

**Worcestershire County Council's Response to Inspector's without-prejudice
queries regarding suggested planning conditions
2024.11.11**

Question 1)

Thus, County Highways were satisfied with the Preliminary Design Layout Plan, as they

Question 3) Condition 6

The Council consider that construction, demolition and excavation wastes, by their nature are inert wastes, but the County would be content for the condition to be amended to refer to inert material to be consistent with the description of the development, namely:

Question 4) Condition 9

Noted, suggested amended condition as follows:

Work outside of the hours specified above shall be limited to
that necessary in cases of emergency involving situations t1800 hoursd hours any18i cgg3.5 g)

Question 6) Condition 14

with the Highway Authority. Notwithstanding this, the Council are content for condition 19, part ii to be amended as set out below, should the Inspector consider it necessary:

and **HGVs shall not enter the public highway unless their wheels and chassis have been cleaned in the wheel wash to prevent materials being deposited on the highway.**

With respect to condition 19, part iv, this condition has evolved over time following questions from the previous Inspector and comments from the Rule 6 Party, and is now very different to what it was originally (see condition 23 in Core Document CD13.26).

The Council note that the proposed access is designed a4 (s)67 (at)-7.2 (t)-7.u()Tjit it wo.2 (he pr-7.u(

Question 8) Condition 20

This condition is based partly on condition 16 of the appeal made by RJD Ltd and Gowling WLG Trust Corporation Limited Lan at Ware Park, Wadesmill Road, Hertford (see Core Document CD12.39). The intention of this condition is not to require dedication of formal public rights of way by the appellant entering into an agreement under Section 25 of the Highways Act, but rather for them to provide and construct the rights of way as proposed in the application submission, and maintain them as such until a time they are formal public rights of way, as this is a key benefit of the scheme, and in weighed in the balance, in any decision. The appellant may never apply to dedicate the rights of way under formal agreement, and the condition allows for this. The reference to a dedication agreement (under Section 25 Highways Act 1980) is describing that the condition would fall away if there was a voluntary formal dedication. The reference to public rights of way is referring to their description as shown on drawing: L & R Figure 5A, Ref: KD.LCF.026A titled: 'Current & Proposed Public Rights of Way', dated July 2021 (see Core Document CD5.14). Should this phrase be causing any concern, then it could be rephrased as 'public access routes' to indicate their legal status (although some of the routes are formal public rights of way and are proposed to be widened etc).

Condition 20 deals with the routes proposed to be become formal public rights of way by the appellant, see drawing: L & R Figure 5A, Ref: KD.LCF.026A titled: 'Current & Proposed Public Rights of Way', dated July 2021 (Core Document CD5.14). Condition 21 seeks to deal with the routes that are proposed as permissive by the appellant. The condition was split into two separate conditions on the advice of the County Footpath Officer to make the above distinction.

Question 9) Condition 24

Noted and agreed, condition 24, part i should be amended to include siting:

The reference to:

and reporting to the

Mineral Planning Authority

With regard to condition 26 part vi, it would ultimately be the Mineral Planning Authority, but in consultation with, and upon the advice of the Environment Agency.

Question 11) Condition 28

Question 14)

[see separate Draft Dust Monitoring

In view of the above, the Council consider the condition should be amended as follows:

- v. **Set trigger limits for investigation and action;**

With regard to condition 32, the last paragraph of this condition is based partly on condition 34 of the appeal made by RJD Ltd and Gowling WLG Trust Corporation Limited Lan at Ware Park, Wadesmill Road, Hertford (see Core Document CD12.39). The purpose of which was to acknowledge that the proposed development would take place over 11 years, and best practice changes over time. However, comments are noted, and the last paragraph is suggested to be amended to only state:

Question 16) Condition 34

Noted and agreed. The condition is recommended to be amended as follows:

and

vi. A timetable for its implementation.

Question 17) Condition 35

Noted, the condition is recommended to be amended as follows:

The height of any stockpiles of sand and gravel and inert waste material shall not exceed 5 metres, **above adjacent ground.**

Question 18) Condition 39

Noted, the permitted operations are referring to the soil stripping and soil replacement operations. Condition recommended to be amended as follows:

top

for the

express purpose of soil stripping or soil replacement operations.

and subsoil

Question 19) Condition 46

month of the date of such cessation. Should this cessation extend

Noted and agreed, the last sentence “

should be deleted from the proposed condition (as above).

Question 21) Condition 48

Noted and agreed, the word should be substituted with

With respect to the 30-year aftercare scheme, this 30-year period is required in the Biodiversity Enhancement, Monitoring and Management Plan (BEMMP) – condition 42;

Land Use and Ecological Management Plan (LEMP) – aftercare 7.3 (e) (4.7d71910

It is also noted that Schedule 5 of the Town and Country Planning Act 1990 (as amended) deals with conditions for mineral working.

Schedule 5, Part 1, Paragraph 2 (7) states that:

or such other maximum period [my emphasis]

emphasis].

[my

Schedule 5, Part 1, Paragraph 2 (8) states that:

power to prescribe maximum periods differing according to the use specified" [my emphasis].

The PPG states the following:

What are the limitations imposed on aftercare conditions?

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**planning permission shall be sought and obtained from the Mineral
Planning Authority prior to**