Worcestershire County Council's and the Appellant's Response to the Rule 6 Party's Comments on the Draft Schedule of Conditions

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Appeal by **NRS Aggregates Ltd** against the refusal of planning permission by **Worcestershire County Council** of

"*Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement*"

on **land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire**.

Planning Inspectorate Reference: APP/E1855/W/22/3310099

County Council Reference: 19/000053/CM

November 20204

Commencement

1) The development hereby approved must be begun not later than the expiration of 3 years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The operator shall provide written notification to the Mineral Planning Authority at least 5 working days prior to:-

i. The commencement of the development hereby approved;
ii. The commencement of soil stripping operations in any phase;
iii. The commencement of mineral extraction in any phase;
iv. The completion of mineral extraction in any phase;
v. The commencement of infilling operations in any phase;
vi. The completion of infilling operations in any phase;
vii. The commencement of soil replacement operations in any phase; and
viii. The completion of soil replacement operations in any phase.

should include all works, including formation of access, the formation is conditioned in terms of work required and so needs monitoring.

Response: Consider this requirement would be captured by Condition 2) Part i) as the access construction would be one of the first operations on the site. The Council's Monitoring and Enforcement Officer would regular visit the site, outside of just being notified by the appellant of key stages outlined in this condition.

Reason: To notify the Mineral Planning Authority when the development, soil stripping operations, mineral extraction, infilling operations and soil replacement operations commences, and the completion of mineral extraction, infilling operations and soil replacement operations in each phase, for development monitoring purposes. To define the permission

Reason for the pre-commencement condition: For proactive development monitoring purposes, to allow the Mineral Planning Authority to undertake site visits prior to commencement or completion of the above stages.

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 46) of this permission, within 11 years of commencement of the development hereby approved. 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.

The MPA needs to be informed of the completion of the restoration.

Response: Consider this requirement is captured by Condition 2) Part viii) relating to completion of soil replacement operations in any phase, together with Condition 49) relating to aftercare scheme, which includes a site meeting reviewing each year's aftercare works. It is in the appellant's own interest to notify the Mineral Planning Authority as soon as restoration is complete, to agree a site is entered into the aftercare, so that the 30-year aftercare period for each phase starts as soon as possible.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Approved Plans

4) The development hereby approved shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:

- Drawing numbered: 1, reference number: KD.LCF.001, titled: 'Location Plan', dated October 2019;
- Drawing numbered: 2, reference number: KD.LCF.014, titled: 'Application Boundary / Other Land Under the Control of the Applicant', dated October 2019;
- Drawing numbered: 3, reference number: KD.LCF.002, titled: 'Current Situation', dated October 2019;
- Drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021;

- Drawing numbered: 5, reference number: KD.LCF.011, titled: 'Disturbed Land', dated: October 2019;
- Drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019;
- Drawing numbered: 7, reference number: KD.LCF.022, titled: 'Plant Site Sections – Conveyor Routing beneath PORW 62 6(B)', dated October 2019;
- Drawing numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021;
- Drawing numbered: 9A, reference number: KD.LCF.004A, titled: 'Phase 1 – Working & Restoration', dated July 2021;
- Drawing numbered: 10A, reference number: KD.LCF.005A, titled: 'Phase 2 – Working & Restoration', dated July 2021;
- Drawing numbered: 11A, reference number: KD.LCF.006A, titled: 'Phase 3 – Working & Restoration', dated July 2021;
- Drawing numbered: 12A, reference number: KD.LCF.007A, titled: 'Phase 4 – Working & Restoration', dated July 2021;
- Drawing numbered: 13A, reference number: KD.LCF.008A, titled: 'Phase 5 – Working & Restoration', dated July 2021;
- Drawing numbered: 14A, reference number: KD.LCF.009A, titled: 'Final Works', dated July 2021;
- Drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021;
- Drawing numbered: 16A, reference number: KD.LCF.028A, titled: 'Restoration Sections', dated October 2020;
- L&R Figure 5A, reference number: KD.LCF.026A, titled: 'Current & Proposed Public Rights of Way', dated July 2021;
- Reference number: KD.LCF.032, titled: 'Surface Water Management', dated September 2020;
- Reference number: KD.LCF.033C, titled: 'Public Rights of Way Proposed', dated July 2021;
- Reference number: KD.LCF.034C, titled: 'The Post Restoration PROW Routes within and adjacent to the Site', dated July 2021;
- Reference number: KD.LCF.035, titled: 'Bund 2: Tree Root Protection Areas', dated September 2020;

- Reference number: KD.LCF.036, titled: 'Restoration Sections – The Avenue', dated September 2020;
- Reference number: KD.LCF.041, titled: 'Typical Sections through land around Tree 22', dated April 2021;
- Reference number: KD.LCF.042, titled: 'Root Protection: Existing Avenue Trees', dated July 2021;
- Supporting Statement for the Conveyor Underpass Under Crossing of Bridleway Number 626 on Land Known as Lea Castle Farm, Wolverley, Worcestershire drawing numbered: 476/220/02, titled: 'Bridle path conveyor diversion', dated June 2020;
- Pre-development Tree Condition Survey drawing number: TS71-001, titled: 'Tree Survey – Context Plan, dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-002, titled: 'Tree Retention & Removal Plan', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-003, titled: 'Tree Retention & Removal Plan 1', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-004, titled: 'Tree Retention & Removal Plan 2', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-005, titled: 'Tree Retention & Removal Plan 3', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-006, titled: 'Tree Retention & Removal Plan 4', dated May 2019;
- Pre-development Tree Condition Survey drawing number: TS71-007, titled: 'Tree Retention & Removal Plan 5', dated May 2019;
- Transport Statement drawing number: WY TA 18-1, titled: 'Proposed Site Entrance', dated July 2018; and
- Transport Statement drawing number: Figure 1, titled: 'Proposed Site Access Preliminary Design Layout', dated August 2019.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Extraction Boundary

5) No mineral extraction shall take place outside the limit of the extraction boundary shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021.

On KD.LCF.013A (CD5.03) there is no extraction boundary as referred to in the condition.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Response: Noted, the dashed line shows the limit of extraction. Condition proposed to be amended as follows:

*No mineral extraction shall take place outside the limit of the extraction boundary**, as indicated by the black dashed line and blue hatched Initial Works Phase,** shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021.*

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.

Reason: To define the permission.

Phasing

7) The site shall be progressively worked and restored in accordance with the phased working programme and contiguous restoration scheme as shown on the approved drawings numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021; 9A, reference number: KD.LCF.004A, titled: 'Phase 1 – Working & Restoration', dated July 2021; 10A, reference number: KD.LCF.005A, titled: 'Phase 2 – Working & Restoration', dated July 2021; 11A, reference number: KD.LCF.006A, titled: 'Phase 3 – Working & Restoration', dated July 2021; 12A, reference number: KD.LCF.007A, titled: 'Phase 4 – Working & Restoration', dated July 2021; 13A, reference number: KD.LCF.008A, titled: 'Phase 5 – Working & Restoration', dated July 2021; 14A, reference number: KD.LCF.009A, titled: 'Final Works', dated July 2021, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial after use at an early date and in the interests of amenity, in accordance with Policies MLP 11, MLP 26, MLP 28, MLP 33, and MLP 35 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, WCS 11, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, and DM.26 of the adopted Wyre Forest District Local Plan.

Depth of Working

8) No excavation or extraction shall take place below 63.5 metres Above Ordnance Datum (AOD) in the eastern part of the site (Initial Phase, Phase 4 and Phase 5) and 60.4 metres AOD in the western part of the site (Phase 1, Phase 2 and Phase 3).

The depth of working limit needs to be specified on any part of the phase.

Response: Noted, condition proposed to be amended as follows:

No excavation or extraction shall take place below 63.5 metres Above Ordnance Datum (AOD) in the Initial Works Phase, 62.9 metres AOD in Phase 1, 60.4 metres AOD in Phase 2, 61 metres AOD in Phase 3, 64 metres AOD in Phase 4 and Phase 5.

Reason: To define the permission and to protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

Working Hours

9) Except in emergencies to maintain safe quarry working, construction works and site set up; the working and processing of minerals and their transportation from the site; soils stripping, replacement and handling; the transportation of imported inert materials; infilling operations and site restoration; loading and unloading; and servicing, maintenance or repair of any plant and machinery, shall only take place between 08:00 to 18:00 hours Mondays to Fridays, inclusive, and 08:00 to 13:00 hours on Saturdays, with no operations on the site at any time on 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.

The MacDonalds and others need alerting if the site is being worked to give them notice their weekend or public holiday will be ruined.

Response: No working should be taking place outside of the hours above. It should be very rare (if ever) the Appellant would need to work outside of these hours.

It is common practice that the Community Liaison Group or local residents are informed by the Council or by the appellant (at the Council's request) in such events, but it is not considered it is necessary to capture this requirement in a condition.

Reason: To protect the amenity of adjacent residential properties, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, and Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Design of Plant

10) Notwithstanding the submitted details, detailed design drawings of all plant, structures, buildings, including the conveyors to be sited at the site shall be submitted to and approved in writing by the Mineral Planning Authority prior to their erection / construction on site. Details shall include dimensions, materials, colour, and finishes. The development shall be carried out in accordance with the approved details, and shall be retained and maintained as such thereafter.

Response: This condition is wider than just plant, and includes plant, structures, buildings and conveyors.

Reason: To maintain the visual and environmental quality of the site, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20 and DM.24 of the adopted Wyre Forest District Local Plan.

Highways and Public Rights of Way

11) Access to and from the site shall only be gained via the haul road and access onto Wolverley Road (B4189), as shown on drawing numbered: 8A, reference number: KD.LCF.003A, titled: 'Initial Works', dated July 2021, except for works associated with the construction of the haul road and vehicular access onto Wolverley Road (B4189) and below ground conveyor and associated conveyor tunnel / underpass as required by Condition 14) of this permission.

Reason: To define the permission and to ensure satisfactory access to and from the site and to accommodate resulting HGV traffic safely on the local highway network, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

12) No operations shall take place within Phase 1, as shown on drawing numbered: 4A, reference: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the parking and turning facilities within the plant site, as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019, have been provided.

Response: Consider the phrase "soil stripping" should be included to be consistent with the other conditions. Soil stripping would be one of the first operations to take place in Phase 1.

Reason: In the interests of highway safety, and to ensure conformity with summited details, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

13) No operations shall take place within the permitted working areas, as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until a scheme to construct the vehicular access and haul road has been submitted to and approved in writing by the Mineral Planning Authority, and thereafter implemented in full in accordance with the approved details. The scheme shall include:

i. The design and specification of the haul road and vehicular access, which shall include as a minimum the route between the wheel washing facility and the public highway surfaced in a bound material;

ii. Details of signage directing all HGVs to turn left onto Wolverley Road (B4189) along with the siting of the signage close to the site exit;

iii. Visibility splays to be provided from a point 1.05 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 103 metres to the west and 122 metres to the east measured along the nearside edge of the adjoining carriageway and offset a vertical distance of 0.6 metres from the carriageway. Nothing shall be planted, erected and / or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above;

iv. Details of the vehicular access boundary treatments (walls, fences, gates, and other means of enclosure) fronting onto Wolverley Road (B4189) to include design, dimensions, materials, location and extent shown on a plan, and maintenance arrangements;

v. Any gates erected shall be set back from the nearside edge of the public highway a minimum distance of 15 metres and open away from the highway to allow a commercial vehicle to stand clear of the carriageway; and

vi. Details of how and where construction vehicles associated with the construction of the vehicular access and haul road only shall enter the site, including routing on site, any temporary haul roads including their specification, restoration specification and timetable for their reinstatement, and any temporary measures to ensure the safe passage of users of Bridleway WC-626 during the construction of the access and haul road.

Thereafter, the vehicular access and haul road shall be carried out in accordance with the approved details and thereafter shall be retained and maintained until the last Phase has been restored.

On KD.LCF.013A (CD5.03) there is no permitted working area as referred to in the condition.

Response: Noted, following the Inspector's questions this trigger has been amended to:

"No soil stripping operations shall take place within the Initial Works Phase, as shown on drawing numbered: 4A reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until…".

The term HGV needs to be defined as vehicles over 3.5 tonnes

Response: From discussions with County Highways, they consider that HGVs are defined as vehicles over 3.5 tonnes gross weight. County Highways do not consider there is any ambiguity with the definition of a HGV, and consider it is not necessary to define it in the condtion.

Reason: In the interests of highway safety, to avoid adverse impacts on amenity along transport routes, and to prevent HGVs travelling over the Canal Road Bridge on Wolverley Road (B4189) and travelling along Sion Hill (C2136), in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

14) Notwithstanding the submitted details, prior to the commencement of soil stripping in Phase 1, as shown on drawing numbered: 4A, reference: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, a scheme for the construction of the below ground conveyor and associated conveyor tunnel / underpass, as shown on drawing numbered: 9A, reference number: KD.LCF.004A, titled: 'Phase 1 – Working & Restoration', dated July 2021, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the design, dimensions, materials, surfacing, construction specification, location shown on a plan, measures to minimise noise and vibration, maintenance arrangements, and a timetable for its removal and restoration specification, Bridleway WC-626 temporary diversion arrangements during its installation and removal, temporary construction / decommissioning access arrangements, and details of signage to alert users of the Bridleway to presence of the below ground conveyor. The development shall be carried out in accordance with the approved details, and shall be retained and maintained as such thereafter.

Reason: To protect users of the Public Rights of Way, in accordance with Policy MLP 30 of the adopted Worcestershire Minerals Local Plan.

15) All sand and gravel worked in Phases 1 to 3 as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, and all imported inert materials to restore Phases 1 to 3, shall only be transported across Bridleway WC-626 to and from the plant site by the approved below ground conveyor, as required by Condition 14) of this permission.

Reason: To define the permission and to protect users of the Public Rights of Way, in accordance with Policy MLP 30 of the adopted Worcestershire Minerals Local Plan.

16) Within 3 months of the commencement of the development hereby approved, the specification, location and timetable for the provision of at least 1 electric vehicle charging space to be provided within the plant site, as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019, 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 and the space(s) and power point(s) shall be kept available and maintained for the use of electric vehicles only, and shall not be used thereafter for the parking of any other vehicles.

Reason: To encourage sustainable travel and healthy communities, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan.

17) Within 3 months of the commencement of the development hereby approved, details, location and a timetable for the provision of at least 2 accessible car parking spaces to be provided within the plant site, as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019, 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 and the spaces shall be kept available and maintained for use by disabled users only.

Reason: To provide safe and suitable access for all, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire

Waste Core Strategy, and Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan.

18) Within 3 months of the commencement of the development hereby approved, details, location and a timetable for the provision of sheltered and secure cycle parking to be provided within the plant site, as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019, to comply with Worcestershire County Council's Streetscape Design Guide 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 and the cycle parking shall be kept available and maintained for use by bicycles only.

Reason: To comply with the Council's parking standards, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan.

19) The development hereby approved shall not commence until a Heavy Goods Vehicles (HGV) Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Management Plan shall include but not be limited to the following:

i. Measures and facilities to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway, including provision for revision in the event of the scheme being ineffective and any remedial measures to be put in place to clear the public highway of such material;
ii. This needs to be a condition requiring submission and approval and implementation of specific plans. Details of a wheel washing facility, including its location shown on a plan, water supply, water storage, recycling and disposal, maintenance arrangements; and when HGVs will use the wheel washing facility;
iii. All loaded vehicles entering and leaving the site shall be sheeted;
iv. No HGV shall turn left into the site access when entering and no HGVs shall turn right when exiting the site;

v. Details of signage requiring all HGVs to turn left onto Wolverley Road (B4189) along with the siting of the signage close to the site exit, and a programme for its installation and maintenance; and

vi. All HGVs used for export of minerals or the importation of inert materials to and from the site, shall be fitted with Global Positioning System (GPS) tracking equipment, and this tracking information shall be recorded and made available to the Mineral Planning Authority within 7 days of a written request. All such records shall be kept for at least 12 months from the date they were recorded.

Response: Unsure what the above comment is referencing. It is presumed it may relate to the wheel washing facilities (ii above) and updated accordingly (see track change).

Thereafter, the measures set out in the approved Management Plan shall be implemented and maintained for the duration of the development hereby approved.

The Rule 6 Main Party has concerns as to the efficacy of the arrangement for no right out left in. Also, this doesn't address the problem. The issue is an increase in HGV traffic on Wolverley Road past the Lock and elswhere where the footpaths are dangerously narrow and the highway is very narrow. At the bridge at the Lock the road width wont let two large vehicles (buses, trucks etc) to pass and the footpath is only wide enough for one person. The concern is about more HGV through this narrow section used by school children etc. Preventing left in right out won't stop this, it would be possible to drive through Wolverley turn around past the site and enter with right in and vice versa.

The police officer, unchallenged, said that drivers will do anything to avoid the measures proposed. They are not effective in preventing the concern.

Response: Noted. The access is designed to physically prevent right hand turns out and left hand turns into the access by HGVs.

We need cctv or VNPR and sanctions. GPS will only help if switched on and we get access to data. What are sanctions? How monitored and enforced?

Response: The Council previously recommended a CCTV condition (see CD10.01 – Condition 28). However, this was removed following the roundtable discussion on

conditions, as Inspector Normington considered the CCTV was not sufficiently robust and it was replaced by GPS tracking requirement.

Reason: To ensure the provision of adequate on-site facilities, and in the interests of highway safety, to avoid adverse impacts on amenity along transport routes, and to prevent HGVs travelling over the Canal Road Bridge on Wolverley Road (B4189) and travelling along Sion Hill (C2136), in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site, which will involve HGVs arriving and departing from the site, so it is important that a HGV Management Plan to prevent the deposit of mud and detritus on the public highway, and to avoid adverse impacts on amenity along transport routes, has been submitted and approved prior to the commencement of the development, for the reasons stated above.

20) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme and programme for the proposed and upgraded public rights of way, as shown on drawing: L & R Figure 5A, Ref: KD.LCF.026A titled: 'Current & Proposed Public Rights of Way', dated July 2021, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme shall provide for the proposed and upgraded public rights of way, to be constructed to bridleway adoptable standards and shall include details of:

i. The alignment and width of the proposed and upgraded public rights of way;
ii. Surfacing materials;
iii. Drainage provision;
iv. Details of any gates, fences or barriers;
v. Maintenance arrangements; and
vi. Timetable for their implementation.

Thereafter, the routes shall be provided and maintained in accordance with the approved details, and shall remain in situ and available for public use until such a time that an agreement

under Section 25 Highways Act 1980 has been completed and advertised as dedicated as routes on the Definitive Map.

Until the PRoW diversions are approved, can't set a programme. None of this will overcome the concerns regarding (i) conflict of PROW users with traffic inside the site; (ii) conflict of PROW users with the busy main road around the site; (iii) lack of security over a "permissive bridleway" – that is ultimately a private arrangement, which cannot be secured by this planning permission. This will also not ensure that the public enjoyment of the PROWs is maintained as there is no proposal for monitoring, or for conditions managing impacts along the PROW.

Response: Noted. It is considered that this can be secured by condition as set out in this Schedule of Conditions.

Reason: To enhance public access across the site, and to ensure conformity with summited details, in accordance with Policies MLP 7 and MLP 30 of the adopted Worcestershire Minerals Local Plan.

Reason for the pre-commencement condition: The provision of new routes and upgrading of existing public rights of way are one of the first operations to take place on site, so it is important that such details have been submitted and approved prior to the commencement of the development, for the reasons stated above.

21) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme and programme for the proposed public access routes shown as 'Proposed New Permissive Bridleways' on drawing: L & R Figure 5A, Ref: KD.LCF.026A titled: 'Current & Proposed Public Rights of Way', dated July 2021, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme for the proposed public access routes shall include details of:

i. The alignment and width of the proposed public access routes;
ii. Surfacing materials;
iii. Drainage provision;
iv. Details of any gates, fences or barriers;
v. Maintenance arrangements; and
vi. Timetable for their implementation.

Thereafter, the public access routes shall be provided and maintained in accordance with the approved details.

Reason: To enhance public access across the site, and to ensure conformity with summited details, in accordance with Policies MLP 7 and MLP 30 of the adopted Worcestershire Minerals Local Plan.

Reason for the pre-commencement condition: The provision of new public access routes is one of the first operations to take place on site, so it is important that such details have been submitted and approved prior to the commencement of the development, for the reasons stated above.

22) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed scheme for the safe crossing by the public over the haul road of any rights of way or permissive bridleways, shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include the signage to be installed to alert users of the haul road and users of the rights of way or permissive bridleways of the crossing, details of any gates, fences or barriers and surfacing. The crossing shall be implemented in accordance with the approved details and made available prior to the first use of the haul road by any HGVs and thereafter shall be retained until the last Phase has been restored.

Reason: To protect users of the Public Rights of Way, in accordance with Policy MLP 30 of the adopted Worcestershire Minerals Local Plan.

Reason for the pre-commencement condition: The provision of new public rights of way and permissive bridleways are one of the first operations to take place on site, together with the construction of the site's access, so it is important that a detailed scheme for the safe crossing by the public over the haul road of any rights of way or permissive bridleways has been submitted and approved prior to the commencement of the development, for the reasons stated above.

Boundary Treatment

23) Notwithstanding the submitted details, prior to their erection / construction on site, details of any new fences, walls and other means of enclosure shall be submitted to the Mineral Planning

Authority for approval in writing. Details shall include their design including dimensions, materials, location and extent shown on a plan, timetable for their installation and when they will be removed, and maintenance arrangements. The development shall be carried out in accordance with the approved details, and shall be retained and maintained as such thereafter.

Reason: To protect the visual amenity of the site, and the environmental quality of the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy DM.26 of the adopted Wyre Forest District Local Plan.

Lighting

24) Prior to commencement of the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The strategy shall include:

i. Height of lights;
ii. Intensity of the lights;
iii. Spread of light in metres (Lux plan);
iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
v. Times when the lighting would be illuminated, and no lighting shall be illuminated outside of the working hours (which are prescribed by Condition 9) of this permission), other than for security of the plant site area, as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019; and
vi. Measures to minimise the impact of lighting upon protected species and habitats, including:

- Identifying those areas / features on site that are particularly sensitive for bats and invertebrates and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, such as for foraging; and

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

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

Lighting should be limited to operational hours only.

Response: Noted and agree, see Part v above which states:

"…and no lighting shall be illuminated outside of the working hours (which are prescribed by Condition 9) of this permission), other than for security of the plant site area…".

Reason: To maintain the visual and environmental quality of the site, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.23 and SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: Any lighting used on site can impact wildlife and the visual amenity of residents, therefore, a lighting design strategy needs to be submitted and approved before any operations on site commence.

Topographical Survey

25) 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 2 weeks of the survey date. Thereafter, the survey shall be carried out annually and supplied to the Mineral Planning Authority within 2 weeks 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 2 weeks of a written request. The survey shall be at a scale of

1:1250, with all levels related to Ordnance Datum. The surveys shall include the extent of land open for quarrying or undergoing restoration and quarry floor levels.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Water Environment

26) No mineral extraction shall take place until a groundwater, surface water level and quality, monitoring scheme has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details. The Scheme shall include, but may not be limited to:

i. Pre-commencement, operational (extraction phase) and post extraction monitoring, of the existing onsite monitoring boreholes identified in Environmental Statement Volume 2 – Technical Appendices – Appendix I: Water Resources. Additional monitoring points will be required to monitor the soakaway ponds post restoration;
ii. Method and nature of sampling / measurement of groundwater, surface water and quality;
iii. A programme detailing frequency and duration of monitoring along with details of how and when the monitoring data and the Scheme itself shall be reviewed to assess if impacts (if any) are occurring;
iv. Trigger levels when action is required to protect a water feature;
v. Details of any contingency and mitigation proposals should a trigger level be breached and an impact be apparent at a water feature;
vi. In the event that an adverse impact / risk of deterioration attributable to the mineral extraction is noted in the groundwater / surface water monitoring data, all mineral extraction shall cease whilst investigation into the apparent deterioration is undertaken and shall not recommence until the details required under part vii) of this Condition have been submitted to and approved in writing by the Mineral Planning Authority and all measures fully implemented in accordance with the approved details; and
vii. Proposals to investigate the cause and measures to avoid, mitigate or remedy any such risks; and to monitor and amend any failures.

Reason: To protect the water environment and prevent any deterioration of 'controlled waters' (as defined under the Water Resources Act 1991), including surface and ground waters, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

27) Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage, which shall incorporate Sustainable Drainage Systems (SuDS), and an associated SuDS Management Plan which shall include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework, have been submitted to and approved in writing by the Mineral Planning Authority. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water whether direct or via soakaways. Thereafter the development shall be carried out and maintained in accordance with the approved details.

Reason: To ensure that the site can be adequately drained as well as to reduce the risk of creating or exacerbating flooding and to minimise the risk of pollution, in accordance with Policies MLP 37 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30, SP.31, SP.32, and SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The detailed design of the surface water drainage is required at the outset of the development as it may inform earlier stages of the development.

28) Prior to the commencement of the development hereby approved, a scheme containing details of measures and equipment to minimise the possibility of contaminant spillage or leakage during the storage, filling of fixed tanks and mobile plant, and the movement of oils, fuels, lubricants and chemicals to, from and around the site, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall also include details about measures and equipment to deal with any spillages or leakages of contaminants, so as to minimise any pollution risk to ground and surface water. Thereafter, the approved scheme shall be implemented in full for the duration of the development.

Reason: To protect the water environment and prevent pollution, in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.30 and SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: To ensure that measures and equipment to minimise the possibility of contaminant spillage or leakage during the storage, filling of fixed tanks and mobile plant, and the movement of oils, fuels, lubricants and chemicals to, from and around the site are implemented from the outset of the development, for the reasons set out above.

Noise and Vibration

29) Notwithstanding the submitted details, no soil stripping operations shall take place until a Noise and Vibration Management Plan, to include noise level monitoring 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. The Plan shall provide for:

i. Noise and vibration mitigation measures and best practice measures, which shall include but not limited to all internal roads shall be maintained such that their surface remains free of potholes or other defects; and all mobile plant, machinery and vehicles (excluding delivery vehicles, but not inert waste delivery, which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices;
ii. Noise level monitoring at the noise sensitive receptors identified within the Noise Assessment Report, dated 12 September 2019;
iii. A programme detailing frequency and duration of noise monitoring;
iv. Noise level monitoring shall be carried out for at least 2 separate durations during the working day with the main items of plant and machinery in operation;
v. The results of the noise level monitoring shall include LA90 (as presented in the Noise Assessment Report, dated 12 September 2019) and LAeq noise levels;
vi. Details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate;
vii. The logging of all weather conditions, approximate wind speed and direction;

viii. Noise level monitoring results shall be submitted to the Mineral Planning Authority within 7 days of the noise monitoring being carried out;

ix. If the noise level monitoring results reveal an exceedance of the relevant noise limits set out in Conditions 30) or 31) of this permission, then no further mineral extraction or infilling operations shall take place until a scheme providing for further noise mitigation has been submitted to and approved in writing by the Mineral Planning Authority, and the approved noise mitigation measures have been subsequently implemented. Further noise level monitoring shall be undertaken within 7 days of the implementation of the further noise mitigation and submitted to the Mineral Planning Authority within 7 days of the noise level monitoring being carried out. If the subsequent noise level monitoring results still reveal an exceedance of the relevant noise limits set out in Conditions 30) or 31) of this permission, then the provisions and process set out in this Condition, Part ix shall be repeated until compliance with the noise limits has been achieved;

x. A procedure for the logging, investigating and responding to noise complaints whether received directly from a member of the public or via the Mineral Planning Authority; and

xi. If, following a complaint, the Mineral Planning Authority decides that further noise level monitoring is required, written notice shall be given to the Mineral Operator specifying the required nose level monitoring. The further noise level monitoring shall be undertaken by the Mineral Operator and the results submitted in writing to the Mineral Planning Authority within 14 days of the request.

This places a condition on WCC, doesn't secure any form of limit on the PROWs in any part of the Site. Doesn't secure any formm of limit on the equestrian centre. There has been no monitoring of impacts upon horses which could have a (further) detrimental effect on the equestrian business.

Response: Noted. The Bungalow is closer than the Equestrian Centre to the site and works, and thus is the relevant sensitive receptor location for the purpose of this condition.

Reason: To control noise emissions and the impact of vibrations, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

30) The noise attributable to mineral operations from the site shall not exceed the levels set out below at the receptor locations identified in the Noise Assessment Report, dated 12 September 2019 when measured in terms of an LAeq 1-hour level (free field):

- Broom Cottage: LAeq, 1-hour 53dB;
- South Lodges: LAeq, 1-hour 55dB;
- Heathfield Knoll: LAeq, 1-hour 55dB;
- Brown Westhead Park: LAeq, 1-hour 46dB;
- The Bungalow: LAeq, 1-hour 45dB;
- Keeper's Cottage: LAeq, 1-hour 49dB; and
- Castle Barns: LAeq, 1-hour 51dB.

As above, none of these detail the impacts on the equestrian centre, noise impacts of which could fundamentally alter their business.

Response: Noted. The Bungalow is closer than the Equestrian Centre to the site and works, and thus is the relevant sensitive receptor location for the purpose of this condition.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

31) During the removal of soils and superficial deposits and the creation of any screen bunds or restoration works, the noise limit at the receptor locations identified in the Noise Assessment Report, dated 12 September 2019 shall not exceed 70dB LAeq 1-hour (free field) 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.

Reason: To control noise emissions, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Dust

32) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Dust Management Plan to include onsite and offsite dust monitoring shall be submitted to and approved in writing by the Mineral Planning Authority. The Dust Management Plan shall be based upon Section 3.0 and Appendix 3 of the Dust Impact Assessment, dated 18 September 2019, Ref: R19.10059/3/AG, and shall follow the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (2016), set out and require compliance with the good practice mitigation measures set out in Tables 4 and 5 of the IAQM Guidance for both site design and planning and operational control. The Dust Management Plan shall include:

i. Details of the dust monitoring equipment to be used;
ii. Location of dust monitoring equipment;
iii. Frequency of dust monitoring;
iv. Methodology to be used for assessing the dust monitoring results;
v. Set dust limits;
vi. Provision and timescales for the reporting of the dust monitoring results to the Mineral Planning Authority;
vii. Additional dust mitigation measures and timescales for their implementation if the dust monitoring shows an exceedance of dust limits; and
viii. Dust suppression measures to be employed, including but not limited to 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, road sweeper to be utilised during dry conditions or upon request of the Mineral Planning Authority; drop heights for material transfer (between plant, ground and transport) should be minimised, all plant vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground; and there shall be a maximum speed limit of 10mph within the site.

The approved Dust Management Plan shall be reviewed 6 months after the commencement of the development and revised if required. Thereafter the Dust Management Plan shall be subject to regular review and updated accordingly in light of good practice and developing evidence as agreed with the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved Plan.

Reason: To control dust emissions, in accordance with Policies MLP 28 and MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: To ensure appropriate dust management mitigation measures, best practice measures and a dust monitoring scheme are in place from the outset of the development, as the works have the potential to generate dust emissions.

Similar criticisms to those in respct of noise.

Response: Noted. Worcestershire Regulatory Services have been consulted on this condition / amended condition and the proposed Dust Monitoring Plan method and are satisfied with this approach.

Historic Environment

33) 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.

Reason: To allow the historical and archaeological interest of the site to be recorded, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policy WCS

9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.21 and DM.23 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The site's construction works are the first operations that will take place on site, and these have the potential to disturb archaeological remains, therefore, it is important that a programme of archaeological work, including a Written Scheme of Investigation is submitted and approved prior to works commencing, for the reasons above.

34) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme for the recording, part removal to create the vehicular access, storage and reinstatement of the historic boundary wall 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. The scheme shall include:

i. The method of recording the historic boundary wall brickwork and details of the mortar make-up;
ii. The method of part removal / dismantling of the historic boundary wall;
iii. The extent to be shown on a plan, of the part of the historic boundary wall to be removed / dismantled;
iv. Details of the location and how the bricks from the historic boundary wall will be securely stored to prevent deterioration due to water ingress and frost damage; and
v. The method and construction specification of the reinstatement of the historic boundary wall to match its appearance prior to removal.

Reason: To protect the historic environment, in accordance with Policy MLP 32 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.21 and DM.23 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The part removal of the historic boundary wall to create the site's vehicular access is one of the first operations that will take place, therefore, it is important that a scheme for its removal and reinstatement, to ensure it can be appropriately recorded is submitted and approved prior to works commencing, for the reasons above.

Stockpiles

35) The height of any stockpiles of sand and gravel and inert waste material shall not exceed 5 metres.

Location of stockpiles aren't shown on any plan.

Response: Noted. This condition seeks to control the height of any stockpiles within the site to 5 metres in height.

In view of the Rule 6 Party's comments an additional condition is proposed as follows:

No soil stripping operations shall take place within the Initial Works Phase, as shown on drawing numbered: 4A reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, until the location of sand and gravel and inert waste material stockpile storage areas have been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the stockpiles of sand and gravel and inert waste material shall only be stored in accordance with the approved details.

Reason: To protect the amenity of the site and the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.16 and SP.33 of the adopted Wyre Forest District Local Plan.

Soil Handling and Storage

36) Soil handling and placement shall take place in accordance with the 'Agricultural Land Classification and Soils Resource Report', dated May 2018, and the Institute of Quarrying publication 'Good Practice Guide for Handling Soils in Minerals Workings' (July 2021), and only when the soils are dry and friable and in dry ground conditions.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

37) All topsoil and subsoil shall be permanently retained on site and used in restoration.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

38) All topsoil, subsoil and overburden 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 bund 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 bund;
v. Shall only store topsoil on like textured topsoil and subsoil on like textured subsoil; and
vi. Topsoil bunds shall not exceed 3 metres in height, subsoil bunds shall not exceed 5 metres in height, and overburden bunds shall not exceed 6 metres in height.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

39) 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.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site, in accordance with Policies MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan.

40) Prior to the commencement of soil stripping operations, a scheme for seeding and management of all soil and overburden storage bunds that will remain in situ for more than 3 months or over winter shall be submitted to and approved in writing by the Mineral Planning Authority. Seeding and management of the storage bunds shall be carried out in accordance with the approved scheme.

Reason: To control plant growth and prevent the build-up of a seed bank of agricultural weeds, or their dispersal onto adjoining land and to ensure that the site is reclaimed to a condition capable of beneficial afteruse at an early date, in accordance with Policies MLP 7, MLP 11, MLP 31, MLP 33, MLP 34 and MLP 35 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, WCS 11 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, and DM.26 of the adopted Wyre Forest District Local Plan.

Ecology

41) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to the Mineral Planning Authority for approval in writing. The CEMP for biodiversity shall include the following:

i. Risk assessment of potentially damaging quarrying activities to habitat and wildlife;
ii. Identification of "biodiversity protection zones", including tree root protection zones to be protected by suitable fencing in accordance with BS5837:2012;
iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to habitat and wildlife during quarrying (may be provided as a set of method statements);
iv. The location and timing of sensitive works to avoid harm to habitat and wildlife;
v. The times during the works when specialist ecologists need to be present on site to oversee works;
vi. Responsible persons and lines of communication;
vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
viii. Use of protective fences, exclusion barriers and warning signs to avoid harm to retained habitat and wildlife.

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

Needs to include tree protection.

Response: Noted and agree. This is included at Part ii:

"…including tree root protection zones to be protected by suitable fencing in accordance with BS5837:2012;"

Reason: To protect and conserve statutorily protected species and the site's value for biodiversity, in accordance with Policies MLP 7, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site, and these have the potential to disturb protected species and habitats. Therefore, it is important that that the CEMP for biodiversity to control the construction impacts of the development have been submitted and approved prior to the commencement of the development, for the reasons stated above.

42) Prior to the commencement of the development hereby approved, a Biodiversity Enhancement, Monitoring and Management Plan (BEMMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The purpose of the Plan shall be to ensure the proposed biodiversity measures are management are effectively and fully implemented for a period of 30 years. The BEMMP shall deliver a minimum of 193.24 Habitat Biodiversity Units and 6.88 Hedgerow Biodiversity Units, as set out in the Biodiversity Net Gain Assessment Report, dated 03/09/2024 and include all measures as shown on the approved restoration scheme as required by Condition 46) of this permission, and in Section 8 and 11 of the Environmental Statement Volume 2 'Technical Appendix B – Nature Conservation and Ecology' (Ecological Impact Assessment document reference M16.176(a).R.006, dated April 2019, and the following:

i. Aims and objectives of management and monitoring to match the stated purpose;
ii. Identification of adequate baseline conditions prior to the start of development, description and evaluation of features to be managed and enhanced, identifying an

adequate baseline of conditions prior to start of development, including provision of Habitat Condition Assessment sheets to describe baseline condition of all habitats retained and enhanced;

iii. Extent and location / area of proposed enhancement works on appropriate scale maps and plans to include any mitigation and enhancement measures such as bat and / or bird boxes;

iv. Ecological trends and constraints on site that might influence management;

v. Methods for data gathering and analysis;

vi. Location, timing and duration of monitoring;

vii. Responsible persons and lines of communication;

viii. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged, to include reference (where appropriate) to the target condition of habitats and hedgerows;

ix. Appropriate management actions for achieving stated aims and objectives;

x. An annual work programme (to cover an initial 5 year period);

xi. Details of the specialist ecological management body or organisation responsible for implementation of the plan;

xii. For each of the first 5 years of the plan, a BEMMP progress report to be sent to the Mineral Planning Authority reporting on progress of the annual work programme, to include an updated Biodiversity Net Gain metric supported by Habitat Condition Assessment sheets, and confirmation of any required actions for the next 12 month period; and

xiii. The BEMMP will be reviewed and updated every 5 years and implemented for 30 years.

The BEMMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMMP are not being met) how contingencies and / or remedial action will be identified, agreed with the Mineral Planning Authority, and then implemented so that the development still delivers the Objectives of the originally approved BEMMP. The approved BEMMP shall be implemented in accordance with the approved details.

Reason: To protect and conserve statutorily protected species and to protect, conserve and enhance the site's value for biodiversity, in accordance with Policies MLP 7, MLP 11, MLP 31,

and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9, WCS 11, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: A BEMMP is required prior to the commencement of the development, as it requires the identification of an adequate habitat baseline conditions prior to the start of development, for the reasons stated above.

Landscape

43) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) 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. The LEMP shall comprise of a drawing and document that covers:

i. Aims and objectives of the scheme;
ii. A plan with annotations showing the landscape and habitat or features to be retained, created and managed, including detailed advanced planting scheme covering each phase and any other areas of the site; the restoration, enhancement and management of existing boundary trees and hedgerows; and detailed design of pocket parks;
iii. Measures (including establishment, enhancement and aftercare) for achieving the aims and objectives of management, with time-specific criteria denoting success or a need to implement contingency measures;
iv. A work and maintenance schedule for 30 years;
v. The LEMP shall require the collection and removal of any plastic tree guards on completion of aftercare, or specify use of bio-degradable tree guards, and that the application of insecticide or fungicides shall be avoided as shall the use of peat anywhere within the restoration scheme. No fertilisers shall be required or are desirable within the acid grassland habitat.
vi. Monitoring and remedial or contingency measures covering habitats, vegetation, breeding birds, bats, great crested newts, reptiles, notable invertebrates and mammals plus any invasive species or injurious weeds. This shall include measures setting out that in the event of any trees, shrub or hedgerow being damaged or

removed by the development, they shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

vii. Measures to control and prevent the spread of non-native invasive species; and

viii. Those responsible for implementation of the scheme.

How do they intend to replace with like species and equivalent size if one of the TPO/Wellingtonians is lost?

Response: Other legislation would apply to TPO trees for action, but note the condition refers to:

"…which in the case of a mature tree may entail multiple plantings".

Reason: To protect, conserve and enhance the site's value for biodiversity and to maintain the visual and environmental quality of the site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9, WCS 11, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: A LEMP is required at the outset of the development as it may inform earlier stages of the development.

44) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in Phases 1 to 3 as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021, measures, including details of locations and dimensions of hay bales to assist with visually screening the development hereby approved 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 scheme.

The appellant refuses to specify the acoustic qualities of the hay bales. If not, this condition is redundant. The hay bales are intended to mitigate noise at a critically important area of the Site where the conveyor is intended to be..

Response: This condition is not aimed at noise attenuation but was required for visual screening purposes in this location, as Phase 3 is shown as open to views form the Bridleway, but also to ensure the screening around the conveyor /

hopper is appropriate – see CD4.22 Public Rights of Way (4 January 2021). Hence the reference to *"assist with visually screening the development"* in the condition.

Reason: To protect the visual amenity of the site, and the environmental quality of the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.33, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

45) Notwithstanding the submitted details, trees T9 and T10 as shown on drawing numbered: TS71-004, titled: 'Tree Protection & Removal Plan 2', dated May 2019 in the Environmental Statement Volume 2 'Technical Appendix C – Arboriculture', shall be retained, and, no site clearance, preparatory work or development shall take place until a scheme for the protection of trees T9 and T10, and the appropriate working methods have been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include for a buffer zone with a radius of at least 15 times larger than the diameter of the tree (the buffer zone should be 5 metres from the edge of the tree's canopy if that area has a radius larger than 15 times the tree's diameter) to the works. Thereafter, the approved scheme shall be implemented for the duration of soil stripping operations, mineral extraction, infilling operations and soil replacement operations in Phase 3, as shown on drawing numbered: 4A, reference number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021.

This seems very unusual to refer to a plan to be approved (see condition 4) and then to amend it in writing. No details of how T9 and T10 will be retained is provided as occurred with T22. The application shows T9 and T10 not being retained. Why has a updated plan not ben produced for the Inquiry?

Response: Noted. It is not considered unusual, and is considered to be common practice, hence the phrase *"except where otherwise stipulated by conditions attached to this permission"* in condition 4.

Reason: To ensure the retention of identified trees in accordance with Policies MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.23 and DM.24 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: To ensure suitable protection of the important Tree Preservation Order trees of T9 and T10, and as their retention may inform how earlier phases of the development are worked and the site restored.

Restoration

46) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed restoration scheme for the site, based on drawing numbered: 15B, reference number: KD.LCF.010B, titled: 'Concept Restoration', dated July 2021, but updated to take account of the retention of trees T9 and T10 as shown on drawing numbered: TS71-004, titled: 'Tree Protection & Removal Plan 2', dated May 2019 in the Environmental Statement Volume 2 'Technical Appendix C – Arboriculture', 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. Thereafter, the development shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

Reason for the pre-commencement condition: A detailed restoration scheme is required at the outset of the development as it may inform earlier stages of the development, taking into account matters such as ecology or surface water management.

47) In the event that the winning and working of minerals or waste infilling from the site cease for a period in excess of 12 months prior to the achievement of the completion of the approved restoration scheme referred to in Condition 46) of this permission, then within 3 months of the receipt of a written request from the Mineral Planning Authority, a revised scheme, to include details of restoration and aftercare, shall be submitted to the Mineral Planning Authority for approval in writing. The revised scheme shall be fully implemented within 12 months of its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.

We have concerns because this simply allows the appellant to submit another plan not before this inquiry. Such tail piece conditions are not appropriate.

Response: Noted. However, this is common practice on mineral permissions, see for example a fairly recent appeal decision:

APP/J1155/W/22/3299799 - Straitgate Farm, Exeter Road, Ottery St Mary, Devon EX11 1L

It should also be noted the scheme has progressive restoration.

Reason: To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

Aftercare

48) The land within the application site shall undergo aftercare management for a 30-year period. Prior to any area being entered into aftercare, the extent of the area to be shown on a plan and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority.

Aftercare needs to be defined.

Response: Considered not necessary as this is a common term in mineral planning, and defined in Schedule 5 of the Town and Country Planning Act 1990 (as amended).

Reason: To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

49) A scheme for aftercare shall be submitted to the Mineral Planning Authority for approval in writing at least 9 months prior to the anticipated completion date for each Phase identified in Condition 7) of this permission. The approved 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 approved restoration scheme, as required by Condition 46) of this permission. The approved scheme shall also 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, and make provision for site meetings on at least an annual basis with officers of the Mineral

Planning Authority in order to assess the progress to date, any remedial action required, and the management of the restored areas for the following year. Thereafter, the development shall be carried out in accordance with the approved details, or as amended in consultation with the Mineral Planning Authority following each aftercare meeting.

Reason: To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 11, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.23, SP.28, DM.24, and DM.26 of the adopted Wyre Forest District Local Plan.

Interpretation Strategy

50) Within 6 months of the commencement of the development hereby approved, an Interpretation Strategy for cultural heritage, landscape, biodiversity and geodiversity shall be submitted to the Mineral Planning Authority for approval in writing. The Strategy shall include the content topic headings, concept design and location of any interpretation panels. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate provision of interpretation facilities, in the interests of cultural heritage, landscape, biodiversity and geodiversity, in accordance with Policies MLP 7, MLP 31, MLP 32, MLP 33, and MLP 36 of the adopted Worcestershire Minerals Local Plan, Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.21, SP.22, SP.23, SP.24, SP.28, and DM.23 of the adopted Wyre Forest District Local Plan.

Renewable / Low Carbon Energy

51) Prior to the commencement of mineral extraction, details of renewable or low carbon energy generating facilities to be incorporated as part of the site office and welfare facilities shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the site office and welfare facilities as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout – Plan & Elevations', dated October 2019, will be met through the use of renewable / low carbon energy generating facilities. The approved energy generating facilities shall be provided prior to the use of the site office and welfare facilities hereby approved, and shall be retained and maintained thereafter.

Reason: To support climate change mitigation, in accordance with Policy MLP 26 of the adopted Worcestershire Minerals Local Plan, and Policy SP.37 of the adopted Wyre Forest District Local Plan.

Permitted Development Rights

52) 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) (England) 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.

LPA regularly remove pd rights to protect GB from further harm, PD rights for temporary uses like motorsport need to be removed and other rights which would cause further harm to the openness of the GB or amenity.

Response: Noted, but considered this goes out of scope of this appeal and would not pass the tests of conditions, as not relevant to this development. This is seeking to prevent an existing activity.

Reason: To protect the visual amenity of the site and the surrounding area, in accordance with Policies MLP 28 and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20 and DM.24 of the adopted Wyre Forest District Local Plan.

Other Matters

53) There shall be no crushing, screening, sorting or processing of any waste materials or other minerals that are brought on to the site.

Reason: To define the permission and to protect the amenity of adjacent residential properties, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

54) There shall be no retail sales on site to the general public.

Reason: In the interests of highway safety and to define the permission, in accordance with Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SP.27 of the adopted Wyre Forest District Local Plan.

55) No materials shall be burned on the site.

Reason: To protect the amenity of adjacent residential properties, in accordance with Policy MLP 29 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.

Local Liaison

56) No development shall commence until a scheme detailing the establishment and operation of a Community Liaison Group (CLG) has been submitted to and approved in writing by the Mineral Planning Authority. The scheme be in the form of terms of reference for the CLG and shall set out:

i. The aims and purpose of the group;
ii. The membership of the group;
iii. The operation of the group (including regularity of meetings and who would chair the meetings) / standard agenda items and voting;
iv. Accountability of the group;
v. Recording of meetings; and
vi. Access to the record of meetings.

Once approved the CLG scheme shall be implemented in accordance with the approved terms of reference throughout the construction, operation, restoration and aftercare period of the development hereby approved.

Reason: To protect the amenity of neighbouring residents and to ensure satisfactory restoration of the site.

Reason for the pre-commencement condition: To enable the local community to be informed of each stage of the development.

Planning Permission

57) 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.

Reason: To define the permission and to enable the monitoring of the consent in the interests of the amenity of the surrounding area, in accordance with Policy MLP 28 of the adopted Worcestershire Minerals Local Plan, Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SP.33 of the adopted Wyre Forest District Local Plan.