

WORCESTERSHIRE COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL

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

“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.

Commencement

1)

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.

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;
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- Pre-development Tree Condition Survey drawing number: ~~10621~~ titled: 'Tree Retention & Removal Plan', dated May 2019;
- Pre-development Tree Condition Survey drawing number: ~~10631~~ titled: 'Tree Retention & Removal Plan 1', dated May 2019;
- Pre-development Tree Condition Survey drawing number: ~~10641~~ titled: 'Tree Retention & Removal Plan 2', dated May 2019;
- Pre-development Tree Condition Survey drawing number: ~~10651~~ titled: 'Tree Retention & Removal Plan 3', dated May 2019;
- Pre-development Tree Condition Survey drawing number: ~~10661~~ titled: 'Tree Retention & Removal Plan 4', dated May 2019;
- Pre-development Tree Condition Survey drawing number: ~~10671~~ titled: 'Tree Retention & Removal Plan 5', dated May 2019;
- Transport Statement drawing number: WY TA118 titled: 'Proposed Site Entrance', dated July 2018; and
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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 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 MacDonaldis and others need alerting if the site is being worked to give them notice their weekend or public holiday will be ruined.

Reason: 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.

Design of Plant

- 10) Notwithstanding the submitted details, detailed design drawings of all plant, structures, buildings, including the conveyors to be sited on 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.

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, 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 2024, 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.

triangular area of land so formed which would obstruct the visibility described above;

- iv. Details of the vehicular access boundary treatment (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 route, any temporary haul roads including their specifications, restoration specification and timetable for their reinstatement, and any temporary measures to ensure the safe passage of users of Bridleway 426 during the construction of the access and haul road.

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 WC26 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 number: KD.LCF.013A, titled: 'Proposals Plan', dated July 2021. All imported inert materials to restore Phases 1 to 3, shall only be transported across Bridleway WC26 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 plantsite, as shown on drawing numbered: 6, reference number: KD.LCF.021, titled: 'Plant Site Layout

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

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, 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

Reason:

Until the PRoW diversions are approved, can't set a program. 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 conditions managing impacts along the PROW.

Reason: To enhance public access across the site, and to ensure conformity with submitted

Reason:

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 Condition 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 noise 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 form 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.

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,

- 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 dust monitoring shows an exceedance of dust limits
- viii. D

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- 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;
- 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

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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.

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 the development, the applicant shall ensure that the site is restored to a condition not less favourable than that existing prior to the commencement of the development, in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1967 (as amended) and the Planning (Listed Buildings and Conservation Areas) Regulations 2001 (SI 2001/1099) (as amended).

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~~ 1, MLP 31,

- 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?

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, 11, 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, 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 applicant must specify the quality of the hay bales off the site (s)-7.2 () 10.6 (c)-9.9 (o) 11.6 (c) 12.5 (c) 13.1 (c) 13.2 (c) 13.3 (c) 13.4 (c) 13.5 (c) 13.6 (c) 13.7 (c) 13.8 (c) 13.9 (c) 13.10 (c) 13.11 (c) 13.12 (c) 13.13 (c) 13.14 (c) 13.15 (c) 13.16 (c) 13.17 (c) 13.18 (c) 13.19 (c) 13.20 (c) 13.21 (c) 13.22 (c) 13.23 (c) 13.24 (c) 13.25 (c) 13.26 (c) 13.27 (c) 13.28 (c) 13.29 (c) 13.30 (c) 13.31 (c) 13.32 (c) 13.33 (c) 13.34 (c) 13.35 (c) 13.36 (c) 13.37 (c) 13.38 (c) 13.39 (c) 13.40 (c) 13.41 (c) 13.42 (c) 13.43 (c) 13.44 (c) 13.45 (c) 13.46 (c) 13.47 (c) 13.48 (c) 13.49 (c) 13.50 (c) 13.51 (c) 13.52 (c) 13.53 (c) 13.54 (c) 13.55 (c) 13.56 (c) 13.57 (c) 13.58 (c) 13.59 (c) 13.60 (c) 13.61 (c) 13.62 (c) 13.63 (c) 13.64 (c) 13.65 (c) 13.66 (c) 13.67 (c) 13.68 (c) 13.69 (c) 13.70 (c) 13.71 (c) 13.72 (c) 13.73 (c) 13.74 (c) 13.75 (c) 13.76 (c) 13.77 (c) 13.78 (c) 13.79 (c) 13.80 (c) 13.81 (c) 13.82 (c) 13.83 (c) 13.84 (c) 13.85 (c) 13.86 (c) 13.87 (c) 13.88 (c) 13.89 (c) 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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, 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 6) 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

and WCS 12 of the adopted Worcestershire Waste Core Strategy,

- 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: