmental Permit, regulated by the Local Authority (Worcestershire Regulatory Services).

394. The proposal would make use of an existing industrial building, with proposed modifications to include the addition of No. 4 external exhaust flues to a maximum of approximately 4 metres above the height of the existing roofline for ventilation and to dilute and disperse residual emissions from the small-scale thermal treatment processes. Exhaust flues would be operated for the duration of the proposed operational hours as detailed below, apart from the abatement plant (scrubber) and the alkaline process extraction system which would both be operational 24 hours a day. Proposed operational hours would be:

- Mondays to Fridays - 06:00 to 17:00 hours; and
- Saturdays, Sundays and Bank and Public Holidays - no operations.

395. 16 car parking spaces would be retained to accommodate members of staff and visitors to the site. Proposed development would generate approximately 6 rigid Heavy Goods Vehicle (HGV) movements per week (about 3 HGVs entering the site and 3 HGVs exiting the site), approximately 12 articulated HGV movements per year (about 6 HGVs entering the site and 6 HGVs exiting the site), approximately 40 Light Goods Vehicle (LGV) movements each week for low volume/weight waste collections (about 20 LGVs entering the site and 20 LGVs exiting the site), and approximately 10 car movements per day associated with site staff (about 5 cars entering the site and 5 cars exiting the site).

### Waste Hierarchy



396. The Head of Planning and Transport Planning considers that as 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

397. Policy WCS 3 of the adopted Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste, such as this proposal, to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

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

399. Policy WCS 6 of the adopted Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs enclosed re-use and recycling facilities, such as this proposal, to land which includes 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.

400. As the proposed development would be located on existing and allocated industrial land, it is considered the proposal complies with Policy WCS 6 of the adopted Waste Core Strategy. It is 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 consider such areas are appropriate locations for waste management facilities, subject to other relevant material planning considerations.

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

402. 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 is 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)

403. Based on the advice of Worcestershire Regulatory Services, the Environment Agency, the Health and Safety Executive, Worcestershire County Public Health, and Worcestershire Emergency Planning Unit, the Head of Planning and Transport Planning considers 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 considers 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

404. Based on the advice of the County Highways Officer and County Footpaths Officer, the Head of Planning and Transport Planning is 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

405. Based on the advice of the County Ecologist, Natural England and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considers 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

406. 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 is 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

407. The Head of Planning and Transport Planning considers 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

408. The Head of Planning and Transport Planning considers that given the proposal would be located on previously developed land, re-use an existing building and is close to local primary and strategic road network; would move waste up the waste hierarchy, and includes 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

409. The Head of Planning and Regulatory Planning is satisfied that the County Planning Authority has 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.

410. 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

### **Recommendation**

**411. The Head of Planning and Transport Planning recommends 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 Panning 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 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.

### **Contact Points**

Specific Contact Points for this report

Case Officer: Joanne O'Brien, Senior Planning Officer

Tel: 01905 844345

Email: [jobrien@worcestershire.gov.uk](mailto:jobrien@worcestershire.gov.uk)

Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

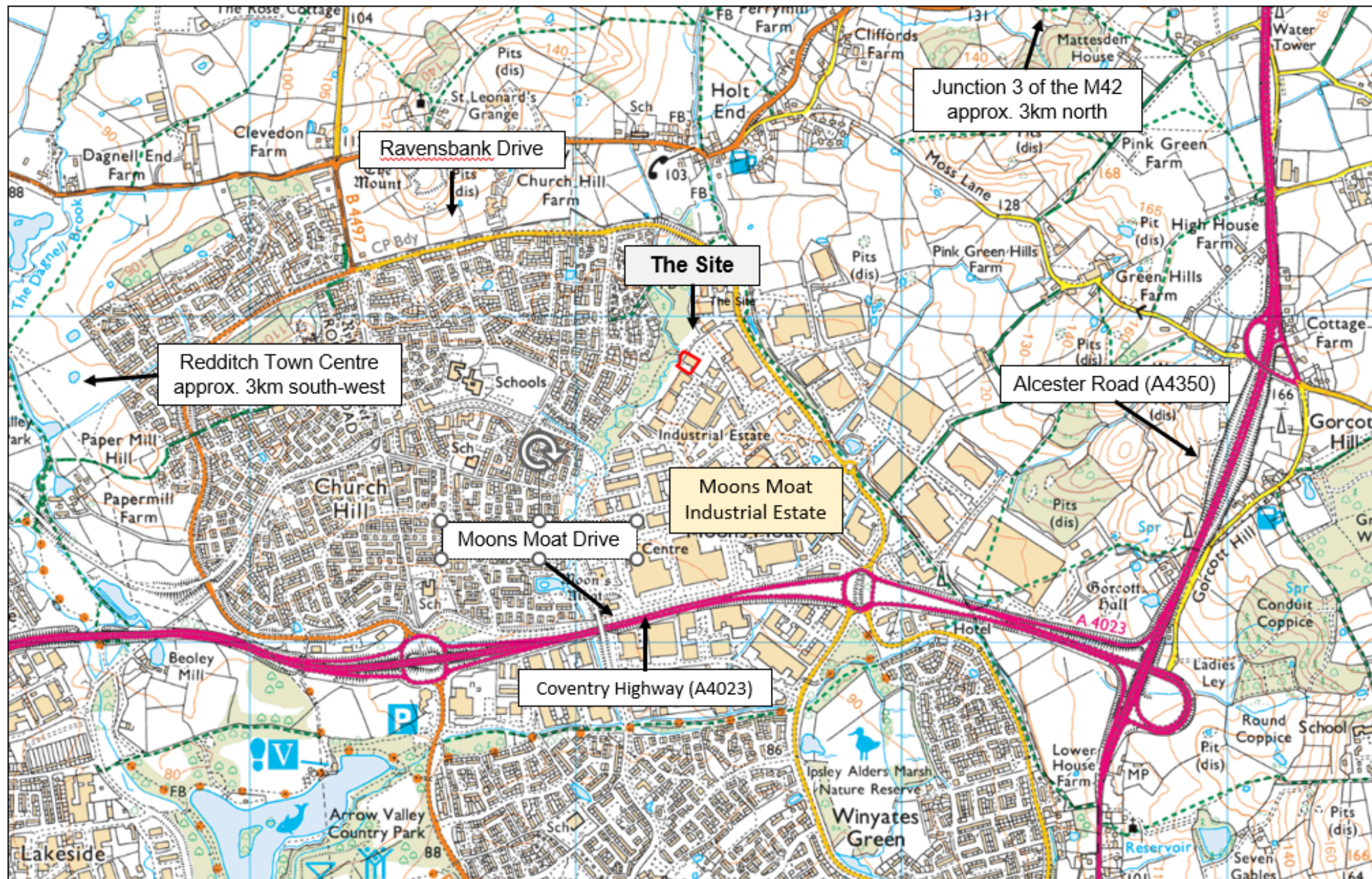
Email: [saldrige@worcestershire.gov.uk](mailto:saldrige@worcestershire.gov.uk)

## **Background Papers**

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

The application, plans and consultation replies in file reference: 23/000019/CM, which can be viewed online at: [www.worcestershire.gov.uk/eplanning](http://www.worcestershire.gov.uk/eplanning) by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.

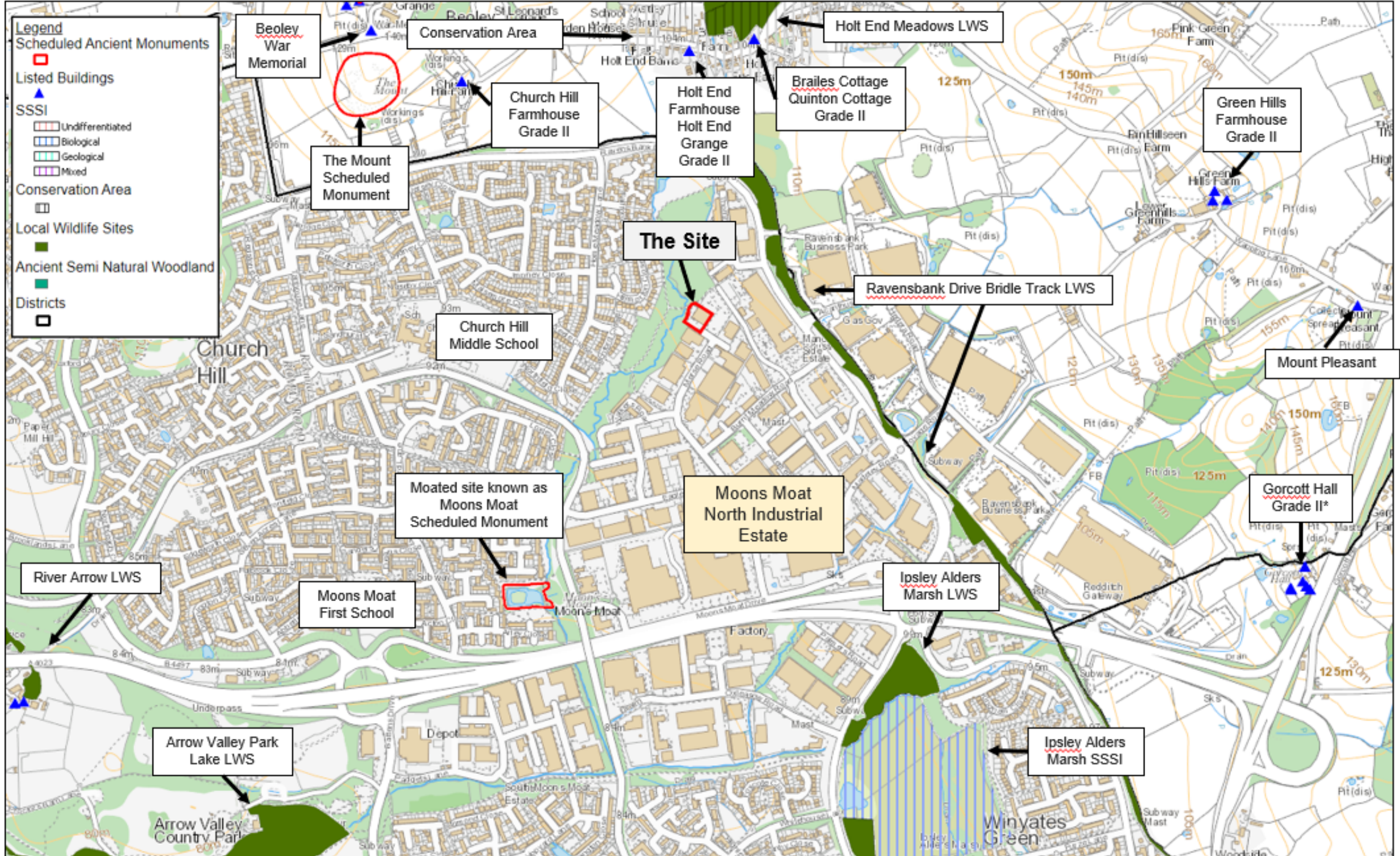




Proposed change of use to Sui Generis use for the recovery of precious metals from metal containing wastes, minor modifications to the existing building, including the installation of exhaust flues and addition of other minor ancillary structures to support development at Unit 10 Merse Road, Moons Moat North Industrial Estate, Moons Moat, Redditch, Worcestershire. Ref. 23/000019/CM



This page is intentionally left blank



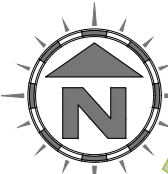
This page is intentionally left blank





This page is intentionally left blank





FB

Additional staff/visitor parking

Electricity substation

MH

G

MH

MH

MH

Offices

MH

Staff/visitor parking

Electric vehicle (EV) charging point

Electric vehicle (EV) charging space

Canopy

Roller shutter door access

MH

G

MH

MH

H

Scale Bar (1:200)

0 m 10 m 20 m

**NOTES**  
Site survey undertaken using Intel Falcon 8+ drone in September 2022. Ordnance Survey data reproduced with the permission of the controller of H.M.S.O. Crown copyright licence No. 100022432. This drawing is copyright and property of Oaktree Environmental Ltd.

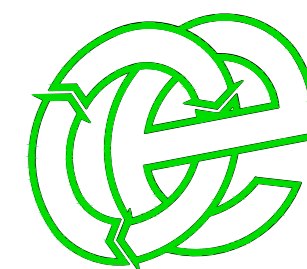
**REVISION HISTORY**

| Rev: | Date:    | Init: | Description:    |
|------|----------|-------|-----------------|
| -    | 14.03.23 | JH    | Initial drawing |

**KEY:**

- Planning boundary
- Sealed buildings
- Concreted areas
- H Hydrant
- MH** Manhole
- G** Gully
- Paved areas
- Un-surfaced areas
- Surface water drainage
- Foul drainage

Oaktree Environmental  
Waste, Planning and Environmental Consultants



**DRAWING TITLE**  
EXISTING LAYOUT PLAN

**CLIENT**  
Kaug Refinery Services Ltd

**PROJECT/SITE**  
10 Merse Road, North Moons Moat, Redditch, B98 9HL

|                            |                          |                      |
|----------------------------|--------------------------|----------------------|
| <b>SCALE @ A2</b><br>1:200 | <b>CLIENT NO</b><br>2765 | <b>JOB NO</b><br>009 |
|----------------------------|--------------------------|----------------------|

|                                      |                 |                         |
|--------------------------------------|-----------------|-------------------------|
| <b>DRAWING NUMBER</b><br>2765-009-03 | <b>REV</b><br>- | <b>STATUS</b><br>Issued |
|--------------------------------------|-----------------|-------------------------|

|                       |                      |                         |
|-----------------------|----------------------|-------------------------|
| <b>DRAWN BY</b><br>JH | <b>CHECKED</b><br>RS | <b>DATE</b><br>14.03.23 |
|-----------------------|----------------------|-------------------------|

Lime House, Road Two, Winsford, Cheshire, CW7 3QZ  
t: 01606 558833 | e: sales@oaktree-environmental.co.uk

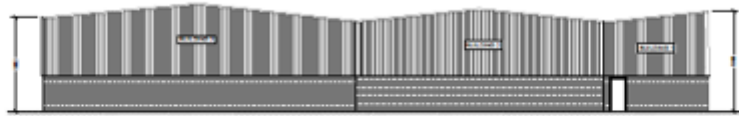
This page is intentionally left blank



South-West (front) Elevation



South-East (side) Elevation



North-East (rear) Elevation



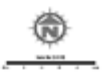
North-West (side) Elevation



Roof Plan

Scale: 1:100  
 Drawing No: 2023-01-01  
 Date: 15/11/23

| REVISIONS |                  |
|-----------|------------------|
| No.       | Description      |
| 1         | Issue for tender |



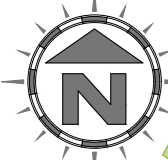
**Oaktree Environmental**  
 Waste, Planning and Environmental Consultants



|   |       |
|---|-------|
| PROJECT   |       |
| ESTD ELEVATIONS   |       |
| Client: King Jeffrey Services Ltd   |       |
| Address: 27-29 Wood Road, North Rocks NSW, Australia, 2159  |       |
| Scale:  | 1:100 |
| Author:   | 2023  |
| Check:  | 2023  |
| Issue:  | 2023  |
| Drawn:  | 2023  |
| By:   | 2023  |
| <small>© Oaktree Environmental 2023. All rights reserved.<br/>       This drawing is the property of Oaktree Environmental Pty Ltd.</small> |       |



This page is intentionally left blank



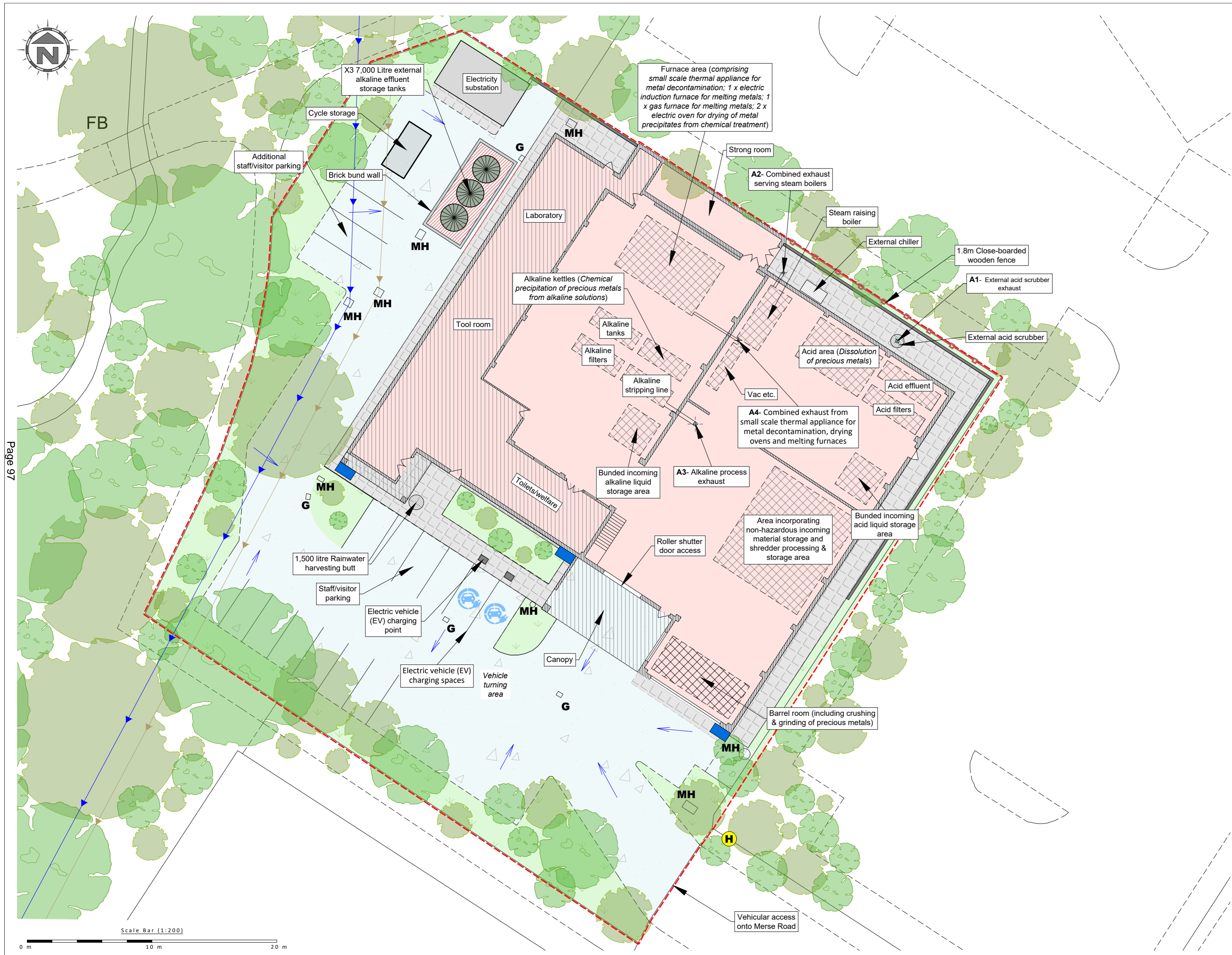
**NOTES**  
 Site survey undertaken using Intel Falcon 8+ drone in September 2022. Ordnance Survey data reproduced with the permission of the controller of H.M.S.O. Crown copyright licence No. 100022432. This drawing is copyright and property of Oaktree Environmental Ltd.

| Rev: | Date:    | Init: | Description:                     |
|------|----------|-------|----------------------------------|
| -    | 14.03.23 | JH    | Initial drawing                  |
| A    | 14.04.23 | IA    | Layout amendments                |
| B    | 04.05.23 | IA    | Layout changes as required by EA |
| C    | 17.07.23 | JH    | Parking amended                  |
| D    | 17.08.23 | JH    | Fence added                      |

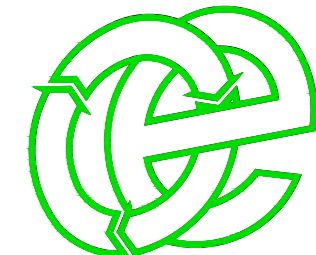
**KEY:**

- Planning boundary
- Sealed buildings
- Concreted areas
- H Hydrant
- MH Manhole
- G Gully
- Fall direction arrows
- Paved areas
- Un-surfaced areas
- Schwegler 15P bird/bat terrace
- Surface water drainage
- Foul drainage

Page 97



**Oaktree Environmental Ltd**  
 Waste, Planning and Environmental Consultants



**DRAWING TITLE**  
 PROPOSED LAYOUT PLAN

**CLIENT**  
 Kaug Refinery Services Ltd

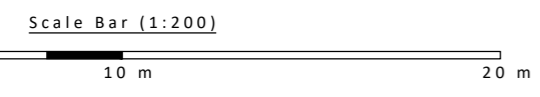
**PROJECT/SITE**  
 10 Merse Road, North Moons Moat, Redditch, B98 9HL

**SCALE @ A2** 1:200      **CLIENT NO** 2765      **JOB NO** 009

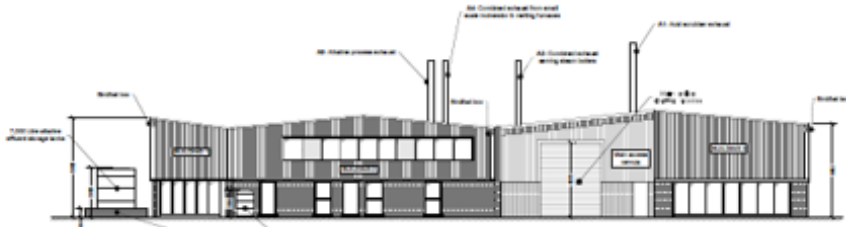
**DRAWING NUMBER** 2765-009-04      **REV** D      **STATUS** Issued

**DRAWN BY** JH/IA      **CHECKED** RS/DY      **DATE** 17.08.23

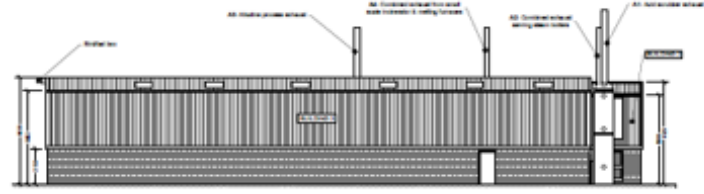
Lime House, Road Two, Winsford, Cheshire, CW7 3QZ  
 t: 01606 558833 | e: sales@oaktree-environmental.co.uk



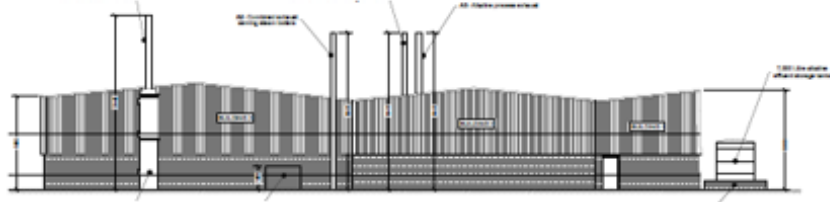
This page is intentionally left blank



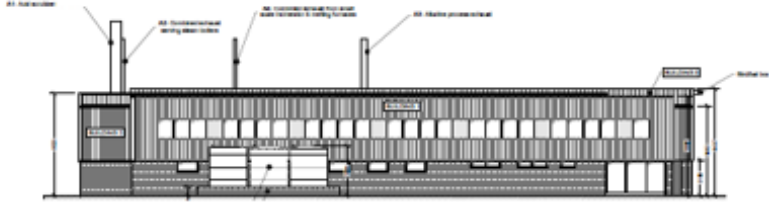
South-West (front) Elevation



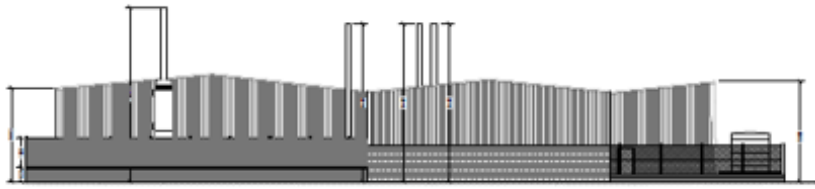
South-East (side) Elevation



North-East (rear) Elevation



North-West (side) Elevation



North-East (rear) Elevation - Boundary Treatment



Roof Plan

| REVISIONS |                        |
|-----------|------------------------|
| No.       | Description            |
| 1         | Issue for Review       |
| 2         | Final for Construction |

North

**Oaktree Environmental Ltd**  
 Water, Planning and Environmental Consultants

PROJECT NO: [REDACTED]  
 CLIENT: [REDACTED]  
 PROJECT ADDRESS: [REDACTED]  
 PROJECT NO: [REDACTED]  
 DATE: 17/08/21

This page is intentionally left blank



## **PLANNING AND REGULATORY COMMITTEE**

### **28 NOVEMBER 2023**

## **APPLICATION FOR A PUBLIC PATH ORDER (EXTINQUISHMENT)**

---

### **Reference Number**

Public Rights of Way Public Path Order D598

### **Applicant**

Network Rail (NR)

### **Local Member**

Councillor Kit Taylor

### **Purpose of Report**

1. To consider a public path order under section 118A Highways Act 1980 ('Stopping up of footpaths, bridleways and restricted byways crossing railways') to stop up (extinguish) the public rights of way recorded on the Definitive Map and Statement for Worcestershire, footpath TC-504 in the parish of Tutnall and Cobley and footpath LK-524 (part) in the parish of Lickey, at the Network Rail railway crossing at Blackwell near Bromsgrove as indicated A - B on the plan (Appendix 1).

### **Background**

2. Public right of way, Tutnall and Cobley footpath TC-504, passes over the Birmingham to Gloucester railway at the Blackwell rail level crossing situated north of Bromsgrove Station in Blackwell, Bromsgrove. The public right continues to the north-west of the railway line as Lickey footpath LK-524 to connect to Fairways Drive, a highway with a like right of way, within the residential area centred on Linthurst Newtown road. To the south-east the public right continues over Blackwell Golf Club grounds as Tutnall and Cobley footpaths TC-503 and TC-505 (plan, Appendix 2).
3. The Birmingham to Gloucester railway is one of the main cross-country routes connecting the North East and the West Midlands to the South West of England. Blackwell rail crossing is over a three-track line and there is an associated goods loop. The crossing is on a curve, the up (north west) side being on the inside of the curve. The curve in the line presents a natural restriction to the sight line of people on the level crossing to see oncoming trains. Until 2016 NR had measures in place to mitigate danger to the public on the crossing including a restriction on train speed and the use by train drivers of a train's whistle.

4. In 2016 Network Rail undertook works on this length of the line as part of the Birmingham to Bromsgrove Electrification Project. The line was electrified with the installation of overhead line equipment (OLE). Stanchions were erected within Network Rail's operational land to support the overhead power lines. The stanchions have a limited separation distance and restrict the sighting distances available for users of the crossing to see oncoming trains.
5. Electrification has enabled the use of quieter electrified trains on the line running more frequent services and at higher speeds.
6. In response to the alterations made to the rail infrastructure and use of the line, Network Rail carried out a risk assessment of the public use of Blackwell rail crossing using its All Level Crossings Risk Model (ALCRM). With electrification of the line it graded the crossing as B3 and concluded the danger to the public in use of the crossing exceeds an acceptable level of risk which cannot within reason be mitigated.
7. In May 2017 a Temporary Closure was placed on footpath TC-504 and the length of footpath LK-524 between the rail crossing and Fairways Drive. The Temporary Closure was made at the request of NR due to, 'concerns about the safety of people using Blackwell Footpath crossing over the railway. These concerns lead from a recent Quantitative Risk Assessment which identifies a high probability of a future fatal incident at the crossing.' The public right of way continues to be subject of a Temporary Closure Order arising from concerns for public safety.

## **The Proposal**

8. Network Rail has made application to Worcestershire County Council as the highway authority for an order under Section 118A Highways Act 1980 to stop up footpaths TC-504 and Lickey LK-524 (part).
9. The grounds upon which NR seeks a public path order, based on NR's risk assessments of the Blackwell level crossing, are contained in the Statement of Grounds (Appendix 3).
10. Alternative routes between the residential area to the north west of the railway and the golf course and rural area to the south-east are provided by U22401, Station Road / Agmore Road to the south west of the railway crossing and to the north east by C2157 Linthurst Newtown and onward by the C2174 Blackwell Road and connecting public rights of way (plan, Appendix 2).
11. Station Road / Agmore Road is a single carriageway rural road with no footway or walkable verge for its length running from the north west side of the railway to its junctions with public right of way footpath TC-500 south east of the railway.
12. Linthurst Newtown has a footway along its length from its junction with footpath LK-504 north-east as far as the north west end of a bridge over the railway line (Wadham's overbridge). Footways on the bridge are narrow and are primarily to distance vehicles from the bridge walls. South east of the bridge and along

Blackwell Road, a single carriageway rural road, there is no footways or walkable verge.

13. With the proposed stopping up of the public right of way over Blackwell rail crossing, the feasibility of improving pedestrian access on Wadham's overbridge at Linthurst Road and constructing a footway along Blackwell Road to connect with the east end of the public right of way, footpath TC-505 (plan, Appendix 2), is being studied however no feasible solution has currently been found. This is separate from the application and the public rights of way team would support progressing the proposed closure of the crossing for safety reasons even if no alternative route can be provided.

### **Worcestershire County Council public path order procedures**

14. The Planning and Regulatory Committee has delegated authority to the Public Rights of Way Team Mapping Manager to arrange the making of public path orders and the confirmation of any unopposed orders subject to agreement by the local member for the relevant County Council division.

15. In accordance with this requirement a report was sent to the local member for Bromsgrove East division setting out the proposal to stop up Tutnall and Cobley footpath TC-504 and Lickey footpath LK-524 (part) (Appendix 4).

16. The local member did not support the application to stop up the public right of way citing the lack of an alternative dedicated pedestrian route.

17. The matter is now outside the remit of the Mapping Manager and is submitted to this Committee for permission to advertise the order for public consultation with a view to confirming it if there are no objections.

### **Provisions of Section 118(A) of the Highways Act 1980**

18. The Highways Act 1980 makes specific provision for the stopping up of public right of way crossing railways by way of Section 118A of the Act.

19. By sub section (1), Section 118A, 'applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, other than by tunnel or bridge, should be stopped up.'

20. Further, by sub section (2), the Council may by order made by them, 'extinguish the right of way over the path or way (a) on the crossing itself, and (b) for so much of its length as they deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way'.

21. Therefore, the questions for the Committee to consider are whether in the interests of the safety of members of the public the public right of way Tutnall and Cobley footpath TC-504 over Blackwell level crossing should be stopped up and if



so whether it is expedient to stop up the length of public right of way Lickey footpath LK-524 between the railway crossing and its junction with Fairways Drive.

## Conclusion

22. The Strategic Director for Economy and Infrastructure concludes that a public path order be made for the following reasons:
- a) Following the electrification of the Birmingham to Bromsgrove rail line, the railway crossing at Blackwell over which the public right of way Tutnall and Cobley footpath TC-504 passes has been assessed by Network Rail through its All Level Crossings Risk Model (ALCRM) as B3, a level of risk to the public that is not considered acceptable.
  - b) NR has examined options to mitigate the danger to the public crossing the railway by way of the public right of way TC-504 and concluded no available measures would be effective in reducing the risk to an acceptable level.
  - c) NR has considered alternative provision for the public to cross the railway at the location of the Blackwell rail crossing, such as a bridge or tunnel and concluded they are not technically appropriate or feasible to the location or cost prohibitive.
23. Should the Committee approve the Strategic Director for Economy and Infrastructure's recommendation, the County Council will make and advertise an order. There is a very strong possibility an order will receive objections that will subsequently result in the matter being determined by the secretary of state's inspector.
24. Should the Committee refuse the Strategic Director for Economy and Infrastructure's recommendation, then (as this is an order being requested under section 118A of the Highways Act 1980 on safety grounds) Network Rail would have the right to apply to the Secretary of State asking them to progress the extinguishment. This would be a separate process and would be dealt with by the secretary of state although the County Council would be a consultee on any order made.

## Recommendation

25. **The Strategic Director for Economy and Infrastructure recommends 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.**

## Supporting Information

Appendix 1: Plan of proposed stopping up, footpaths TC-504 and LK-524 (part)  
Appendix 2: Plan of Blackwell area showing highways including public rights of way  
Appendix 3: Statement of Grounds for public path order  
Appendix 4: Local Member Report

## Contact Points

Rowena Lloyd  
Mapping Manager, Public Rights of Way Team  
[RLloyd1@worcestershire.gov.uk](mailto:RLloyd1@worcestershire.gov.uk)

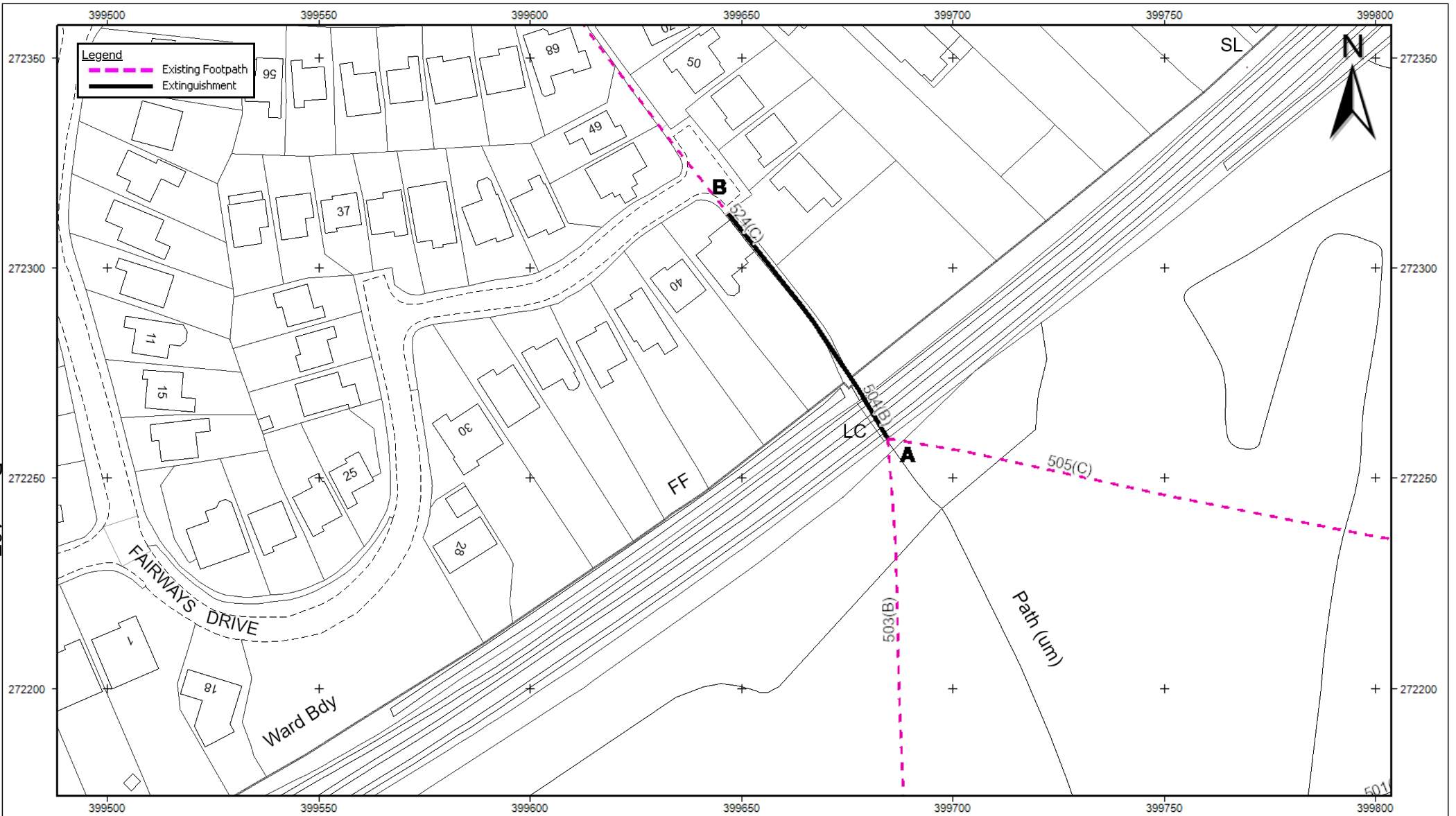
Anthony Kerby  
Mapping Officer, Public Rights of Way Team  
[AKerbey@worcestershire.gov.uk](mailto:AKerbey@worcestershire.gov.uk)

## Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Economy and Infrastructure) the following are the background papers relating to the subject matter of this item:

- Public Path Order application form.
- Network Rail Diversity Impact Assessment
- Network Rail Narrative Risk Assessment

This page is intentionally left blank



© Crown copyright and  
database rights 2023  
Ordnance Survey AC0000809204.



**PLAN OF PROPOSED STOPPING UP  
PUBLIC RIGHT OF WAY  
TUTNALL AND COBLEY FOOTPATH TC-504  
LICKY FOOTPATH LK-524 (PART)  
NOT DEFINITIVE**

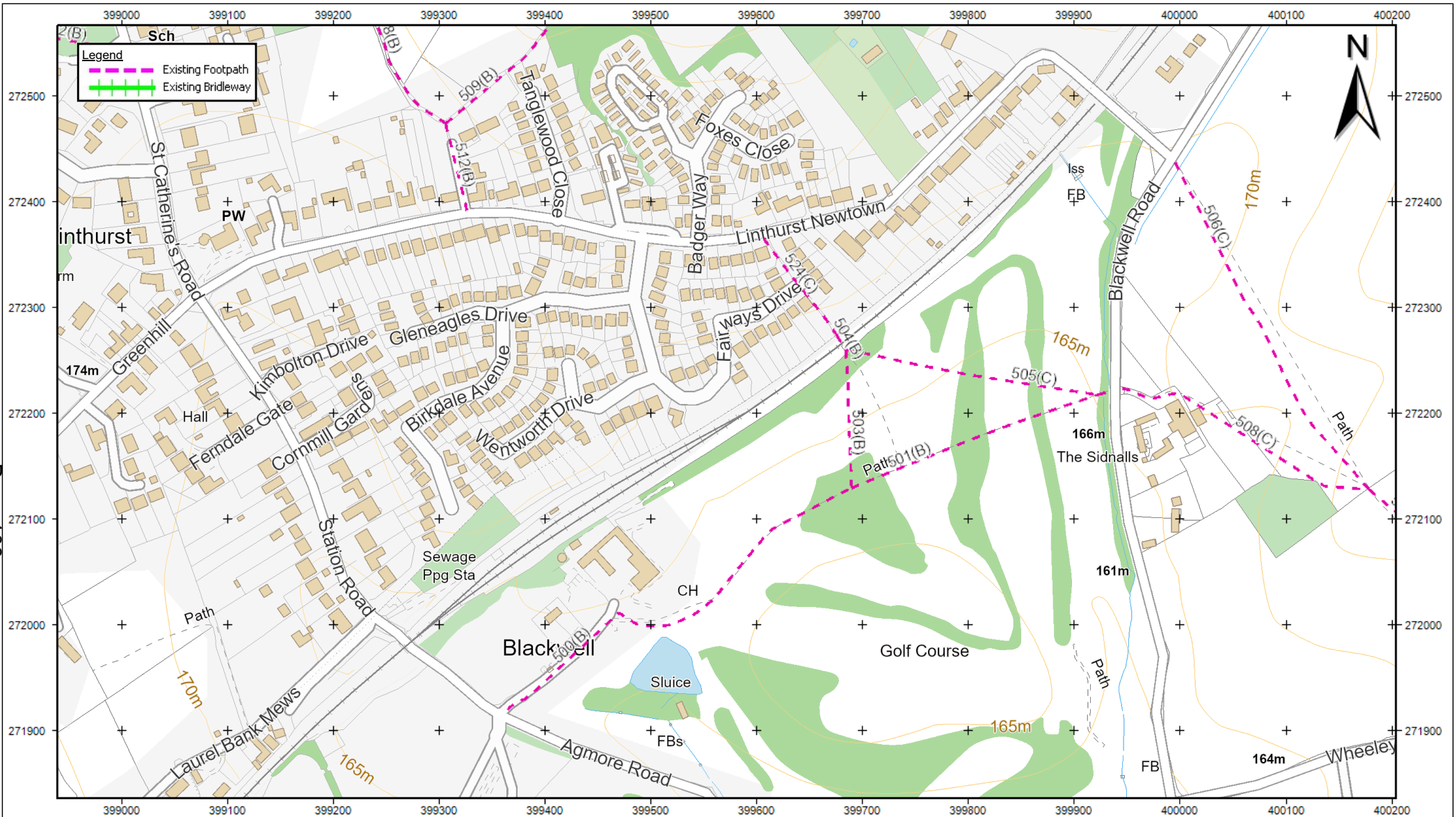
Indicative Scale: 1:1,250

Date Printed: 19/10/2023

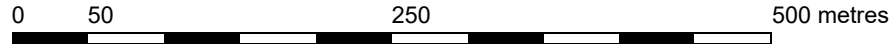


Countryside Service  
Worcester Woods Country Park  
Wildwood Drive  
Worcester  
WR5 2LG

This page is intentionally left blank



© Crown copyright and database rights 2023  
 Ordnance Survey AC0000809204.



**PLAN OF BLACKWELL AREA SHOWING HIGHWAYS INCLUDING PUBLIC RIGHTS OF WAY  
 NOT DEFINITIVE**

Indicative Scale: 1:5,000

Date Printed: 19/10/2023



Countryside Service  
 Worcester Woods Country Park  
 Wildwood Drive  
 Worcester  
 WR5 2LG

This page is intentionally left blank

# STATEMENT OF GROUNDS

## Public Path Order Section 118A Highways Act 1980 (Railway Crossing Stopping Up)

### Proposed Stopping Up of Footpath TC-504 (Formerly Footpath 1) in the Parish of Tutnall and Cobley and Footpath LK-524 (Part) (Formerly Footpath 61) in the Parish of Lickey

#### (Blackwell Rail Level Crossing)

#### Location

Public right of way, Tutnall and Cobley footpath TC-504, passes over the Birmingham to Gloucester railway at the Blackwell rail level crossing. The line is one of the main cross-country routes connecting the North East and the West Midlands to the South West of England. The public right continues to the north-west of the railway line as Lickey footpath LK-524 to connect to Fairways Drive. To the south-east the public right continues over a golf course as Tutnall and Cobley footpaths TC-503 and TC-505.

Blackwell rail crossing is over a three-track line and there is an associated goods loop. The crossing is on a curve, the up (north east) side being on the inside of the curve.

The Bromsgrove Electrification Project undertaken in 2016 has resulted in the erection of overhead electrification gantries and associated structures and an increase in the number of train services on the line running quieter and faster.

#### Train services

The train service over Blackwell level crossing consists of Passenger and Freight trains. There are 203 trains per day; a total of 184 passenger trains and 19 freight being 92 passenger services on up and down line and 14 freight on up line and 5 freight on down line. Trains are timetabled to run for 24 hours per day. The highest permissible line speed of trains is 90 mph. (Figures taken from Network Rail's TRUST system.) It should be noted that prior to electrification of the line, a TSR (Temporary Speed Restriction) was in place for 75mph.

#### Level Crossing Usage

A 24 hour census was carried out on 18-07-2015 by The Surveillance Group. The census applies to 100% of the year. The census taken on the day is as follows:

|                        |    |
|------------------------|----|
| Pedal / motor cyclists | 1  |
| Pedestrians            | 31 |
| Horse riders           | 0  |
| Animal herders         | 0  |



Data from a previous 20-day census averaged approximately 31 users a day. 27 Vulnerable users were identified over the 20 days averaged at 1.4 a day.

It was considered night time use to be 7%.

A covert camera was put out on site in August 2016 and captured regular level crossing misuse:

- Users noted to linger on the crossing itself
- Users walking down the track away from the crossing
- User standing on the crossing itself while two trains passed within metres
- Users crossing with dogs not on leads causing user to linger on the crossing
- Users crossing without looking and while wearing headphones
- Children using and lingering on the crossing at night while using mobile phones

The electrification now presents an increased risk of serious injury or death if member of the public come into direct contact with it.

There are no known local attractions that would see an increase of irregular users.

It is considered the crossing would see regular users wishing to get to and from Blackwell village and for walking around the golf course. Spring and summer months can be a little busier due to these being the better weather months. There are several local attractions, Blackwell Adventure, Blackwell Golf Club and Blackwell Social Club that are likely to attract regular walkers.

A new census is not possible to undertake given the crossing is currently closed however it is envisaged that there is likely to be an increase in the number of users. Some reasoning behind this is that it is believed that more homeowners now have a dog following the covid lockdown period and the crossing could now appeal to more users.

## **Traversing the crossing**

The traverse distance of the crossing is 13.2m (average rail crossing distances are between 8m and 10m). At a walking speed of 1.189m/s this gives a traverse time for pedestrians of 11.1 seconds. Note the current census has not identified a high proportion of vulnerable users. Therefore, the pedestrian traverse time has not been increased.

The crossing is on a curve, thus restricting sighting distances for pedestrians crossing from the up (north east) side.

## **Risk to Public**

### **Sighting**

Sighting at Blackwell level crossing is recorded as:

|                   |                                     | Up side looking at trains travelling in the up direction |                                     | Up side looking at trains travelling in the down direction |                                     | Down side looking at trains travelling in the up direction |                                     | Down side looking at trains travelling in the down direction |  |
|-------------------|-------------------------------------|--|-------------------------------------|--|-------------------------------------|--|-------------------------------------|--|--|
| Line 1:<br>Line 1 | Minimum required sighting distance  | Actual sighting distance                                 | Minimum required sighting distance  | Actual sighting distance                                   | Minimum required sighting distance  | Actual sighting distance                                   | Minimum required sighting distance  | Actual sighting distance                                     |  |
|                   | 447                                 | 332  | 447                                 | 238  | 447                                 | 512  | 447                                 | 378  |  |
|                   | Sighting distance measured to point |  | Sighting distance measured to point |  | Sighting distance measured to point |  | Sighting distance measured to point |  |  |
|                   | OLE Stantion on down side           |  | OLE Stantion on down side           |  | Vegetation on down side             |  | Vegetation on down side             |  |  |
| Line 2:<br>Line 2 | Minimum required sighting distance  | Actual sighting distance                                 | Minimum required sighting distance  | Actual sighting distance                                   | Minimum required sighting distance  | Actual sighting distance                                   | Minimum required sighting distance  | Actual sighting distance                                     |  |
|                   | 447                                 | 332  | 447                                 | 238  | 447                                 | 512  | 447                                 | 378  |  |
|                   | Sighting distance measured to point |  | Sighting distance measured to point |  | Sighting distance measured to point |  | Sighting distance measured to point |  |  |
|                   | Vegetation on down side             |  | Vegetation on down side             |  | Vegetation on up side               |  | Vegetation on down side             |  |  |
| Line 3:<br>Line 3 | Minimum required sighting distance  | Actual sighting distance                                 | Minimum required sighting distance  | Actual sighting distance                                   | Minimum required sighting distance  | Actual sighting distance                                   | Minimum required sighting distance  | Actual sighting distance                                     |  |
|                   | 447                                 | 332  | 447                                 | 238  | 447                                 | 512  | 447                                 | 378  |  |
|                   | Sighting distance measured to point |  | Sighting distance measured to point |  | Sighting distance measured to point |  | Sighting distance measured to point |  |  |
|                   | Vegetation on up side               |  | Vegetation on down side             |  | Vegetation on down side             |  | Vegetation on down side             |  |  |

**Sighting restrictions:**

|   | Up Direction | Down Direction |
|---|--------------|----------------|
| Nothing; vanishing point                | No           | No             |
| Track curvature                         | Yes          | Yes            |
| Permanent structure (building/wall etc) | Yes          | Yes            |
| Signage or crossing equipment           | No           | No             |
| Vegetation                              | Yes          | No             |
| Bad weather on the day of visit         | No           | No             |
| Other                                   | No           | No             |

There are no known issues with foliage, fog or other issues that might impair visibility of the crossing, crossing equipment or approaching trains however sun glare was observed on the upside on the day of the risk assessment which can hinder sighting.

Trains are known to sometimes pass each other at this crossing.

It should be noted that the environment surrounding the crossing now looks very different to before the crossing was last open. Due to the electrification multiple overhead line stations are now present that could easily distract the sight of an oncoming train. The environment is now a lot busier, and trains are quieter with electrification.

Banked freight trains require a banking engine to assist from the loop at Bromsgrove which provides rear-end power as the train ascends the Lickey bank. The summit is approximately 600m south of the crossing, at which point the banking engine drops off but follows the train and comes to a stand at the first controlled signal which is beyond the crossing. Therefore, the potential exists for a member of public standing on the up side of the crossing waiting to cross to assume that once the final wagon has passed over the crossing it is safe to cross or be looking in the up direction for a down train and not be aware of the banking engine following up behind the freight train.

**Mitigation:**

Blackwell level crossing is provided with whistle boards.

|           | Line speed | Whistle board distance (m) | Whistle board warning time (s) | Is the train horn clearly audible at the crossing? | Is the whistle board warning effective? | Comments on audibility and whistle board position  |
|-----------|------------|----------------------------|--------------------------------|--|---|--|
| Up line   | 90         | 443                        | 9.67                           | No   | Yes, but not effective                  | The whistle boards are non compliant on both up and down line.   |
| Down line | 90         | 418                        | 9.12                           | No   | Yes, but not effective                  | Maximum distance for WB at a LC is 400 metres. Both WB's exceed this as well as not providing sufficient warning time. The Whistle board situated at 443 metres only provides a warning time of 9.67 seconds |

|  | If sighting is deficient, is it mitigated? | Notes on deficient sighting  |
|--|--|--|
| Up side looking at trains travelling in the up direction     | No   | WB on approach to crossing which are non compliant and cannot be moved back any further. |
| Up side looking at trains travelling in the down direction   | No   | WB on approach to crossing which are non compliant and cannot be moved back any further. |
| Down side looking at trains travelling in the up direction   | No   | WB on approach to crossing which are non compliant and cannot be moved back any further. |
| Down side looking at trains travelling in the down direction | No   | WB on approach to crossing which are non compliant and cannot be moved back any further. |

Due to the sighting at the crossing being inadequate, a warning for pedestrians of an approaching train is given in the form of a train horn sounded by the train driver at a 'whistle board'.

To keep the crossing open and compliant with the then existing guidelines, the whistle boards at Blackwell were moved in 2015 to the distances stated to allow for an adequate warning time. The train horns were tested at these distances and it was found they were audible from the crossing in all weather conditions. It is important to note whistle board warnings are reliant on the driver sounding the train horn, this is not an automatic system.

The whistle boards are situated at 443m from the crossing on the up side and 418m on the down side. The boards give warning times of 11.87s and 11.20s respectively (noting traverse timing is 11.1s). Sighting and whistle board compliance cannot be achieved in this location on either line due to track layout. The warning time in respect of the up line is reduced to 9.67 seconds at train speeds of 90mph.

It should be noted, the maximum distance a whistle board can be sited under current guidelines is 400m.

Sighting at the crossing has worsened with the construction of overhead electrification gantries and structures. Overhead line equipment (OLE) stanchions can hinder sighting for crossing users, more infrastructure making the area look busier and cluttered and restricting sighting of oncoming trains.

Line speed over the crossing in the up direction is 90mph. Attainable speed for trains in the up direction has been assessed at 75mph rather than 90mph, as the change in speed only occurs a very short distance from the crossing itself, and therefore 90mph is not attainable.

At 90mph whistle boards would need to be placed at a minimum 507 metres; this would place them 107 metres out of compliance.

The percentage of users who use the crossing during the night-time quiet period, between midnight and 06:00, is estimated as 7%. This figure is considered as fairly high compared to other level crossings of a similar type. During the night time quiet period use of whistle boards as a mitigation is not permitted. Therefore, the user would be reliant on sighting of oncoming trains alone and sighting is not compliant.

It should be noted, whistle boards now being considered less acceptable as mitigation at passive crossings.

The driver of a banking engine sounds a warning whistle when in line of sight of the crossing to warn crossing users.

## **Risk Assessment**

Network Rail undertake risk assessment of crossings. The risk assessments utilise a tool known as ALCRM, All Level Crossing Risk Model (see (1) below). Various pieces of data such as train frequency, train speed, available sighting distances, traverse distance, traverse time and usage numbers are inputted into the system which provides a risk score for a crossing.

A quantitative risk assessment completed on the 29 August 2016 gave the Blackwell crossing a risk score of C4. This risk assessment predated electrification of the line and the changes in rail use and impact on the crossing this has brought about.

Following electrification, with the additional train service and a line speed of 90mph, the Blackwell level crossing ALCRM calculated safety risk is B3.

Electrification masts erected as part of the Bromsgrove electrification project have reduced already poor sighting further and with the increase in train service, risk modelling of this suggests the crossing has changed from C4 to B4 (B being High Risk) if no additional mitigation is provided. Increase of train service and removal of the 75mph speed restriction in place for down trains make the crossing non-compliant; required sighting of approaching trains would need to be in excess of 440m which is unachievable and in its present situation means an additional seven seconds warning time is required. Whistle boards are already at the far limit of acceptability and cannot be placed any further away from the level crossing because of the associated drop in audibility to crossing users.

*(1) ALCRM Explained:*

*Risk assessment is based on data collected at the crossing and entered into the ALCRM. This is a computer-based application used by Network Rail to assist in the risk management of level crossings. It takes the features and usage of the crossing into account to calculate a risk score. This is made up of two parts a collective risk and an individual risk. The collective risk is an estimate of the total risk generated by the crossing for all users of the crossing and the occupants of trains whereas the individual risk is an estimate of the risk of death for a notional regular crossing user (this is an annual risk of death based on 500 transits of the crossing per annum). The risk score from ALCRM is intended to support and inform an assessor in considering the risk mitigation options for the crossing.*

## **Alternatives to Stopping Up**

When considering any site, the preferred solution is to remove the public interface with the railway which will eliminate risk of pedestrians being hit by a train. This would involve closing the level crossing to users so the next step would be to identify whether suitable alternative routes are available.

A number of options have been considered:

- Reposition the level crossing

The current approach from the north is along a public right of way that runs between residential houses; this would be difficult to divert as the area along the north side of the railway corridor is developed.

NR is in discussion with Worcestershire County Council over a provision of a pedestrian footway on the railway bridge crossing at Linthurst Newtown and along Blackwell Road as an alternative route for the public.

- Provision of an underpass

The railway corridor is in a low cutting on the north and at grade with the golf course to the south, the topography does not suit the installation of an underpass. An underpass at this location would require a significant area of land on either side of the railway to create the required approach gradients to the underpass. The installation of an underpass has the potential to be extremely disruptive to the railway with three lines running in this area. In addition, an underpass has the potential to attract antisocial behaviour and would need a power supply for lighting.

- Install a footbridge with stepped access

The level crossing is bordered by residential dwellings and associated gardens to the north of the railway corridor. A stepped footbridge solution at the level crossing site would maintain access over the railway corridor for public rights of way users. However, there is insufficient land available at the level crossing to construct a footbridge within the railway corridor. The footprint would require some purchase of third-party land from residential gardens on the north and Blackwell Golf Club on the south. The footbridge structure would be significant in size to clear the three lines and the proposed OLE system. The structure would have an impact on the amenity of Blackwell Golf Club and overlook residents on Fairway Drive. Blackwell Golf Club has already expressed their opposition to the installation of a footbridge at the level crossing site and written representations have been received from local residents.

There is potential to install a footbridge approximately 485m west of the existing crossing however in this location a footbridge is unlikely to benefit rights of way users. This area is immediately east of Blackwell underbridge but this underbridge does not have sufficient room for a footway. It is thought that a footbridge would be contained within the railway corridor at this point. The footbridge would not overlook any residential properties adjacent to the railway however it would be close to the club house of Blackwell Golf Club and therefore is likely to be rejected by the golf club. The railway is on an embankment here and a Network Rail authorised access track runs parallel to the railway lines on the north side. There is overhead power infrastructure and a flood attenuation area which would need to be avoided. This proposal would require a diversion of the public rights of way along Station Road to the north where a footway is provided. However, Aimore Road which runs south towards public footpath 500(B) is narrow with no public lighting or footway provided.

There is also a potential footbridge location approximately 150m west of the current level crossing however a bridge in this position would also overlook residential properties and would be unacceptable to local residents. In light of the above a stepped footbridge is not recommended.

- Install a footbridge with stepped and ramped access

The existing approaches to the level crossing are via a golf course to the south and a residential public footpath to the north. The current rights of way on the south side are unlikely to be used by self-propelled wheelchairs or users with prams/pushchairs given their rural location, rough terrain and obstacles such as timber stiles. This is evident in the census survey which recorded no cyclists or pushchair/wheelchair users over the 9-day period. A ramped structure would have a significant impact on the amenity of Blackwell Golf Club, require significant residential land for construction and overlook residents on Fairway Drive. Typically, the construction cost of a ramped structure is three times that of a stepped only footbridge. This is a result of the length of ramp structure which typically can be over 100m in length depending on the bridge soffit height required. The construction costs may be increased further due to requirements for third party land purchase on the north and south sides of the railway corridor. This option has been discounted due to overall delivery, visual intrusion and cost considerations.

- Miniature Stop Light (MSL)

MSL technology is dependent on the signalling systems in the area and can prove complex and expensive to install and maintain, particularly in this location given the proximity to the switches and crossings at the top of Lickey Incline approximately 200m west of the level crossing. There are three railway tracks at this location and according to NR/L2/SIG/11201/ModX40 new MSL crossing systems shall not be installed over more

than two tracks. Therefore, an MSL system for a single crossing at this location has been discounted. The crossing could be split into two crossings with a separate MSL system for each however this would cause confusion and may lead people to think it is safe to cross both crossings when that may not be the case. This option is therefore not recommended.

- VAMOS

Further investigation would be needed in order to assess its suitability for Vamos at this location. However, This option would not mitigate against misuse of the crossing and performs poorly in the CBA.

# PROPOSED PUBLIC PATH ORDER

PARISH: Tutnall and Cobley / Lickey

FILE REF: D589

PATH: TC-504 / LK-524

DATE: 31 May 2023

LOCAL MEMBER: Councillor Mr Kit Taylor

## Order applied for:

**STOPPING UP OF FOOTPATH TC-504 (FORMERLY FOOTPATH 1) IN THE PARISH OF TUTNALL AND COBLEY AND FOOTPATH LK-524 (PART) (FORMERLY FOOTPATH 61) IN THE PARISH OF LICKEY**

## Applicant:

### Network Rail

Baskerville House  
Centenary Square  
Broad Street  
Birmingham  
B1 2ND

## Director of Business, Environment and Community Report:

Network Rail has made application under section 118A of the Highways Act 1980 to stop up public right of way which would allow closure of a publicly used rail level crossing.

The application is to stop up the public right of way Tutnall and Cobley footpath TC-504 which crosses railway lines at the Blackwell public level crossing located to the North of Bromsgrove Station in Blackwell, Bromsgrove, Worcestershire and stop up of the continuation of the public right between the railway crossing and the junction with Fairways Drive, Lickey footpath LK-524 (part).

The above public right of way are currently closed under a Temporary Closure Order effective to February 2026.

Network rail is seeking to stop public access over the railway line following the Birmingham to Bromsgrove Electrification Project. The line has been electrified with the installation of 25kV AC overhead line equipment (OLE). Stanchions have been erected within Network Rails operational land to support the overhead power lines. The stanchions have a limited separation distance and restrict the sighting distances available for users of the crossing and electrification has increased line speed and frequency of services on the line running quieter electrified trains. Network Rail has carried out a risk assessment (RA) of the crossing following changes to the rail network and grades the crossing to be unsafe for public use.

Stopping up footpath TC-504 would result in the continuation of the public right from the railway crossing to Fairways Close, part of footpath LK-524, being a being a cul-de-sac which is unlikely to be used.

Network Rail has considered several options to improve safety at the Blackwell rail crossing. It has been determined that none of the alternatives to closure of the crossing are viable.

Further information concerning the reasons for Network Rail seeking to stop up of the public right of way is provided in the Statement of Grounds (copy attached).

The proposal has been out to consultation with the User Groups, District Council and Parish Council and has received indications that an order would be subject to objection.



It appears to the Council expedient in the interests of the safety of members of the public using it or likely to use it, that the footpath which crosses the railway, Tutnall and Cobley footpath TC-504, should be stopped up

It appears to the Council expedient the length of public right, Lickey footpath LK-524 (part), from the crossing to its intersection with another highway, Fairways Drive, Blackwell, be stopped up.

It is considered stopping up of the right of way is expedient as it is not reasonably practicable to make the crossing safe for use by the public.

Network Rail are prepared to enter into an agreement with the Council to erect and maintain appropriate barriers and signs on the route of the footpath.

It is considered that the proposal would satisfy the criteria for making an Order under Section 118A of the Highways Act 1980.

The Director of Economy and Infrastructure supports the making of the Order.

**Views of Local Member:**

**Date:** .....

\* **I agree to the making of the Order**

\* **I do not agree to the making of the Order**

**Signed** ..... **Local Member**

**To the Head of Legal and Democratic Services:**

**Date:** .....

\* **I authorise the making of this Public Path Order**

\* **I do not authorise the making of this Public Path Order and will report to the Planning and Regulatory Committee**

**Signed** .....

**Public Rights of Way Mapping Manager**

## **PLANNING AND REGULATORY COMMITTEE**

### **28 NOVEMBER 2023**

## **SAFETY OF SPORTS GROUNDS ANNUAL REVIEW**

### **2022/2023**

---

#### **Purpose of Report**

1. To provide an annual review of activities carried out by Worcestershire Regulatory Services (WRS) on behalf of the Directorate of Public Health (Emergency Planning) to discharge statutory duties under the Safety at Sports Grounds (SatSGs) and related legislation during 2022/2023.

#### **Background**

2. Members will recall that the legislative background for the Council's responsibilities for SatSGs is based on the Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and the Regulatory Reform (Fire Safety) Order (FSO) 2005.

3. The County Council (WCC) therefore has an interest in all sports grounds in the County but more specifically those that are formally designated and grounds that have regulated stands as follows:

4. The "**Designated**" stadium in Worcestershire as defined by the Department of Digital, Culture, Media and Sport under The Safety of Sports Grounds Act 1975 is:

- **Sixways Stadium** –Worcester Warriors Rugby Football Club

5. The "**Regulated Stands**" in Worcestershire – grounds with stands that provide covered accommodation for 500 or more spectators and covered by the Fire Safety and Safety of Places of Sport Act 1987 and the Regulatory Reform (Fire Safety) Order (FSO) 2005 are:

- **The Grandstand** – Pitchcroft, Worcester Racecourse,
- **Aggborough Stadium** –Kidderminster Harriers Football Club
- **The Victoria Ground** –Bromsgrove Sporting Football Club

6. The Worcestershire County Cricket Ground at New Road and the Worcester Arena are neither designated nor regulated. Consequently, these venues are not subject to SatSGs legislation due to the nature of definitions contained within that legislation.

7. The SatSGs function including Safety Advisory Group (SAG) co-ordination was transferred, under a legal agreement, from WCC Public Health to Worcestershire Regulatory Services (WRS) in August 2020. WCC retains its statutory duty in relation to the legislation with WRS acting on its behalf to deliver the function and service.

## **Safety Certificates**

8. WCC has duties under the Safety of Sports Grounds Act 1975. Its role is to consider applications for and issue Safety Certificates for the designated sports grounds in the county. Safety certificates set capacity and have terms and conditions that the holder must follow to operate the ground at capacity when it is being used for the sport concerned. Responsibility for safety of spectators always rest with the sports ground management. WCC is able to serve prohibition notices if the authority consider that letting in spectators would put them at a serious risk – also allows restrictions in capacity. There are similar duties under the Fire Safety and Safety of Places of Sports Act 1987 for those grounds with regulated stands

9. The Regulatory Reform (Fire Safety) Order (FSO) 2005 ensures a risk-based approach to fire safety. The County Council is the enforcing authority for the FSO to ensure that all necessary fire risk assessments have been made at all four locations and their premises covered by the SatSGs legislation. This assessment is carried out by HW FR on behalf of WCC.

## **Safety Advisory Groups**

10. Management and discharge of SatSGs legislation is administered through a site-specific Safety Advisory Group (SAG) based on each sports venue. SAG meetings were convened regularly throughout the year and co-ordinated and administered by WRS. The core Agency membership of SAG is composed of:

- Worcestershire County Council (WRS Senior Practitioner or nominated representative)
- West Mercia Police,
- Hereford & Worcester Fire and Rescue Service,
- West Midlands Ambulance Service,
- Worcestershire Regulatory Services (Environmental Health, Licensing, Health and Safety) and,
- the host stadium Safety Officer and Club representatives.

With additional agencies as required

- District Councils or District Council Shared Services(Parking Enforcement, Building Control)
- National Highways

11. All SAG decisions are made on a multi-agency basis under the chairmanship of the County Council (WRS). Under the terms of the Scheme of Delegation and Policy statements the Chair and Vice Chair of the Planning and Regulatory Committee are made aware of any significant alterations and modifications to General and Special Safety Certificates issued.

## **Venue Summaries:**

### **Sixways Stadium, Worcester Warriors RFC**

12. Until the club went into administration in September 2022 Warriors played in the English Premiership. The SAG group were able to ensure that safety documentation

and professional reports were up to date and in good order to permit the remaining home game to be played at the ground.

13. Collaboration between the Club's Safety Officer and its SAG members was maintained and a Special Safety Certificate was able to be issued for the fireworks display in November 2022.

### **Aggborough Stadium, Kidderminster Harriers FC**

16. During this season Kidderminster Harriers Football Club (KHFC) won promotion to the National League (5<sup>th</sup> tier of English Football and the lowest level with a single nationwide league) . Matchday safety management at KHFC Aggborough Stadium is carried out by qualified Stadium Safety Officers. The stadium safety certificate holder is the Club Chairman with safety managements the responsibility of its Safety Officer. supported by a deputy.

17. All four of the stadium's stands are managed as individual regulated stands. KHFC meet current safety management criteria and collaboration with the SAG has remained excellent throughout the 2202 2023 season.

18. During the season members of the SAG carried out inspections examining the spectator safety standards and records set and maintained by the club. These inspections were noted as being satisfactory.

19 KHFC were the hosts for a match night visit by members of the Committee in March 2023. The members were briefed by the Clubs Safety Officers and given a tour of the ground.

### **The Grandstand, Worcester Racecourse**

20. Worcester Racecourse is owned by Worcester City Council with the Grandstand and surrounding area together with the racecourse is operated by Arena Racing Company on a long-term leasing arrangement. The Grandstand is managed as a Regulated Stand under the SatSGs legislation. The Racecourse has a designated safety certificate holder and safety officer.

21. Worcester Racecourse SAG operates site specific working practices that meet the special safety considerations of horse racing and its spectators recognising that crowd behaviour and dynamics at horse racing is very different to that found at football or rugby grounds. The Racecourse employs trained stewards and provides one per 250 attendees (increasing to 1 per 100 where necessary).

22. Worcester Racecourse holds jump racing meetings during the summer between April to October. The SAG meeting for the racecourse was held virtually however, an in-person site visit was conducted during the season.

## **Victoria Ground, Bromsgrove Sporting FC**

23. Bromsgrove Sporting leases the Victoria Ground on a long-term arrangement from Bromsgrove District Council who own the freehold. The Main and North stand are Regulated Stands under the SatSGs legislation. The Club plays in the Southern League Premier Division Central.

24. The Bromsgrove Sporting FC safety certificate holder remained the chairman and the club has a suitably qualified safety officer. The in-match inspection took place in November 2022 and identified safety issues that the Club has worked with local police to resolve.

25. SAG members in particular the Fire Safety Inspector and the Officer and West Midlands Ambulance Service continue to work with the club to ensure the terms and conditions of their General Safety Certificate are being adhered to.

## **Non-Statutory Event Safety Management Advice**

26. The multi-agency members involved with the SAG's also provide safety management advice to several well-established venues and events that take place throughout the year. This process ensures that best practice is shared with organisers, safety managers and stewards many of whom work at the designated or regulated grounds. Some of the venues and events where advice has been offered include:

- Malvern, Three Counties Showground.
- Worcestershire County Cricket Ground
- Worcester's Victorian Christmas Fayre
- Tri County SAG for the 3 Shires car rally
- Passion Play Worcester
- Hanbury Show
- Queens Baton Relay for the Commonwealth Games
- Events including the Tom Jones concert, Sunshine and Mello Festivals.

## **The Regulatory Reform (Fire Safety) Order (FSO)**

27. The Fire Safety RRO duty is currently administered by the County Council through a Service Level Agreement provided by H&W Fire and Rescue Service. There were no significant issues at sites managed through the SatSGs legislation during 2022/2023.

## **Recommendation**

**27. The Director of Public Health recommends 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**

## **Contact Points**

Specific Contact Points for this report

Louise Elliot

Tel: 07779 554286

Email: [louise.elliott@worcsregservices.gov.uk](mailto:louise.elliott@worcsregservices.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Director of Public Health) the following papers relate to the subject matter of this item:

WCC Planning and Regulatory Committee Terms of Reference 2020

WCC Planning and Regulatory Committee SAG Policy 2020

WCC Enforcement Policy Relating to Safety at Sports Grounds 2020

This page is intentionally left blank