Minutes of the Planning and Regulatory Committee

County Hall, Worcester

Tuesday, 24 May 2022, 10.00 am

Present:

Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Kit Taylor and Cllr Richard Udall

Also attended:

Cllr Marcus Hart attended for Agenda item 5 as a local councillor from a neighbouring Division.

Available papers

The Members had before them:

A. The Agenda papers (previously circulated);

B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and

C. The Minutes of the meeting held on 26 October 2021 (previously circulated).

1092 Apologies/Named Substitutes (Agenda item 1)

An apology was received from Cllr Jack Satterthwaite.

1093 Declarations of Interest (Agenda item 2)

None.

1094 Public Participation (Agenda item 3)

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

1095 Confirmation of

RESOLVED that the Minutes of the meeting held on 26 October 2021 be confirmed as a correct record and signed by the Chairman.

1096 Proposed sand and gravel quarry with progressive restoration using site derived and imported material to agricultural parkland, public access and nature enhancement, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire (Agenda item 5)

The Committee considered a County Matter planning application for 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.

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

The report set out the Head of Planning and Transport Planning's comments in relation to the Worcestershire's landbank of sand and gravel reserves, Sieve test / methodology and Best and Most Versatile (BMV) agricultural land, Alternatives, Green Belt, Traffic, highway safety and impact upon public rights of way, Residential amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts), Landscape character and appearance of the local area, Historic Environment, Ecology, Biodiversity and Geodiversity, Water Environment, Restoration and Aftercare of the Site, Economic Impact, Climate Change, Cumulative Effects, Prematurity, and Other Matters - Schools, Businesses, Tourism, Leisure and Recreation, Crime and safety, Overhead power lines, Adequacy of the Environmental Statement and EIA team and

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 was 0.572 million tonnes. On 31 December 2017, the total permitted sand and gravel reserves for Worcestershire was about 3.465 million tonnes, which was equivalent to a landbank of approximately 6.06 years. 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 have been approximately 1.749 million tonnes of sand and gravel, equating to about 3.06 years. Consequently, on 31 December 2020 the County Council did 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.

Since 31 December 2020, the MPA granted planning permission on 25 March 2021 (MPA Ref: 18/000036/CM, Minute No. 1069 refers) for a proposed sand quarry, infilling void using inert materials only with restoration to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire. Based on the proposed extraction of approximately 1.35 million tonnes, this had increased the landbank by approximately 2.36 years, equating to a landbank of approximately 5.42 years in total, which was still below the minimum landbank for at least 7 years for sand and gravel.

Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued in 2021, then the landbank of permitted reserves at 31 December 2021 would be approximately 2.527 million tonnes of sand and gravel, equating to about 4.42 years. Consequently, on 31 December 2021 the County Council did 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 permission, it would increase the landbank by approximately 5.24 years, equating to a landbank of approximately 9.66 years, albeit it should be noted that sales of sand and gravel would have continued in 2022, so the landbank would be likely to be less than 9.66 years.

Sieve test / methodology

The adopted Minerals Local Plan allocated Preferred Areas for the working of sand and gravel in the County. Policy 1 stated that planning permission would be granted for Preferred Areas of sand and gravel extraction, subject to an evaluation against [illegible] Development Plan policies. The [illegible]

was subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission would not normally be granted unless there were exceptional circumstances. It was considered that the site would be affected by one primary constraint and two secondary constraints. Notwithstanding this, the impacts upon the constraints had been considered in detail, as set out in the 'Sieve test / methodology and Best and Most Versatile (BMV) agricultural land' section of the report and were not considered to constitute a reason for refusal in this instance. Furthermore, it was considered that Policy 2 of the adopted Minerals Local Plan should be given limited weight, in that it was out of date and not in accordance with the NPPF which did not operate a sieve test or impose a blanket ban on all development within primary constraints. The emerging Minerals Local Plan also did not include a similar sieve test. Furthermore, even if Policy 2 did apply, the circumstances of this application in accordance with the analysis in the report, including the date and status of the policy, was capable of amounting to "exceptional circumstances" which would justify departure from the strict outcome of the sieve test.

Best and Most Versatile (BMV) agricultural land

With regard to the soil resource and BMV agricultural land, the site was dominated by Grade 3a, although it identified 3 areas in the eastern area of the site which were Grade 2 and an area of Grade 3a. The distribution of Agricultural Land Classification grades across the existing site were summarised as approximately 21.3% (10 hectares) Grade 2, approximately 66.5% (31.2 hectares) Grade 3a, approximately 1.7% (0.8 hectares) Grade 3b. Approximately 10.5% (4.9 hectares) of the site was non-agricultural. The Environmental Statement stated that the final restoration scheme would provide for approximately 32.26 hectares of BMV agricultural land, which would, therefore, be a loss of BMV agricultural land of approximately 8.94 hectares, where it would be restored with an alternative land use (acidic grassland, woodland planting and pocket parks). Notwithstanding this, Natural England considered that the proposed reclamation to a biodiversity and amenity after use was acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high-quality resource for the future. The applicant had clarified that the restored land, including acid grassland and woodland areas would retain their longer-term capability to be farmed to its identified land classification potential. Therefore, there would be no permanent loss of BMV agricultural land. Furthermore, Natural England had been consulted and have raised no objections on agricultural land / soil handling grounds.

Based on this advice, the Head of Planning and Transport Planning considered that subject to the imposition of appropriate conditions relating to soil handling and placement including requiring the development being carried out in accordance with the 'Agricultural Land Classification and Soils Resource Report' and Defra's *'Good Practice Guide for Soil Handling'*, and requiring a detailed aftercare scheme then the objectives of the NPPF in respect of soils and their use in the restoration of BMV agricultural land would be met.

Alternatives

With regard to the consideration of alternatives, the PPG stated that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 did not require an applicant to consider alternatives. However, where alternatives had been considered, Paragraph 2 of Schedule 4 required 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 considered a number of alternatives including do nothing; alternative sand and gravel sources within Worcestershire; alternatives to primary aggregates; alternative methods of working; alternative restoration options; and alternative means of transport. In view of the above, the Head of Planning and Transport Planning considered that the applicant's approach to the consideration of alternatives was acceptable in this instance.

Letters of representation and the CPRE objected to the proposal recommending alternative land for mineral extraction. The Head of Planning and Transport Planning considered this was not one of the exceptional cases where an alternative scheme was relevant. Vague alternative schemes should be given very little if any weight and did not constitute a valid reason for refusing this application in this instance. This application should be determined on its own merits, in accordance with the development plan, unless material considerations indicate otherwise.

Green Belt

The proposal was located within the West Midlands Green Belt. Minerals could only be worked where they were found, and mineral working was a temporary use of land. Paragraph 150 of the NPPF identified certain forms of development as not inappropriate development within the Green Belt, this included mineral extraction and engineering operations, provided they preserved its openness and did not conflict with the purposes of including land within it.

The Head of Planning and Transport Planning considered that the proposed development, including restoration to a lower level, access, haul road, bunds, mineral processing plant, ancillary facilities and activity associated with the proposed mineral extraction when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It was also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would be visible, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bunds, existing historic boundary walls and proposed planting, with any views being contained to relatively few receptors. It was considered that the visual impact on openness

Castle Hospital site (Lea Castle Village), and it would include infrastructure, this would be largely contained to a discrete area of the overall site and would be relatively small in the context of the much wider agricultural landscapes that surround it. The mineral extraction would be phased, with progressive restoration limiting its visual impact and spatial extent at any one time. There would also be vehicle movements, but not very many in the context of the existing highway network, and certainly not an unexpected level for an operation of this type and scale, so it would not be able to operate where these minerals are found if it did not have this level of infrastructure and vehicle movements, even when considered cumulatively with other developments, so this in itself could not make it inappropriate. The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be progressively returned to an open state following completion of extraction and would be no more built up on completion of the development as it was now, as a result of the proposal.

quarry industry is that of exposure to fine dust containing crystalline silica (otherwise known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as "silicosis". It usually takes a number of years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease".

The Health and Safety Executive had set the occupational exposure limit for dust at 10 mg per cubic metre as an 8-hour time weighted average. The Air Quality Assessment demonstrated that such a figure might have significance within a site if workers were immediately adjacent to a particular operation prone to high TJETQq0.000008nQq

With regard to flood risk, the proposal was situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. The PPG, as updated by Annex 3 of the NPPF indicated that 'water compatible' development, such as the proposed sand extraction operations and 'more vulnerable' development, such as the subsequent infilling are considered acceptable in Flood Zone 1. The application was accompanied by a Flood Risk Assessment which concluded that neither the operational or post-restoration phases of the development would increase flood risk elsewhere, and there would be no loss of floodplain storage. Restoration of the site to agricultural parkland would be at a lower ground level than current ground levels, with drainage achieved by soakaway ponds.

Based on the advice of the Environment Agency, Natural England, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Planning and Transport Planning considered that the proposal would have no adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.29, SP.30, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.

Restoration and aftercare of the site

The proposal would enable the phased landscape-scale restoration of the site. The aims of the proposed restoration included enhancement of the value of the site for biodiversity conservation; to create new wildlife habitats throughout the site that could be sustainably managed and maintained to promote and increase the potential for biodiversity; and to establish a landform, together with land use features and elements, capable of integration and enhancement of the local landscape character and its wider setting whilst enabling public access and community enjoyment of the site.

The Head of Planning and Transport Planning considered that given the nature of the proposed working, which would extract minerals to a maximum depth of 18 metres, in principle the restoration of the site by the importation of inert materials was acceptable in this instance, and the risk of a lack of availability of suitable infill materials could be satisfactorily addressed by the imposition of appropriate conditions relating to progressive working and restoration schemes, annual topographical survey, and long-term aftercare scheme. This would ensure that there was limited disturbed land at any one time, and the site was restored at the earliest opportunity and to high environmental standards. A condition was also recommended requiring the site to be restored within 11 years of commencement of the development. Worcestershire Wildlife Trust, the County Landscape Officer, Hereford and Worcester Gardens Trust

essential that there was a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs; and that great weight should be given to the benefits of the mineral extraction, including to the economy. It was considered that the proposal would provide a small number (up to 11 full-time equivalent jobs) of direct employment opportunities, together with indirect employment opportunities, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it was considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighs in its favour.

Climate change

The effects of climate change and the vulnerability of the development proposal to these changes has been considered as part of the preparation of the EIA, particularly in terms of hydrology / flood risk and ecology (i.e., the impacts of climate change on habitats / species). The County Sustainability Officer had been consulted and made no comments on the proposal.

Given that the proposal was well located close to the potential markets it would serve; located close to the primary road network; the applicant would seek to utilise back44(o)4(u)4(l)-6(d)4(h1.5214ET4(n)4(o)0 (o)4(u)4.( )-2(ro)4cb)-6(l)3(l)3(s)-2(t)-2(o)4

planning permission) with a mix of employment and retail provision. The Environmental Statement anticipated that there would be no local affects that might, through accumulation with other activities / developments from either within or outside the site, result in a significant worsening of the environment, as a result of the proposal.

On balance, the Head of Planning and Transport Planning did not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

Prematurity

With regard to prematurity, in particular in relation to the proposal coming forward before the adoption of the emerging Minerals Local Plan and emerging Mineral Site Allocations Development Plan Document (DPD), the NPPF stated that *"arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area" (paragraph 49)*.*

The Council had now received the Independent Inspectors' Report, which concluded that the emerging Worcestershire Minerals Local Plan provided an appropriate basis for the planning of minerals for the County, provided that a number of main modifications were made to it, as set out in the schedule of main modifications appended to their report. As the Inspectors had recommended main modifications, the Council may only adopt the emerging Minerals Local Plan if these were included in their entirety. However, the Council did have discretion in relation to the additional modifications. Additional modifications were also published alongside consultation on the main modifications, and no comments had been received on them. Some further additional modifications were required to update specific references to the revised NPPF. If Cabinet and Council adopted the emerging Minerals Local Plan, they would therefore have to adopt it with the main modifications, though it was intended that they were recommended to adopt it with both the main modifications and additional modifications. There could, therefore, only be one variation in the emerging Minerals Local Plan from the date of the Inspectors' Report to the date of adoption by Council, namely the additional modifications which could not materially affect the policies to be included in the Minerals Local Plan anyway.

In view of the above, it was the Head of Planning and Transport Planning's view that from the date of the Inspectors' Report until adoption by resolution of full Council, the emerging Minerals Local Plan should be given substantial

The Head of Planning and Transport Planning considered that on the whole, the proposal was broadly in accordance with the emerging Worcestershire Minerals Local Plan.

It was considered that as the emerging Mineral Site Allocations DPD was at an early stage of preparation, and had not been subject to consultation, tested at examination or adopted by the County Council, it should be given very limited weight in the determination of this application.

In view of the above, the Head of Planning and Transport Planning considered that refusal of planning permission on the grounds of prematurity could not be justified in this instance.

Referral to Secretary of State

The Secretary of State had received a request to call-in this application for his own determination. The Planning Response Unit, on behalf of the Secretary of State had contacted the MPA to seek agreement not to issue a decision until the Secretary of State had considered the application for call-in under Section 77 of the Town and Country Planning Act 1990 (as amended).

The Secretary of State had the power to take the decision-

Secretary of State had notified the Council that he did not intend to call in the application for his own determination.

The representative of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site having walked along the internal bridleways and been driven along Wolverley Road, Wolverhampton Road, Park Gate Road, Stourbridge Road, and Axborough Lane. Members observed the location of the neighbouring properties, the trees that would be retained/removed, and the proposed access to the site. Since the publication of the report, five further letters of representation had been received objecting to the proposal but no new issues had been raised to those set out in the report. County Public Health had also forwarded a summary of the responses received to the consultation on the Health and Wellbeing Strategy that related to Lea Castle Farm Quarry. Comments suggested that the proposal conflicted with the aims to improve health and wellbeing in the county. Respondents raised significant concerns that the development would negatively affect their health and wellbeing. The impact on air quality was of particular concern given the proposal was within walking distance of local primary schools. Comments also highlighted the loss of green space, a loss they believed would have a “negative impact on health and wellbeing for present and future generations”.

Mr Bill Houle, speaking on behalf of Mr and Mrs McDonald of Lea Castle Equestrian Centre, objectors to the application, addressed the Committee. He requested that the Committee refuse this highly damaging application. This was a busy area with 5,000 nearby residents, 5 schools and the new Lea Castle Village providing 1,400 new homes, a new village centre, school and business area. He argued that quarries located by dense housing were totally wrong. The equestrian centre operated as a livery yard but had previously been a riding school with 12-14 employees.

He added further that Mrs McDonald suffered with Crohn’s disease and her immune system was compromised. Her condition was seriously affected by stress, noise and dust. The only access to her home would be restricted and he was concerned that she might die unless the application was refused. The McDonald’s business was accessed by the public right of way and bridle path. The application proposed a conveyor belt for sandstone and gravel under that access. Continuous noise would prevent horses crossing and make novice leisure riding impossible. The Lea Castle Equestrian Centre would lose income which represented an Adverse Economic Impact.
Mr Houle explained that the McDonald family were concerned about the already busy roads and the danger to adults and children walking to school from 154 HGVs (over 1,400 tonnes transported) every school day for 11 years . The site access was over the brow of a hill but the dangers of collision due to

report. It should be refused for health and safety reasons due to the impact on air quality. UK authorities had ignored WHO facts on silicosis. Traffic congestion and the danger to pedestrians and other road users was also a reason for refusal.

He concluded that permission should be refused because it was not wanted by local residents, the District and Parish councils, the local MP, nearby parish and town councils and the McDonald family did not deserve to have their lives destroyed.

Mr Houle was then asked questions about the presentation:

> In response to a query about the number of staff employed by the Equestrian Centre, Mr Houle explained that up until 2010, the centre had been used as a Riding School and Mr and Mrs McDonald had employed 12 – 14 staff. The facilities remained in place to be able to undertake such activities again or rent the facility out but that would not possible with this application looming over them. At the moment as a livery yard, Mr and Mrs McDonald had assistance but did not employ any staff
> In response to a query about his comments about the impact of the application on housing located within 200 metres of the application site, Mr Houle commented that the Emerging Minerals Local Plan was still not approved and therefore the current legislation in the form of the existing Minerals Local Plan was applicable. Even when the Emerging Plan was adopted, it was a new type of plan which was dependent on preferred sites on an allocated map which could take years to be completed. The current Minerals Local Plan stated that there should be no quarries within 200 metres of housing. In particular, no account had been taken of the Lea Castle Village development which was within 200 metres of the site and included a considerable amount of housing and business space and consequently vehicle movements.

Mr Mike Lord, an objector to the application speaking on behalf of 'Stop the Quarry' Action Group addressed the Committee and with the use of a map pointed out the location of the proposed Lea Castle Village, local leisure facilities including football play areas for children, conservation areas and local canals, and 5 local schools within 800 metres of the site with the nearest being 25m from the site boundary.

He commented that staff working at the quarry site would have PPE including breathing apparatus and face masks available to them and yet children would be playing outside within 25m of the site without any protection. The private school across the road from the quarry site employed 40 people. These jobs would be put at risk by this application. Even if the school was down-scaled in size, more jobs would be lost than created by the application. A further 50 people were employed in recreation and leisure within the vicinity of the site and if 10 or 20% of these jobs were lost, the overall economic impact of the application would be negative. The landowner lived in Jersey and none of the money generated would support the local economy. In addition, the applicant,

NRS were not based in the county. The application should therefore be refused on the basis of no positive economic impact.

He stated further that children walked and cycled to school in the locality. even if HGVs turned left out of the site, they would be travelling along local roads in proximity to local children. The Committee should reject this application in accordance with Section 70(2) of the Town and Country Planning Act 1990 which required the Council to consider local plans including the Local Minerals Plan with particular reference to the 200 metre gap between mineral extraction

The representative of the Head of Planning and Transport Planning explained that the sieve test included in the Minerals Local Plan, adopted in 1997, formed part of the development plan. The NPPF stated that existing policies adopted prior to the revised policy framework were to

wildlife habitats and those habitats would be secured financially into the long term. These plans would benefit species such as hedgehogs. Ecological corridors had been identified, none of which crossed the site and the application would not directly impact on those corridors so he was satisfied that there was no severance effect on wildlife corridors and there should be a biodiversity net gain sustainable into the long-term. The representative of the Head of Planning and Transport Planning added further, in relation to the risk of bund subsidence, that the applicant would have to comply with the Quarry Regulations 1999

commented that planning officers from this Council were the experts in dealing with minerals and waste planning applications and infrastructure and their professional recommendation was to grant planning permission

How was it possible to give weight to the emerging MLP when it had yet to be approved? The representative of the Head of Planning and Transport Planning commented that the Council was in receipt of the final draft of the emerging MLP and an explanation of the reasoning behind the weight given to it was set out in paragraph 877 of the report. The Council was now in receipt of the independent inspectors' report which concluded that the emerging MLP provided an appropriate basis for planning of minerals for the county and provided for a number of modifications, for which the Council was now in receipt. As set out in the schedule of main modifications, as the inspector recommended these modifications, the Council may only adopt the emerging MLP if it adopted these in their entirety. The Council could not choose to adopt it without these modifications. If not, the only option would be for the Council to withdraw the MLP, modify it and undertake further consultation on it and resubmit it to the Secretary of State for examination. The Council did have discretion with regard to additional modifications but these were published alongside the other modifications and no comments were received on them. Therefore, Council would have to adopt the emerging MLP with the main modifications with or without the additional minor modifications. If the emerging MLP was not adopted, it would leave a vacuum in policy and therefore the NPPF policies would be applied

A request was made that if planning permission was granted, the two unprotected oak trees be retained during phase 3 of the works because they would be a valuable addition to the park land and restoration of the site. The representative of the Head of Planning and Transport Planning indicated that it was possible for a condition to be added to the permission to protect-6(g)4( )-2(a)4(n)k EMC (g)4( )-2(a)4(n)4(d)4( )-0.0000 the park l

Based on the advice of Severn Trent Water and North Worcestershire Water Management, the Development Management Team Manager considered that there would be no adverse effects on the water environment, subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface water and SuDS management plan, in accordance with Section 14 of the NPPF and Policy BDP 23 of the Bromsgrove District Plan.

Based on the advice of the County Archaeologist and Bromsgrove District Conservation Officer, the Development Management Team Manager considered that the proposed development would not have an adverse impact upon heritage assets in accordance with Section 16 of the NPPF and Policy BDP 20 of the Bromsgrove District Plan.

Taking into account the provisions of the Development Plan and in particular Policies BDP 1, BDP 6, BDP 12, BDP 16, BDP 17, BDP 19, BDP 20, BDP 21, BDP 22, BDP 23, BDP 24 and BDP 25 of the adopted Bromsgrove District Plan, it was considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Development Management Team Manager introduced the report and highlighted an error in the report as total height of the bridge would measure approximately 8.8m not 14.4m.

In the ensuing debate, the following points were raised:

> The proposal provided vital improvements to walking and cycling infrastructure in Bromsgrove. There were issues associated with lighting and safety in the locality which had been addressed in the application. The main issue was how cyclists and other modes of transport were separated from pedestrians on the bridge, particularly with regard to lighting at night and the dangers of pedestrians being surprised by cyclists etc coming up behind them. The representative of the County Highways Officer responded that it was proposed to have improved lighting on the bridge. It was not proposed to segregate cyclists and pedestrians as it would be a shared-use bridge which fully complied with LTN 1/20, the appropriate Government guidance for an Active Travel bridge based on the anticipated usage. The proposed use of “share with care” signposting had worked with other similar cycle/footbridges
> In response to a query about the prevention of access to the bridge for motorbikes, the representative of the County Highways Officer commented that bollards would be in situ to prevent motorcycle access but positioned so they would not prevent access by cyclists
> The proposed bridge would be wider than the existing bridge and wider than Government 3.5m guidance which would benefit dual use
> The proposed gradient of the bridge was welcomed in terms of access for elderly residents
> A concern was expressed from experience in other countries about the dangers associated with the speed of cyclists on non-segregated bridges. It was queried whether some sort of separation marking could be introduced. The Development Management Team Manager

responded that the County Highways Officer had indicated that marked segregation was not well-observed and pedestrians encountered greater conflict than on unsegregated facilities due to increased cycle speeds therefore the use of white line segregation had not been

Approved Plans and Details

3) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings numbered: 3014-BUR-GEN-S5-DR-C-0106, Rev S4-P2.0 (Red and Blue Line Plan); 3014-BUR-GEN-S5-DR-C-0105, Rev S4-P5.0 (Red line Boundary Plan); 3014-BUR-GEN-S5-DR-C-0109, Rev S4-P3.0 (Amended Proposed Site Location Plan); 3014-BUR-SBR-S5-DR-S-1721, Rev S4-P5.0 (Bridge Sections Plan); 3014-BUR-SBR-S5-DR-S-1720, Rev S4-P4.0 (Bridge Long Section Plan); 3014-BUR-HML-S5-DR-C-0710, S4-Rev P3.0

implemented for the duration of the construction works. The CEMP shall include the following:

Biodiversity

i. **Risk assessment of potentially damaging construction activities.**
ii. **Identification**
iii. **Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall be submitted in the form of a set**

l include:

Methods for habitat manipulation, to remove suitability for reptiles and to provide contingency processes in the event of discovery of great crested newt or other protected species;

Precautionary working methods with regard to badgers and hedgehogs, to include both pre-commencement inspections in and around working areas and to confirm measures to be employed so as to protect badgers from becoming trapped in open excavations and/or pipes or culverts.

Soft felling measures for any trees identified with Potential Bat Roosting Features (low value Potential Roosting Feature only);

Vegetation clearance with regards nesting birds; confirming that no vegetation clearance shall take place between March 1st and August 31st inclusively, unless a competent ecologist has undertaken a

nests immediately before the vegetation is cleared and provided written confirmation that no birds shall be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation to be submitted to the County Planning Authority; and

A biosecurity protocol to detail measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of a project;

which shall include details on future management responsibilities, together with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the approved terms and conditions and the SuDS scheme shall be managed and maintained in accordance with the approved maintenance plan thereafter;

<u>Highways</u>

11) The development hereby approved shall not commence construction until a Stage 2 Road Safety Audit report, together

submitted to the County Planning Authority;

12) Upon completion of the development hereby approved, a Stage

Response, for the construction of the scheme shall be submitted to the County Planning Authority within 35 days of the official opening date; and

13) The development hereby approved shall not commence until details of how existing footways and permissive routes affected by construction work will be kept open, has been submitted to and approved in writing by the County Planning Authority. Details shall be provided to show temporary diversions, free from any obstruction, in a safe condition for use by members of the public and clearly signed. Thereafter, the development shall be carried out in accordance with the approved details.

The meeting was adjourned from 12.35pm to 12.45pm and ended at 1.15pm.

Chairman ……