

PLANNING AND REGULATORY COMMITTEE
23 MARCH 2021**PROPOSED SAND QUARRY, INFILLING THE VOID USING
INERT MATERIALS ONLY, RESTORATION OF THE LAND
TO AGRICULTURAL USE TOGETHER WITH NEW ACCESS,
LANDSCAPING AND ASSOCIATED WORKS ON LAND
ADJACENT TO FORMER CHADWICH LANE QUARRY,
CHADWICH LANE, BROMSGROVE, WORCESTERSHIRE**

Applicant

Salop Sand & Gravel Ltd

Local Member

Mrs S A Webb

Purpose of Report

1. To consider a County Matter planning application for proposed sand quarry, infilling the void using inert materials only, restoration of the land to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire.

Background

2. Extraction of sand and gravel from Chadwich Lane Quarry was originally granted planning permission by Hereford and Worcester County Council in February 1983, subject to conditions and a legal agreement relating to the routing of lorries (Mineral Planning Authority Ref: 404360). The restoration proposals were to infill the void to original ground levels and to restore the land to agricultural use. An application for the determination of new planning conditions (under the Review of Old Mineral Permissions (ROMPs) procedures) was granted by Worcestershire County Council in July 1998 (Mineral Planning Authority Ref: 107108, Minute No. 26 refers). An application for inert recycling and treatment operations at the site was refused permission by the Members of the Planning and Regulatory Committee in February 2003 (Waste Planning Authority Ref: 407546, Minute No. 215 refers) and subsequently refused on appeal in June 2003.
3. A planning application to extend Chadwich Lane Quarry to the west (the same site which is the subject of this planning application) – *"extension to the quarry, infilling the void using inert materials only, restoration of the land to agriculture use together with access, creation of geological exposure, landscaping and associated works on land adjacent to Chadwich Lane Quarry"*, was refused by the Planning and Regulatory Committee in January 2008 (Mineral Planning Authority Ref: 407642, Minute No. 579 refers) for the following reasons:

- *"The proposal is considered to be inappropriate development in the Green Belt and thus contrary to Structure Plan policy D.39 and the aims of Planning Policy Guidance 2: Green Belts (PPG2). The Mineral Planning Authority is not satisfied that high environmental standards can be maintained or that the site will be well restored resulting in encroachment within the countryside and detriment to an attractive landscape near to where people live contrary to Regional Spatial Strategy M1; and*
- *The impacts of the proposal would accumulate to result in the loss of amenity to local residents contrary to Structure Plan policy M.3".*

4. This decision was the subject of an appeal by the applicant and following a Public Inquiry held between 6 May 2009 to 8 May 2009, the appeal was allowed and planning permission was granted by the Planning Inspectorate (Appeal Ref: APP/E1855/A/08/2069139, dated 11 June 2009), subject to conditions. One of the conditions required the restoration of the original Chadwich Lane Quarry, before commencing soil stripping operations of the extension area, in accordance with the approved plans pertaining to planning permission reference: 107108.

5. In December 2012, the Committee granted planning permission (Mineral Planning Authority Ref: 12/000036/CM, Minute No. 815 refers) for an extension of the time limit within which to implement planning permission: APP/E1855/A/08/2069139, subject to conditions. This permission also imposed the condition referred to above, requiring the original Chadwich Lane Quarry to be restored before the commencement of soil stripping operations in the extension area. This planning permission was never lawfully implemented and expired on 21 December 2015.

6. In September 2012, Worcestershire County Council undertook a topographical survey of the Chadwich Lane Quarry site to verify the existing levels. The results of this showed that the levels of the site had been overtipped by approximately 3 to 4 metres across the site. In view of this, the applicant applied for a part-retrospective planning application to vary the approved planning permission restoration levels at Chadwich Lane Quarry. This was granted planning permission by the Planning and Regulatory Committee in July 2014 (Mineral Planning Authority Ref: 13/000061/CM, Minute No. 882 refers). Restoration of the site has been completed and it is in aftercare.

7. This planning application largely represents the resubmission of the previously approved application details, subject to the relevant environmental information being updated, and the applicant has amended the proposed scheme, namely reduction in the depth of extraction from approximately 154 metres Above Ordinance Datum (AOD) to approximately 163 metres AOD; a westerly and southerly increase in the area of land proposed for mineral extraction to create a deeper and wider on site soakaway basin (but all within the original red line application boundary); working the site generally in a west to east direction rather than east to west; and an increase of mineral extraction from approximately 1.28 million tonnes to approximately 1.35 million tonnes of sand.

The Proposal

8. The applicant is seeking planning permission for a new quarry located to the west of the restored Chadwich Lane Quarry, infilling the resultant void with inert waste material to the level of the surrounding ground and the restoration of the land to agricultural use, the construction of a new haul road from the quarry to an improved access onto Money Lane (B4551), landscaping, the creation of a soakaway basin, and associated works.

The Extraction Proposals

9. The application site measures approximately 10.5 hectares in area of which approximately 5.6 hectares, adjacent to the western boundary of the restored original quarry, would be extracted. The extension would yield some 1.35 million tonnes of sand that would be extracted at an estimated rate of approximately 100,000 tonnes per year. It is estimated that extraction and restoration works would take approximately 13 years to complete.

The Method of Extraction

10. Overburden materials are typically restricted to a covering of sandy soil. The sandy soil has a typical depth of approximately 0.3 metres across the site. The soils and subsoils would be stripped from the area to be extracted and used to construct the proposed landscaping bund along the north-western, southern and western boundaries of the extraction area, measuring approximately 3 metres high on the north-western and western boundaries and approximately 5 metres high on the southern boundary, and about 700 metres in length. The bund would have a slope of 1:3. The applicant states that the height of the bund is designed to obscure views into the extraction area from upper floor windows at Lower Madeley Farm. A new temporary hedgerow would be planted along the upper section of the proposed landscaping bund.

11. The mineral deposit would then be worked in a total of 4 phases, generally in a west to east direction across the site. Each phase would be worked in benches to a maximum depth of between 12 to 26 metres.

12. Site offices, welfare and weighbridge facilities would be located adjacent to the haul road, located about 250 metres from the access onto Money Lane. No fixed plant or machinery is proposed and the only plant on the site would be a small mobile screening plant and 360-degree excavators and loading shovels used for sand extraction and infilling operations. Whilst the applicant is not proposing to process any of the extracted minerals on site, as it would be taken by HGVs from the site to Wildmoor Quarry (Mineral Planning Authority Ref: 107104 and 407219, Minute No. 67 refers) located approximately 600 metres south-west of the application site, on the southern side of Sandy Lane (A491). Access to Wildmoor Quarry would be via the site haul road, Money Lane and Sandy Lane. The applicant states that, however, sometimes a dry screen may be used at the site to screen the sand. The applicant states that the material is blended with the sand that is extracted from the Wildmoor Quarry to produce sands of different grades that meet customer requirements. The applicant states that the release of further reserves at the proposed Chadwich Lane Quarry is important for the continued production, operation and employment provided by Wildmoor Quarry.

The Proposed Haul Road

13. The proposal includes the construction of a new haul road, that has been partly constructed that would run eastwards from the quarry and cross over agricultural land before following the former route of the restored County Council Madeley Heath landfill site access road to the entrance onto Money Lane. Soils would be stripped from the undisturbed sections of the proposed new access route and used in the construction of a bund measures approximately 1 metre high to be located along its southern side. The haul road would measure approximately 3.5 metres wide with passing places at regular intervals and constructed from compacted inert hardcore that would be imported onto the site. Upon completion of the extraction and restoration operations, the proposed new additional length of haul road would be restored to agricultural use. Improvements would be undertaken at the junction with Money Lane to ensure adequate visibility splays are achieved.

14. The proposal would result in about 40 HGV movements associated with sand extraction per day and about 80 HGV movements associated with the inert landfilling at the quarry per day (a combined total of about 60 HGVs entering the site and 60 HGVs exiting the site per day).

Hours of Working

15. The applicant is seeking to operate the site between the hours of 07:30 to 16:30 hours Mondays to Fridays, inclusive, with no working on Saturdays, Sundays, Bank or Public Holidays.

Geological Feature

16. The applicant is proposing a new geological exposure to be created to replace the geological Site of Special Scientific Interest (SSSI) in the existing quarry that was lost during the course of the infilling operations there. Its purpose would be to expose the former glacial river channel in the area to the south-east of the existing quarry to allow people with an interest in geology to inspect the exposure.

Public Rights of Way

17. There are three Public Rights of Way that are directly affected by the proposal (Footpaths BB-594, BB-595 and BB-596). The proposed development would require the stopping up and diversion of Footpath BB-594, which runs along the eastern boundary of the proposed extraction area. The applicant is proposing to divert this footpath across the restored Chadwich Lane Quarry.

18. The construction of the new haul road between the site and Money Lane and the creation of the geological feature would require the re-routeing of Footpath BB-596. The applicant states that this would be the subject of a separate diversion order.

19. Where the footpaths intersect the proposed haul road crossing points would be provided to ensure the safety of the users of the paths. Measures proposed include the provision of kissing gates or similar on the footpath either side of the haul route, the provision of warning signs to advise users of the footpath to beware of HGVs and vice versa.

Landscaping

20. Tree belts were planted along the northern, western and south-western boundaries of the field in which the proposed mineral extraction would be located, some 15 - 20 years ago. This was undertaken in anticipation of an application for

mineral extraction being submitted. A stand-off of approximately 10 metres would be left between the tree belt and the extraction area in order to protect the integrity of the trees.

21. A landscaping bund would be constructed along the north-western, western and southern edges of the extraction area to visually screen the site and for the purposes of noise attenuation. Indigenous topsoil and subsoil stripped from the extraction area would be used to build it. The bund would be covered in topsoil and planted with a grass seed mix, and a temporary hedgerow would be planted along the top of the bund that would be removed when the final soils in the bund are taken for use in the restoration of the site.

Restoration

22. Following the completion of extraction operations in each phase the immediately preceding phase would commence restoration, being infilled with imported, inert and uncontaminated waste material (such as excavation materials, soils, subsoils, clays and other inert construction wastes) to reflect the original ground levels. The applicant estimates that the void space would be about 800,000 cubic metres (equating to approximately 1,200,000 tonnes) and the estimated annual rate of disposal would be about 80,000 cubic metres per year (equating to approximately 120,000 tonnes per year).

23. The site would be restored to original ground levels (except for the western area of the site, which would be graded to a lower level for a soakaway basin and the land restored to agricultural use. The soakaway basin would measure approximately 100 metres wide by 150 metres long by a maximum of 11.5 metres deep, with a gradient of 1:4.5 on the eastern slope and a gradient of 1:3 on the north, southern and western slopes.

Overhead Power Lines and Pylon

24. An electricity pylon is located within the north-east corner of the main extraction area. The applicant states that should planning permission be granted, negotiations would be undertaken with National Grid in order to seek the diversion of the electricity pylon and overhead power lines outside the main extraction area. However, the fallback position would be to provide a standoff of approximately 10 metres around the electricity pylon to preserve its stability during the proposed workings.

Environmental Statement

25. The application is accompanied by an Environmental Statement, which covers the following topics: land conditions (agricultural land classification), air quality (dust and noise), cultural heritage, ecology, socio-economic, transport, landscape and visual, water, and residual effects.

The Site

26. The application site which measures approximately 10.5 hectares in area, with an extraction area of approximately 5.6 hectares, lies in the open countryside of north Worcestershire, approximately 1.5 kilometres west of junction 4 of the M5 Motorway. Bromsgrove is located approximately 6 kilometres south, Rubery approximately 3 kilometres east and Fairfield, which is the nearest village, lies approximately 2

kilometres south-east of the proposal. The site is located within the West Midlands Green Belt. Access to the site is proposed off Money Lane (B4551).

27. The application site is broadly rectangular in shape and is in agricultural use. Its boundaries are formed by the restored Chadwich Lane Quarry to the east, the public highways of Chadwich Lane to the north and Harbours Hill to the west, and agricultural land to the south. Belts of trees have been planted along the northern and western boundaries and part of the south-western boundary in the vicinity of the dwelling of Oak Villa. A mature hedgerow follows the eastern and south-eastern boundaries of the site. Ground elevations fall from east to west from a maximum of 197 metres AOD in the east to about 171 metres AOD at the western boundary of the application site. The application area also includes a linear strip of land to the south-east of the restored former Chadwich Lane Quarry, which extends east to Money Lane that would be used for the route of the proposed haul road.

28. The site is crossed from east to west by a 275kV overhead power line and there is an electricity pylon located in the north-east of the proposed area of extraction. A gas main is located about 100 metres north of the proposal.

29. Three Public Rights of Way (Footpaths BB-594, BB-595, and BB-596) cross the site. Footpath BB-594 runs along the western boundary of the restored Chadwich Lane Quarry. Footpath BB-596 runs horizontally along the southern edge of the restored Chadwich Lane Quarry and would cross the line of the proposed haul road. Footpath BB-595 intercepts Footpaths BB-594 and BB-596, crossing the haul road and runs south, eventually adjoining Harbours Hill. Footpath BB-586 is located approximately 15 metres north-west of the application site at its closet point, running northwards away from the site.

30. The geological Site of Special Scientific Interest (SSSI) of Madeley Heath Pit is located to the north-east of the application site, within the eastern part of the restored Chadwich Lane Quarry and is covered by previous landfilling, as part of the restoration of the original Chadwich Lane Quarry. Sling Gravel Pits SSSI is located about 1.5 kilometres north-west of the proposal. Romsley Hill SSSI and Romsley Manor Farm SSSI are located approximately 1.6 and 1.8 kilometres north-east of the proposal. Feckenham Forest SSSI and Hurst Farm Pasture SSSI are located about 1.8 kilometres and 2.3 kilometres south-west of the proposal, respectively.

31. Sling Pool and Marsh Local Wildlife Site (LWS) and Great Farley and Dale Woods LWS are located about 1 kilometre north-west of the proposal. Waseley Hills Country Park LWS is situated about 960 metres north-east of the application site (site haul road), beyond which is Gannow Green, located about 1.6 kilometres from the site. The Hadley, Elmley & Hockley Brooks LWS is situated approximately 1.5 kilometres south-west of the application site. Broadmoor Wood & Chadwich Manor Ponds LWS and Beacon Wood & Chadwich Wood LWS are located approximately 1.2 kilometres south-east of the application site. Beacon Hill LWS and the Roughlands LWS are situated approximately 2.2 kilometres and 2.3 kilometres south-east of the application site, respectively. Whetty Coppice LWS is located approximately 2 kilometres east of the application site. The Ancient Woodland of Broadmoor Wood and Beacon Wood are located about 1.4 kilometres and 1.6 kilometres south-east of the application site.

32. The nearest Listed Building to the application site is Lower Madeley Farmhouse; a Grade II Listed Building located about 50 metres west of the application site. The Schedule Monument of Moated site at Fairfield Court is situated approximately 1-kilometre south-west of the proposal.

33. There are a number of existing minerals and waste management developments in the local area, including the restored Chadwich Lane Quarry (Mineral Planning Authority Ref: 13/000061/CM, Minute 882 refers), located immediately to the east of the application site. Veolia Sandy Lane Landfill (Waste Planning Authority Ref: 407292, Minute No. 262), situated about 180 metres south of the proposal, which has now been restored. Veolia Sandy Lane Western Quarry (Mineral Planning Authority Ref: 107110, Minute No. 118 refers), located about 375 metres south-west of the proposal. Planning permission for mineral extraction at this site has now expired and the site is required to undergo restoration to agriculture at a lower level. Veolia Sandy Lane Eastern Quarry (Mineral Planning Authority Ref: 407292, Minute No. 262), is located about 500 metres south of the application site, and has planning permission for infilling, but is currently inactive.

34. Wildmoor Quarry (Mineral Planning Authority Ref: 107104 and 407219, Minute No. 67 refers), is an active sand quarry located about 600 metres south of the proposal. An application for the relocation of the processing, stocking and bagging area and installation of new mineral processing plant, located within Wildmoor Quarry (part-retrospective) was granted planning permission on 4 December 2019 (Mineral Planning Authority Ref: 19/000002/CM, Minute No. 1037 refers). A retrospective application for the operation of a mortar batching plant, erection of associated silo storage units and aggregate bins and vehicle repairs workshop within Wildmoor Quarry was also granted planning permission on 4 December 2019 (Mineral Planning Authority Ref: 17/000028/CM, Minute No. 1038 refers).

35. On 21 June 2017 Bromsgrove District Council refused to grant a certificate of lawful use or development for *“composite mixed use comprising residential and commercial use for the importation, processing by crushing and sorting and distribution of aggregates, soils and demolition materials”* at Dolfor House located adjacent to Wildmoor Quarry. This was subject to an appeal, and a Public Inquiry was held between 9 February 2021 and 11 February 2021, the appeal was allowed and a lawful development certificate was granted by the Planning Inspectorate on 19 February 2021 for *“a mixed use of residential and the importation, storage and processing of quarried sands and gravels for sale and the importation, storage and processing by use of mobile plant and equipment of construction, demolition and excavation materials for the sale of recovered soils and recycled aggregates”* (Appeal Ref: APP/P1805/X/18/3209389).

36. Pinches Quarry Phase 3 (Mineral Planning Authority Ref: 08/000055/CM, Minute 640 refers), which is an active sand quarry located about 1.1 kilometres south-east of the proposal. An application for extraction of sand and gravel and subsequent infilling with inert waste to achieve full restoration at Pinches Quarry (Phase 4) is currently pending consideration (Mineral Planning Authority Ref: 19/000056/CM).

37. The site is located within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. The proposal is located upon an aquifer - Groundwater Source Protection Zone (Zone 3 – total catchment).

38. The closest residential properties to the site are Oak Villa, the Stables and Lower Madeley Farm, which are located about 28 metres south and 26 and 50 metres to the west, of the application boundary, respectively. Further dwellings are located along Bonfire Hill, located about 150 metres north-west of the proposal. The closest residential properties to the proposed new access are Money Lane Cottages and Cottage Farm that are about 200 metres and 300 metres to the south, respectively. Upper Madeley Farm is located about 270 metres north-east of the application site.

Summary of Issues

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

- Worcestershire's landbank of sand and gravel reserves;
- Whether the proposal meets the site selection criteria set out in the adopted County of Hereford and Worcester Minerals Local Plan (Sieve Test / Methodology);
- Best and Most Versatile (BMV) agricultural land;
- Alternatives;
- Green Belt;
- Traffic, highway safety and impact upon Public Rights of Way;
- Residential amenity (including noise, dust and air quality);
- Landscape character and appearance of the local area;
- Historic environment;
- Ecology, biodiversity and geodiversity;
- Water environment; and
- Restoration and aftercare of the site.

Planning Policy

National Planning Policy Framework (NPPF)

40. The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. On the 19 June 2019 the revised NPPF (2019) was updated to include a correction slip to remove Paragraph 209a relating to on-shore oil and gas development.

41. On 30 January 2021 the government published a consultation on draft revisions to the NPPF and a new draft National Model Design Code. The NPPF has been revised to implement policy changes in response to the Building Better Building Beautiful Commission 'Living with Beauty' report. The draft National Model Design Code provides detailed guidance on the production of design codes, guides and policies to promote successful design. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies. The consultation on these documents closes on 27 March 2021. In light of the fact that the consultation has not yet closed or a revised NPPF or new National Model Design Code published, the Head of Planning and Transport Planning consider that very little weight should be afforded to these consultation versions of the documents in the determination of this planning application.

42. The NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF (2019) is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

43. The NPPF (2019) should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF (2019) 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"*.

44. The NPPF (2019) 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 and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

45. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF (2019); 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.

46. So that sustainable development is pursued in a positive way, at the heart of the NPPF (2019) 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 (2019) 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.

47. 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.

48. The following guidance contained in the NPPF (2019), 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 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- 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
- Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

49. 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.

Chief Planning Officer Letter - Green Belt protection and intentional unauthorised development (31 August 2015)

50. This letter sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

The Development Plan

51. 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 Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan, Adopted Worcestershire Waste Core Strategy Development Plan Document, and the Adopted Bromsgrove District Plan.

52. 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.

53. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF (2019), 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)*".

County of Hereford and Worcester Minerals Local Plan (Saved Policies)

Policy 2: Other Sand and Gravel Deposits

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 5: Landfill and disposal

Policy WCS 6: Compatible land uses

Policy WCS 7: Development associated with existing temporary facilities

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 13: Green Belt

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

Bromsgrove District Plan

Policy BDP1: Sustainable Development Principles

Policy BDP4: Green Belt

Policy BDP16: Sustainable Transport

Policy BDP19: High Quality Design

Policy BDP20: Managing the Historic Environment

Policy BDP21: Natural Environment

Policy BDP22: Climate Change

Policy BDP23: Water Management

Policy BDP24: Green Infrastructure

Draft Planning Policy

Emerging Worcestershire Minerals Local Plan (Main Modifications, December 2020)

54. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

55. The Publication version of the Emerging Minerals Local Plan was submitted to the Secretary of State for Housing, Community and Local Government on 17 December 2019 for independent examination.

56. The Secretary of State has appointed Elizabeth Ord LLB (Hons) LLM MA DipTUS and Beverley Wilders BA (Hons) PgDurp MRTPI as independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan.

57. Due to the coronavirus (COVID-19) pandemic, the Local Plan hearings for the Emerging Worcestershire Minerals Local Plan were delayed and subsequently held virtually on Wednesday 11 November to 13 November 2020 and on Friday 18 December 2020 to discuss the principal matters identified by the Inspector.

58. The Examination formally remains open until the Inspectors issue their report and it is possible that further hearing sessions could be held if the Inspectors choose to do so. However, the Council has not received any indication from the Inspectors that they intend to do so. In the circumstances the Emerging Minerals Local Plan cannot yet be declared sound or legally compliant and cannot be adopted. It is not yet, therefore, part of the development plan.

59. The NPPF (2019) states in Section 4 (Paragraph 48) that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

60. Given that all the policies in the Emerging Minerals Local Plan are subject to unresolved objections and having regard to the advice in the NPPF (2019), Section 4, it is the view of the Head of Planning and Transport Planning that the following policies in the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

61. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy MLP 0: Spatial Strategy

Policy MLP 1.2: Strategic Location of Development – Areas of Search and Windfall Sites Within the Strategic Corridors

Policy MLP 3: Green Infrastructure

Policy MLP 6: North East Worcestershire Strategic Corridor

Policy MLP 10.1: Scale of Sand and Gravel Provision

Policy MLP 10.2: Delivering Steady and Adequate Supply of Sand and Gravel

Policy MLP 17: Efficient Use of Resources

Policy MLP 18: Green Belt

Policy MLP 19: Amenity

Policy MLP XX: Air Quality

Policy MLP 20: Access and Recreation

Policy MLP 21: Biodiversity

Policy MLP 22: Historic Environment

Policy MLP 23: Landscape

Policy MLP 24: Soils

Policy MLP 25: Best and Most Versatile Agricultural Land

Policy MLP 26: Geodiversity

Policy MLP 27: Water Quality and Quantity

Policy MLP 28: Flooding

Policy MLP 29: Transport

Policy MLP 30: Planning Obligations

Emerging Belbroughton and Fairfield Neighbourhood Plan

62. Belbroughton and Fairfield Parish Council submitted an application to Bromsgrove District Council on 4 January 2018, to designate the entire parish area as a Neighbourhood Area.

63. On 18 January 2018, the application for the designation of the entire Parish of Belbroughton and Fairfield, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Bromsgrove District Council.

64. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements, as set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

65. Given that the Emerging Belbroughton and Fairfield Neighbourhood Plan has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Indeed, there will be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF (2019), Section 4, it is the view of the Head of Planning and Transport Planning that the Emerging Belbroughton and Fairfield Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

Other Documents

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

66. 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.

67. 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.

68. 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.

69. 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 wish 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.

Waste Management Plan for England (2013)

70. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

71. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

72. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

73. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

The Government Review of Waste Policy England 2011

74. 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.

Worcestershire Green Infrastructure (GI) Strategy (2013 – 2018)

75. The Worcestershire Green Infrastructure Strategy, produced by the Worcestershire Green Infrastructure Partnership, describes the need for Green Infrastructure in the county and sets a vision for the delivery of Green Infrastructure. It highlights how this can be delivered through housing, employment, infrastructure development and land management. The Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in Worcestershire; and inform relevant strategies and plans of partner organisations.

76. The Strategy identifies mineral extraction and restoration as a main opportunity to deliver green infrastructure. The Strategy notes that Green Infrastructure closely reflects the principles of sustainable development identified in the NPPF. The delivery of Green Infrastructure is, therefore, likely to be an increasingly important consideration when assessing the extent to which proposals such as mineral workings constitute sustainable development.

77. The Strategy considers the key to planning and managing green infrastructure in minerals extraction and restoration is to consider the site in its context. This includes considering the features of the site and the networks of habitats, sustainable transport routes and water courses that surround it. It notes that the robust mechanism for delivering Green Infrastructure through mineral extraction and restoration is still to be established, but modern planning permissions for mineral workings require a restoration and aftercare scheme. The Strategy also notes that

many operators are sympathetic to environmental enhancement, which is supported by the Minerals Products Association. It, therefore, considers that it is likely that there is significant potential to incorporate Green Infrastructure concepts within a wide range of restoration schemes.

Consultations

78. Worcestershire County Council, as the Mineral Planning Authority carried out public consultation on the planning application between 24 October to 23 November 2018. Following the consideration of comments that were received, the Mineral Planning Authority wrote to the applicant requesting additional information in respect of the Environmental Statement, in relation to the water environment, historic environment, geological SSSI and ecology. In accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the Mineral Planning Authority carried out public consultation on this additional information between 12 June to 12 July 2019.

79. Following the consideration of the comments that were received on the additional information, the Mineral Planning Authority wrote to the applicant requesting further additional information in respect of the Environmental Statement, in relation to the water environment and air quality. Further public consultation, in accordance with Regulation 25 was carried out between 2 October to 1 November 2019.

80. Following the consideration of the comments that were received on the additional information, the Mineral Planning Authority wrote to the applicant requesting further additional information in respect of the Environmental Statement, in relation to the water environment. Further public consultation, in accordance with Regulation 25, as amended by Regulation 17 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 was carried out between 15 July to 26 August 2020.

81. Following the consideration of the comments that were received on the additional information, the Mineral Planning Authority wrote to the applicant requesting further additional information in respect of the Environmental Statement, in relation to cultural heritage, water environment, noise and highways. Further public consultation, in accordance with Regulation 25, as amended by Regulation 17 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 was carried out between 9 December to 13 January 2021.

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

83. **Local County Councillor Shirley Webb** strongly objects to the proposal due to the proposed HGV traffic along Money Lane and the A491, and states that her concerns mirror the comments of Belbroughton and Fairfield Parish Council (see comments below) and Wildmoor Residents' Association, which include objections to prolonging the life of Wildmoor Quarry as sand from the proposal would be processed at the site; request to carry out full geophysical survey in relation to archaeology;

adverse impacts upon water environment, including flooding and pollution of the aquifer; adverse traffic and highway safety impacts; adverse impacts upon amenity; adverse landscape impact, adverse impact upon the Green Belt, adverse impact upon Public Rights of Way; contradictory statements regarding the measures to minimise impacts upon the overhead powerlines and electricity pylon; previous track record of the applicant; and contrary to the adopted Minerals Local Plan. In addition, Councillor Webb states that she has received numerous messages from residents regarding this application, and overall, it is not supported by the community as a whole.

84. **County Councillor Karen May (Neighbouring)** comments that she fully supports the comments of Bromsgrove District Council and wishes to add that she has severe concerns regarding the flooding and drainage issues that have occurred in this area (along Harbors Hill and Madeley Road) and requests that a full Flood Risk Assessment is carried out regarding the potential implications with this application. Councillor May goes on to state that the roads consistently flood and a plan is required for remedial works in this area regardless of whether or not this application is granted planning permission. Councillor May is also concerned that further quarrying over an aquifer and the removal of sand from the site could exasperate this situation.

85. **Belbroughton and Fairfield Parish Council** objects to the proposal, stating that the additional information supplied by the applicant is in response to concerns raised by the County Archaeologist regarding cultural heritage, the Environment Agency regarding the water environment, Worcestershire Regulatory Services regarding the outdated noise data and the County Highways Officer regarding outdated highways information. The Parish Council remain of the opinion that none of these issues have been fully resolved. In particular the 13-year time period envisaged for this development is considered to be over ambitious, given the increase in the proposed amount of sand to be excavated (approximately 1.35 million tonnes). Realistically this is more likely to extend to a longer time period approaching 15 to 20 years of operations. Together with the increased levels of HGV movements for supply, delivery and backfilling at Chadwich Lane, the impact on the B4551 and the A491 would be considerable, especially at the 'T' junction with the A491. This matter is a major concern for local residents.

86. With regard to the water environment, the Parish Council consider that the design of the proposed soakaway basin, being a third of the excavated site area, with a depth of approximately 10 metres so close to nearby houses, on a sloping site is completely unacceptable.

87. The Parish Council comment that the proposed development is located within the West Midlands Green Belt and is part of a previously designated Landscape Protection Area. A large part of the site area is classed as Grade 3a agricultural land and the proposed site is not designated as being in a preferred area in the adopted Minerals Local Plan. The emerging Minerals Local Plan is not yet adopted, and it is understood that none of the sites, including Chadwich Lane, which have been submitted for consideration in the emerging Minerals Local Plan have been accepted.

88. The Environment Agency have indicated that in addition to planning permission, the developer would require an Environmental Permit, which may not be granted. Depending on ground conditions at the proposed excavated depth of 162 metres AOD the Environment Agency may also require a 'geotechnical barrier' to be laid prior

to any landfilling as a safeguard for the Source Protection Zone. The Parish Council have serious concerns about the possibility of leachate from future landfilling and its 'water containment area' entering the ground water supply which in turn directly feeds into the aquifer which is a major water supply for Bromsgrove residents.

89. The existing dwellings on Harbours Hill would be directly affected by the development. Lower Madeley Farm (listed building) and The Stables, are just 10 metres from the western site boundary and Oak Villa is at some 30 metres distance to this site boundary. Other nearby residencies would also be affected. Despite any mitigation measures that the developer can offer the proximity of these properties to the excavation site is a significant issue and one that is unacceptable to the local residents and the Parish Council.

90. The application is deliberately vague when it comes to stating the frequency and number of HGV's proposed to carry the excavated sand directly to Wildmoor Quarry for processing, choosing instead to refer to a figure of a 1% increase in traffic at the Money Lane Junction with the A491. There is also no figure supplied for the number of HGV's directly supplying the site with infilling material over the four phases envisaged. From experience of other local quarries, such as the Veolia landfilling operation and Pinches Quarry Phase 3, an assessment of the number of vehicle movements is likely to be one every ten to fifteen minutes as a minimum. This figure produces between 40 and 50 single vehicle movements per day conveying sand to Wildmoor Quarry and in addition there would also be HGVs importing 'waste and inert fill' to the site, this equates to approximately 100 single HGV journeys to achieve this rate of extraction and landfilling per day. This frequency of HGV's is bound to have a direct effect on the local highways and particularly at the Money Lane junction with Sandy Lane (A491), which is already designated as an 'accident hazard'.

91. An existing National Grid electricity pylon is located in the north-eastern corner of the site. The application submission makes two separate references to this, a) one which seeks its re-routing and, b) one referring to it being worked around. This should be clarified.

92. In the previous appeal decision, the Planning Inspector stated, "*one of the proposed conditions would require the site to be returned to the approved restoration level in a fixed period of time*", and "*include the provision to regulate phased working & contiguous restoration*". Should the Planning Committee decide to grant approval for this development it must include the requirement of a fixed timescale for the four phased areas of extraction and also a corresponding fixed timescale for the full restoration of the site.

93. **Romsley Parish Council (Neighbouring)** no comments have been received.

94. **Bromsgrove District Council** comments that the main issues for the Mineral Planning Authority to consider in determining this application are:

- The impact of the development on the Green Belt and consideration whether the engineering operations are deemed to be not inappropriate in the Green Belt, provided it preserves its openness and does not conflict with the purposes of including land within it. If the scheme is considered to be inappropriate development, this is, by definition, harmful to the Green Belt and should not be approved unless in very special circumstances. Very special circumstances will

not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- The impact on the local highway network (with specific reference to Money Lane) and the wider transport network with regard to vehicular movements arising from the scheme.
- The impact on residential amenity (noise, dust and odour).
- The impact on landscape character and appearance.
- The impact on designated heritage assets.
- Ecology and biodiversity considerations.
- The impact on the water environment.
- The impact on the SSSI designation.
- The appropriateness of the proposed landscaping and tree planting, including the proposed bunding.
- Whether there are any limitations that can be imposed on the amount and type of inert infill material to be imported.

95. In relation to heritage matters, in particular in relation to Lower Madeley Farm, a Grade II Listed Building that dates in part back to 1500, the District Council states that the significance of the building is largely derived from its historical and architectural interest. The immediate setting to the listed building is formed by the domestic curtilage and the extant farm buildings to the east, now in separate ownership to the house. The wider setting is formed by the agricultural land to the south, west and north. To the east the agricultural land is largely screened by extensive planting, hedgerow and trees along the boundary parallel with Harbours Hill, although there maybe partial views through in the winter months. The rural landscape which forms the setting, therefore, contributes to the significance of the listed building providing the agricultural context to the original farmstead.

96. The applicant has submitted a Heritage Statement, in response to earlier comments by Bromsgrove District Council. The District Council state that it is disappointing that the listed building has been inaccurately described. However, the report does adequately consider the impact of the proposed scheme on the setting of the listed building. Some minimal harm to the setting and significance is identified. Although the intervisibility between the site is likely to be minimal due to intervening trees and hedgerow boundaries. There is still the possibility of an increase in dust and dirt and noise of machinery. In terms of noise this has to be considered in the context of the existing background noise from the M5 Motorway. The damage to the rural setting is likely to cause some minimal harm to the significance of the listed building. Mitigation measures include the construction of a bund and the restoration of the site when the extraction works are completed.

97. In relation to the restoration scheme and the proposed soakaway basin, the District Council agrees with the submitted Heritage Statement that an 'incorporated body of water' is not an unusual agricultural feature. The site would, therefore, not be completely restored to its present state, and the regular shape of the proposed water feature would suggest that it is an artificial feature rather than a historic pond. The damage to the rural setting, as a result of the soakaway basin is likely to cause some minimal harm to the significance of the listed building.

98. Paragraph 193 of the NPPF (2019) attaches great weight to an asset's conservation, irrespective of whether potential harm amounts to substantial harm,

total loss or less than substantial harm to significance. The harm to the listed building would be at the lower end of less than substantial and in terms of Paragraph 196 the harm must be weighed against the public benefits of the proposal. The Heritage Statement identifies that the public benefits include the sourcing and excavation of minerals, and it is for the Mineral Planning Authority to determine whether these public benefits are sufficient to outweigh the identified harm to the listed building.

99. It is noted that the owners of Lower Madeley Farm have identified that previous excavations have caused flooding problems in the vicinity of the listed building. The District Council is unable to comment on this and suggest that appropriate advice is sought.

100. **The Environment Agency** has no objections to the principle of the proposal, subject to the imposition of conditions regarding surface water regulation system, which includes the use of Suitable Drainage Systems (SuDS); any facilities for the storage of oils, fuels or chemicals shall be sites on impervious bases and surrounded by impervious bund walls; limiting mineral extraction to a depth of 162 metres AOD; groundwater monitoring regime; and should the groundwater monitoring results provide evidence of any adverse risk of deterioration to groundwater flows and quality, extraction of mineral on site shall cease until a programme to investigate and implementation of effective alternative options are put in place to avoid and remedy impacts, with criteria for the review of success and failure of any remediation works.

101. In addition, the Mineral Planning Authority may wish to impose a Construction Environmental Management Plan (CEMP) like condition to secure operational pollution control measures. The Environment Agency advise that the applicant refers to the Environment Agency's Pollution Prevention Guidance notes and incorporates pollution prevention measures to protect ground and surface water.

102. The Environment Agency comment that the proposed mineral extraction presents a risk to groundwater which is particularly sensitive in this location. The site is located above a Principal Aquifer of the of the Wildmoor Sandstone Formation; Source Protection Zone (SPZ3); Water Framework Directive (WFD) groundwater body; WFD drinking water protected area and is within 450 metres of a watercourse. The site is located within the Kidderminster and Stourport Groundwater Management Unit of Worcestershire Middle Severn Catchment Abstraction Management Strategy and groundwater is unavailable for licensing. The site falls within the Worcestershire Middle Severn sandstone groundwater body, which is currently at 'Poor Overall Status' with an ambition to reach 'Good' by 2027.

103. The submitted Hydrogeological Risk Assessment Review provides the Environment Agency with confidence that it would be possible to suitably manage the risks posed to groundwater resources by the proposal.

104. Dewatering the proposed excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and / or monitoring measures may be required for the protection of other water users and water features. The applicant should note that under the New Authorisations programme abstraction

for dewatering to facilitate mineral excavation or construction works would no longer be exempt from abstraction licensing. The applicant should contact the Environment Agency's National Permitting Service to confirm the requirements.

105. Section 4.4 of the submitted Surface Water Management Scheme, states: *“water infiltrating to the Wildmoor Sandstone aquifer from the soakage basin would therefore need to be of sufficient quality. Runoff and road drainage could contain unacceptable concentrations of suspended solids or fuel oils. Measures would need to be undertaken to ensure that infiltrating water would be treated so that it is of sufficient quality. This could include a suitably designed SuDS train featuring oil interceptors. To encourage settlement, reedbeds or settlement ponds should be used to filter and remove suspended solids prior to water entering the soakage basin”.*

106. The Environment Agency concur with the above statement. However, they require more detail to confirm how the SuDS train / interceptors / reedbeds would be maintained during and after quarrying and restoration. The Environment Agency do not wish to comment on surface water quantity and advise the Mineral Planning Authority to consult the North Worcestershire Water Management on behalf of the Lead Local Flood Authority. The Environment Agency have no comment on flood risk.

107. The Environment Agency expect consideration / use of a suitably designed SuDS train featuring oil interceptors, and reedbeds and / or settlement ponds to filter and remove suspended solids. They recommend use of reedbeds and pools to help enhance biodiversity, ecology and provide net biodiversity gain. The proposed soakage basin would need to be separated from the imported inert fill materials by a suitable impermeable barrier to prevent leachate generated in the imported fill from infiltrating through the basin without attenuation. An Environmental Permit from the Environment Agency may be required for discharge to and from the soakage basin.

108. The proposed landfill / restoration would require an Environmental Permit from the Environment Agency under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016, unless an exemption applies. The applicant should be aware that planning permission is no guarantee that a Permit would be granted.

109. The application includes the phrased infilling of the void using inert materials only. It is likely that this development constitutes an inert landfill and would require the relevant 'Bespoke' Environmental Permit. The submitted Hydrological Risk Assessment proposes an engineered geological barrier measuring approximately 1 metre in depth. Unless the natural geology at 162 metres AOD is demonstrated to be acceptable, a properly engineered geological barrier of this specification would be required.

110. The Environment Agency would consider and seek to control the following areas of potential impact / harm as part of the Environmental Permit:

- **Management** - evidence that the operator has an environmental management system, would install site security and be adequately financed. The Permit would consider how the operator would deal with accidents.
- **Operations** - evidence that the operator has considered the entire landfill life cycle, including the landfill design and its construction (landfill engineering), the

day to day operation of the site (including how they would confirm they are only accepting wastes appropriate for this site) and how they plan to close the site and manage it to prevent pollution during the aftercare phase once waste disposal stops.

- **Emissions and monitoring** - evidence that the operator would manage permitted emissions to water, air and land to prevent or where that is not possible, reduce pollution. Evidence that the operator has procedures in place to manage the impact of odour, noise and pests, and that emissions from the site would be monitored to confirm that mitigation measures are effective.

111. In addition, the Environment Agency make the following detailed comments in response to the submitted 'Appendix C - Stantec Response to Water Environment Comments':

- **Point 1:** 'Soakaway infiltration capacity' – the Environment Agency generally concur with the proposed condition regarding detailed design and construction details of the soakaway basin, including measures to ensure suitable infiltration, however, care would need to be exercised. The 162 metres AOD elevation is designed to protect groundwater. Therefore, excavation below this elevation increases risk by reducing the unsaturated zone and attenuation benefits thereof and given the worst-case unsaturated zone thickness of 8.5 metres.
- **Point 2:** 'Monitoring of seepage from the basin sides' – the Stantec Hydrological Risk Assessment is supported by the LandSim model incorporating a 1 metre engineered geological barrier with a permeability of $<1E-7$ m/s. Unless the natural geology at 162 metres AOD is demonstrated to match this requirement, a properly engineered geological barrier of this specification would be required.
- The Development Cross Sections drawing indicates that the eastern bank of the proposed soakage basin (and probably the southern and northern banks as well) would consist of imported inert restoration materials. There is no separation of imported fill materials and the underlying natural strata with an engineered barrier. This is not acceptable. The soakage basin would need to be separated from the imported inert fill materials by a suitable impermeable barrier (equivalent to 1 metre at 1×10^{-7} m/s) to prevent leachate generated in the imported fill from infiltrating through the basin without attenuation.
- **Point 5:** 'Improvements to road drainage' – The proposal to utilise Downstream Defender units is welcomed. However, they would not in themselves deal with dissolved contaminants (especially hydrocarbons). In view of this, the Environment Agency would still seek confirmation of how the water infiltrating through the soakaway basin would be designed and managed to secure sufficient quality. The recommended condition for a scheme for the provision and implementation of a surface water regulation system should include for that.

112. **County Council Pollution Control Manager** comments that it has been observed that during periods of intense rainfall there have been issues with surface water run-off from the restored Chadwich Lane Quarry flooding properties on Harbours Hill. The Pollution Control Manager queries if the proposed surface water management provisions are sufficient to prevent this occurring in the future.

113. In view of the amended application, they wish to make no additional comments and defer to other technical consultees with regard to the impacts upon groundwater /

surface water, as the proposal would not directly affect the Madeley Heath Closed Landfill Site.

114. **Public Health England** have no objections to the proposal, stating that they have no significant concerns regarding risk to health of the local population, subject to the applicant taking all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

115. Public Health England also notes that the infilling operations would require an Environmental Permit, issued by the Environment Agency. This would ensure that the concerns raised by the local residents regarding the nature of the infill and possible fugitive dust releases are fully addressed.

116. **Worcestershire Regulatory Services (Contaminated Land)** have no objections to the proposal in relation to contaminated land.

117. **Worcestershire Regulatory Services (Air Quality)** have no objections to the proposal, noting that the submitted Air Quality Assessment which predicts that all existing receptors would be below the Air Quality Objective for Nitrogen Dioxide (NO₂) and Particulate Matter (PM) both PM₁₀ and PM_{2.5}, and the impact of the effects of changes in traffic flow as a result of the proposal would be negligible at all modelled receptors, with no mitigation measures in relation to air quality being required.

118. Worcestershire Regulatory Services consider that the submitted Air Quality Assessment is appropriate and concur with the findings and conclusions and, therefore, have no adverse comments to make in relation to air quality.

119. **Worcestershire Regulatory Services (Noise and Dust)** have no objections to the proposal subject to the imposition of conditions requiring the construction of noise attenuation bunds, noise limits as set out in the Amended Noise Assessment Report and an Environmental Management Plan.

120. Worcestershire Regulatory Services state that the Noise Assessment Report demonstrates that operations both routine and temporary can achieve suitable noise limits that should protect the amenity of nearby residents. Worcestershire Regulatory Services are happy to support the conclusions of the Assessment.

121. Worcestershire Regulatory Services state that the measurements and analysis within the submission appear to have been carried out in line with relevant guidance and British Standards. Background noise levels have been reassessed and noise impacts of extraction and restoration processes calculated via recognised methodologies. The Assessment concludes that with suitable mitigation in place noise levels from quarry operations should not exceed noise levels outlined in the previous appeal decision at the site (Appeal Ref: APP/E1855/A/08/2069139).

122. The Noise Impact Assessment proposes a noise limit of 52 dB LAeq, 1-hour, free field (free field noise measurements are those undertaken away from any reflective surfaces other than the ground) at dwellings for routine operations. Worcestershire Regulatory Services are happy to support the adoption of this as an upper limit for routine operations. This is beneath the limit of 55dB LAeq 1-hour free

field at dwellings, specified in the previous appeal decision (Appeal Ref: APP/E1855/A/08/2069139).

123. Subject to the construction of bunds measuring approximately 3 metres and 5 metres high as shown on drawing titled: 'Revised Phased Working & Restoration Scheme' the assessment indicates that noise levels from routine operations should not exceed 52dB LAeq, 1 hour, free field at Lower Madeley Farm, The Stables or Oak Villa.

124. During noisier, temporary operations such as overburden stripping, bund formation / removal and the final restoration processes it is expected noise levels would exceed the 'routine operation' level of 52dB, but should achieve levels beneath a site noise control limit of 70 dB LAeq, 1 hour, free field at dwellings. Temporary Operations are defined within the Government's Planning Practice Guidance (PPG) and are relatively short duration operations that are capable of completion in a total period of no more than eight weeks in any twelve-month period. Calculations within the report indicate the temporary operations can meet the noise control limit of 70 dB LAeq, 1 hour, free field at dwellings.

125. The Assessment recommends further operational measures to help further reduce noise impacts from site:

- *"Where reversing sirens or beepers are used on mobile site plant and give rise to noise problems, the use of quieter or silent types of alarm or warning devices that are more environmentally acceptable should be explored.*
- *For the importation and placement of inert fill, there needs to be careful management of the HGV drivers bringing in the fill material, to minimise impact noise, particularly following the tipping of material.*
- *It is not uncommon for road going tipper lorries to generate relatively high maximum noise levels when the lorries drive away and the tailgate impacts on the body as the body of the truck is lowered. The noise generated by tailgate impacts can be mitigated by careful tipping and lowering of the body".*

126. Worcestershire Regulatory Services advise these measures should be adopted as part of any Environmental Management Plan.

127. With regard to dust impacts, Worcestershire Regulatory Services consider that the dust mitigation measures outlined within the Environmental Statement are in line with best practice and, therefore, have no objections to this proposal in terms of dust emissions adversely impacts nearby sensitive receptors.

128. **The Lead Local Flood Authority** wish to make no comments deferring to North Worcestershire Water Management.

129. **North Worcestershire Water Management** has no objections to the proposal, subject to the imposition of conditions regarding the detailed design for surface water drainage, including the detailed design and construction details of the adjacent highway ditches; details and results of field percolation tests undertaken at the base of the soakaway basin; restricting mineral extraction in Phase 2 until the soakaway basin and associated assets have been constructed; a monitoring scheme to monitor

any seepage into the soakaway basin via its sides; should the monitoring scheme identify seepage into the soakaway basin, an amended soakaway basin design, taking into account baseflows in the calculations and a timetable for its construction shall be submitted for approval; detailed design drawing for the improvement of the highway ditches along southern side of Chadwich Lane Quarry and eastern side of Harbours Hill; and a SuDS Management and Maintenance Scheme, which shall include the soakaway basin, adjacent highway ditches and associated assets for their management and maintenance in perpetuity.

130. North Worcestershire Water Management make a number of detailed comments in response to the submitted 'Appendix C - Stantec Response to Water Environment Comments':

- **Point 1:** 'Soakaway infiltration capacity' – North Worcestershire Water Management comment that the Mineral Planning Authority suggested three conditions (a to c) requiring a scheme that sets out the detailed design and construction details of the soakaway basin. The applicant considers that conditions a) to c) to be acceptable, this includes condition b) which would require undertaking percolation testing and finalising the soakaway basin design before Phase 2 commences. North Worcestershire Water Management note that the Environment Agency generally concurs with the proposed condition but warns that care would need to be exercised as excavation below the 162 metres AOD elevation increases the risk that groundwater protection could become compromised. North Worcestershire Water Management note that the proposed condition b) asks for an amended soakaway basin design which could mean a deeper basin to tap into more permeable material, but it could also mean a larger basin to create sufficient storage capacity if infiltration rates were lower than expected. If a deeper basin was proposed, then the Environment Agency would need to be satisfied that groundwater remains sufficiently protected. North Worcestershire Water Management consider that condition a) should be amended to state *“the scheme shall outline measures to ensure that the soakaway basin provides sufficient storage capacity based upon established infiltration rates”*.
- **Point 2:** 'Monitoring of seepage from the basin sides' – North Worcestershire Water Management states that the Mineral Planning Authority recommended the imposition of 2 conditions (d and e) for a monitoring scheme for the monitoring of seepage into the soakaway basin. The applicant in their response details the practical difficulties in monitoring seepage quantitatively and sets out that the basin is already designed conservatively, with a large freeboard, which would account for an element of seepage. The applicant sets out that a simple water balance (which could be updated as part of an annual reporting process) could be used to determine whether there is any significant seepage. This could be supplemented by evidence from regular monitoring by site staff for signs of seepage around the basin sides. The applicant suggests that these two steps could constitute the monitoring scheme suggested in conditions d) and e).
- North Worcestershire Water Management consider that the above feedback from the applicant gives an insight in what a monitoring scheme could entail if this was to be conditioned. North Worcestershire Water Management recommend that conditions d) and e) be amended as follows: *“d) prior to the commencement of the development hereby approved, a monitoring scheme to monitor any*

significant seepage into the soakaway basin via its sides shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details”; and condition “e) should the monitoring scheme required by condition a) above, identify significant seepage into the soakaway basin, an amended soakaway basin design, taking into account baseflows in the calculations and a timetable for its construction shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved details”.

- **Point 3:** ‘Potential for lateral flow from the basin to affect nearby properties’ – The applicant has clarified that the maximum anticipated water level within the basin is still below the cellar floor level which means that lateral flow from the basin would not be an issue and no membrane installation should be required. In view of this North Worcestershire Water Management consider that no further action is required.
- **Point 4:** ‘Treatment of runoff from highways’ – The applicant advises that treatment is required for sediment and contaminants originating on the surrounding land and highways. They are suggesting installing proprietary treatment (downstream defenders) rather than using a traditional settling pond or reedbed, as to not impinge on the tree screen or complicate the construction of the earth screening bund. North Worcestershire Water Management notes that the Environment Agency’s consultation response sets out that the proposal to utilise Downstream Defender units is welcomed, but as these do not deal with dissolved contaminants, they still seek further measures and recommend the imposition of a condition relating to this matter.
- **Point 5:** ‘Responsibility for maintaining and improving of highway ditches’ – The Mineral Planning Authority suggested 2 conditions to deal with the improvement of the existing ditches (condition f) and future management responsibilities including maintenance schedules (condition g). North Worcestershire Water Management concur with these recommended conditions but consider that it may be prudent to reference proprietary treatment devices to sufficiently treat the runoff prior to discharge into the soakaway basin. They also note that the applicant is surprised that the Mineral Planning Authority and North Worcestershire Water Management are deeming it the landowner’s responsibility to maintain the roadside ditches as a significant proportion of the water conveyed by these ditches originates outside the site boundary. North Worcestershire Water Management wish to clarify that the riparian responsibility for maintaining drainage ditches (beside highways or otherwise) is irrespective of the origins of the water. Therefore, the offer included in the response that the applicant is willing to take on the responsibility of dealing with drainage from the roads, as an add-on to improve the local situation for neighbouring households, is in effect void as this is simply an existing legal requirement.
- **Point 6:** ‘Drainage conveyance structures’ – The applicant advises that they proposed pipes to connect the existing highway ditches with the soakaway basin because ditches may need to be relatively deep in places. They acknowledge that open ditches would be easier to maintain and have provided an indicative design. North Worcestershire Water Management states that given the fact that ditches would inevitably have a larger adverse impact upon the tree screen than

underground pipes would have, they consider that pipes would be the applicant's preferred solution. As the risk of blockage is larger in pipes and the need for maintenance less obvious to monitor, clear and enforceable future management responsibilities is paramount.

- **Point 7:** 'Amendment to Drawing 003'. The applicant advises the annotation concerned, which included an annotation which states "if required" in relation to the soakaway basin was simply a typographic error and the drawing has been updated accordingly. In view of this North Worcestershire Water Management consider that no further action is required.

131. **Severn Trent Water Limited** have no objections to the proposal, as it would have minimal impact on the public sewerage system.

132. **Highway England** have no objections, subject to the imposition of a condition requiring a Construction Environment Management Plan (CEMP) for highways to manage any environmental risk arising from the quarry related traffic. Highways England states that the level of the vehicular traffic generated by the site is unlikely to present material impacts on the Strategic Road Network in capacity terms. Whilst the increase in mineral extraction from approximately 1.28 million to 1.35 million tonnes is likely to add to associated traffic movements accessing the Strategic Road Network at Junction 4 of the M5 Motorway, they do not consider this to be a material increase.

133. **The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions regarding the provision of appropriate visibility splays; specification of the vehicular access; and the first 15 metres of the access from the carriageway being surface with bound material.

134. **The County Footpaths Officer** has no objections to the proposal, subject to the imposition of a condition requiring details of the Public Rights of Way crossing and subject to the applicant adhering to their obligations to the Public Rights of Way. They state that the definitive line of Belbroughton Footpaths BB-594, BB-595 and BB-596 crosses the application site.

135. It is noted the applicant proposes the reinstatement of the existing footpath that runs along the eastern boundary of the extraction area (Footpath BB-594). The applicant should note that no disturbance of, or change to, the surface of the footpath or part thereof should be carried out without our written consent. If the development cannot be carried out without temporarily closing the Public Right(s) of Way for the safety of the public during construction, application should be made in advance to the Public Rights of Way Team at Worcestershire County Council.

136. **The Ramblers Association** comment that footpaths BB-594, BB-595 and BB-596 pass through the application site and note that Appendix 8.1 of the Environmental Statement addresses matters in relation to Public Rights of Way. However, formal diversion orders would need to be made if the application is approved, and the Ramblers Association would likely be consulted on the orders. In view of this, the Ramblers Association have no further comments to make at this stage.

137. **The Open Space Society** no comments have been received.

138. **The Campaign to Protect Rural England (CPRE)** comments that there is a shortage of sand and gravel in north Worcestershire and considers that the extraction of minerals from this site is somewhat less damaging than other potential areas in this part of the county. Nevertheless, CPRE deplore the need for any development in the Green Belt and the temporary loss of agricultural land.

139. **The Earth Heritage Trust** comments that they understand Natural England are seeking to prioritise the preservation of intact Quaternary sediments for the future, and the Earth Heritage Trust support this approach, and trust that Natural England will be consulted on this proposal.

140. The Earth Heritage Trust also confirmed that the value of an information board is very much dependent on the number of visitors and the level of interest that it would attract. In the case of this site, the number of visitors is likely to be small and there would be very little to see on the ground. In view of this, the Earth Heritage Trust do not require information boards to be erected at this site.

141. **The County Archaeologist** has no objections to the proposal subject to the imposition of a condition requiring a programme of archaeological work, including a written scheme of investigation, and provision made for the analysis, publication and dissemination of the results and archive deposition.

142. The County Archaeologist states that the updated assessment provides new information regarding the potential of the Pleistocene palaeo-environment within the development site but does not alter the overall conclusions of the previous assessment. The County Archaeologist concurs that there is moderate potential for archaeology within the site, but it unlikely that this would be highly significant or complex. The archaeological remains can be dealt with as a condition of consent. This would take the form of geophysical survey initially. This could then be followed by a targeted evaluation and/or a strip/map/sample excavation depending on the results of the initial works. A geoarchaeological watching brief on the south-western corner of the site is also recommended as part of the conditioned works. Consequently, the application site is judged to have the potential to impact heritage assets of archaeological interest that would be significantly altered by the development. On this basis, should the Mineral Planning Authority be minded to grant planning permission for this scheme, it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission.

143. **The County Landscape Officer** has no objections to the proposal, stating that he agrees with the broad findings of the submitted Landscape and Visual Impact Assessment. He considers that the amended proposals would not increase the harm to the landscape and visual character measured against the baseline.

144. The County Landscape Officer states the site benefits from a degree of established screening, which he notes would be enhanced by temporary bunds. He considers that due to the relatively limited scope of works proposed, allied with the phased restoration plan, appears well-contained within the land parcel to be worked thereby limiting the scale of visual impact.

145. He notes the comments of North Worcestershire Water Management and the specific reference to possible tree removal due to need to connect the highway

ditches to the drainage basin. A positive feature of this site is that some landscape enhancement of its boundary features has already been carried out. This contributes towards screening and restoration of the site. Any loss of established trees must, therefore, be mitigated through additional tree planting elsewhere within the context of the restoration plan. This would not of course mitigate for loss of the specific area of visual screening, but it should ensure there is no net reduction of tree cover, in the long-term, and measured against the existing landscape cover and restoration proposals.

146. **Natural England** have no objections to the proposal, subject to the imposition of a condition requiring protection of the area between Points B and C identified in the submitted 'Review of Madeley Heath SSSI Haul Road Assessment' being protected for the duration of the development, to ensure the protection and conservation of the nationally important channel (geological) feature. Without appropriate mitigation the application would damage or destroy the interest features for which the Madeley Heath SSSI has been notified. Natural England have also provided generic conditions to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation.

147. The Assessment identified that it is likely that the glacial channel feature and its associated Pleistocene deposits, which are the notified feature of the Madeley Heath Pit SSSI, lie between points B and C marked in Figure 1 of the Assessment. Any restoration should involve reinstating the former topography of the site. No further extraction or surface remodelling should take place between points B and C and no materials should be stored in this area.

148. Natural England notes and welcomes the submission of a revised Geological Assessment Report, which now includes previously requested information in relation to location of the trial pits, ground penetrating radar logs and the grid references / co-ordinates for the location of the trial pits and the ground penetrating radar survey lines.

149. Natural England comment that geological interpretation boards are not required at this site as the Madeley Heath Pit SSSI features would not be made visible or more accessible as a result of this planning application.

150. Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, but wish to make the following points:

- In accordance with Schedule 5, Part 1, Para 4 (1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse.
- To ensure that the site working and reclamation proposals meet the requirements for sustainable minerals development, the proposals should be carefully considered against current Minerals PPG, particularly section 6 on restoration and aftercare of minerals sites.
- Defra's 'Good Practice Guide for Handling Soils' provides detailed advice on the choice of machinery and method of their use for handling soils at various phases.
- More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance for successful reclamation of mineral and waste sites.

151. Natural England understand that the County Ecologist has advised that there is an opportunity to create acid grassland as part of the restoration and this is supported by Natural England, subject to it not being where the geological feature is located and there being no net loss of best and most versatile agricultural land from the proposal.

152. **Worcestershire Wildlife Trust** have no objections to the proposal and wishes to defer to the opinion of the County Ecologist for all on site detailed biodiversity matters.

153. **The County Ecologist** has no objections to the proposal, subject to the imposition of conditions requiring a Construction Environmental Management Plan (CEMP) for Biodiversity and detailed restoration scheme, which shall include Biodiversity Method Statements.

154. The County Ecologist states that the submitted additional environmental information addresses their previous concerns regarding the large oak tree located adjacent to the proposed access off Money Lane, which confirms this tree would not be damaged or removed as a result of the proposed works.

155. Further items that should be included in the biodiversity method statement are the creation of acid grassland in the area labelled 'geological exposure' (subject to approval from Natural England's advisers) and planting of woodland ground flora in the existing belt of young trees on the site's perimeter.

156. The (semi-) natural habitats and species already present on or adjacent to the site and which are scheduled to be retained, need robust measures to protect them from quarrying activity. This includes but is not limited to root protection zones for trees, and screening to prevent dust coating trees, hedgerows or waterbodies.

157. **West Mercia Police** have no objections to the proposal as they consider it would have no effect on crime and disorder in the area.

158. **Hereford & Worcester Fire and Rescue** no comments have been received.

159. **National Grid (Cadent Gas)** have no objections to the proposal, stating that although their infrastructure (pipeline) is located within the vicinity of the proposal, the proposed development is outside the criteria requiring National Grid to carry out any improvements.

160. **National Grid (Electricity)** have no objections to the proposal, which is in close proximity to a High Voltage Transmission Overhead Line.

161. **Western Power Distribution** comments that they do not have any apparatus located on the application site but note that their apparatus is located adjacent to the application site (11kv underground electricity cable, located along Chadwich Lane). Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive Guidance HS(G)47, Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

162. **Health and Safety Executive (HSE) (Planning Advice Web App)** have no objections, stating that the site does not currently lie within the consultation distance

of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

163. **The County Council Sustainability Team** wishes to make no comments.

Other Representations

164. The application and accompanying Environmental Statement have been advertised on site, in the press and by neighbour notification. To date, 104 letters of representation objecting to the proposal have been received, including comments from Fairfield Village Community Association and Wildmoor Residents' Association. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Planning Policy

- The site does not form part of any preferred mineral extraction area, and does not accord with the Development Plan, including the adopted Minerals Local Plan, in particular Policy 1.
- Question if Stage 3 of the sieve test outlined in the adopted Minerals Local Plan has been undertaken, namely: "*a feasibility check on the viability, availability lead times and markets*".
- Considers that the proposal would be subject to a primary constraint of the adopted Minerals Local Plan, as there is at least a strip of 200 metres from the boundary of a potential working area to the nearest main wall of the nearest property in as settlement of 6 or more.
- Considers the secondary constraint of visual impact as identified in Policy 2 of the adopted Minerals Local Plan would apply.

Need

- Considers that there is a lack of need for this sand, given that the applicant let the previous planning permission at this site expire.

Economic Impact

- The proposal would have negligible economic impact, as the predominant purpose of the proposal is support Wildmoor Quarry, which only employees about 10 people.

Green Belt

- This area of the Green Belt is beginning to appear like an industrial estate.
- Adverse impact upon the Green Belt.
- Considers that the proposal would directly supply the mortar batching plant at Wildmoor Quarry, which would conflict with the openness of the Green Belt.

Amenity and Pollution

- This part of Worcestershire has experienced the operation of various quarries for over 60 years. Residents have had to live with all the inconvenience of 'blights' on the landscape, noise, dust and traffic.
- Adverse impact upon local residents due to vibrations, noise and dust emissions, particularly as the extraction boundary of the amended application is even closer to local residents.

- Adverse impact to groundwater from pollution unless appropriately monitored.
- Adverse air quality impact.
- Adverse noise impacts, particularly because the site would operate between 07:00 to 19:00 Mondays to Fridays, and between 07:00 and 12:00 hours on Saturdays.
- Concerned that hazardous material would be deposited within the landfill.
- Inaccuracies within the submitted Air Quality Assessment.
- Out of date Noise Assessment. Request that this is updated accordingly.
- Adverse impact upon tranquillity of the area.
- When this application was first made in 2005 properties in a cluster had to be 200 metres from any quarry extraction, now no restrictions apply, and the health and safety of residents appears of no consideration when compared to the needs of the developer.
- Health concerns for local residents who are chronic asthmatic.
- Concerned that the applicant has not contacted the nearest residential properties in relation to recording noise data.
- Comment that noise assessment readings were carried out at the entrance to each property, rather than the property itself.
- Request noise testing is undertaken at the nearest residential properties to accurately assess the noise impacts of the proposal.
- Nowhere in the application does it state where exactly noise levels have been taken.
- Request noise monitoring is undertaken quarterly for the duration of the proposal.
- If planning permission is granted request that the proposed noise limit condition of 52 dB at the nearest residential properties for routine operations is imposed.
- No noise data has been established for lorries driving up Money Lane.

Landscape and Visual Impact

- Adverse landscape and visual impact.
- Adverse visual and amenity impacts due to proposed visual screening bund.
- Adverse impact upon countryside.
- The site is located in what was previously designated as a Landscape Protection Area.

Transport and Highway Safety

- Comments that even though the impact on local transport infrastructure is low, HGVs would have to navigate an already congested and dangerous junction (Sandy Lane / Money Lane), which has been designated an accident cluster.
- Concerns regard mud / sand being deposited on the public highway.
- Considers that if the proposal was approved, improvements (such traffic lights) to the Sandy Lane / Money Lane junction are required.
- Considers that there is a danger with vehicles turning out of Wildmoor Quarry, which is not considered within the application.
- Increased volume of HGVs speeding along Top Road, which is understood to be related to Chadwich Lane Quarry and Wildmoor Quarry.
- Road system is totally inadequate as Chadwich Lane is basically a single track and Money Lane is already extremely busy.
- The existing quarries cause traffic problems and make Sandy Lane (A491) very dangerous.

- Damage has been caused to Sandy Lane (A491) from quarry traffic and the proposal would cause additional damage to local roads.
- Money Lane is unsuitable for HGVs.
- Sandy Lane (A491) is now a major transport link to the M5 Motorway, and in the last few years there has been a marked increase in traffic volumes, and also along other routes such as the B4091 through Fairfield. The quarry traffic would add to this, with no benefits for local residents.
- Adverse impact upon highway safety.
- Adverse impact upon pedestrian safety, as many people use the area for recreation.
- Understand that previously, HGVs had not always kept to designated routes, but preferring to use short-cuts.
- Adverse impact upon traffic and congestion, especially given the County Council's Household Recycling Centre at the junction with Quantry Lane / Money Lane.
- Out of date traffic data has been used in the submitted assessment.
- Bonfire Hill road surface has still not been resurfaced since Chadwich Lane Quarry was restored despite promises, which is causing a hazard to road users.
- The applicant states that the highway visibility splays should be maintained and kept in perpetuity. Local residents consider that whilst this may enhance visibility on the bend, to keep such a wide access for a closed haul road after the quarry has been restored is unnecessary.
- Consider that the traffic survey undertaken from 25 September to Thursday 1 October 2020 is inaccurate, as it was during the COVID-19 pandemic when there were restrictions on movement.

Public Rights of Way

- Adverse impact upon Public Rights of Way (Footpaths BB-594, 595 and 596).

Flooding and Water Environment

- Concerned the proposal may have adverse impacts upon groundwater and the aquifer (an aquifer serving 19,000 home within Bromsgrove District).
- Concerned the proposal would exacerbate surface water and ground water flooding in the area and to residential properties.
- Flooding has caused tractors to become entrenched in mud and trees to perish on adjacent land, which has occurred since the restoration of Chadwich Lane Quarry.
- Previous quarry causes an increase in moisture and water levels, which has led to the cellars of adjacent properties to be flooded and shifting and sinking of a property.
- Since the closure of the original Chadwich Lane Quarry, the local resident has not experienced any further cracks, as the moisture in the ground has decreased. If the new quarry is permitted it would increase the moisture in the ground and cause further cracks in the property.
- Consider that the water table is higher than previously and, therefore, question if the infilling operations should be allowed to take place.
- Comment that the existing flood alleviation works associated with the restored Chadwich Lane Quarry appear to work, but this discharges into an agricultural field, which is not owned by the applicant and this would become a lot worse.
- Consider that the existing flood alleviation works associated with the restored Chadwich Lane Quarry do not work correctly and cannot cope with the volume of

water and is flooding Harbours Hill and Madeley Road (submitted photographs and videos of the situation following heavy rainfall event).

- Waterlogging at the bottom of Harbours Hill and Bonfire Hill due to the restored Chadwich Lane Quarry impacting on groundwater flows.
- Request no infilling from of the quarry to reduce the impact on the water environment or use of cut and fill to create a valley.
- Flooding has continued of Harbour Hills despite the surface water lagoon being installed associated with the restoration of the original Chadwich Lane Quarry, which has caused thousands of pounds worth of damage.
- Consider that out of date rainfall data has been used.
- Question the finding and accuracy of the Hydrogeological Risk Assessment.
- Concerned that geological faults are located near the proposed quarry, and if an earthquake was to occur this may result in a breach of any landfill liner.
- Considers that the submitted report has not adequately considered the impacts of climate change.
- The former County Council landfill known as Yew Tree Landfill was grossly overfilled replacing what was free draining sand with non-permeable materials. As a result of this, drainage ditches were constructed around the boundaries of the site to reduce surface water run-off. These ditches are blocked up and water is overflowing, cascading down the restored original Chadwich Lane Quarry site, as well as rising up through vent holes from underground channels. This water was not being collected by the surface water lagoon and was seeping underground onto the adjacent residential properties.
- States has old video footage of water shooting up through the joints of patio paving. This water is considered to be being gravity fed by the surface water lagoon that was constructed to alleviate flooding.
- No local residents within 500 metres of the site have been contacted regarding their water supply, despite the recommendation by the Environment Agency in their original consultation response.
- Flooding caused by the original restored Chadwich Lane Quarry is eroding the foundations of the Grade II Listed Lower Madeley Farm.
- The flooding of the adjacent fields has caused distress to the horses on occasions.
- Not confident that the new drainage structures and arrangements would be maintained in a satisfactory manner in the future to ensure that the risk of flooding is minimised.
- Concerned that the proposed soakaway basin would not be maintained by the County Council in the future and would place an additional burden on Council budgets.
- Concerned that the bottom of the soakage basin is slightly lower than the level of nearby residential property's cellar floor, therefore, there is a significant risk that the water may seep into the cellar. As such, consider that an impermeable membrane should be fitted to the sides of the soakage basin in order to prevent infiltration through the sides of the basin when it is in use. Request that this requirement is required by imposition of an appropriate condition.
- The applicant says that they would install 'downstream defender units'. These primarily remove fine and coarse particles and some 'water bound' hydrocarbons from surface water runoff. They do not remove any dissolved chemical compounds. It is the dissolved pollutants in the water that leaches through the infill material that threaten the aquifer that underlies the quarry, not the particulate matter.

- Comment that an impermeable membrane on the sides of the soakaway basin would seem the most appropriate way forward, however, this is still not proposed by the applicant.
- Considered unacceptable to have a soakaway basin so close to residential properties.
- Do not consider that the latest submitted information goes far enough in reassuring local residents that the nearest residential properties would not flood in the future.
- Concerned that the responsibility for maintaining the highway ditches has still not been determined.
- Request any monitoring plan for seepage from the soakaway basin is strengthened.
- Request an obligation is imposed for the maintenance of the proposed downstream defenders in perpetuity and a robust maintenance strategy is put in place to ensure that the required maintenance is carried out.
- Consider that field percolation tests are required, and the detailed design of the soakaway basin is amended to reflect the results.
- A reedbed should be included in the design of the soakaway basin and this should be secured by condition.
- An obligation should be imposed requiring all of the associated highway and land drainage works are carried out prior to any extraction.
- In order to manage the risk of flooding, the soakaway basin needs to be fully established prior to any extraction and recommend that should planning permission be granted this should be required by condition.
- Should planning permission be granted, request the imposition of a condition that requires all of the associated highway and land drainage works to be carried out prior to any of the extraction works, and should be adopted and maintained by the relevant undertaker.
- Should planning permission be granted they recommend the imposition of condition regarding the maintenance of the drainage scheme in perpetuity; a fund or bond to meet the maintenance cost of the drainage infrastructure; and a responsible party would administer the fund or bond.

Historic Environment

- Adverse impacts (including vibration, flooding and visual impacts) upon the adjacent Grade II Listed Building and its setting.
- Question the findings and conclusions of the Heritage Statement, due to its inaccuracies.
- Consider the applicant and Mineral Planning Authority are ignoring the concerns raised in relation to their fragile Grade II Listed Building.
- Local residents have no confidence that the proposed mitigation measures would be successful.
- Concerned that the aim of the Archaeological Desk Based Assessment Report is, 'to provide sufficient information to allow a mitigation strategy should consent be granted.' This implies that the application can go ahead if there is a mitigation strategy.
- Consider that the programme of archaeological works needs to be completed before the conclusion in the Archaeological Desk Based Assessment Report, namely 'no residual effects' is reached.

Agriculture

- The proposed soakaway basin would occupy almost a third of the site, which would not be capable of being returned to agriculture.
- Livestock currently graze on the land that is proposed to be destroyed. Having left the European Union we need to protect our farmers' fields who supply our foods.

Biodiversity

- Already a mature hedgerow has been destroyed to facilitate access.
- Many species of wildlife would be adversely affected by this proposal, including protected species.
- Loss of valuable ancient oak trees.
- Many species of insects, birds and animals that thrive on the sandy soil of the area.

Site of Special Scientific Interest (SSSI) / Geology

- Adverse impact upon the geological SSSI.
- The area is of geological significance in proving the presence of glaciation, which has in the past been studied by University students from Birmingham University. If quarried it would be lost forever.
- The haul road would adversely impact the glacial channel feature.

Overhead Power lines

- Note that the site is crossed by 275Kv overhead powerlines, which would be required to be diverted outside the extraction area.
- Conflicting statements within the submission regarding the overhead power lines and question if it is intended to relocate the electricity pylon.

Monitoring and Enforcement

- Questions the effectiveness of environmental monitoring, since there is a history of leachate entering the local drainage channels and infilling reaching heights over the prescribed maximum at a neighbouring quarry site.
- Concerned that the proposed sand extracted from the proposal would be used to supply the Wildmoor Quarry blending of sands and its mortar batching plant.
- The proposals would further concentrate and intensify quarry development within Wildmoor Quarry.
- In the conclusions the Environmental Statement it states that "*there is, however, potential for the development to give rise to potentially significant effects in the absence of mitigation, compensation or enhancement measures carried out as part of the development process*". Because of the applicant's doubtful track record, residents question the applicant's ability to meet any future planning and operational requirements.
- The application site states that the haul road would be removed, and the land returned to agriculture once the proposed quarry is restored. Previously the access road was lengthened to within approximately 200 metres of the proposed site. When this was noticed, the landowner said that he was building the road for maintenance on his land. The access road would still be used for this purpose after restoration.

Precedent

- Residents are very concerned that any application that is approved may set a precedent for sand extraction from land adjacent to Wildmoor Quarry, off Sandy Lane.

Cumulative Impact

- Adverse cumulative impact due to the cumulation of other quarries in the area. This further proposed development is not sustainable in the locality.

Public Consultation

- Not aware of any public consultation that has taken place. Only various planning public notices have been erected on the marked footpaths.
- Consider that little or no consultation has taken place with the Parish Council or general public, contrary to what is stated within the application.
- Consider that the amended application should have been a new application, as the amendments are significant.

Other

- Comment that this is an application for a new quarry and not an extension to an existing quarry as described by the applicant.
- The proposed additional mineral to be extracted would extend the lifespan of the project.
- Drawing Numbered: KD CHL.008 is inaccurate as the blue line does not include the now restored Chadwich Lane Quarry.

The Head of Planning and Transport Planning's Comments

165. 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.

Worcestershire's landbank of sand and gravel reserves

166. National planning policy for minerals is contained within Section 17 'Facilitating the sustainable use of minerals' of the NPPF (2019). Paragraph 203 of the NPPF (2019) states "*it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation*".

167. Paragraph 207 of the NPPF (2019) states "*minerals planning authorities should plan for a steady and adequate supply of aggregates by...maintaining landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised*". As required by the NPPF (2019) the County Council has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

168. The LAA (published June 2020) covers the period up to 31 December 2017, and in accordance with the NPPF (2019) (Paragraph 207) calculates annual provision

requirements on a rolling average of 10 years' sale data in Worcestershire and other relevant local information. In 2017, sales of sand and gravel in Worcestershire were 0.455 million tonnes. The 10-year average of sales from 2008 to 2017 including combined data with Herefordshire Council for 2012 and 2013 is 0.572 million tonnes. On 31 December 2017, the total permitted sand and gravel reserves for Worcestershire was about 3.465 million tonnes, which is equivalent to a landbank of approximately 6.06 years. However, since then no new planning permissions for mineral extraction have been granted. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued, then the landbank of permitted reserves at 31 December 2020 would be approximately 1.749 million tonnes of sand and gravel, equating to about 3.06 years.

169. Consequently, the County Council currently does not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance. Should this planning application be granted, it would increase the landbank by approximately 2.36 years, equating to a landbank of approximately 5.42 years in total, which is still below the minimum landbank for at least 7 years for sand and gravel.

170. It is also noted that there are also a number of planning applications for mineral extraction pending consideration, namely:

- Bow Farm Quarry, Bow Lane, Ripple – Proposed extraction of approximately 1.5 million tonnes of sand and gravel over a total of 11 phases (Mineral Planning Authority Ref: 19/000048/CM). Should this planning application be granted, it would increase the landbank by approximately 2.62 years.
- Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster – Proposed extraction of approximately 3 million tonnes of sand and gravel over a total of 6 phases (Mineral Planning Authority Ref: 19/000053/CM). Should this planning application be granted, it would increase the landbank by approximately 5.24 years.
- Pinches Quarry Phase 4, Wildmoor Lane, Wildmoor, Bromsgrove – Proposed extraction of approximately 1 million tonnes of sand and gravel (Mineral Planning Authority Ref: 19/000056/CM). Should this planning application be granted, it would increase the landbank by approximately 1.75 years.
- Ryall North Quarry, Land off Ryall's Court Lane, Holly Green, Upton-upon-Severn – Proposed extraction of approximately 475,000 tonnes of sand and gravel (Mineral Planning Authority Refs: 20/000009/CM and 20/000015/CM). Should this planning application be granted, it would increase the landbank by approximately 0.83 years.
- Former Motocross site, Wilden Lane, Wilden, Stourport-on-Severn – Proposed extraction of approximately 300,000 tonnes of sand (Mineral Planning Authority Ref: 20/000042/CM). Should this planning application be granted, it would increase the landbank by approximately 0.52 years.

171. It noted that Draft Policy MLP 10.1 of the Emerging Minerals Local Plan (Main Modifications December 2020) states that *“the scale of provision required over the life of the plan [2036] is a minimum of 14.872 million tonnes of sand and gravel”*.

172. The Government's Planning Practice Guidance (PPG) (Paragraph Reference ID: 27-082-20140306) states *“for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates”*. Notwithstanding this, as indicated by the PPG (Paragraph Reference ID: 27-084-20140306) *“there is no maximum landbank level and each application for mineral extraction must be considered on their own merits regardless of length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need”*.

Sieve test / methodology and Best and Most Versatile (BMV) agricultural land

173. The adopted Minerals Local Plan allocates Preferred Areas for the working of sand and gravel in the County. Policy 1 states that planning permission will be granted for Preferred Areas of sand and gravel extraction, subject to an evaluation against other relevant Development Plan policies. This is in order to limit the environmental and blighting effects of proposals for sand and gravel working in the County to a minimum. The proposed development is not within an identified preferred area for sand and gravel extraction. Therefore, the proposal will need to be judged against Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan.

174. Policy 2 and Paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan sets out the methodology against which new proposals for sand and gravel extraction which are not located in an identified preferred area are to be assessed. If the area is subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission will not normally be granted unless there are exceptional circumstances.

175. A local resident objects to the proposal on the grounds that the development has one primary constraint (within 200 metres of a settlement group of 6 or more dwelling) and one secondary constraint (adverse visual impact upon residential properties) as identified in the adopted Minerals Local Plan and, therefore, would be contrary to Policy 2 of the adopted Minerals Local Plan.

176. Using the methodology set out in Paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan, it is considered that the proposal is not subject to any primary constraints, and it is noted that the in the officer's report to committee in relation to the original application (Mineral Planning Authority Ref: 407642), they considered that the proposal was not subject to any primary constraints. Furthermore, it is noted that in the appeal (Appeal Ref: APP/E1855/A/08/2069139) the Inspector considered that restoration to a high standard would not be unlikely given the opportunity available to impose and enforce conditions, and was not convinced that the boundary of the proposed working area would lie within the 200 metres buffer strip to a settlement group of 6 or more dwellings.

177. It is considered that two secondary constraints would be affected by the proposed development, namely:

- *"Best and most versatile (BMV) agricultural land where restoration to a high standard is possible"; and*
- *"Ground Source Protection Zone"*

178. The NPPF (2019) defines BMV agricultural land as Grades 1, 2 and 3a of the Agricultural Land Classification.

179. The main development site comprises approximately 46.1% (4.2 hectares) Grade 3(a) agricultural land, which is classified as BMV agricultural land, with approximately 42.9% (3.9 hectares) comprising relatively low land grade agricultural land (Grade 3(b)). Furthermore, about 40% (2.2 hectares) of the extraction area is Grade 3(a) BMV agricultural land, with the remaining 60% (13.3 hectares) being Grade 3b. However, Natural England have been consulted and have raised no objections on agricultural land / soil handling grounds, subject to the imposition of appropriate conditions. Consequently, the Head of Planning and Transport Planning considers that refusal of planning permission on these grounds could not be justified.

180. The development is located upon a Ground Source Protection Zone (Zone 3 – total catchment). This is considered in more detail in the 'water environment' section of this report, but it is noted that the Environment Agency have raised no objections, subject to conditions. It is noted that the Inspector in the appeal (Appeal Ref: APP/E1855/A/08/2069139) previously concluded *that "on secondary constraints, I have not seen any objection to the proposal from the Environment Agency on groundwater issues...the proposal, therefore, would not conflict with the adopted Minerals Local Plan, and indeed this was not part of the reasons for refusal identified by the Mineral Planning Authority"*. Consequently, the Head of Planning and Transport Planning considers that refusal of planning permission on these grounds could not be justified.

181. In the officer's report to committee in relation to the original application (Mineral Planning Authority Ref: 407642), and within the applicant's submission in relation to this new application, it was considered that the site was also subject to a further secondary constraint – 'Landscape Protection Areas'. These were designated in the Bromsgrove District Local Plan 2004 (Policy C1); however, this has since been superseded by the Bromsgrove District Plan (2011 to 2030). Landscape Protection Areas have not been designated in the adopted Bromsgrove District Plan and, therefore, no longer constitute a secondary constraint.

182. A local resident considers that the site is subject to the secondary constraint relating to visual impact. The adopted Minerals Local Plan relating to constraint states that: *"the immediate visual impact of the working. The major elements which create visual impact can be related to: a) the frequency of the observation, b) the numbers of observers affected, c) the exposure of the site and the ability to screen the working"*. This is considered in further detail within the 'landscape character and visual impact' section of this report. However, given the site is well screened by trees belts, and as the County Landscape Officer has raised no objections to the proposal, subject to the imposition of conditions, the Head of Planning and Transport Planning is of the opinion that the proposal would not have an unacceptable visual impact in which to constitute a secondary constraint.

183. Stage 3 of the sieve test a *"feasibility check on viability, availability lead times and markets. Viability and availability concern the existence of an economically*

workable deposit, and the likelihood of it becoming available to the minerals industry within the plan period". Given that this mineral deposit has been previously worked at the adjacent and now restored Chadwich Lane Quarry and the applicant is seeking to work this deposit as soon as possible, to be blended with the sand from Wildmoor Quarry to produce sands of different grades that meet customer requirements, the Mineral Planning Authority have no reason to consider the deposit is not viable or not economically workable.

184. Notwithstanding the above assessment of the proposal against Policy 2 of the adopted Minerals Local Plan, it is considered that the weight to be afforded to this policy is limited, given that it could be argued that this policy is out of date, as it is not considered to be consistent with the NPPF (2019), which does not operate a sieve test, or impose a blanket ban on all development within primary constraints, for example within AONBs, SSSIs or within a buffer strip of 200 metres from the boundary of a potential working area to the nearest main walls of the nearest property in a settlement group of 6 or more dwellings.

185. With regard to the soil resource and BMV agricultural land, Paragraph 170 of the NPPF (2019) states that "*planning policies and decision should contribute to and enhance the natural and local environment by a) protecting and enhancing...soils (in a manner commensurate within their statutory status or identified quality in the development plan);...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*". Footnote 53 of the NPPF (2019) states that "*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*".

186. The Head of Planning and Transport Planning does not consider that the proposal would result in significant development of agricultural land. Furthermore, it is noted that the Environmental Statement sets out that if the soils are managed in accordance with the submitted Soils Management Scheme, then it is concluded that the proposed development would result in no adverse effects in terms of land conditions on the site, with the soil resource being preserved and the area of BMV agricultural land being reinstated as part of the final restoration of the site.

187. Natural England have been consulted in respect of soils and BMV agricultural land and raises no objections, subject to the imposition of appropriate conditions.

188. Based on this advice, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions relating to the management of the soil resource including the development being carried out in accordance with the submitted Soils Management Scheme, then the objectives of the NPPF (2019) in respect of soils and their use in the restoration of BMV agricultural land would be met.

Alternatives

189. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) outlines the information for inclusion within Environmental Statements. Paragraph 2 states "*a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and*

its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects".

190. The PPG states that *"the 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, Paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied...and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"* (Paragraph Reference ID: 4-041-20170728).

191. The applicant has confirmed that *"in this situation the assessment of alternative sites has not been considered further as planning permission for the sand extraction has previously been approved on appeal and the site is located in the 'North-East Worcestershire Strategic Corridor'"*.

192. Draft Policy MLP 0 of the Emerging Minerals Local Plan (Main Modifications, December 2020) seeks to direct minerals extraction within the Strategic Corridors stating that *"the majority of mineral development over the life of the plan will be focused in the Avon and Carrant Brook, Lower Severn, North East Worcestershire, North West Worcestershire and Salwarpe Tributaries Strategic Corridors. To serve market demand in and around Worcestershire, the identified Strategic Corridors are close to areas of proposed growth and strategic transport networks. Concentrating mineral development in the strategic corridors will enable a co-ordinated approach to the working and restoration of mineral sites, giving greater opportunities to deliver integrated social, economic and environmental gains than if sites are considered in isolation. The character and distinctiveness of each of the strategic corridors sets a framework for the cost-effective delivery of multifunctional green infrastructure priorities"*.

193. The Head of Planning and Transport Planning notes that the site is located within a strategic corridor and an area of search as set out in the Emerging Minerals Local Plan.

194. Draft Policy MLP 1.2 of the of the Emerging Minerals Local Plan (Main Modifications, December 2020) states that: *"a) planning permission will be granted for new mineral developments and extensions to extant sites within allocated areas of search where there is a shortfall in supply as demonstrated by part c"*.

195. Part c) of the draft policy states: *"a shortfall in supply for a broad mineral type will be considered to exist where: i) there is a shortfall in extant sites and allocated specific sites and / or preferred areas to meet the scale of provision required over the life of the plan..."*

196. The need for the development is discussed above in the 'Worcestershire's landbank of sand and gravel reserves' section of this report, which demonstrates that the landbank is below the minimum of 7 years for sand and gravel, which demonstrates that there is a shortfall in supply. Furthermore, specific sites and preferred areas are due to be allocated in an Emerging Mineral Site Allocations Development Plan Document. It is noted that the site was submitted in response to calls for sites and is under consideration, but that the Emerging Mineral Site Allocations Development Plan Document is at an early stage and, therefore, there are no guarantees the site would be allocated.

197. It is understood that all but four sites: Aston Mill, Ripple, Ryall North and Strensham have been worked in the adopted Minerals Local Plan. Aston Mill is understood to have not been worked due to the quality and quantity of the mineral deposit. The preferred area for extraction for Ripple forms part of a wider proposal under consideration known as Bow Farm (Mineral Planning Authority Ref: 19/000048/CM). The wider Ryall North site (Application Ref: 15/000013/CM, Minute No. 939 refers) has planning permission for the majority of the preferred area for extraction allocation.

198. An application at Strensham (Mineral Planning Authority Ref: 407619) was submitted in March 2005 but was subsequently withdrawn due to concerns about the transportation of aggregate along the local road network passing through Upper Strensham Village. A further application (Mineral Planning Authority Ref: 09/000085/CM) was submitted in January 2010 seeking a means of access to the site directly from the M5 and M50 Motorway roundabout interchange but was also subsequently withdrawn due to a holding objection from Highways England directing that planning permission is not granted for an indefinite period of time. This demonstrates that there are no remaining viable preferred areas for extraction sites in the adopted Minerals Local Plan, which are not subject to applications for planning permission.

199. In view of the above, the Head of Planning and Transport Planning considers that the applicant's approach to the consideration of alternatives is acceptable in this instance.

Green Belt

200. The proposal is located within the West Midlands Green Belt. Letters of representation have been received objecting on the grounds of adverse impacts upon the Green Belt.

201. In terms of the Development Plan, Policy WCS 13 of the Worcestershire Waste Core Strategy permits waste management facilities in areas designated as Green Belt where the proposal does not constitute inappropriate development, or where very special circumstances exist. This is supplemented by Policy BDP4 of the Bromsgrove District Plan which states that the development of new buildings in the Green Belt is considered to be inappropriate, except in a number of circumstances which are listed in the policy, but does not include references to mineral extraction or engineering operations as referenced in the NPPF (2019). Thus, given that Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy BDP4 of the Bromsgrove District Plan both materially post-dated by the NPPF (2019), the Green Belt policies of the NPPF (2019) take primacy in this case.

202. Draft Policy MLP 18 'Green Belt' of the Emerging Minerals Local Plan (Main Modification Version, December 2020) states that: "*a) mineral extraction and / or engineering operations within the Green Belt, will be supported where a level of technical assessment appropriate to the proposed development demonstrates that, throughout its lifetime, the mineral extraction and / or engineering operations will:*

- *preserve the openness of the Green Belt; and*
- *not conflict with the purposes of including land within the Green Belt.*

203. *b) Where any aspect of the proposed development is inappropriate [NEW FOOTNOTE: Green Belt policy on inappropriate development, and development that may not be inappropriate, is set out in Ministry of Housing, Communities and Local Government (February 2019) National Planning Policy Framework, Paragraphs 143-147] in the Green Belt - including mineral extraction and / or engineering operations that cannot satisfy the tests in part (a) above - it will only be supported where a level of technical assessment demonstrates that very special circumstances exist that mean the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.*

204. The introduction to Section 13 of the NPPF (2019) states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

205. Paragraphs 143 and 144 of the NPPF (2019) states in respect of proposals affecting the Green Belt that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.*

206. Minerals can only be worked where they are found, and mineral working is a temporary use of land. Paragraph 146 of the NPPF (2019) identifies certain forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and engineering operations, provided they preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

207. Given an essential characteristic of Green Belt is ‘openness’, it is important to understand what this means. There has been significant argument around the concept of openness and the extent to which it encompasses visual effects as opposed to just the physical / volumetric effect of new development. This was largely resolved by the Court of Appeal in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where Sales LJ said: *“The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”.*

208. Subsequently, in February 2020, the Supreme Court in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3 generally supported the Turner decision, but provided further analysis of openness: *“The concept of “openness” in Paragraph 90 of the NPPF [the previous version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance (PPG) 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”* (Paragraph 22).

209. And: *“[Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector”* (Paragraph 25).

210. Thus, harm to the Green Belt, and specifically its openness, is a planning judgement which can be shaped by a number of factors including:

- The extent to which there is urban sprawl;
- How built up the Green Belt is now and would be;
- The extent to which a proposal conflicts with the five purposes served by Green Belt; and
- Visual impact on the aspect of openness which the Green Belt presents.

211. The PPG provides useful guidance when *“assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation”* (Paragraph: 001 Reference ID: 64-001-20190722).

212. The proposal includes a new quarry with the infilling of the resultant void with inert waste material to the level of the surrounding ground, progressive restoration of the land to agricultural use, the construction of a new haul road bunds and landscaping, the creation of a soakaway basin and associated works, including temporary site offices, welfare facilities and a weighbridge. The proposal for the site;

including the ancillary facilities, access and bunds are part and parcel of the proposed mineral extraction for the purposes of applying Green Belt policy.

213. In order to screen the proposal, the landowner has already planted trees around the boundary of the site and is proposing to construct a soil storage bund (measuring between 3 and 5 metres high) around the north-western, southern and western sides of the extraction area to help screen views of the site from the nearest residential properties. Whilst it is considered that the bund would be an alien feature in the landscape, it would be seeded with grass and planted with a hedge along the top to help reduce its visual impact. The bund would be removed at the end of the development when the final soils contained in it are used to restore the land to agricultural use. Furthermore, the applicant is not proposing any fixed mineral processing plant on site and is instead proposing to transport all dug material to Wildmoor Quarry for processing, further reducing the impact of the proposal on openness. The applicant has confirmed that site infrastructure would be limited to ancillary site offices / welfare facilities and a roll-on roll-off storage container, which would be located along the proposed haul road, and screened from view by the existing field hedges. The applicant has confirmed that the site office would measure approximately 3 metres wide by 10 metres long and the storage container would measure approximately 3 metres wide by 6 metres long.

214. The applicant estimates that extraction and restoration works would take approximately 13 years to complete. On completion of the infilling, the ancillary site infrastructure would be removed and the site restored. As such, the Head of Planning and Transport Planning considers that there would be no permanent spatial or visual impact on the Green Belt.

215. The applicant anticipates that only approximately 5 employees would be on site at any one time with only a mobile screen, loading shovel and an excavator operating within the extraction area. The proposal would result in approximately 40 HGV movements associated with sand extraction per day and about 80 HGV movements associated with the inert landfilling at the quarry per day. It is considered that the access, bunds, ancillary facilities and activity associated with mineral extraction would, to some extent, impair the openness of the area, but not enough in view of the Head of Planning and Transport Planning to exceed the threshold or tipping point for the purposes of applying Paragraph 146 of the NPPF (2019) in respect to openness.

216. The proposed development would, notwithstanding its duration, be a temporary activity and, therefore, would not conflict with the fundamental aim of Green Belt policy. In a similar manner, whilst the proposal would disturb the site for a period of time, it would not conflict with the five purposes of Green Belt, as the site would be progressively returned to an open state following completion of extraction. In view of this, it is considered that the exceptions for mineral extraction and engineering operations at Paragraph 146 of the NPPF (2019) would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.

217. As the proposed development is not considered to constitute inappropriate development, there is no need under the Town and Country Planning (Consultation) (England) Direction 2009, to refer this application to the Secretary of State for the Ministry of Housing, Communities and Local Government if Members are minded to grant planning permission for this development.

Traffic, highway safety and impact upon Public Rights of Way

218. It is noted that Paragraph 109 of the NPPF (2019) states "*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*".

219. Objections have been received from County Councillor Shirley Webb, Belbroughton and Fairfield Parish Council and local residents, objecting to the proposal on traffic and highway safety grounds. In particular concerns have been made regarding deposit of mud and sand of the public highway, Money Lane being unsuitable for HGVs, increase in traffic, highway safety concerns, in particular due to lorries turning into Wildmoor Quarry and lorries turning into and out of the Sandy Lane / Money Lane junction, and adverse impacts upon Public Rights of Way.

220. The Environmental Statement states tidal traffic flows are apparent on Sandy Lane (A491) illustrated by high eastbound flows in the morning peak towards the motorway (1,042 vehicles) with a similar westbound return flow in the evening peak (1,426 vehicles).

221. The applicant is proposing to extract sand at a rate of approximately 100,000 tonnes per year and would use 8-wheeler tipper lorries with a capacity of 20 tonnes. Therefore, trip generation is expected to be 10,000 HGVs per year associated with mineral extraction (about 5,000 HGVs entering the site and 5,000 HGVs exiting the site per year). Based on 5 working days a week over about 50 weeks, this equates to approximately 40 HGV movements per day (about 20 HGVs entering the site and approximately 20 HGVs exiting the site per day). Production would be spread across the working day and, therefore, this equates to about three to four arrivals and three to four departures of HGVs per hour.

222. In addition to the above HGV movements associated with the extraction of sand, there would also be HGV movements associated with the importation of inert waste materials. The applicant anticipates that there would be approximately 80 HGV movements per day (about 40 HGVs entering the site and 40 HGVs exiting the site per day).

223. A new access is proposed off Money Lane. The Environmental Statement states that this access route is designed specifically to ensure traffic avoids sensitive roads such as Chadwich Lane and Bonfire Hill. The route utilises part of an existing track with an existing junction onto Money Lane. New passing bays would be constructed along its length. The applicant proposes to improve the visibility splays at this junction.

224. The Environmental Statement identifies the junction of Money Lane and Sandy Lane as an accident cluster site. The applicant assessed the impacts of traffic flows at this junction and the roundabout junction of Sandy Lane (A491) and Stourbridge Road. The Environmental Statement concludes that the traffic generated by the proposal would not have a material impact on these junctions and, therefore, improvements by the applicant to these junctions are not justified. The impact upon the Strategic Road Network was also considered and assessed as having a negligible impact upon Junction 4 of the M5 Motorway.

225. The applicant has outlined the typical journey of HGVs arriving at the proposed quarry from the M5 Motorway and then driving to the existing Wildmoor Quarry, where the sand would be processed:

- **Arrive** – Right turn from Sandy Lane to Money Lane and the left turn into the new access road.
- **Depart** – Right turn from access onto Money Lane, right turn from Money Lane onto Sandy Lane and the left turn from Sandy Lane into Wildmoor Quarry.

226. The Environmental Statement states that HGVs would be directed towards the strategic road network, which includes the A491, A456 and M5 Motorway. HGVs from the quarry would not use the Stourbridge Road (B4091) to visit areas such as Bromsgrove, but alternatively use the A491 and A38.

227. It is noted that the Planning Inspector previously concluded in respect of Appeal Ref: APP/E1855/A/08/2069139 that *"the proposal would not result in any additional traffic on the lanes generally used by HGVs serving the existing quarry [which is the restored Chadwich Lane Quarry]... Furthermore, I can see no reason as to why HGVs serving the proposal would wish to use these lanes in preference to the routes available from the proposed access onto Money Lane... The proposal would result in an increase in the number of HGVs using Money Lane, although there would only be a limited increase in overall traffic numbers. Money Lane is already used by HGVs which serve a nearby recycling depot [Quantry Lane Household Recycling Centre], and the particular nature of noise from HGVs is not unusual for the lane"*.

228. The Planning Inspector went on to state that *"Money Lane has a reasonable alignment between the proposed access and its junction with the A491. The proposal would result in a small increase in overall traffic volumes on the lane, but such an increase would not materially harm conditions at accesses onto the lane over this section. I recognise that the A491 is a busy road. I have not, however, seen any evidence of a material increase in the volume of traffic at the junction from the traffic surveys undertaken or indeed any objection to the proposal from the Highway Authority. I, therefore, do not consider that the proposal would have a material impact on traffic conditions at this junction"*.

229. The applicant is not proposing any wheel washing facilities on site, due to the length of the on-site haul road proposed between the extraction area and the public highway (measuring about 900 metres long). Notwithstanding this, it is noted that the Planning Inspector previously imposed a condition requiring the installation of wheel washing facilities at the site, which was considered necessary in the interests of highway safety. Furthermore, given that HGVs would be directly loaded with sand from the extraction area, and sand deposits on Sandy Lane (A491) is a current and historic concern for local residents, it is considered prudent to impose a condition requiring wheel washing facilities should planning permission be granted.

230. Local residents have raised objections to sand being transported from the proposed new Chadwich Lane Quarry to Wildmoor Quarry for processing. Historically, sand won at the restored original Chadwich Lane Quarry was taken to Wildmoor Quarry (Mineral Planning Authority Ref: 407219, Minute No. 67 refers and Ref: 107104, Minute No. 67 refers) for processing. Wildmoor Quarry is located about 600 metres south of the application site. It is understood that the operators would blend the various sands from both quarries for specific market end uses. In view of this, it is

considered that there are no impediments to the applicant exporting sand extracted from this proposal to Wildmoor Quarry for processing purposes.

231. Concerns have been raised by local residents that the sand won from Chadwich Lane Quarry would be used in the mortar batching plant located in Wildmoor Quarry (Mineral Planning Authority Ref: 17/000028/CM, Minute No. 1038 refers). It is noted that conditions 3 and 4 of the extant mortar batching plant planning permission state:

- **Condition 3** – *“A maximum 33,750 tonnes per annum of sand shall be imported to the development hereby approved for the production of mortar, other than sand won from Wildmoor Quarry, planning permissions ref: 107104 and 407219”.*
- **Condition 4** – *“The quantity of sand imported to the development hereby approved for the production of mortar each day shall be maintained by the operator for the duration of the development, and made available to the County Planning Authority upon written request, within 5 working days of a request being made. An annual summary of these records for the period between 1 January to 31 December per year, shall be submitted to the County Planning Authority by the 31 January of the following year”.*

232. In view of this, the extant mortar batching plant planning permission allows for a maximum of 33,750 tonnes per year of imported sand to be used in the production of mortar at Wildmoor Quarry. Sand from Chadwich Lane Quarry would be considered to be imported for the purposes of these conditions. Should the applicant wish to use a greater amount of sand won from Chadwich Lane in the production of mortar than is currently permitted they would require planning permission, and any such application would be considered on its own merits.

233. Highways England have been consulted and raise no objections, subject to the imposition of a condition requiring a CEMP for highways to manage any environmental risk arising from the quarry related traffic. Highways England states that the level of the vehicular traffic generated by the site is unlikely to present material impacts on the Strategic Road Network in capacity terms. The County Highways Officer has been consulted and has raised no objections to the proposal, subject to the imposition of appropriate conditions.

234. Local residents have raised objections on the basis that the speed survey is inaccurate, as it was conducted during the COVID-19 pandemic and restrictions on movement. The Head of Planning and Transport Planning notes that prior to undertaking the survey the applicant discussed this matter with the County Highway Authority and their response is included within the submitted Access Review, which confirmed that they were happy to accept the results from a speed survey in September / October 2020, on the basis that speeds would, if anything, be higher, due to lower traffic volumes on the road network.

235. There are three Public Rights of Way that are directly affected by the proposal (Footpaths BB-594, BB-595 and BB-596). The proposed development would require the stopping up and diversion of Footpath BB-594. The applicant is proposing to divert this footpath across the now restored Chadwich Lane Quarry. The construction of the new haul road between the site and Money Lane would require the diversion of Footpath BB-596. This would be the subject of a separate diversion order and would likely be extended to connect to Footpath BB-594. Where the footpaths intersect the

proposed haul road, crossing points would be provided to ensure the safety of the users of the footpaths. Measures proposed include the provision of kissing gates or similar on the footpath either side of the haul route, the provision of warning signs to advise users of the footpath to beware of lorries and vice versa. The Environmental Statement concludes that the integrity and operation of the Public Rights of Way network would be retained and maintained during and following completion of the extraction and restoration of the site.

236. The County Public Rights of Way Officer has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring details of a Public Rights of Way crossing and the applicant adhering to their obligations to the Public Rights of Way. The Ramblers Association notes that Appendix 8.1 of the Environmental Statement addresses matters in relation to Public Rights of Way. However, formal diversion orders would need to be made if the application is approved, and the Ramblers Association would likely be consulted on these orders. In view of this, the Ramblers Association have no further comments to make at this stage. No comments have been received from the Open Space Society.

237. In view of the above, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, in accordance with Policy WCS 8 of the Worcestershire Waste Core Strategy, Policy BDP16 of the Bromsgrove District Plan, subject to the imposition of appropriate conditions regarding provision of visibility splays; specification and construction of the access haul road to include surfacing the first 15 metres of the haul road from the access in bound material; access only be gained to and from the site along the haul road; CEMP for highways; no mud or debris being deposited on the public highway; wheel washing facilities; sheeting of loaded vehicles; the location of site operative parking and facilities; the site not being open to the general public for commercial purposes; the extended haul road should be removed and the access onto Money Lane returned to its present condition following the restoration of the site; and details Public Rights of Way crossing.

Residential amenity (including noise, dust and air quality)

238. County Councillors Webb objects to the proposal on the grounds of adverse amenity impacts. Belbroughton and Fairfield Parish Council consider that matters relating to noise impacts have not been fully resolved and letters of representation have also been received objecting the proposal on the grounds of health, noise, vibrations, dust, air quality impacts and proposed working hours.

239. Paragraph 38 of this report sets out the nearest residential properties to the proposed development.

240. The submitted Environmental Statement considered the impacts of noise and dust emissions on the nearest sensitive receptors. The Environmental Statement considers that the key elements of the scheme which have the potential to generate noise and dust emissions are: soil stripping and placement; extraction and dry screening operations; waste placement and restoration activities; and vehicles travelling along the proposed haul road.

241. The PPG is the most up to date Government Guidance relating to noise emissions associated with mineral extraction. It recommends noise levels for normal daytime operations (07:00 to 19:00 hours) should not exceed 55dB(A) LAeq, 1h (free

field), and a higher limit of up to 70dB(A) LAeq 1h (free field) at specified noise sensitive properties for noisier, but temporary operations, such as soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, but for only up to 8 weeks a year. This is to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this would bring longer-term environmental benefits to the site or its environs (Paragraph Reference IDs: 27-021-20140306 and 27-022-20140306).

242. The applicant submitted an Amended Noise Assessment Report which assessed the impact of the proposal on the nearest dwellings to the application site. For all twelve scenarios examined, the calculated site noise levels for extraction and infill operations are below 55 dB LAeq, 1-hour, free field at the nearest dwellings to the application site. For all six scenarios examined, the calculated site noise levels for temporary operations are below 70 dB LAeq, 1-hour, free field at the nearest dwellings to the application site.

243. The mitigation measures the applicant is proposing include the construction of a noise attenuation bund (ranging in height between 3 and 5 metres) along the north-western, southern and western edges of the extraction area that would remain in place for the duration of extraction and infilling operations.

244. The Appeal Decision (Appeal Ref: APP/E1855/A/08/2069139) previously imposed conditions to mitigate noise. This included a scheme to control noise; a noise limit of 55 dB LAeq, 1 hour, free field at dwellings for routine operations; a noise limit of 70 dB LAeq 1 hour for a period up to 8 weeks in any calendar year during the removal of any soils and superficial deposits and creation of any bunds and restoration works; noise monitoring scheme in the event of complaints; and all vehicles and plant and machinery operated within the site to be maintained in accordance with manufacturers' specification and this shall include fitting with effective silencers. The Amended Noise Assessment concurs with these conditions but recommends the imposition of a reduced maximum noise limit of 52 dB LAeq, 1-hour, free field at dwellings for routine operations.

245. The Assessment states that at a distance, noise from machinery used at mineral workings does not usually contain a distinguishable tone nor does it tend to be impulsive. The use of reversing beepers on site plant is a separate matter. Where reversing sirens or beepers are used on mobile site plant and give rise to noise problems, the use of quieter or silent types of alarm or warning devices that are more environmentally acceptable should be explored. A condition is recommended in relation to controlling the type of vehicle reversing alarms.

246. The Assessment concludes that subject to the proposed mitigation measures, the calculated site noise levels for routine and temporary operations comply with the Appeal Decision (Appeal Ref: APP/E1855/A/08/2069139) noise limits and the suggested site noise limit of 52 dB LAeq, 1 hour, free field for all the assessment locations. This would also conform to the advice set out in the PPG. Therefore, the Assessment concludes that the site can be worked while keeping noise emissions to within environmentally acceptable limits.

247. The proposal would result in an increase in the number of HGVs using Money Lane, although there would only be a limited increase in overall traffic numbers.

Money Lane is already used by HGVs which serve a nearby recycling depot (Quantry Lane Household Recycling Centre) and the particular nature of noise from HGVs is not unusual for the lane.

248. It is noted that the Planning Inspector previously concluded in respect of Appeal Ref: APP/E1855/A/08/2069139 that *"various residential properties adjoin the section of the lane that would be subject to the increased number of HGVs. I recognise that noise from the HGVs would be audible within these properties, but audibility does not necessarily lead to harm and, in this case, overall noise levels would be little different to those which currently exist. Moreover, the use of Money Lane by additional HGVs would relate to the operating hours of the proposed quarry. These would generally exclude the customary periods of residential leisure and garden use. I therefore consider that the proposal would not have an unacceptable effect on local amenity along the lane... I therefore conclude that the proposal would not have a harmful effect on the living conditions of residential occupiers on Money Lane in relation to noise and disturbance from highway traffic"*. This conclusion was based on the operating hours of 07:30 to 16:30 hours Mondays to Fridays with no working on Weekends, Public or Bank Holidays. As part of this application, the applicant is also seeking to operate between these hours.

249. Objections have been received from local residents on the grounds that noise testing should be undertaken at the nearest residential properties to accurately assess the noise impacts of the proposal. The Head of Planning and Transport Planning notes that background noise levels have been recorded on different days at different times, which is considered to provide a robust and representative assessment of background noise levels. Representative positions have been used to assess noise at sensitive receptors. Distance calculation corrections have been applied to calculate noise at the façade of relevant properties, which is considered acceptable. Furthermore, it is noted that Worcestershire Regulatory Services have raised no objections in respect to noise impacts, subject to the imposition of conditions requiring the construction of noise attenuation bunds, noise limits as set out in the Amended Noise Assessment Report and an Environmental Management Plan.

250. The Environmental Statement states that dust is defined as between 1 to 75 microns in diameter, with larger particles being classified as grit. Particles greater than 100 microns in diameter fall out of the atmosphere quickly and settle with a few meters of the source. The sand extracted at the application site typically comprises particle sizes in the range of 200 to 600 microns in diameter. The Environmental Statement estimates that in wind speeds of 20 knots particles would settle out within approximately 50 metres of the source (89% of the time wind speed was assessed as being below 11 knots). In very strong wind conditions and in periods of dry weather sand would propagate over longer distances, but these conditions would be infrequent.

251. The prevailing wind directions are from the south-west and west, which would blow dust away from residential properties. However, winds blowing from the south-east and north-east could potentially blow dust towards residential properties. The applicant states that on average the wind blows from these directions for a quarter of the year, with winds only exceeding 11 knots from these directions for approximately 7% of the time (i.e. about 6 days per year). Notwithstanding this, the applicant is proposing to implement a number of mitigation measures which include: constructing

landscaping bunds which would be seeded in the first available planting season, locating all stockpiles within the base of the quarry, limiting the height of stockpiles, limiting drop heights, use of water bowsers, sheeting of loaded vehicles, extensive haul road to prevent mud being deposited on the public highway, and sweeping of the haul road. In view of this, the Environmental Statement concludes that the proposal would not result in adverse dust impacts on the nearest sensitive receptors.

252. The closest Air Quality Management Area (AQMA) to the proposals is Lickey End AQMA, which is located approximately 3.6 kilometres south of the site. The AQMA at Hagley, located approximately 5.1 kilometres north-west of the proposal has recently been revoked. An Air Quality Assessment accompanied the planning application, which assessed the air quality impacts associated with the proposed HGV movements. The assessment concludes that the maximum predicted annual average exposure to Nitrogen Dioxide (NO₂) and Particulate Matter (PM) at sensitive receptors, including ecological receptors was negligible and, therefore, no additional mitigation is required.

253. The Environmental Statement also considered that due to the nature of the proposal it would not result in adverse odour and vibration impacts.

254. With regards to light impacts, the applicant has confirmed that it is expected that some low-key lighting would be required on the site for the purposes of health and safety, especially during the winter months. Temporary lighting would be required to ensure the safe movement of personnel and equipment along the haul road and junction and within the working area. All temporary lighting provided during operation would be directed at the working area and away from any nearby residential dwelling and local wildlife. The Head of Planning and Transport Planning considers that should planning permission be granted a condition should be imposed requiring details of the lighting scheme.

255. Given the applicant is proposing to restore the site by importing inert waste materials, the proposed development would require an Environmental Permit from the Environment Agency. It is noted that Paragraph 183 of the NPPF (2019) 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"*.

256. Paragraph Reference ID: 27-012-20140306 of the PPG elaborates on this matter, stating that *"the planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest...this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution. In doing so the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively"*.

257. The Environment Agency have made no adverse comments in respect to noise, dust and residential amenity, but recommend that the Mineral Planning Authority may wish to impose a CEMP type condition to secure operational pollution control measures. The Environment Agency confirm that the proposal would require an Environmental Permit which would regulate and control matters such as the general management of the site, including site security and how the operator would deal with accidents; operations including waste acceptance and the landfill design and construction; and emissions, including measures to manage noise, dust, odour and pests.

258. Worcestershire Regulatory Services have been consulted and have raised no objections in respect to air quality and dust impacts and have made no adverse comments in relation to vibration impacts.

259. With regards to impacts to human health, Public Health England have no objections to the proposal, stating that they have no significant concerns regarding risk to health of the local population, subject to the applicant taking all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

260. Given that the location of the development is within the West Midlands Green Belt and as the above assessment of impacts upon residential amenity is based on no processing plant being located at the site, it is considered prudent to impose a condition restricting permitted development rights at the site. It is also noted that the Planning Inspector previously imposed a condition restricting permitted development at the site, to protect the character and appearance of the surrounding area. The applicant also states that they accept that the intention is to transfer all extracted sand to Wildmoor Quarry for processing, and thus consider that a restrictive condition ensuring that no plant is brought to the site without the Mineral Planning Authority's express permission is appropriate.

261. In view of the above matters, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions relating to operating hours, restricting permitted development rights, requiring a detailed lighting scheme, detailed noise and dust management plans, noise limits and monitoring, all vehicles and plant being maintained in accordance with the manufacturers' specification, upward facing exhausts on plant and machinery, white noise mobile plant and vehicle reversing alarms, use of water bowser and spraying, maximum on site speed limit, construction of a haul road, sheeting of HGVs and wheel washing facilities, that there would be no adverse air pollution, noise, dust, vibration or lights impacts on residential amenity.

Landscape character and appearance of the local area

262. County Councillor Webb and local residents object to the proposal on the grounds of adverse landscape impacts, including visual impacts caused by the proposed visual screening bund.

263. The landscape character of the existing site and its immediate area reflects the typical elements and features which comprise the 'Enclosed Commons' landscape type. Hedgerows and woodland boundaries are strong which help contain the site. There is gently rolling topography with a dispersed pattern of isolated dwellings and

scattered groups of dwellings / farm buildings and work sheds. The site is also used as pastoral grazing land typical of the character type.

264. The proposed access road is within the 'Principal Settled Farmland' landscape type and the western boundary of the site abuts this character type. This landscape type is medium-scale, fairly open, agricultural landscapes of scattered farms, relic commons and clusters of wayside settlements. Landforms are generally rolling lowlands with occasional steep-sided hills and escarpments. The pattern of small to medium-sized hedged fields is vulnerable to change as the tendency towards arable dominance reduces the functional worth of hedgerow boundaries. It is a planned landscape with a notable pattern, defined by the straightness of its hedge lines, roads and outlines of its woodlands. It is an open, formal landscape.

265. With regard to landscape character the supplementary Landscape and Visual Impacts Assessment (LVIA) has re-assessed the proposal against the baseline criteria and concludes that the sensitivity to change of the 'Enclosed Commons' landscape type remains 'Medium' and the magnitude of effect of the proposed development during the operational period is 'Low' resulting in a 'Slight Adverse' impact and 'Neutral' to 'Very Slight Adverse' post restoration. The 'Very Slight Adverse' effect at restoration arises from the proposed lower level soakaway basin retained within in the restoration scheme.

266. In respect of the 'Principal Settled Farmlands' the supplementary LVIA concludes that the sensitivity to change remains 'Medium / High' and the magnitude of effect of the proposed development during the operational period would be 'Low' resulting in a 'Slight to Moderate Adverse' effect and 'Neutral' at Post restoration. This is the same level of effect as the originally assessed and submitted scheme. In view of this the Supplementary LVIA assesses that no significant adverse effect would occur to local landscape character.

267. With regard to visual impacts the supplementary LVIA states that the combination of existing landform and vegetation structure would help to screen site activities from more highly sensitive receptors. The supplementary LVIA outlines a number of mitigation measures which include retention of the advanced tree planting around the northern and western boundaries of the site, retention of hedgerows along the southern and eastern boundaries of the site, creation of a temporary soil screening bund and the progressive restoration of the site to minimise the area of disturbed land at any one point in time.

268. The supplementary LVIA concludes that overall, the proposal would not result in any changes to the visual nature and amenity value of higher sensitivity residential receptors assessed as part of the original assessment. The site and proposed development activities are very well screened. No visual receptors currently receive or would receive a 'Significant Adverse' visual effect from the proposed development during its operational and restoration stages. Post restoration the visual effect of the final restoration scheme would be 'Neutral' as compared to the current situation for all but one visual receptor - users of Footpath BB-594, who may receive a 'Neutral' to 'Very Slight Adverse' effect arising from the lower level soakaway basin landform retained within in the restoration scheme. The change in level would however be grass seeded and farmed in accordance with other restored land. This effect would be more of a change in view as opposed to an adverse impact. If seen and perceived

by a receptor the effect would be transient from a short section of site internal footpath as they pass through and set in the wider available view.

269. The Head of Planning and Transport Planning notes the landowner has already planted trees to form a shelter belt around the proposed extraction area, which help to visually screen the site. In addition to the mitigation measures outlined in the supplementary LVIA it is also noted that the applicant is proposing no stockpiling of materials at existing ground level, transporting all dug material to Wildmoor Quarry for processing. In view of this, the Head of Planning and Transport Planning concurs with the findings within the supplementary LVIA and considers that visual receptors within the immediate locality of the site would have very limited potential to observe proposed extraction site activities. With regard to the proposed visual screening bund, whilst the Head of Planning and Transport Planning considers that it would create an alien feature in the landscape, it would be seeded with grass and planted with a hedge along the top to help reduce its visual impact within the landscape. The bund would be removed at the end of the development when the final soils contained in it are used to restore the land to agricultural use.

270. With regard to views from Public Rights of Way, the proposal would have some localised visual impacts on views from Public Rights of Way, but these are considered to be limited to local views. The Environmental Statement states that users of Public Right of Way BB-594 would pass adjacent to the proposed extraction site, with users of Footpath BB-596 adjacent to the proposed site access route. These receptors are identified as being able to observe quarrying and restoration activities, along with the users of the connection sections of Footpath BB-595. They are, however, transient as the receptors pass through the landscape on the Public Rights of Ways. Notwithstanding this, the Head of Planning and Transport Planning notes the applicant is proposing to temporarily divert the footpaths across the restored Chadwich Lane Quarry. This would then result in no public footpaths being in close proximity to the extraction boundary, with any views of the extraction being distant and glimpsed. It also noted that the County Footpaths Officer has no objections to the proposal, subject to the applicant adhering to their obligations to the Public Rights of Way and a condition requiring details of the Public Rights of Way crossing.

271. The haul road would generally be at a higher level than operations on the application site. Any visual impact would, however, be limited to HGV movements, and the road would be situated at some distance from residential receptors.

272. The proposed reception and office building would be located on an existing concreted area that was used in association with Yew Tree Landfill and retained after the landfill was closed and restored. There are already some trees and hedges around it that would to some extent help screen these proposed facilities, but the Head of Planning and Transport Planning considers that a condition should be imposed requiring the details of the siting, design, external appearance of the proposed building(s) and site reception area together with additional measures to be taken to strengthen their visual screening.

273. Furthermore, the Head of Planning and Transport Planning considers that should planning permission be granted conditions should be imposed requiring a detailed restoration and aftercare scheme, phasing scheme, reinstatement of any hedgerows removed due to the construction of the haul road on completion of the

development, and removal of the extended haul road and reception buildings on completion of the development.

274. The County Landscape Officer has been consulted and raises no objections to the proposal, stating that he agrees with the broad findings of the LVIA. He considers that the amended proposals would not increase the harm to the landscape and visual character measured against the baseline.

275. In view of the above matters, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including views from Public Rights of Way, subject to the imposition of appropriate conditions.

Historic Environment

276. The nearest listed building to the proposal is the Grade II Listed Building of Lower Madeley Farmhouse, located approximately 50 metres west of the application site.

277. County Councillor Webb objects to the proposal and requests that the applicant carries out full geophysical survey in relation to archaeology. Belbroughton and Fairfield Parish Council consider that matters relating to cultural heritage have not been fully resolved. Letters of representation have also been received objecting to the proposal on heritage grounds, in particular adverse impacts upon Lower Madeley Farmhouse, and questioning the findings and conclusions of the submitted Heritage Statement, due to its inaccuracies.

278. 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"*.

279. With regard to heritage assets, Paragraph 190 of the NPPF (2019) 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"*.

280. Paragraphs 193 and 194 of the NPPF (2019) 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: ...a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II* listed*

buildings...should be wholly exceptional". Policy BDP 20 of the Bromsgrove District Plan supports development proposals which sustain and enhance the significance of Heritage Assets including their setting. Part 6 of the policy states that "any proposal which will result in substantial harm or loss of a designated Heritage Asset will be resisted unless a clear and convincing justification or a substantial public benefit can be identified in accordance with current legislation and national policy".

281. Paragraphs 195 of the NPPF (2019) 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..."*

282. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF (2019) 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..."*

283. 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..."*

284. The PPG at Paragraph Ref 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..."*

285. The application was accompanied by a Built Heritage Statement, which assessed the impact of the proposal upon Lower Madeley Farmhouse. The report states that *"the creation of a new quarry in close proximity to the listed building will create some less than substantial harm - whilst the physical actions of quarrying will be evident, the degree to which this will be experienced with the farmhouse is, to a small degree, limited by the existing hedgerow of the site, as well as the separation of the farmhouse from the field by virtue of the additional farm buildings. Further*

mitigation will arise through the provision of a new bund on the edge of the site, which will further negate the degree of co-visibility and inter-visibility, although others aspects such as noise and dust will be evident". The report concludes that "the less than substantial harm identified will be a temporary occurrence, over an anticipated period of thirteen years, after which the field will be returned to its current state with an incorporated water body (not an unusual agricultural feature), action which has been shown to be successful with the previous open quarry in the adjacent field and which will, in time, return the site to its existing agricultural appearance".

286. Bromsgrove District Council comment that it is disappointing that the listed building has been inaccurately described by the applicant but considers the submission does adequately assess the impact of the proposed scheme on the setting of Lower Madeley Farmhouse. The District Council advises that the harm to the listed building would be at the lower end of less than substantial, and the Head of Planning and Transport Planning concurs with this view. Notwithstanding this harm is less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of the designated heritage asset. Consequently, the fact of harm to a designated heritage asset is still to be given more weight than if simply a factor to be taken into account along with all other material considerations.

287. Paragraph 196 of the NPPF (2019) states *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

288. The PPG at Paragraph Ref ID: 18a-020-20190723 confirms that *"public benefit may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (Paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit"*.

289. Having given special attention to the desirability of preserving the Listed Building or their setting or any features of special architectural or historic interest which they possess (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990), and Paragraph 196 of the NPPF (2019), it is considered that subject to the imposition of a number of appropriate conditions including a phasing scheme, construction of a temporary landscape bund, detailed restoration and aftercare schemes, restricting the working hours, and noise and dust management plans, that on balance, in view of the public benefits of the proposal, namely the redeployment of employees from Wildmoor Quarry to this site, thereby securing the existing jobs, as well as contributing to the wider growth aspirations for the County through the supply of local aggregates to the construction market, that this outweighs the temporary and less than substantial harm to the designated heritage asset.

290. Paragraph 189 of the NPPF (2019) states that *"where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to*

submit an appropriate desk-based assessment and, where necessary, a field evaluation".

291. The applicant submitted an amended Archaeological Assessment, which concludes that there are no known significant constraints and the proposed development area would appear to have overall a low-moderate archaeological potential.

292. The County Archaeologist has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring a programme of archaeological works, including a written scheme of investigation, and provision made for the analysis, publication and dissemination of the results and archive deposition. The County Archaeologist states that the updated assessment provides new information regarding the potential of the Pleistocene palaeo-environment within the development site but does not alter the overall conclusions of the previous assessment. The County Archaeologist concurs that there is moderate potential for archaeology within the site, but it is unlikely that this would be highly significant or complex. The archaeological remains can be dealt with as a condition of consent.

293. Having regard to the advice contained at Paragraph 197 of the NPPF (2019), which states *"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 the County Archaeologist, the Head of Planning and Transport Planning considers that on balance, subject to the imposition of an appropriate condition, that the impact upon the non-designated archaeological assets is not of such significance as to constitute a refusal reason in this instance.

Ecology, Biodiversity and Geodiversity

294. Section 15 of the NPPF (2019), Paragraph 170 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"*.

295. Paragraph 175 of the NPPF (2019) 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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

296. The nearest SSSI is that of Madeley Heath Pit, which is located immediately to the north of the proposed haul road and has largely been impacted by previous landfilling, as part of the restoration of the original Chadwich Lane Quarry. A small

triangular area on the southern boundary of the SSSI, an area of some 0.1 hectares lies outside any of the previous extraction areas and is underlain by intact Pleistocene (geological) deposits.

297. The accompanying Environmental Statement included an 'Ecology' chapter, and as part of the application, a range of ecological surveys were undertaken, as well as an assessment of the potential impact of the proposed haul road on the Pleistocene deposits.

298. The Environmental Statement states that initial research suggests that the geological deposit associated with the Madeley Heath Pit SSSI is of considerable significance for the reconstruction of Pleistocene paleogeography in the Midlands. The accompanying assessment identified that the geological channel feature is aligned north-west to south-west from Madeley Heath Pit SSSI. It is at least 20 metres deep and is infilled with bedded sands overlain by coarse gravels and is at least 90 metres in width.

299. The assessment found that the proposed haul road is unlikely to impact on the channel feature and its associated deposits as, for the most part, the route lies outside the probable margins of the channel feature. The lower sections of the haul road do intersect the projected alignment of the channel, though at a lower elevation and some distance away from the designated SSSI. The part of the haul road which runs adjacent to the southern boundary of the SSSI, is underlain by Pleistocene deposits. However, these deposits are not thought to be part of the infill of the channel feature.

300. Part of the haul road was proposed by the applicant as a possible location of a permanent geological exposure. However, the submitted assessment notes that as the channel feature is not present in this area and the deposits are not representative of the channel feature, creating a geological exposure in this area would be of limited value. Moreover, the difficulties of maintaining an open section in unconsolidated Pleistocene sediments would make such an exercise impractical.

301. The submitted Ecological Assessment confirms that the development is not likely to have any adverse impact on protected species. However, it notes that there are limited signs of badger activity around the site. Given the scale of the proposed development and the extent of suitable local habitat, this development would be unlikely to have any impact on badgers, subject to a normal precautionary approach during design, site preparation and construction.

302. The Ecological Assessment goes on to state that the creation of the haul road would require the removal of about 10 to 15 metres of hedgerow. The hedgerows are not very diverse and would not meet the ecological criteria for classification as an Important Hedgerow under the Hedgerow Regulations. This impact would be compensated for by the planting of a diverse native hedgerow around the field edges, resulting in a net gain of about 150 metres of hedgerow. The Assessment also recommends the clearance of vegetation outside the bird breeding season.

303. Natural England have been consulted and have no objections to the proposal, subject to the imposition of a condition requiring protection and conservation of the nationally important channel (geological) feature. Earth Heritage Trust supports Natural England's comments. Worcestershire Wildlife Trust have no objections to the

proposal and wishes to defer to the opinion of the County Ecologist for all on site detailed biodiversity matters. The County Ecologist has no objections to the proposal, subject to the imposition of conditions requiring a CEMP for Biodiversity and detailed restoration scheme, which shall include Biodiversity Method Statements.

304. Letters of representation have been received objecting to the proposal on the grounds of adverse impact to Oak Trees. However, it is noted that the County Ecologist states that the submitted additional environmental information addresses their previous concerns regarding the large oak tree located adjacent to the proposed access off Money Lane, which confirms this tree would not be damaged or removed as a result of the proposed works.

305. In view of the above, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, that the proposed development would have no adverse impacts on the ecology, biodiversity and geodiversity at the site or in the surrounding area, and would protect, conserve and enhance the application site's value for biodiversity.

Water Environment

306. Objections have been received from County Councillor Webb, Belbroughton and Fairfield Parish Council and local residents and concerns are also raised by County Councillor May relating to the water environment, in particular the impact upon flooding, water quality and the aquifer.

307. The proposal is situated 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 10.5 hectares in area, a Flood Risk Assessment is required to accompany the application, in accordance with Paragraph 163 and Footnote 50 of the NPPF (2019).

308. The PPG at Paragraph Reference ID: 7-033-20140306 states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding). The PPG at 'Table 3: Flood risk vulnerability and flood zone 'compatibility"' indicates that 'water compatible' development, such as the sand extraction operations and 'more vulnerable' development, such as the subsequent infilling are considered acceptable in Flood Zone 1.

309. The submitted Flood Risk Assessment states that the nearest watercourse is the Fenn Brook located approximately 500 metres north-west of the proposal. The site is located on higher ground and, therefore, it not at risk of flooding. However, Environment Agency's Surface Water Flood Map shows that land adjacent to the site on Harbours Hill and in the surrounding area are at risk of surface water flooding.

310. The applicant considers that this surface water flooding, which includes the flooding of nearby residential properties is most likely caused by a combination of factors including:

- The existing water management features being unable to capture and attenuate sufficient runoff;

- Discharge from the existing drainage lagoon on the application site concentrating water in an area south of Harbours Hill, causing saturated ground conditions that then cannot accept any other runoff from elsewhere in the catchment;
- Unsuitable highway drainage infrastructure along Chadwich Lane and Harbours Hill leading to runoff west of Harbours Hill across ground that is already saturated; and
- Recent rainfall has been particularly high, and this is likely to have exacerbated the flooding issue.

311. The applicant also states that while natural runoff may previously have moved down the valley towards and through Lower Madeley Farm, the presence for many years of open quarries higher up the hill would have captured a significant proportion of this runoff, reducing the volumes moving down towards the Farm. The infilling of Chadwich Lane Quarry, therefore, not only reduced the permeability of the ground surface in that area, but also removed an artificial sink that limited runoff moving down the valley feature.

312. To resolve surface water flooding at the site and in the surrounding area, the applicant is proposing a soakage basin to be constructed in the western part of the site. The soakaway basin would measure approximately 100 metres wide by 150 metres long by a maximum of 11.5 metres deep, with a gradient of 1:4.5 on the eastern slope and a gradient of 1:3 on the north, southern and western slopes. For the soakage basin to function as designed, improvements to the highway drainage (vegetation removal and potentially widening and deepening of the existing ditches) would be required along Chadwich Lane and Harbours Hill. The soakaway basin would be designed so that a flood event (1 in 100-year 24-hour rainfall event) would occupy less than 13% of the available surface water storage. This demonstrates that there is sufficient room to attenuate and contain 7 consecutive 1 in 100 year 24-hour rainfall events and that it could take up to 8.5 days for all surface water run-off from the 1 in 100 year 24-hour storm event to infiltrate.

313. The applicant states that infiltration to ground would primarily occur in the interval 162 to 166 metres AOD which is lower than the elevation of residents' properties. This means that there would be no increased risk of groundwater flooding to properties downgradient of the site. The applicant also states that surface water runoff could contain unacceptable concentrations of suspended solids or fuel oils. Measures would need to be undertaken to ensure that infiltrating water would be treated so that it is of sufficient quality. This could include a suitably designed SuDS train featuring oil interceptors. To encourage settlement, reedbeds or settlement ponds should be used to filter and remove suspended solids prior to water entering the soakage basin.

314. North Worcestershire Water Management have been consulted in respect of surface water flooding and have raised no objections subject to the imposition of appropriate conditions, regarding the detailed design for surface water drainage, including the detailed design and construction details of the adjacent highway ditches; details and results of field percolation tests undertaken at the base of the soakaway basin; restricting mineral extraction in Phase 2 until the soakaway basin and associated assets have been constructed; a monitoring scheme to monitor any seepage into the soakaway basin via its sides; should the monitoring scheme identify seepage into the soakaway basin, an amended soakaway basin design, taking into account baseflows in the calculations and a timetable for its construction shall be

submitted for approval; detailed design drawing for the improvement of the highway ditches along southern side of Chadwich Lane Quarry and eastern side of Harbours Hill; and a SuDS Management and Maintenance Scheme, which shall include the soakaway basin, adjacent highway ditches and associated assets for their management and maintenance in perpetuity. Severn Trent Water Limited have also raised no objections to the proposal.

315. The proposal is located upon a Groundwater Source Protection Zone (Zone 3 – total catchment) of a public water supply groundwater abstraction (an aquifer). The nearest public water supply abstraction borehole (Water Pumping Station) is located about 1.5 kilometres to the south of the site. The Environmental Statement states that the sandstone aquifer in this area is heavily over-committed by public water supply abstraction, which has drawn down groundwater levels so that some of the streams in the area no longer receive baseflow from the aquifer. The main discharge point for the aquifer is now, in many places, the public water supply abstraction boreholes.

316. The applicant has carried out an assessment of groundwater levels at the site and in the surrounding area. This demonstrates that subject to restricting the limited of the proposed sand extraction to 162 metres AOD across the site, this would mean that the groundwater level would be between approximately 8.5 to 18.5 metres below the base of the quarry floor (as a worst-case scenario). This area between the quarry base and the water table is known as the unsaturated zone.

317. The Environmental Statement states that the proposal would cause no physical disturbance to groundwater flow since the quarry floor would be above the water table. However, the thickness of the unsaturated zone would be reduced. The unsaturated zone protects the aquifer from contamination incidents by providing attenuation in case of accidental contamination events. A number of mitigation measures are proposed which include that no sand washing activities would be undertaken at the site; all fuel and chemicals shall be stored in bunded areas in accordance with Environment Agency guidelines; all mobile plant using fuel shall be located on hard standing when not in use; all refuelling activities shall be undertaken on areas of hard standing; an incident reporting procedure shall be maintained for reporting all site incidents; and appropriate spill kits or other means of controlling accidental spills shall be made available on site.

318. The site is proposed to be restored with inert fill to the original ground levels, except for the western part of the site, which would contain a soakaway basin. The Environmental Statement states that the extraction proposal allows for a reasonable thickness of unsaturated zone to be left in situ as a geological barrier (between 8.5 to 18.5 metres) and that evidence from borehole logs and from groundwater hydrographs suggests that the geology in this area has a fairly low vertical hydraulic conductivity. The applicant also notes that there is no evidence of pollution from the previous Chadwich Lane Quarry inert landfill adjacent to the application site and that the proposed inert infilling would require an Environmental Permit from the Environment Agency, which would control the type of waste deposited at the site.

319. The applicant states that as the landfill would be developed for inert waste, it would have a geological barrier (landfill lining). The nature of this barrier would be agreed with the Environment Agency via an Environmental Permit. However, the applicant considers that a band of clay runs through the proposed site and if found and is suitable would be used for the proposed geological barrier (a clay landfill lining

measuring about 1 metre thick). If clay is not available on site, then imported soils would be used as the lining.

320. The Environment Agency has raised no objections to the proposal, subject to a number of conditions regarding surface water regulation system, which includes the use of SuDS; any facilities for the storage of oils, fuels or chemicals shall be sites on impervious bases and surrounded by impervious bund walls; limiting mineral extraction to a depth of 162 metres AOD; groundwater monitoring regime; and should the groundwater monitoring results provide evidence of any adverse risk of deterioration to groundwater flows and quality, extraction of mineral on site shall cease until a programme to investigate and implementation of effective alternative options are put in place to avoid and remedy impacts, with criteria for the review of success and failure of any remediation works.

321. In addition to the conditions recommended by North Worcestershire Water Management and the Environment Agency, the Head of Planning and Transport Planning considers that if permission is granted, a condition should be imposed requiring the applicant to submit an annual survey of the levels over the whole quarry to the Mineral Planning Authority to ensure that the depth restriction of 162 metres AOD is being adhered to.

322. Local residents also comment that the ditches along the boundary of the restored County Council Yew Tree and Madeley landfill sites, which are located immediately to the east of the original restored Chadwich Lane Quarry, are blocked up by leaves and debris exacerbating flooding in the local area. These comments have been passed to the County Council's Pollution Control Manager who monitor the site for their consideration. They have confirmed that they will visit the site and review the drainage ditches and clear them if necessary. They also note in respect of flooding being caused by the restored County Council landfill sites that this matter was reviewed previously, and calculations demonstrated that these landfill sites are not greatly contributing to the flooding issues. The rain that caused the flash floods would not have had an opportunity to be absorbed by the ground whether it was landfill or not.

323. Based on the advice of the Environment Agency, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Planning and Transport Planning considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

Restoration and Aftercare of the Site

324. The NPPF (2019) states in relation to the restoration of mineral workings, *that "planning policies should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place"* (Paragraph 204 d). It goes on to state that mineral planning authorities should *"provide for restoration and aftercare at the earliest opportunity, to be carried out to a high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances"* (Paragraph 205 e). This is reiterated in the National Planning Policy for Waste in relation to landfill sites, which states *"when determining waste planning applications, waste planning authorities should ensure that land raising or landfill sites are restored to beneficial*

after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary".

325. The PPG (ID 27 Paragraphs 036 to 059) provides more detailed guidance on restoration and aftercare of mineral workings. In particular to ensure that applicant deliver sound restoration and aftercare proposals, the PPG states at Paragraph: 041 Reference ID: 27-041-20140306 that *"mineral planning authorities should secure the restoration and aftercare of a site through the imposition of suitable planning conditions and, where necessary, through planning obligations"*.

326. The applicant has submitted details of a restoration scheme for the site in which the land would be progressively restored with the infilling of the void with inert waste materials to return the site to the original ground levels (except for the western area of the site, which would be graded to a lower level for surface water containment area). The site would be primarily restored to agricultural land. The applicant has confirmed that during drier periods, parts of the surface water containment area would also be able to be farmed (grassed). Conditions relating to the phasing, annual surveys of the ground levels, and detailed restoration and aftercare schemes are recommended should planning permission be granted to ensure the site is restored at the earliest opportunity and to high environmental standards.

327. Draft Policy MLP 6 of the Emerging Minerals Local Plan (Main Modification, December 2020) states that:

"Planning permission will be granted for mineral development within the North East Worcestershire Strategic Corridor that contributes towards the quality, character and distinctiveness of the corridor through the conservation, delivery and enhancement of green infrastructure networks.

A level of technical assessment appropriate to the proposed development will be required to demonstrate how, throughout its lifetime, the development will, where practicable, optimise the contribution the site will make to delivery of the following green infrastructure priorities:

- a) conserve and restore permanent pasture, incorporating lowland heathland, acid grassland and scrub habitats;*
- b) conserve, enhance and restore characteristic hedgerow patterns and tree cover along watercourses and streamlines;*
- c) slow the flow of water in upper reaches of the catchment;*
- d) create accessible semi-natural green space, incorporating information or routes which increase the legibility and understanding of the geodiversity, heritage and character of the area.*

Proposals should demonstrate how the development will deliver these priorities at each stage of the site's life, and why the proposed scheme is considered to be the optimal practicable solution. Where site-specific circumstances and/or other policies in the development plan limit the ability to deliver one or more of the priorities, this should be clearly set out in the assessment.

Where the proposal would make very limited or no contribution to the delivery of these priorities as a whole, this will only be considered appropriate where economic,

social and/or environmental benefits of the proposed development outweigh the benefits of delivering the corridor priorities”.

328. It is considered that the proposal would broadly accord with this draft policy in that the application site would be restored to agricultural land, principally for pasture, and includes measures related to surface water and ground water flooding during the operation of the site but also upon restoration.

329. With regard to geodiversity originally the Earth Heritage Trust requested that an Interpretative Board and / or other educational materials would be required, but subsequently withdraw these comments stating that they understood Natural England sought to prioritise the preservation of intact Quaternary sediments for the future and that they supported this. The Earth Heritage Trust also confirmed that the value of an information board is very much dependent on the number of visitors and the level of interest that it would attract. In the case of this site, the number of visitors is likely to be small and there would be very little to see on the ground. In view of this, the Head of Planning and Transport Planning considers that information boards are not necessary in this instance. It is also noted that the Environment Agency, Natural England, Worcestershire Wildlife Trust, the County Ecologist and County Landscape Officer all have no objections to the proposal, subject to appropriate conditions.

330. In relation to financial guarantees, the responsibility for the restoration and aftercare of mineral sites lies with the operator, and in case of default the landowner. The applicant is a Member of the Mineral Products Association Restoration Guarantee Fund, which provides guarantees to planning authorities against a restoration default. Paragraph: 048 Reference ID: 27-048-20140306 of the PPG states that *"a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases include:*

- *very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

331. *However, where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund, it should not be necessary for a mineral planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances". Therefore, it is not necessary for the Mineral Planning Authority to seek a financial guarantee in this instance.*

332. Policy WCS 5 of the Worcestershire Waste Core Strategy identifies that no capacity gap has been identified for the landfill or disposal of waste. The Policy then states that planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated it meets one of the 3 listed criteria. In this instance, it is considered that Part iii) is relevant, which states *"the proposal is essential for operational or safety reasons or is the most appropriate option"*. Paragraph 4.45 of the explanatory text states *"landfill or disposal may also be necessary for a variety of operational or safety reasons. Landfill is often an essential component in the restoration of mineral workings"*. The Head of Planning and Transport Planning

considers that given the nature of the proposed working, which would extract minerals to a maximum depth of 12 to 26 metres, it is considered that in principle the restoration of the site by the importation of inert materials is acceptable in this instance, subject to a progressive working and restoration scheme. A condition is recommended to this effect.

Other Matters

Economic Impact

333. The NPPF (2019) 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 (2019) sees the economic role of planning as *"to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type 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"*.

334. The NPPF (2019) at Paragraph 80 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"*.

335. In addition, Paragraph 203 of the NPPF (2019) states that *"it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation"*.

336. The applicant states that the proposal would support the existing employment levels within Wildmoor Quarry with the redeployment of existing employees. The Environmental Statement states that *"the extracted sand reserves would support the activities at Wildmoor Quarry. Wildmoor Quarry contributes, in financial terms, to the economy, much of which is spent locally on goods and services including salaries, business rates, service contracting, hire of equipment and capital expenditure. It is estimated that Wildmoor Quarry currently supports a total of approximately 10 jobs. Much of the employment is skilled and semi-skilled manual jobs, which are under-represented in the local economy"..."Further external indirect employment and expenditure on services such as earthmoving and landscaping bring expenditure into the local economy"*.

337. By securing existing jobs the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF (2019).

338. Furthermore, the Bromsgrove District Plan sets out targets to 2030 for growth, including a housing target of 7,000 houses (of which 2,300 dwellings are dependent

on a Green Belt Review and Local Plan Review being undertaken), and the development of 28 hectares of land for employment. Land has also been identified within Bromsgrove District to enable Redditch Borough to achieve their housing target. To this end, there is a target to 2030 of providing 3,400 houses for Redditch growth as well as 10 hectares of employment land. These developments would require aggregate raw material to allow the various development projects to proceed.

339. It is also noted that the Minerals Product Association (MPA) estimates that "*the construction of a typical new house uses up to 50 tonnes of aggregates - from the foundations through to the roof tiles*". Further aggregates are required for the construction of any supporting infrastructure and in the maintenance and refurbishment of the existing housing stock and other types of development. But broadly, based on this figure of 50 tonnes, the proposed development would provide enough aggregate for the construction of approximately 27,000 homes.

340. The Head of Planning and Transport Planning acknowledges that the NPPF (2019) affords significant weight to the need to support economic growth and notes that Paragraph 203 of the NPPF (2019) states that "*it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs*". Paragraph 205 of the NPPF (2019) also states that "*when determining planning applications, great weight should be given to the benefits of the mineral extraction, including to the economy*". It is considered that the proposal would support the continued operation of processing sand and gravel at Wildmoor Quarry, with the redeployment of employees from Wildmoor Quarry to this site, thereby securing the existing jobs, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF (2019) and this weighs in its favour.

Overhead Power Lines and Electricity Pylon

341. An electricity pylon is located within the north-east corner of the main extraction area. The applicant states that should planning permission be granted negotiations would be progressed with National Grid in order to seek the diversion of the power line outside the main extraction area. However, should negotiations fail, the fallback position would be that a standoff of approximately 10 metres would be retained around the pylon to preserve its stability during the proposed workings. National Grid have been consulted and have raised no objections to the proposal. Based on this advice, the Head of Planning and Transport Planning considers that the impact upon the electricity pylon and overhead power lines are acceptable.

Cumulative Effects

342. Regulation 4 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) states that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on a number of factors this includes the interaction between the factors of population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape. Schedule 4, Part 5 states in relation to information for inclusion within Environmental Statements, this includes "*the cumulation of effects with other existing and / or approved projects, taking into account any existing environmental*

problems relating to areas of particular environmental importance likely to be affected or the use of natural resources".

343. Cumulative effects result from combined impacts of multiple developments that individually may be insignificant, but when considered together, could amount to a significant cumulative impact; as well as the inter-relationships between impacts – combined effects of different types of impacts, for example noise, air quality and visual impacts on a particular receptor.

344. With regards to inter-relationships between impacts, it is considered that based upon the studies and content of the individual chapters within the submitted Environmental Statement, the underlying conclusion is that there is no single topic or combination of issues which should objectively prevent the development from proceeding.

345. There are a number of existing minerals and waste management developments in the local area, as set out at Paragraphs 33 to 36 of this report. It is noted that previously the former Chadwich Lane Quarry, Veolia Landfill Site, Wildmoor Quarry and Pinches Quarry all operated simultaneously. It is noted that the Veolia Landfill site is now restored.

346. On balance, the Head of Planning and Transport Planning does not consider that having regard to these other mineral / waste management developments that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

EIA Team and Expertise

347. Regulation 18 (5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) requires the applicant to ensure that the Environmental Statement is prepared by competent experts and the Environmental Statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts. This is in order to ensure the completeness and quality of the Environmental Statement.

348. The Environmental Statement was compiled and coordinated by White Young Green (WYG), a multi-disciplinary consultancy providing consulting, engineering, programme management, construction management and technical services, and subsequently Kedd Limited, an Environmental Design and Master Planning Consultancy. As part of the submission the applicant included the qualifications and membership to professional bodies of the authors of each of the chapters of the Environmental Statement.

349. In view of this, the Head of Planning and Transport Planning is satisfied that the applicant has engaged competent experts to prepare the Environmental Statement.

Consultation

350. Local residents comment that they are not aware of any public consultation that has taken place. They have commented that only various Planning Public Notices have been erected on the marked public footpaths and consider that little or no consultation has taken place with the Parish Council.

351. The applicant states that they met with Belbroughton and Fairfield Parish Council prior to submitting the planning application. The applicant also states that

following the submission of the planning application, ongoing discussions have been undertaken with local residents, the Parish Council and other key stakeholders to develop the revised proposals.

352. The Head of Planning and Transport Planning is not aware of any other pre-application public consultation having taken place in relation to this application. 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 (2019) (Paragraphs 39 and 40), Policy WCS 15 of the Worcestershire Waste Core Strategy, and in the County Council's Statement of Community Involvement (February 2015 and the 2020 update).

353. 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), the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

354. Fourteen Public Notices were erected on and in the vicinity of the application site; a Press Notice was published in Bromsgrove Advertiser, giving at least 30 days' notice and neighbour consultation letters were sent out to nearby local residents. For subsequent consultations (June - July 2019; October - November 2019; July - August 2020; and December 2020 - January 2021) on the submitted further environmental information, notification emails / letters were sent to all those who had previously commented on the application.

355. For the consultations that took place in July - August 2020 and December 2020 - January 2021, public consultation was undertaken in accordance with the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020, as the applicant was not able to make copies of an Environmental Statement available at a named address because it was not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement. For these consultations, additional methods of consultation were undertaken including publishing details of the application on the County Council's social media accounts and the applicant writing to local residents within 500 metres of the application site. In view of this, the Head of Planning and Transport Planning is satisfied that the Mineral Planning Authority has complied with the appropriate procedures.

Application Process

356. A letter of representation has been received objecting to the proposal and stating that they consider a new application should have been submitted rather than amendments to an existing application.

357. The PPG Paragraph: 061 Reference ID: 14-061-20140306 states *“it is possible for an applicant to suggest changes to an application before the local planning authority has determined the proposal. It is equally possible after the consultation period for the local planning authority to ask the applicant if it would be possible to revise the application to overcome a possible objection. It is at the discretion of the local planning authority whether to accept such changes, to determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted”*.

358. In this instance, given that the red line boundary and the description of the project has remained unchanged, and indeed the rate of extraction remains the same, the site access, and proposed site offices and welfare facilities remain unchanged, the Mineral Planning Authority accepted the proposed amendments as part of the existing application.

359. The PPG at Paragraph: 026 Reference ID: 15-026-20190722 goes onto state *“where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended”*.

360. In view of the proposed amendments, the Mineral Planning Authority decided to re-consult on the amendments. This was a full consultation, to the same extent as if it were a new application. This included consulting for a period of 6 weeks (42 days), which is over and above the minimum 30 days required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). In a similar way as if consulting on a new application, a notice was placed in the press, 14 Public Notices were erected at the site and in the surrounding area and the consultation has been advertised on the Council’s Social Media accounts. Letters and emails were sent to nearby local residents and all those who have previously commented on the application. Notification was also sent to consultees.

361. The consultation letters / emails, Public and Press Notices all made clear that the application had been amended and outlined what the key amendments were. A subsequent public consultation also took place on the amended planning application and the further environmental information relating to cultural heritage, water environment, noise and highways, consulting for a period of 5 weeks (35 days), following the consultation process outlined above.

Human Rights Act 1998

362. 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.

363. 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.

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

Monitoring and enforcement

365. Letters of representation have been received questioning the effectiveness of environmental monitoring, since there is a history of leachate entering the local drainage channels and infilling reaching heights over the prescribed maximum at a neighbouring quarry site.

366. The County Council, as the Waste and Mineral Planning Authority has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development including the carrying out of development before the necessary planning approvals have been granted.

367. Members should note that compliance or otherwise with the expired planning permissions MPA Ref: 13/000061/CM and Appeal Ref: APP/E1855/A/08/2069139 should not be taken into account in the determination of this application. The Head of Planning and Transport Planning draws Members attention to the conditions recommended to be imposed on this application should planning permission be granted, many of which are similar to those imposed by the Planning Inspector in his decision letter for Appeal Ref: APP/E1855/A/08/2069139, but updated to reflect modern practices or the findings in the updated assessments.

368. With regard to the overfilling of the restored Chadwich Lane Quarry referenced by local residents. The Head of Planning and Transport Planning notes that in September 2012, the Mineral Planning Authority undertook a topographical survey of the quarry site to verify the ground levels. The results of this showed that the levels of the site had been overtipped by approximately 3 to 4 metres across the site. In view of this, the applicant submitted a part-retrospective planning application to vary the approved planning permission restoration levels of the site (Mineral Planning Authority Ref: 13/000061/CM). The merits of this application were considered by the Planning and Regulatory Committee and granted planning permission in July 2014.

369. With regard to comments from local residents regarding historic leachate entering the local drainage network, it is understood this is in connection with the nearby restored Sandy Lane Landfill site, which was operated by Veolia, and the Environment Agency's prosecution of Severn Trent Water Limited in 2012. In February 2011 the Environment Agency was alerted to a potential pollution incident at the Elmbridge Brook. Investigations into the cause of the discharge revealed that a sewer had been blocked by a tree root that had broken through the side of the sewer wall. The discharge was landfill leachate taken from the nearby Veolia Sandy Lane Landfill site. It is understood that the landfill has consent from Severn Trent Water Limited to discharge landfill effluent into the sewers.

370. Following completion of the investigations, the Environment Agency commenced prosecutions against Severn Trent Water Limited for the unpermitted

discharges into Elmbridge Brook. Severn Trent Water Limited pleaded guilty before the Redditch Magistrates' Court and were fined £25,000 for the offences. In setting the level of the fine, the court took into account the extent of the pollution and the harm caused. However, it did give credit to Severn Trent Water Limited for the remedial measures it had taken following the incident and the measures it had taken to improve site. This incident did not relate to the applicant or to this application site in any way.

Conclusion

371. The proposal seeks planning permission for a new sand quarry located to the west of the restored Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire to extract approximately 1.35 million tonnes of sand over a period of about 13 years with infilling the resultant void with inert waste material to the level of the surrounding ground and the restoration of the land to agricultural use, the construction of a new haul road from the quarry to an improved access onto Money Lane (B4551), landscaping, the creation of a surface water containment area, and associated works.

372. Paragraph 207 of the NPPF (2019) states "*minerals planning authorities should plan for a steady and adequate supply of aggregates by...maintaining landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised*". As required by the NPPF (2019) the County Council has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

373. The LAA (published June 2020) covers the period up to 31 December 2017 and demonstrates that on 31 December 2017, the total permitted sand and gravel reserves for Worcestershire was about 3.465 million tonnes, which is equivalent to a landbank of approximately 6.06 years. However, since then the Head of Planning and Transport Planning notes that no new planning permissions for mineral extraction have been granted. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued, then the landbank of permitted reserves at 31 December 2020 would be approximately 1.749 million tonnes of sand and gravel, equating to only about 3.06 years. Consequently, the County Council currently does not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with the NPPF (2019) and Government's PPG. Should this planning application be granted, it would increase the landbank by approximately 2.36 years, equating to a landbank of approximately 5.42 years in total, which is still below the minimum landbank for at least 7 years for sand and gravel.

374. The adopted Minerals Local Plan allocates Preferred Areas for the working of sand and gravel in the County. The proposed development is not within an identified preferred area for sand and gravel extraction; therefore, the proposal needs to be judged against Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan. It is considered that on balance the proposal would comply with Policy 2 of the adopted Minerals Local Plan.

375. With regard to the soil resource and BMV agricultural land, the main development site comprises approximately 46.1% (4.2 hectares) Grade 3(a)

agricultural land, which is classified as BMV agricultural land, with approximately 42.9% (3.9 hectares) comprising relatively low land grade agricultural land (Grade 3(b)). Furthermore, about 40% (2.2 hectares) of the extraction area is Grade 3(a) BMV agricultural land, with the remaining 60% (13.3 hectares) being Grade 3b. The Environmental Statement states if the soils are managed in accordance with the submitted Soils Management Scheme, then it is concluded that the proposed development would result in no adverse effects in terms of land conditions on the site, with the soil resource being preserved and the area of BMV agricultural land being reinstated as part of the final restoration of the site. Natural England raises no objections to the proposal, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions relating to the management of soils on site, and the development being carried out in accordance with the submitted Soils Management Scheme, then the objectives of the NPPF (2019) in respect of soils and their use in the restoration of BMV agricultural land would be met.

376. With regards to the consideration of alternatives, the PPG states that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) does not require an applicant to consider alternatives. However, where alternatives have been considered, Paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. The applicant has not considered alternative sites or development in this instance, as planning permission for the sand extraction has previously been approved on appeal, although now expired and the site is located in the 'North-East Worcestershire Strategic Corridor' once of the strategic locations where the Emerging Minerals Local Plan seeks to direct mineral extraction. Furthermore, there are no remaining viable preferred areas for extraction sites in the adopted Minerals Local Plan, which are not subject to applications for planning permission. In view of the above, the Head of Planning and Transport Planning considers that the applicant's approach to the consideration of alternatives is acceptable in this instance.

377. The proposal is located within the West Midlands Green Belt. Minerals can only be worked where they are found, and mineral working is a temporary use of land. Paragraph 146 of the NPPF (2019) identifies certain forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and engineering operations, provided they preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The Head of Planning and Transport Planning has carried out an assessment of the impact of the proposal upon the Green Belt and considers that the exception for mineral extraction and engineering operations at Paragraph 146 of the NPPF (2019) would apply in this instance, and the proposed development is, therefore, not inappropriate development in the Green Belt.

378. Based on the advice of Highways England, the County Highways Officer, County Footpath Officer and the Ramblers Association, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of appropriate conditions.

379. The Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions that there would be no adverse air pollution, noise, dust, vibration or lights impacts on residential amenity.

380. The County Landscape Officer has been consulted and raises no objections to the proposal, stating that they agree with the findings of the submitted Landscape and Visual Impact Assessment. In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including views from Public Rights of Way, subject to the imposition of appropriate conditions.

381. The nearest listed building to the proposal is the Grade II Listed Building of Lower Madeley Farmhouse, located approximately 50 metres west of the application site. It is considered that the harm to the listed building would be at the lower end of less than substantial. Having given special attention to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990), and Paragraph 196 of the NPPF (2019), it is considered that subject to the imposition of appropriate conditions that on balance, in view of the public benefits of the proposal, namely the provision of a small number of direct employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market, that this outweighs the temporary and less than substantial harm to the designated heritage asset.

382. Based on the advice of the County Archaeologist, the Head of Planning and Transport Planning considers that on balance, subject to the imposition of an appropriate condition, that the impact upon the non-designated archaeological assets is not of such significance as to constitute a refusal reason in this instance.

383. Based on the advice of Natural England, Worcestershire Wildlife Trust, the County Ecologist and the Earth Heritage Trust, it is considered that subject to the imposition of appropriate conditions, that the proposed development would have no adverse impacts on the ecology, biodiversity and geodiversity at the site or in the surrounding area, and would protect, conserve and enhance the application site's value for biodiversity.

384. Based on the advice of the Environment Agency, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Planning and Transport Planning considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

385. The Head of Planning and Transport Planning considers that given the nature of the proposed working, which would extract minerals to a maximum depth of 12 to 26 metres, it is considered that in principle the restoration of the site by the importation of inert materials is acceptable in this instance. The restoration of the site primarily to agricultural land is considered acceptable, subject to the imposition of appropriate conditions.

386. The Head of Planning and Transport Planning acknowledges that the NPPF (2019) affords significant weight to the need to support economic growth and that great weight should be given to the benefits of the mineral extraction, including to the

economy. It is considered that the proposal would support the continued operation of processing sand and gravel at Wildmoor Quarry, with the redeployment of employees from Wildmoor Quarry to this site, thereby securing the existing jobs, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF (2019) and this weighs in its favour.

387. On balance, taking into account the provisions of the Development Plan and in particular Saved Policy 2 of the Adopted County of Hereford and Worcester Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 7, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy, and Policies BDP1, BDP4, BDP16, BDP19, BDP20, BDP21, BDP22, BDP23 and BDP24 of the Adopted Bromsgrove District Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

388. The Head of Planning and Transport Planning recommends that, having taken the environmental information into account, planning permission be granted for proposed sand quarry, infilling the void using inert materials only, restoration of the land to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, 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 operator shall provide written notification to the Mineral Planning Authority within five working days of:**
 - i. The date of commencement of the development hereby approved;**
 - ii. The date of commencement of soil stripping operations in any phase;**
 - iii. The date of commencement of mineral extraction operations in any phase;**
 - iv. The date of completion of mineral extraction operations in any phase;**
 - v. The date of commencement of infilling operations in any phase; and**
 - vi. The date of completion of infilling operations in any phase;**

Time Limits

- 3) All mineral extraction operations shall cease and the site shall be restored in accordance with the approved restoration scheme as required by Condition 60) of this permission before 31 December 2037. Should mineral extraction operations cease before this date, the Mineral Planning Authority**

shall be notified in writing within 1 month of mineral extraction operations ceasing;

Approved Plans

- 4) The development hereby approved shall be carried out in accordance with the details shown on submitted Drawings Numbered: KD.CHL.003, dated November 2020; KD.CHL.005, dated October 2020; KD.CHL.007, dated February 2020; KD.CHL.008A, dated November 2020; P412/101B, Rev B, dated 28 August 2005; SA1994/02A, Rev B, dated 30 June 2020; SA1994/07, Rev B, dated 20 June 2020; SA1994/03, dated September 2005; SA1994/01, except where otherwise stipulated by conditions attached to this permission;

Extraction Boundary

- 5) No mineral extraction shall take place outside the limit of the extraction boundary shown on the Drawing Numbered: KD.CHL.005, dated October 2020;

Waste Acceptance

- 6) No waste materials other than those defined in the application, namely construction, demolition and excavation wastes shall be imported to the site for infilling and restoration purposes;

Phasing

- 7) Notwithstanding the submitted details, no soil stripping operations shall take place until a scheme, setting out in detail the phased working and contiguous restoration of the site, has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

Working Hours

- 8) Except in emergencies, no operations authorised by this permission, including the running of any plant or machinery, shall take place within the site outside the hours of 07:30 to 16:30 hours Mondays to Fridays, inclusive. There shall be no operations on the site at any time on Saturdays, Sundays, Bank or Public Holidays. The Mineral Planning Authority shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours;

Haul Road, Traffic, Highway Safety and Public Rights of Way

- 9) No development shall take place until details of the junction, including visibility splays between the proposed haul road and Money Lane, as shown on Drawing Numbered: P412/101B, Rev B have been submitted to and approved in writing by the Mineral Planning Authority. The haul road shall not be brought into use until that junction has been constructed in accordance with the approved details. The approved junction, including visibility splays, shall be retained for the duration of the development;
- 10) No soil stripping operations shall take place until the first 15 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material;

- 11) No soil stripping operations shall take place until the haul road and access have been constructed in accordance with a specification to be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- 12) Access to and from the site shall only be gained via the haul road and access onto Money Lane as shown on Drawings Numbered: SA1994/02A, Rev B, dated 30 June 2020 and P412/101B, Rev B, dated 28 August 2005;
- 13) Any hedgerows removed to create the haul road shall be reinstated on completion of the development. Within 6 months of the commencement of the development hereby approved, details of the species to be planted shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- 14) Any work to be undertaken to trees that flank the haul road shall only be undertaken by a tree surgeon approved in writing by the Mineral Planning Authority;
- 15) No mud, dust or debris shall be deposited on the public highway;
- 16) No development shall commence until a Construction Environmental Management Plan (CEMP) for Highways has been submitted to and approved in writing by the Mineral Planning Authority in consultation with Highways England. The approved CEMP for Highways shall be implemented as approved and adhered to throughout the mineral extraction and restoration phases of the development hereby approved;
- 17) All loaded vehicles entering and leaving the site shall be sheeted to prevent dust emission and spillage of materials on to the public highway;
- 18) No soil stripping operations shall take place until details of wheel cleaning equipment to be installed at the site has been submitted to and approved in writing by the Mineral Planning Authority. The approved equipment shall be installed prior to the commencement of vehicles using the haul road and retained until the completion of the restoration of the site. The haul road shall be kept clean and free of mud and other debris at all times until the completion of the restoration of the site;
- 19) Notwithstanding the submitted details, no soil stripping operations shall take place until details of the Public Rights of Way crossing, including the signage to be installed to alert users of the haul road of the Public Rights of Way crossing has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

Reception Area

- 20) Within 3 months of the commencement of the development hereby approved, details of the siting, design and external appearance of the proposed buildings, site reception area and any hardstanding for vehicle

parking and maintenance, together with proposals for their landscaping and screening, shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Boundary Treatment

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

Depth of Working

- 22) No excavation of minerals as part of the development hereby approved shall take place below the base level extraction depth of 162 metres AOD, as described in the Stantec UK Ltd, 'Technical Note: Chadwich Lane Quarry: Hydrogeological Risk Assessment Review'; Document Ref: 67454 TN3, dated March 2020;

- 23) A topographical survey of the site shall be carried out during the 12th month of extraction operations and shall be provided to the Mineral Planning Authority within two months of the survey date. Thereafter, the survey shall be carried out annually and supplied to the Mineral Planning Authority within two months of the survey date. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and supplied to the Mineral Planning Authority within two months of a written request. The survey shall be at a scale of 1:1250, with all levels related to Ordnance Datum. The following information shall also be included:

- i. The extent of land open for quarrying or undergoing restoration; and
- ii. The bench and floor levels;

Water Environment

- 24) No development shall commence until a scheme for groundwater monitoring has been submitted to and approved in writing by the Mineral Planning Authority, and thereafter implemented in accordance with the approved details. The scheme shall include pre, during and post extraction monitoring of the existing onsite monitoring boreholes identified in the Stantec UK Ltd, 'Technical Note: Chadwich Lane Quarry: Hydrogeological Risk Assessment Review'; Document Ref: 67454 TN3, dated March 2020, groundwater monitoring locations, methods, frequency and nature of all (parameters to be monitored) sampling, a programme detailing frequency and duration of monitoring along with reporting and details of how and when the monitoring data and the scheme itself shall be reviewed to assess if any impacts are occurring, and methods and analysis for investigating the causes of these changes and for remediating them;

- 25) If monitoring results from the approved water monitoring scheme as required by Condition 24) of this permission provides evidence of any adverse risk of deterioration to groundwater flows and quality, extraction of mineral on site shall cease until a programme to investigate and implementation of effective alternative options are put in place to avoid and

remedy impacts, with criteria for the review of success and failure of any remediation works, to the satisfaction of the Mineral Planning Authority, in consultation with the Environment Agency, to remedy and ensure compliance with the approved scheme. This scheme shall include for methods and analysis for investigating the causes of these changes and for remediating them, and monitoring the success and failures of any remediation works carried out;

26) No soil stripping operations shall take place until a scheme for the provision and implementation of a surface water regulation system, including the use of Sustainable Drainage Systems (SuDS), has been submitted to and approved in writing by the Mineral Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be based on that proposed in Stantec UK Ltd, 'Technical Note: Chadwich Lane Quarry Extension: Surface Water Management Scheme', Document Ref: 67454 TN2, dated March 2020. The scheme shall include measures to ensure that infiltrating water would be treated so that it is of sufficient quality prior to entering the soakage basin. The soakage basin shall be separated from the imported inert fill materials by a suitable impermeable barrier. Thereafter, the development shall be carried out in accordance with the approved details;

27) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank or vessel overflow pipe outlets shall be detailed to discharge downwards into the bund;

28) No soil stripping operations shall take place until detailed design drawings for surface water drainage, including the detailed design and construction details of the highway ditches located along the southern side of Chadwich Lane and eastern side of Harbours Hill, as shown on Figure 4.4 'Restored Site design' of the Stantec UK Ltd, 'Technical Note: Chadwich Lane Quarry Extension: Surface Water Management Scheme', Document Ref: 67454 TN2, dated March 2020, the soakaway basin, as shown on Drawing Numbered: KD.CHL.003, dated November 2020, and associated assets that shall connect the highway ditches to the soakaway basin have been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall outline measures to ensure that the soakaway basin provides sufficient storage capacity based upon established infiltration rates. Thereafter the development shall be carried out in accordance with the approved details;

29) No mineral extraction shall take place within Phase 2, as shown on Drawing Numbered: KD.CHL.005, dated October 2020, until details and results of

field percolation tests undertaken at multiple locations across the base of the soakaway basin, that demonstrates to the satisfaction of the Mineral Planning Authority that the permeability of the soil at that level is equal to or exceeds the assumed permeability in the calculations set out in the Stantec UK Ltd, 'Technical Note: Chadwich Lane Quarry Extension: Surface Water Management Scheme', Document Ref: 67454 TN2, dated March 2020. If the soil permeability is less than was assumed in the calculations, then an amended soakaway basin design and a timetable for its construction shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

30) No mineral extraction shall take place within Phase 2, as shown on Drawing Numbered: KD.CHL.005, dated October 2020, until the soakaway basin as shown in Drawing Numbered: KD.CHL.003, dated November 2020, and associated assets that shall connect the highway ditches to the soakaway basin have been constructed to the satisfaction of the Mineral Planning Authority;

31) No soil stripping operations shall take place until a monitoring scheme to monitor any significant seepage into the soakaway basin via its sides has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

32) Should the monitoring scheme required by Condition 31) of this permission identify significant seepage into the soakaway basin, an amended soakaway basin design, taking into account baseflows in the calculations and a timetable for its construction shall be submitted to the Mineral Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved details;

33) No soil stripping operations shall take place until the improvements to the highway ditches located along the southern side of Chadwich Lane and eastern side of Harbours Hill adjacent to the application site have been carried out in accordance with the detailed design drawings for surface water drainage, as required by Condition 28) of this permission;

34) No soil stripping operations shall take place until a Sustainable Drainage System (SuDS) Management and Maintenance Scheme, which shall include details on future management responsibilities, maintenance schedules for all SuDS features including any proprietary treatment devices, highway ditches located along the southern side of Chadwich Lane and eastern side of Harbours Hill, as shown on Figure 4.4 'Restored Site design' of the Stantec UK Ltd, 'Technical Note: Chadwich Lane Quarry Extension: Surface Water Management Scheme', Document Ref: 67454 TN2, dated March 2020, the soakaway basin, as shown on Drawing Numbered: KD.CHL.003, dated November 2020, and associated assets that shall connect the highway ditches to the soakaway basin, for their management and maintenance in perpetuity has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;

35) All vehicles shall be stored and maintained on the hardstanding provided under Condition 20) of this permission;

Lighting

36) Details of any lighting to be installed at the site shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. These details shall include:

- i. Height of the lighting posts;**
- ii. Intensity of the lights;**
- iii. Spread of light in metres (Lux plan);**
- iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;**
- v. Any measures to minimise the impact of lighting upon protected species and habitats; and**
- vi. Times when the lighting would be illuminated;**

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

Noise

37) No soil stripping operations shall take place until a Noise Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

38) The noise attributable to mineral operations from the site, measured at the nearest noise sensitive properties used as dwellings, shall not exceed 52dB LAeq 1-hour;

39) During the removal of soils and superficial deposits and the creation of any screen mounds or restoration works, the noise limit at the nearest sensitive properties used as dwellings shall not exceed 70dB LAeq 1 hour for a period of up to 8 weeks in any calendar year. Prior written notice of at least 5 working days, being Mondays to Fridays inclusive, shall be given to the Mineral Planning Authority of the commencement and the duration of such operations;

40) In the event of complaints regarding any suspected breach of the noise criteria set out in Conditions 38) and 39) of this permission, noise monitoring shall be undertaken in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority;

41) No mineral extraction shall take place until the formation of the bunds as shown on Drawing Numbered: KD.CHL.005, dated October 2020 have been constructed to a level as to provide noise attenuation to achieve the noise criteria set out in Conditions 38) and 39) of this permission;

42) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times, and this shall include the fitting and use of silencers. Except for

maintenance purposes, no machinery shall be operated with its covers either open or removed;

- 43) All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices;

Dust

- 44) No soil stripping operations shall take place until a Dust Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

- 45) Notwithstanding the provisions of Condition 44) of this permission, the following measures shall be undertaken to suppress dust emissions on the site arising from all operations, including vehicular movements, mineral extraction, infilling operations and restoration:

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

Geological Feature

- 46) The area between Points B and C identified in Figure 1 of the 'Madeley Heath Pit SSSI: An Assessment of the potential impact of the proposed Haul Road on the Pleistocene deposits of Special Scientific Interest', dated June 2016 (with revisions August 2017) shall be protected during operation of site, any restoration of the haul road and post extraction to ensure the protection and conservation of the nationally important channel feature;

Archaeology

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

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

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

Ecology and Biodiversity

48) Notwithstanding the submitted details, within 6 months of the commencement of the development hereby approved a Biodiversity Method Statement for restoration of semi-natural habitats on site shall be submitted to the Mineral Planning Authority for approval in writing. The Biodiversity Method Statement shall include the following:

- i. The purpose and objectives for the proposed works;**
- ii. Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used, the proposed new soakaway basin profile and species lists for planting schemes);**
- iii. The extent and location of proposed works and restoration shown on appropriate scale maps and plans, including application of a metric to demonstrate measurable net gain;**
- iv. A timetable for implementation, demonstrating that restoration works are aligned with the proposed phasing of quarrying activity;**
- v. Persons or organisation responsible for implementing the restoration works;**
- vi. A plan for the initial aftercare, remedial measures and long-term maintenance and monitoring of restored semi-natural habitats;**

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

49) No development shall take place until a Construction Environmental Management Plan (CEMP) for Biodiversity has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP for Biodiversity shall include the following:

- i. Risk assessment of potentially damaging quarrying activities;**
- ii. Identification of “biodiversity protection zones”;**
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during quarrying (may be provided as a set of method statements);**
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;**
- v. Responsible persons and lines of communication;**
- vi. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;**
- vii. Use of protective fences, exclusion barriers and warning signs.**

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

50) None of the existing hedgerows and perimeter landscape planting shall be removed, other than as required to create the site access route as shown on Drawings Numbered: SA1994/02A, Rev B, dated 30 June 2020 and P412/101B, Rev B, dated 28 August 2005. All boundary hedgerows and

planting shall be retained for the duration of the extraction and restoration operations and, thereafter, shall be retained as shown on Drawings Numbered: KD.CLH.005, dated October 2020 and KD.CHL.003, dated November 2020. This shall include the retention of the existing hedgerow running north to south along the boundary between the application site and the restored Chadwich Lane Quarry to the east for the duration of the development hereby approved. The operations hereby approved shall not occur within 3 metres of this hedgerow. Any hedgerow or landscape planting that dies or becomes diseased or damaged as a result of the development within the life of these operations shall be replaced within the next planting season with species to be approved in writing by the Mineral Planning Authority;

Soil Handling and Storage

- 51) All topsoil and subsoil shall be permanently retained on site and used in restoration. All available soil forming materials shall be recovered during excavation to achieve restoration of the site;
- 52) Restoration to agriculture shall be carried out in accordance with Appendix 4.4 'Soil Management Scheme – Chadwich Lane Quarry, Bromsgrove' and the restoration scheme as required by Condition 60) of this permission. Before any topsoil is placed, the area shall be subsoiled with a heavy duty subsoiler. Such treatment shall ensure that within the subsoil:
- i. There is no material injurious to plant life;
 - ii. There is no rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations including subsoiling;
 - iii. There is no wire rope, cable or other foreign objects;
 - iv. There is a level but un-compacted surface suitable to receive topsoil; and
 - v. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site;
- 53) No operations involved in soil replacement and cultivation treatments shall be carried out, except when the full volume of soil involved is in a sufficiently dry soil moisture condition to minimise soil damage and to maximise the effects of the subsoiling operations;
- 54) Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition;
- 55) There shall be no stockpiling of any material above original ground levels except for the landscape bund shown on Drawing Numbered: KD.CHL.005, dated October 2020;
- 56) All topsoil, subsoil and soil forming materials shall be stored in separate bunds which:

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

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

58) All areas of the site and all topsoil, subsoil, soil forming material and overburden mounds shall be kept free from agricultural weeds. Cutting, grazing or spraying shall be undertaken to control plant growth and prevent the production of seed and subsequent spread of agricultural weeds onto adjoining land;

Restoration

59) No soil stripping operations shall take place until details of the seed and tree mix to be used on the landscape bunds have been submitted to and approved in writing by the Mineral Planning Authority. The approved details shall be fully implemented prior to the commencement of mineral extraction;

60) Notwithstanding the submitted details, within 6 months of the commencement of the development hereby approved, a detailed restoration scheme for the site, including the extended haul road, access onto Money Lane and site reception area shall be submitted to the Mineral Planning Authority for approval in writing. The detailed restoration scheme shall include final contour levels, with all levels related to Ordnance Datum and shall ensure the land is free from ponding and capable of receiving an effective artificial under-drainage system. Thereafter, the development shall be carried out in accordance with the approved scheme;

61) The extended haul road and reception buildings shall be removed, the access onto Money Lane shall be restored in accordance with Condition 60)

of this permission, and any plant that is no longer operational shall be removed from the site within 12 months of the completion of restoration within the extraction area;

- 62) Topsoil shall be evenly re-spread on the site in accordance with the restoration scheme as required by Condition 60) of this permission to achieve a minimum depth of 300mm;
- 63) Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on re-laid topsoil;
- 64) Re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping;
- 65) In the event that the winning and working of minerals ceases prior to the achievement of the completion of the approved restoration scheme referred to in Condition 60) of this permission which, in the opinion of the Mineral Planning Authority constitutes a permanent cessation, a revised scheme, to include details of restoration and aftercare, shall be submitted to the Mineral Planning Authority for approval in writing within 6 months of the cessation of the winning and working of minerals. The revised scheme shall be fully implemented within 12 months its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority;

Aftercare

- 66) The land within the application site shall undergo aftercare management for a 5-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority;
- 67) Within 6 months of the commencement of the development hereby approved, an outline aftercare scheme shall be submitted to the Mineral Planning Authority for approval in writing. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the restoration scheme, as required by Condition 60) of this permission. These steps shall include the following:
 - i. Control of invasive species;
 - ii. Timing and pattern of vegetation establishment;
 - iii. Cultivation practices;
 - iv. Management of soil, fertility and weeds;
 - v. Drainage;
 - vi. Irrigation and watering;
 - vii. A timetable for undertaking the aftercare scheme; and
 - viii. The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years

having regard to the condition of the land, progress on its rehabilitation and necessary maintenance.

68) A Detailed Aftercare Scheme shall be submitted to the Mineral Planning Authority for approval in writing, not later than three months prior to each of the aftercare working group meetings, as required by Condition 67) of this permission. The scheme shall elaborate on the Outline Aftercare Strategy as required by Condition 67) of this permission, and shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings;

Permitted Development Rights

69) Notwithstanding the provisions of Class L of Part 7 and Class A and Class B of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fixed or mobile plant, machinery, buildings, structures, erections or private ways shall be erected, extended, installed, rearranged, replaced or altered within the site without the approval of the Mineral Planning Authority;

Other Matters

70) Materials imported to the site for infilling and restoration shall not be subsequently removed from the site;

71) There shall be no crushing, screening, sorting or processing of any waste materials on the site;

72) No processing or treatment of mineral shall take place on the site;

73) The site shall not be open to the general public for commercial purposes;

74) No materials shall be burned on the site;

75) No skips shall be stored on the site;

Local Liaison

76) No development shall commence until a scheme that sets out measures for liaison arrangements with the local community has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the approved scheme shall be implemented for the duration of the development hereby approved; and

Planning Permission

77) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be

maintained at the site office at all times throughout the duration of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

Contact Points

Specific Contact Points for this report

Case Officer: Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

Email: saldridge@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: 18/000036/CM, which can be viewed online at: <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.