

Minutes of the Planning and Regulatory Committee

Wychavon District Council (Civic Centre, Queen Elizabeth

Drive, Pershore, Worcestershire, WR10 1PT)

Tuesday, 19 March 2024, 10.00 am

Present:

Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Paul Harrison, Cllr Tony Miller, Cllr Linda Robinson, Cllr David Ross, Cllr Kit Taylor and Cllr Malcolm Victory

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and
- C. The Minutes of the meeting held on 28 November 2023 (previously circulated).

1128 Apologies/Named Substitutes (Agenda item 1)

Apologies were received from Cllrs Andy Fry, Bill Hopkins, Scott Richardson Brown and Chris Rogers.

1129 Declarations of Interest (Agenda item 2)

None.

1130 Public Participation (Agenda item 3)

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

1131 Confirmation of Minutes (Agenda item 4)

RESOLVED that the Minutes of the meeting held on 28 November 2023 be confirmed as a correct record and signed by the Chairman.

1132 Proposed new Hampton pedestrian and cycling bridge to span the River Avon with associated Active Travel improvements on land between Pershore Road, Hampton on the west side of the River Avon and Evesham Leisure Centre on the east side of the River Avon, Evesham, Worcestershire (Agenda item 5)

The Committee considered the proposed new Hampton pedestrian and cycling bridge to span the River Avon with associated Active Travel improvements on land between Pershore Road, Hampton on the west side of the River Avon and Evesham Leisure Centre on the east side of the River Avon, Evesham, Worcestershire.

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

The report set out the Development Management Team Manager's comments in relation to Residential Amenity, Landscape Character, and Visual Impacts, Historic Environment; Traffic, Highway Safety and Public Rights of Way; Ecology and Biodiversity; Water Environment and Flood Risk; Other matters – Green Space, Minerals, Consultation, Crime and safety, Utilities and Human Rights Act 1998.

The Development Management Team Manager concluded that based on the advice from the County Landscape Officer, Worcestershire Regulatory Services, Wychavon District Council's Landscape Officer and Wychavon District Council in particular, it was considered that the scale, massing and design of the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area and would be in accordance with Section 12 of the NPPF and Policies SWDP 21, SWDP 25 and SWDP 31 of the adopted South Worcestershire Development Plan. Furthermore, on balance, it was considered that the development would not cause unacceptable overbearing, overshadowing or overlooking implications that detract from residential amenity due to its design, size and location, subject to the imposition of appropriate conditions, including detailed design, materials (including weathering steel for the bridge structure), Construction Environmental Management Plan and Landscape Ecological Management Plan.

In light of the advice from Wychavon District Council's Conservation Officer, the Development Management Team Manager considered that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage assets of Grade II* St Andrew's Church, Grade II listed Nos. 3, 5 and 6 Brookside, Hampton House, The Pool, 11-16 Alexandra Road, Cherry Tree Cottage, The Cottage, No. 64 Pershore Road, Friars Mead, Avon House and scheduled Abbot Chryton Wall.

Paragraph 209 of the NPPF stated that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". In view of this and based on the advice of Wychavon District Council's Conservation Officer and the County and District Archaeologists, the Development Management Team Manager considered that on balance, the impact upon the non-designated heritage assets was not of such significance as to constitute a refusal reason in this instance.

In light of the advice from Wychavon District Council's Conservation Officer and the County and District Archaeologists, the Development Management Team Manager considered that the proposed development would not have an unacceptable adverse impact upon historic environment, including designated and non-designated heritage assets and heritage assets with archaeological interest, in accordance with Section 16 of the NPPF and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan, subject to the imposition of appropriate planning conditions, including the programme of archaeological work and site investigation and post investigation assessment.

The Development Management Team Manager considered that the scheme would encourage sustainable and active travel, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing. Access to open space would be improved, particularly to residents of Hampton on the east side of the River Avon and the scheme would provide another crossing over the river, thus improving transport resilience.

Based on the advice of the County Highways Officer and the County Footpaths Officer in particular, the Development Management Team Manager was satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, in accordance with Section 9 of the NPPF and Policy SWDP 4 of the adopted South Worcestershire Development Plan, subject to the imposition of appropriate conditions relating to a detailed scheme of works for Hampton Footbridge and its connections to Pershore Road, a detailed design to modify the Severn Trent Water Access Road and connect Evesham Leisure Centre to Hampton Footbridge, pedestrian and cycle access, Public Rights of Way, detailed lighting scheme, Lighting Scheme Optioneering Assessment, Construction Traffic Management Plan, Road Safety Audit and Construction Method Statement.

Based on the advice from Focus Environmental Consultants (on behalf of the County Ecologist), Natural England, the Environment Agency, Wychavon District Council's Landscape and Natural Heritage Officer and Worcestershire Wildlife Trust in particular, the Development Management Team Manager considered that subject to the imposition of conditions relating to ground-based tree assessments for bats, a Reptile Method Statement, Construction Environmental Management Plan, a Fish Rescue Method Statement, a

Pollution Prevention and Control Plan, an Invasive Non-Native Species Method Statement, a Biodiversity Net Gain Habitat Management Plan and Maintenance Environmental Management Plan and mitigation measures set out in the Ecological Impact Assessment, that the proposed development would have no unacceptable adverse impacts on the ecology and biodiversity of the site or the surrounding area, including European sites, and would enhance the application site's value for biodiversity, in accordance with Section 15 of the NPPF and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

In light of the advice of the Environment Agency, the Development Management Team Manager considered that the proposal had passed the Exception Test as outlined and the proposal would not result in a net loss of floodplain storage, would not impede water flows, would not increase flood risk elsewhere from any source and would remain operational in times of flood, and in times of extreme flood events the applicant had demonstrated that measures would be in place to ensure the safety of users.

Based on the advice of the Environment Agency, Lead Local Flood Authority, Severn Trent Water Limited and County Emergency Planning in particular, the Development Management Team Manager considered that there would be no unacceptable adverse effects on the water environment, subject to the imposition of appropriate conditions relating to infiltration tests, a Sustainable Drainage Management Plan and Design Strategy for the final design of the flood storage compensation area and design of a soffit level to allow for flood level plus an allowance for climate change. The Development Management Team Manager considered that the proposed development accorded with Section 14 of the NPPF and Policies SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan.

In summary, taking into account the provisions of the Development Plan and in particular Policy MLP 41 of the adopted Worcestershire Minerals Local Plan and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30 and SWDP 31, SWDP 32, SWDP 33, SWDP 34, SWDP 37, SWDP 38, SWDP 40, SWDP 50 and SWDP 51 of the adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The Development Management Team Manager introduced the report and commented that members had visited the site and observed the location of the proposed new Hampton Bridge. Members had walked along the river towpath, observing the location of Avon House to the west of the river, the eastern extent of the site connecting to the public highway, the point at which the earth embankment linked to the Evesham Leisure Centre path and highways network, the avenue of lime trees on the eastern side of the river, and the nearest residential properties observed to the west of the river.

He drew members attention to a typographical error in paragraph 514 of the report which was missing the following sentence: "The essential infrastructure development located in Flood Zone 3 (b) would be permitted where the

exception test has been passed and the development is designed to remain operational and safe for users in times of flood, result in no new loss of flood zone storage, not impede water flows, and not increase flood risk elsewhere.”

In response to the presentation by the representative of the Development Management Team Manager, the following queries were raised:

- In response to a query as to whether the archaeological work requested by Historic England had been or would be completed, the Development Management Team Manager commented that a condition was proposed to ensure that the work was carried out. Wet weather and flooding had delayed the completion of this work to date.
- It was queried whether a crossing would be introduced over the Pershore Road to improve the access to this proposed bridge for the residents of Hampton. The Development Management Team Manager responded that this proposal was outside the scope of the application but the Council was currently undergoing an assessment of the need for a new controlled crossing across Pershore Road. The purpose of the assessment was to establish a safe crossing for pedestrians and cyclists across Pershore Road and ultimately link users onto future Active Travel features along the existing Severn Trent Water Access Road. This would be carried out as part of the permitted development by the Highways Authority
- A question was asked about the level of use and how this had been assessed against the cost of the proposal. The Development Management Team Manager responded that the cost of the proposal was not a planning matter. In terms of usage, the applicant had compared the level of use proposed bridge with that of the Kepax Bridge in Worcester. The applicant also referred to Government Guidance LTN 1/20 which recommended a width of 4.5 metres based upon a use of 300 pedestrians/cyclists per hour. The predicted future demand for Hampton Bridge was forecast to be 1,100 pedestrians (278,300 per year) and 100 (25,300 per year) cyclists each day.

No response had been received from the objector selected to speak to the Committee.

Mark Gorry, the agent acting on behalf of the applicant addressed the Committee. He commented that Cabinet had granted approval in March 2021 to progress a planning application for approval to construct Hampton pedestrian and cycle bridge across the River Avon in Evesham. The scheme proposed would provide improved connectivity between Hampton to the west and Evesham to the east of the river. It was associated with the South Worcestershire Development Plan which considered the long-term vision and objectives for the South Worcestershire area up to 2030. It was also part of the Evesham Transport Strategy being developed by Worcestershire County Council and Wychavon District Council, addressing the town's wider transport issues, and delivering on commitments for sustainable transport for housing developments recently completed in Hampton.

He stated further that the new route would shorten journey times for pedestrians and cyclists, who currently travel to town along Pershore Road via Abbey Bridge and Abbey Road and would encourage a shift from vehicles by providing a safe, direct and comfortable route. As it was off-highway, it also reduced potential for conflict between non-motorised users and vehicles and was a link within the wider Evesham 'Local Cycling Walking and Infrastructure Plan' to encourage active travel.

Due to the prominent nature of the Hampton Footbridge, the design was required to be attractive as well as functional, and be sympathetic to its setting. As part of the planning application, surveys and reports had been carried out including Public Engagement, Ecological surveys and archaeological excavations.

The weathering steel bridge and elevated causeway linked to existing footways, Public Rights of Way and roads on both sides, with provision to connect to potential future housing. A staircase on the east side, and gradually sloping paths for cyclists, prams and wheelchairs, provided links to the riverside paths on Corporation Meadow.

Flood modelling had been undertaken on the design of the bridge and causeway, and balancing ponds were to be excavated. The levels and structural form were designed to ensure the shared-use route was maintained above the floodplain for year-round use, without adverse impact flood risk. A mix of timber close-board fencing, timber railings and stainless-steel balustrades provided safety and privacy, sympathetic to the location and users. A lighting assessment had been undertaken as part of the scheme, to balance the requirements for safe use of the facility while minimising effect on neighbours and wildlife to reduce disturbance, and to keep energy requirements down. LED luminaires and handrail lighting would be used to provide lower impact, with better cut-off, lower intensity, good colour rendition and overnight dimming.

The scheme also included Biodiversity Net Gain, achieving over the 10% target level, with the route sympathetic to existing wildlife and features, and included additional trees and seeding in native species and habitat creation in line with the National Planning Policy Framework.

In summary the proposal was essential to meet Evesham's sustainable transport objectives, whilst being sympathetic to the constraints, and giving enduring benefits for Hampton and Evesham.

Mr Gorry was then asked questions about his presentation:

- Did the applicant consider the use of proximity lighting for the design of the bridge? Mark Gorry responded that column lighting was proposed along the approaches to the bridge including the Severn Trent access road, the earthworks embankment and the links to the Leisure Centre. On the footbridge and the causeway, the proposed lighting would be set into the handrails. The lighting would be directed down onto the footway of the bridge to avoid light shining backwards or overspilling onto the river

and thereby reducing the impact on wildlife and local residents. The use of light sensors had been considered but there was the potential to create a flickering effect which could cause more potential disturbance and negative impact on users. The lighting had been set at a lower level to take account of its dark environment setting with nearby parkland, residential properties and future housing development in the locality

- Had the applicant considered the use of pressure piling instead of impact piling to establish the foundations of the bridge as it created less vibration impact on local wildlife? Mark Gorry responded that the method of piling had been selected to take account of the proximity to the river and the ground conditions on site. Two ground investigations had been carried out. The first investigation discovered a layer of peat which allowed the potential for long-term settlement. The steel sheet piling method enabled the construction of the abutments to the bridge with scour protection set back from the river edge. This avoided issues with the river bank moving and washing away the foundations when the river went into flood. The bridge was founded on concrete flight auger piles which would preserve the longevity of the bridge. Other forms of piling had been considered and would be examined before the work was carried out in accordance with the appropriate condition
- In response to a query about the level of usage, Mark Gorry explained that the guidance in the Local Transport Note 1/20 recommended a bridge width of 4.5 metres for a predicted usage of 300 cyclists and 300 pedestrians per hour. The predicted use was 1,100 pedestrians and 100 cyclists per day which was lower than the Government guidance and therefore a width of 3.5 metres was considered appropriate. The feasibility study undertaken related to the long-term usage so it did not depend on the level of use at the time it was undertaken in 2020
- Could an incorrect assessment of the predicted use lead to the bridge not being built wide enough? Mark Gorry indicated that the actual use of the bridge would need to be significantly higher in order for the width of the bridge to be considered insufficient ie in excess of the levels of use set out in the Government guidance. The proposed width was similar to the other Council bridge developments for example Hans Bridge and Battenhall bridge. The proposed width based on current and projected use had been agreed in consultation with the Government.
- Jamie Wyllie, the Client Project Manager from Jacobs explained that a site evaluation had been conducted during a dry period and the report would be submitted at the appropriate time. The plans for a Toucan crossing on the Pershore Road were being progressed with an intended construction in the next financial year.

In the ensuing debate, the following points were made:

- Could further clarity be provided on the type of native trees to be planted on the site? The Development Management Team Manager responded that a condition was recommended accordingly and the County Ecologist, Worcestershire Wildlife Trust, District Ecologist and County Landscape Officer would be consulted on the most appropriate native species for the location

- The proposal would provide betterment for the local area, creating a much-needed connection from Hampton to Evesham town centre, encouraging people to use different forms of transport other than by car, create a sustainable travel corridor, improving health and wellbeing and reducing the carbon footprint. It would also improve accessibility in times of flooding and reduce congestion in Evesham. The impact of the construction works would be limited as far as possible. The proposal should therefore be approved
- The application had been well-prepared and thought out and should be supported
- The proposal in the application to replace the trees lost during the construction of the bridge with a greater number of trees was welcomed.

RESOLVED that planning permission be granted for Hampton Pedestrian and Cycling Bridge to span the River Avon with associated active travel improvements on land between Pershore Road in Hampton on the west side of the River Avon and Evesham Leisure Centre on the east side of the River Avon, Evesham, Worcestershire, subject to the following conditions:

Commencement

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

Approved Drawings

- 3) The development hereby approved shall be carried out in accordance with the following drawings, except where otherwise stipulated by conditions attached to this permission:
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1010, Revision P01, titled: General Arrangement Site Plan, dated: 4 August 2023;
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1015, Revision P01, titled: General Arrangement Developed Elevation, dated: 4 August 2023;
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1020, Revision P01, titled: General Arrangement Cross Sections – Main Span, dated: 4 August 2023;
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1021, Revision P01, titled: General Arrangement Cross Sections – Ramp, dated: 4 August 2023;
 - Drawing number: 2928-BUR-HGT-HFB-DR-C-0603, Revision P2.0, titled: SERIES 600 – Earthworks Proposed Cut & Fill GA Hampton Footbridge Sheet 1, dated: 17 August 2023;

- Drawing number: 2928-BUR-HGT-HFB-DR-C-0604, Revision P2.0, titled: SERIES 600 – Earthworks Proposed Cut & Fill GA Hampton Footbridge Sheet 2, dated: 17 August 2023;
- Drawing number: 2928-BUR-HDG-HFB-DR-D-0501, Revision P5.0, titled: SERIES 0500 – Drainage General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HDG-HFB-DR-D-0502, Revision P7.0, titled: SERIES 0500 – Drainage General Arrangement Hampton Footbridge Sheet 2, dated: 9 January 2024;
- Drawing number: 2928-BUR-HGT-HFB-DR-C-0601, Revision P5.0, titled: SERIES 600 – Earthworks General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HGT-HFB-DR-C-0602, Revision P5.0, titled: SERIES 600 – Earthworks General Arrangement Hampton Footbridge Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0125, Revision P3.0, titled: SERIES 100 – Preliminaries Existing Site Plan General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HFE-XX-DR-C-0350, Revision P6.0, titled: SERIES 300 – Fencing Standard Details Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HFE-HFB-DR-C-0301, Revision P5.0, titled: SERIES 300 – Fencing General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HFE-HFB-DR-C-0302, Revision P5.0, titled: SERIES 300 – Fencing General Arrangement Hampton Footbridge Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-HFB-DR-C-0101, Revision P6.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-HFB-DR-C-0102, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0100, Revision P6.0, titled: SERIES 100 - Preliminary Scheme Overview General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-HFB-DR-C-1150, Revision P4.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas Hampton Footbridge - Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-XX-DR-C-1151, Revision P5.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas Standard Details - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-HFB-DR-C-1101, Revision P5.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas General Arrangement - Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-HFB-DR-C-1102, Revision P5.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas General Arrangement - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-HPV-HFB-DR-C-0750, Revision P4.0, titled: SERIES 700 – Road Pavements Hampton

Footbridge Pavement Construction Details, dated: 10 August 2023;

- **Drawing number: 2928-BUR-GEN-XX-DR-C-0127, Revision P3.0, titled: SERIES 100 – Preliminaries Public Right of Way General Arrangement, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-GEN-XX-DR-C-0121, Revision P4.0, titled: SERIES 100 – Preliminary Red Line Boundary General Arrangement, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-HMK-HFB-DR-C-1202, Revision P5.0, titled: SERIES 1200 – Road Markings Hampton Footbridge Sheet 2, dated: 7 August 2023;**
- **Drawing number: 2928-BUR-HMK-HFB-DR-C-1201, Revision P5.0, titled: SERIES 1200 – Traffic Signs & Road Markings Hampton Footbridge - Sheet 1, dated: 7 August 2023;**
- **Drawing number: 2928-BUR-HPV-HFB-DR-C-0701, Revision P5.0, titled: SERIES 700 – Road Pavements General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-HSC-HFB-DR-C-0201, Revision P2.0, titled: SERIES 200 – Site Clearance General Site Clearance Hampton Footbridge Sheet 1, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-HSC-HFB-DR-C-0202, Revision P2.0, titled: SERIES 200 – Site Clearance General Site Clearance Hampton Footbridge Sheet 2, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-GEN-XX-DR-C-0128, Revision P3.0, titled: SERIES 100 – Preliminaries Site Lines to Properties General Arrangement, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-GEN-XX-DR-C-0124, Revision P4.0, titled: SERIES 100 – Preliminaries Site Location Plan, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-GEN-XX-DR-C-0129, Revision P2.0, titled: SERIES 100 – Preliminaries Site Lines to Properties General Arrangement, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-HSN-HFB-DR-C-1201, Revision P5.0, titled: SERIES 1200 – Traffic Signs General Arrangement Hampton Footbridge Sheet 1, dated: 7 August 2023;**
Drawing number: 2928-BUR-HSN-HFB-DR-C-1202, Revision P5.0, titled: SERIES 1200 – Traffic Signs General Arrangement Hampton Footbridge Sheet 2, dated: 7 August 2023;
- **Drawing number: 2928-BUR-HGT-XX-DR-C-0650, Revision P5.0, titled: SERIES 600 – Earthworks Typical Cross Section Sheet 1, dated: 10 August 2023;**
- **Drawing number: 2928-BUR-HGT-XX-DR-C-0651, Revision P3.0, titled: SERIES 600 – Earthworks Typical Cross Section Sheet 2, dated: 10 August 2023;**

- Drawing number: 2928-BUR-HGT-XX-DR-C-0652, Revision P3.0, titled: SERIES 600 – Earthworks Typical Cross Section Sheet 3, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-2700, Revision P2.0, titled: SERIES 2700 – Utility Services Existing Utilities General Arrangement, dated: 10 August 2023;
- Drawing number 2928-BUR-GEN-HFB-DR-C-0103, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 3, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-HFB-DR-C-0104, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-HFB-DR-C-0105, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0123, Revision P2.0, titled: SERIES 100 – Preliminaries Topographic Survey General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HSN-HFB-DR-C-1203, Revision P1.0, titled: SERIES 1200 – Traffic Signs General Arrangement Hampton Footbridge Sheet 3, dated: 7 August 2023;
- Drawing number: APPENDIX B, Revision B, titled: Lighting Strategy, dated: 12 September 2023;
- Drawing number: APPENDIX H, Revision A, titled: Lighting Strategy Post-Curfew Dimming, dated: 13 September 2023;
- Drawing number: 61019-DWG-FIG_1.5A, Revision P2, titled: FI: Final, dated: 14 August 2023;
- Drawing number: 61019-DWG-FIG_1.5B, Revision P4, titled: FI: Final, dated: 17 August 2023;
- Drawing number: 61019-DWG-FIG_1.5C, Revision P4, titled: FI: Final, dated: 17 August 2023;
- Drawing number: 61019-DWG-FIG_1.5D, Revision P4, titled: FI: Final, dated: 17 August 2023;
- Drawing number: 2928-BUR-HML-HFB-DR-C-0701, Revision P5, titled: Series 700 - Road Geometry General Arrangement Hampton Footbridge Sheet 1, dated: 17 August 2023;
- Drawing number: 2928-BUR-HML-HFB-DR-C-0702, Revision P4, titled: Series 700 - Road Geometry General Arrangement Hampton Footbridge Sheet 2, dated: 23 May 2022;
- Drawing number: 2928-BUR-HML-XX-DR-C-0710, Revision P5, titled: Series 700 - Road Geometry Road Geometry Longsections - Sheet 1, dated: 23 May 2022; and
- Drawing number: 2928-BUR-HML-XX-DR-C-0711, Revision P5, titled: Series 700 - Road Geometry Road Geometry Longsections - Sheet 2, dated: 23 May 2022.

- 4) The bridge, elevated approach ramp and parapet supports hereby approved shall be constructed from weathering steel, with stainless steel infill and handrails in accordance with Drawing

number: HFB COW HFB ALL DR CB 1020, Revision P01, titled: General Arrangement Cross Sections – Main Span, dated: 4 August 2023 and Drawing number: HFB COW HFB ALL DR CB 1021, Revision P01, titled: General Arrangement Cross Sections – Ramp, dated: 4 August 2023.

- 5) Details of any new or alterations to existing fences, gates, walls and other means of enclosure to be erected or altered at the site shall be submitted to and approved in writing by the County Planning Authority prior to being erected or altered. Thereafter, the development shall be carried out in accordance with the approved details.

Construction Environmental Management Plan

- 6) Notwithstanding the submitted details, prior to commencement of development hereby approved, excluding vegetation clearance and translocation of reptiles, a Construction Environmental Management Plan (CEMP), in accordance with Worcestershire Regulatory Services "*Code of Best Practice for Demolition and Construction Sites*" shall be submitted to and approved in writing by the County Planning Authority. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall include the following:

Hours of Working

- i. A scheme providing the days and hours of construction operations;

Lighting

- ii. Details of the proposed construction lighting;

Dust and Air Quality

- iii. A scheme to minimise and mitigate the impacts of dust emissions and impacts to air quality;

Noise and Vibration

- iv. A scheme to minimise and mitigate the impacts of noise and vibration;

Water Environment

- v. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and surface waterbodies;
- vi. Details of flood response arrangements, including emergency evacuation arrangements for construction staff; and

Contamination

- vii. A Method Statement for the control of unexpected contamination.

Highways

- 7) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a detailed scheme of works, including a Construction Method Statement/phasing which ensures highway safety is maintained at all times, for Hampton Footbridge and its connections to Pershore Road (via Severn Trent Water Access Road) and Evesham Leisure Centre, which are broadly in accordance with Drawing number: 2928-BUR-GEN-XX-DR-C-0100, Revision P6.0, titled: SERIES 100 – Preliminary Scheme Overview General Arrangement, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0101, Revision P6.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 1, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0102, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 2, dated: 10 August 2023 and Drawing number 2928-BUR-GEN-HFB-DR-C-0103, Revision P5.0, titled: SERIES 2700 – Preliminary General Arrangement Hampton Footbridge - Sheet 3, dated: 10 August 2023, 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.
- 8) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, the detailed design to modify the Severn Trent Water Access Road and connect Evesham Leisure Centre to Hampton Footbridge (eastern ramp) shall be submitted to and approved in writing by the County Planning Authority. These works shall be generally in accordance with the proposed arrangement shown on Drawing number: 2928-BUR-GEN-XX-DR-C-0100, Revision P6.0, titled: SERIES 100 - Preliminary Scheme Overview General Arrangement, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0101, Revision P6.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 1, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0102, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 2, dated: 10 August 2023 and Drawing number 2928-BUR-GEN-HFB-DR-C-0103, Revision P5.0, titled: SERIES 2700 – Preliminary General Arrangement Hampton Footbridge - Sheet 3, dated: 10 August 2023, subject to any necessary changes identified during the detailed design, Technical Approval and Road Safety Audit processes. Thereafter, the development shall be carried out in accordance with the approved details.
- 9) Notwithstanding the submitted details, prior to the erection of any permanent lighting, a detailed lighting scheme for Hampton

Footbridge and its connections to Pershore Road (via Severn Trent Water Access Road) and Evesham Leisure Centre shall be submitted to and approved in writing by the County Planning. Thereafter, the development shall be carried out in accordance with the approved details.

10) Prior to any detailed design submission for the Hampton Bridge lighting scheme, as required by Condition 9) of this permission, a Lighting Optioneering Assessment for Hampton Bridge, particularly the pedestrian steps at the eastern and western tie-ins, shall be submitted to and approved in writing by the County Planning Authority. The detailed lighting scheme shall then be designed in full accordance with the approved option.

11) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a Construction Traffic Management Plan shall be submitted to and approved in writing by the County Planning Authority.

This shall include, but not be limited to the following:

- i. Quantification of construction traffic two-way movements, by vehicle type (including special or abnormal loads) and time of day throughout the construction phase of the development (including enablement works such as Haul Road construction) to each compound;**
- ii. Confirmation of construction traffic access routes;**
- iii. Detailed tracking assessments for all vehicle types requiring access to both compounds, performing all entry and exit manoeuvres at the compound access, Haul Road access/junctions and nearby highway junctions;**
- iv. Identification of any temporary works or traffic management measures required to safely accommodate construction traffic movements, including the removal and/or relocation of any street furniture and/or highway assets;**
- v. Measures to ensure Public Rights of Way remain unobstructed or a suitable alternative temporary diversion route is in place;**
- vi. Measures to ensure that vehicles leaving the site/site compounds do not deposit mud or other detritus on the public highway;**
- vii. Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);**
- viii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;**

- ix. Measures to ensure that large construction vehicles, including HGVs, generated by the development site do not cause obstruction of the Severn Trent Water Access Road, unless closure periods are agreed with Severn Trent Water Limited and the campsite operator;
- x. Details of any temporary construction accesses and their reinstatement;
- xi. A highway condition survey, timescale for re-inspections, and details of any reinstatement at locations to be approved in writing with the County Planning Authority; and
- xii. Method(s) of any community engagement required, particularly if the temporary suspension of on-street parking is necessary along Pershore Road.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved, in writing, by the County Planning Authority.

- 12) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a detailed scheme of works, including a Construction Method Statement which ensures highway safety is maintained at all times, for the temporary Haul Road(s), which is broadly in accordance with Drawing number: 2928-BUR-GEN-HFB-DR-C-0104, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 1, dated: 10 August 2023 and Drawing number: 2928-BUR-GEN-HFB-DR-C-0105, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 2, dated: 10 August 2023, 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.

Ecology

- 13) Prior to the removal of any suitable trees for bat roosting as detailed in the Ecological Impact Assessment, produced by TACP, dated September 2023, pre-commencement ground-based tree assessments for bats shall be undertaken. Any further survey or mitigation measures required following pre-commencement survey shall be undertaken prior to vegetation removal. A pre-commencement bat survey report detailing appropriate measures shall be submitted to the County Planning Authority for approval in writing.

- 14) Notwithstanding the submitted details, prior to vegetation clearance, translocation of reptiles and commencement of the

development hereby approved, a Reptile Method Statement detailing protection measures, translocation arrangements, exclusion methods, timings of works, creation or enhancement of habitats and features, related aftercare management, monitoring, and contingency measures, 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.

15) Notwithstanding the submitted details, prior to vegetation clearance, translocation of reptiles and commencement of the development hereby approved, a detailed Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to and approved in writing by the County Planning Authority. The CEMP for biodiversity shall include the following:

- i. Risk assessment of potentially damaging construction-type activities;**
- ii. Identification of “biodiversity protection zones” and areas where invasive species have been identified;**
- iii. Inclusion of or reference to details for implementation of method statements required for reptiles, invasive species, and migratory fish, as well as mitigation measures;**
- iv. Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction;**
- v. Mitigation measures specifically relating to badger;**
- vi. The location and timing of sensitive works to avoid harm to biodiversity features;**
- vii. The times during construction when specialist ecologists need to be present on site to oversee works; and**
- viii. The roles and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.**

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

16) The development hereby approved shall be carried out in accordance with the submitted Fish Rescue Method Statement produced by TACP, dated January 2024.

17) Notwithstanding the submitted details, within 6 months of the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted for approval in writing to the County Planning Authority. The content of the LEMP shall include the following:

- i. Description of habitat features set out as part of the landscape plans;**

- ii. **Ecological trends and constraints on site that might influence management;**
- iii. **Aims and objectives of management;**
- iv. **Appropriate management options for achieving aims and objectives;**
- v. **Prescriptions for management actions;**
- vi. **Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);**
- vii. **Details of the body or organization responsible for implementation of the plan;**
- viii. **Ongoing monitoring and remedial measures;**
- ix. **Reference to the Biodiversity Net Gain (BNG) Habitat Management Plan and Maintenance Environmental Management Plan; and**
- x. **An updated planting scheme to include native species of local provenance, locations, numbers, densities, spacing and planting sizes for the development hereby approved. The scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of areas of the development sufficient to commence landscaping. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and the same species.**

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

18) Notwithstanding the submitted details, excluding vegetation clearance and translocation of reptiles, a Pollution Prevention and Control Plan, shall be submitted to and approved in writing by the County Planning Authority. The Pollution Prevention and Control Plan shall detail procedures to avoid pollution incidents, with particular focus on habitat and wildlife features at the site. Contingency / emergency measures for accidents and unexpected events including the following shall be detailed in the Pollution Prevention and Control Plan:

- i. **Pollution incidents, e.g. use of spill kits with machinery;**
- ii. **Dealing with previously unrecorded protected species found during construction / implementation;**
- iii. **Unexpected bad weather;**
- iv. **Other unforeseen causes of delay; and**
- v. **Repair of damaged areas and features.**

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

19) Notwithstanding the submitted details, prior to vegetation clearance and the commencement of the development hereby approved, excluding translocation of reptiles, an Invasive Non-Native Species (INNS) Method Statement to cover containment, control, and removal of invasive non-native species (in particular Himalayan balsam) at the site, as well as biosecurity measures as part of construction works, 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.

20) Within 6 months of the commencement of the development hereby approved, a Biodiversity Net Gain (BNG) Habitat Management Plan (HMP) and Maintenance Environmental Management Plan (MEMP) shall be submitted to the County Planning Authority for approval in writing. The BNG HMP and MEMP shall include the following:

- i. Description of habitat features set out as part of the landscape plans where specifically included for biodiversity net gain;**
- ii. Ecological trends and constraints on site that might influence management over a 30-year period;**
- iii. Aims and objectives of management;**
- iv. Appropriate management options for achieving aims and objectives, including long-term management options;**
- v. Prescriptions for management actions over a 30-year period;**
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period);**
- vii. Details of the body or organization responsible for implementation of the plan; and**
- viii. Ongoing monitoring and remedial measures, to include appropriate condition assessments undertaken in accordance with UK Habitat Classification condition assessment criteria for a period of 5 years.**

A 5-yearly review and report detailing management changes required and the management, monitoring and remedial measures undertaken to ensure habitats are maintained / working toward target condition as set out in the Biodiversity Net Gain Assessment, produced by TACP, dated August 2023 shall be submitted to the County Planning Authority for approval in writing.

21) The development hereby approved shall be carried out in accordance with the mitigation measures set out in Section 7: 'Mitigation' of the Ecological Impact Assessment, produced by TACP, dated September 2023.

Archaeology

- 22) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a programme of archaeological work including a Written Scheme of Investigation(s) shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include an assessment of significance and research questions; and:**
- i. The programme and methodology of site investigation and recording;**
 - ii. The programme for post investigation assessment;**
 - iii. Provision to be made for analysis of the site investigation and recording;**
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and**
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

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

- 23) Within 2 years of completion, the site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation(s) approved under Condition 22) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Water Environment

- 24) Within 3 months of the commencement of the development hereby approved, a drainage strategy shall be submitted to the County Planning Authority for approval in writing, and site works related to the drainage scheme shall not commence until the drainage scheme has been approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- 25) The development hereby approved shall not be brought into use until a drainage maintenance plan has been submitted to and approved in writing by the County Planning Authority. The maintenance plan shall include a schedule of all of the maintenance tasks that will be required to keep the drainage scheme functioning as intended for the lifetime of the development, and it shall take account of how such maintenance tasks can be undertaken safely and conveniently, both with the users of the development and the maintenance operatives in**

mind. Thereafter, the development shall be maintained in accordance with the approved drainage maintenance plan.

- 26) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a detailed design of the flood storage compensation area shall include the proposed final levels, topography and volume (to include a minimum of 900 cubic metres of flood plain storage) and a timetable for its implementation 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.
- 27) The structure hereby approved shall be designed with a soffit level no lower than the modelled 1 in 100 year (1% Annual Exceedance Probability) flood level plus an appropriate allowance for climate change.

Condition - Tiered Investigation

- 28) No development shall commence, other than vegetation clearance, reptile translocation and development to be carried out as part of an approved scheme of remediation, until Parts i) to v) below have been complied with:
- i. A preliminary risk assessment (a Phase I desk study) submitted to the County Planning Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the County Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance;
 - ii. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the County Planning Authority prior to any development taking place;
 - iii. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the County

- Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;**
- iv. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation; and**
 - v. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the County Planning Authority prior to the use of the development hereby approved.**

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

1133 Proposed amendments to the artificial lighting and CCTV Scheme for security and safety purposes of the existing Energy from Waste Plant (part-retrospective) at Waste Incineration Unit, Hangman's Lane, Hanley Castle, Worcestershire (Agenda item 6)

The Committee considered the proposed amendments to the artificial lighting and CCTV Scheme for security and safety purposes of the existing Energy from Waste Plant (part-retrospective) at Waste Incineration Unit, Hangman's Lane, Hanley Castle, Worcestershire.

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

The report set out the Head of Planning and Transport Planning's comments in relation to Location of the Development; Residential Amenity, Landscape Character and Visual Impact; Ecology and Biodiversity; Historic Environment; Traffic, Highway Safety and Public Rights of Way; Climate Change; and Other Matters - Human Rights Act 1998.

The Head of Planning and Transport Planning concluded that the principal of the existing facility in this location had been established and was in accordance

with Policies WCS 4 and WCS 6 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 2 and SWDP 12 of the adopted South Worcestershire Development Plan, and Policy MnGr 8 of the made Hanley Castle Parish Neighbourhood Development Plan, and that determination of the current planning application could only relate to the remit of the current proposal and the provision of an authorised lighting and CCTV scheme at the site.

Based on the advice of Worcestershire Regulatory Services, the Environment Agency, the County Landscape Officer, and the Malvern Hills National Landscape Team, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable impact upon residential amenity or that of human health and would not adversely impact upon the character, appearance or setting of the local area, including the Malvern Hills National Landscape, in accordance with Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 21, SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan, and Policy Des 1 of the made Hanley Castle Parish Neighbourhood Development Plan.

Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of a condition requiring a Statement of Conformity requiring post installation verification of illuminance at the site in accordance with the amended Lighting Impact Assessment, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

Based on the advice of Historic England and the County Archaeologist, the Head of Planning and Transport Planning considered that the proposed development would not have an unacceptable impact upon the historic environment, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

The Head of Planning and Transport Planning was satisfied that the proposal would not have any adverse impact on traffic, highway safety and / or public rights of way in accordance with the NPPF.

With regard to impacts upon climate change. the Head of Planning and Transport Planning considered that appropriate and commensurate mitigation of the lighting scheme has duly considered climate change in accordance with Policies WCS1, WCS 11 and WCS 12 the adopted Worcestershire Waste Core Strategy.

Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 4, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27,

SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan, and Policies MnGR 8, RE 1, RE 2, RE 3, BHN 3, Des 1, Des 2, Trf 1 and Trf 2 of the 'made' Hanley Castle Parish Neighbourhood Development Plan, it was considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Planning and Transport Planning introduced the report and highlighted a couple of typographical errors in the proposed conditions outlined in the report. Condition 4 should refer to watts rather than kilowatts, and condition 6 should refer to a 4 metre, not 2-metre-high acoustic fence.

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

- In response to a query, the representative of the Head of Planning and Transport Planning confirmed that the illustrative 3D lighting plan was misleading and there were no plans to illuminate the stack. The maximum height of lighting on the site was 6 metres and the only lighting proposed was around the building and onto the building
- What was the purpose of the lighting at the facility? The representative of the Head of Planning and Transport Planning advised that the purpose of the lighting was for safety and security reasons. At night time the lighting would be triggered for CCTV purposes and would also allow maintenance to take place in the hours of darkness.

An objector to the application had indicated that he no longer wished to address the Committee.

Christian Smith, the agent acting on behalf of the applicant addressed the Committee. He apologised that unfortunately the applicant's lighting engineer was unable to attend the meeting due to sickness. He commented that the Malvern EFW Plant was currently not operational and had 24-hour manned security as a result of thefts and vandalism. The site was fairly remote and there was a need for some security lighting and CCTV cameras to deter such problems.

He added that the applicant had held pre-application discussions with technical experts before submitting the scheme such as the Malvern Hills National Landscape Team and their Dark Skies Consultant and the District Council's Environmental Health Officer to ensure the illuminance levels were appropriate and showed appropriate mitigations for adaptive controls throughout the night.

The Committee report confirmed that there were no objections to the proposed scheme from any the technical experts. The Applicant had an electrical contractor ready to install the proposed lighting scheme if this application was approved.

Finally, the applicant had listened to local residents and had agreed to construct a close boarded wooden fence along the northern boundary at 3

metres high to match the existing southern boundary fence to minimise the impact of the facility from the properties to the north.

Mr Smith was then asked questions about his presentation:

- Why had the applicant not proposed to use low level CCTV lighting coupled with infrared to reduce costs and environmental impact? Christian Smith advised that the original lighting scheme had been amended after consultation with all the technical experts to provide a lighting scheme that addressed the dark skies issue and was the best possible solution for the locality. He could not confirm whether an infrared option had been considered but the proposed lighting solution would be economically and environmentally cost-effective
- If the sensors in the proposed lighting system picked up a sign of movement, did all the lights come on or just a selection of lights? Christian Smith commented that during the night the lighting scheme would drop to 50%. If the motion sensors were triggered, only those lights would come on but without the lighting consultant, he was unable to fully respond
- Why was the applicant proposing to use an old-fashioned motion sensor system rather than a more modern intelligent camera system that could detect and distinguish between different types of wildlife? Christian Smith advised that discussions had been held with the dark skies consultant on this issue. The site was secure and did not have issues with wildlife accessing it. The representative of the Head of Planning and Transport Planning added that the site was fully enclosed with wire meshing and a very solid boundary on the southern perimeter with a 4-metre high close-boarded fence . Additionally, a 4 metre high fence was proposed on the northern boundary. It was unlikely that any animal would be able to access the site. Illuminates at the site would not exceed 10 lux which was quite low and would not be on for very long. Due the size of the site, there was a need for additional lighting to enable the sensors to work effectively
- It was possible that the light sensors could be triggered by bird movements. The representative of the Head of Planning and Transport Planning indicated that the lighting assessment had considered the impact of wildlife. Half the lighting would be switched off and the other half dimmed by 50% should it be activated. It was felt that that was a suitable compromise

In the ensuing debate, the following points were made:

- There should not any lighting on the stack itself at any point
- The proposed lighting scheme was not the best scheme available. This Committee had a role in protecting local residents by ensuring that the best available lighting system was introduced at the site
- The issue for the Committee to consider was not whether the lighting scheme was the best possible system available but whether it was suitable for the locality and did not create any negative impacts

- It was important to recognise the purpose of the lighting which was to protect people working on the site at night and as well as ensuring that the CCTV operated effectively
- The lighting scheme might not be the best available scheme but was suitable for its intended purposes and had been supported by independent experts and therefore there was no need for consideration to be deferred
- A motion requesting that consideration of the application be deferred to enable more information to be gathered concerning the provision of a more suitable and improved lighting system was lost following a vote
- It was requested that a condition be added to the permission to ensure that after the scheme was operational, the applicant responded to any concerns expressed about the detrimental impact on neighbouring properties. The representative of the Head of Planning and Transport Planning referred to proposed Condition no. 7 under the heading Biodiversity which required a Statement of Conformity to be submitted to the Council in writing within 3 months of the completion of the development confirming that the lighting scheme had been implemented in accordance with the lighting impact assessment. The Statement of Conformity should be undertaken by a suitably qualified lighting engineer to verify the operational illuminates at the site functioned as approved. In response, it was requested that the Statement of Conformity be undertaken outside the summer months. The representative of the Head of Planning and Transport Planning commented that the concern about the timing of this work would be drawn to the attention of the County Ecologist.

RESOLVED that planning permission be granted for proposed amendments to the artificial lighting and CCTV scheme for security and safety purposes of the existing Energy from Waste Plant (part retrospective) at Hangman’s Lane Waste Incinerator Unit, Hanley Castle, Worcestershire, subject to the following conditions:

Approved

- 1) The development hereby permitted shall be carried out in accordance with the following drawings, except where stipulated by conditions attached to this permission:
 - Drawing Number: W2-11-21-1, titled: `Site Location Plan`, dated: 09/08/2021;
 - Drawing Number: 28112_100_02_01, Rev A, titled: `Lighting Layout`, dated: 28/09/2023; and
 - Drawing Number: 180607 CWN-XX-XX-DR-E-2701 Revision T3, titled: `M&E External Site Services Layout`, dated: 06/01/2020.
- 2) The existing street lighting columns and bulkheads / floodlights as

shown on Drawing Numbered: 28112_100_02_01, Rev A, titled: 'Lighting Layout' contained in 'Appendix D – Proposed Lighting Lux Plot', shall be disconnected from the existing electricity supply and removed from site within 6 months of the date of this permission.

- 3) The development hereby approved shall be carried out in accordance with the submitted Lighting Impact Assessment produced by MEC Development Technical Consultants, Report Ref: 28112-LIGH-0401 Rev B, dated: September 2023.

Lighting

- 4) Notwithstanding the provisions of Condition 3) of this permission, the lighting scheme shall be operated in accordance with the following specifications, to include:
- i) On-site lighting units (Isaro Pro and Piazza II LED luminaires) shall not exceed 10 lux illuminance at 2,700 kelvin Colour Correlated Temperature (CCT);
 - ii) Vertical illuminance levels shall not exceed 1 lux illuminance;
 - iii) Upward Lighting Ratios shall not exceed 0.0%;
 - iv) Column mounted Isaro Pro lighting units shall be positioned to be downward facing, fitted with backplates and shall not exceed 15 watts;
 - v) Wall and fence mounted lighting shall be positioned to be downward facing;
 - vi) Low level floodlighting shall not exceed 25 watts;
 - vii) Piazza II LED down lighting units shall be fitted with deflectors and / or have inbuilt deflectors;
 - viii) Passive Infra-Red (PIR) Motion sensors shall be fitted to all of the indicated lighting units as shown on Drawing Numbered: 28112_100_02_01, Rev A, titled: 'Lighting Layout', dated: 28/09/2023; and
 - ix) 50% of the on-site lighting provision shall be switched off between 23:00 hours and 07:00 hours seven days a week. The remaining 50% of the onsite lighting provision shall be dimmed to 2.5 lux on 50% power between of 23:00 hours and 07:00 hours seven days a week. If activated by PIR motion sensors the remaining 50% onsite lighting provision may rise to 100% power and shall be returned to 50% power when no longer activated.
- 5) Within 6 months of the date of this permission, a lighting management and maintenance plan shall be submitted to the County Planning Authority for approval in writing. The lighting management and maintenance plan shall set out the measures to ensure that operational illumination and luminance at the site continues to function as approved. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Acoustic Fencing

- 6) **Within 3 months of the date of this permission, details of a 4-metre-high close boarded acoustic fence to be erected on the northern boundary of the application site and a timetable for its erection shall be submitted to the County Planning Authority for approval in writing. Thereafter, the acoustic fencing shall be installed in accordance with the approved plan and shall be maintained for the duration of the development.**

Biodiversity

- 7) **A Statement of Conformity shall be submitted to the County Planning Authority for approval in writing within 6 months of the completion of the development confirming that the lighting scheme has been implemented in accordance with the Lighting Impact Assessment produced by MEC Development Technical Consultants, Report Ref: 28112-LIGH-0401 Rev B, dated: September 2023. The Statement of Conformity should be undertaken by a suitably qualified lighting engineer to verify that operational illumination and luminance at the site functions as approved.**

The meeting was adjourned from 10.45 am to 10.50 am ended at 11.40 am.

Chairman