

# PLANNING PERMISSION

Name and Address of applicant

Name and Address of Agent (if any)

Mr Moreton Cullimore  
M C Cullimore (Gravels) Ltd  
Netherhills  
Whitminster  
Gloucestershire  
GL2 7PD

Mr Antony Cook  
David Jarvis Associates Ltd  
1 Tennyson Street  
Swindon  
SN1 5DT

## Part I - Particulars of application

**Date of Application:**

**Application No:**

11 November 2019

19/000048/CM (19/01813/CM)

## Particulars and location of development:

Proposed extraction of sand and gravel with restoration using site derived and imported inert material to wetland, nature conservation and agriculture (cross-boundary application) on land at Bow Farm, Bow Lane, Ripple, Worcestershire.

## Part II - Particulars of decision

Worcestershire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that having taken the environmental information into account **permission has been granted** for the carrying out of the development referred to in **Part I** hereof in accordance with the application and plans submitted subject to the following conditions:-

### Commencement

1. The development hereby approved must be begun not later than the expiration of 3 years beginning with the date of this permission.
2. The operator shall provide written notification to the Mineral Planning Authority at least 14 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 commencement of infilling operations in any phase; and
  - v. The completion of soil replacement operations in any phase.

### Time Limits

3. All mineral extraction operations shall cease within 9 years of commencement of the development hereby approved, and the site shall be restored in accordance with the approved restoration scheme as required by Condition 54) of this permission. Should mineral extraction operations cease before this date, the Mineral Planning Authority shall be notified in writing within 1 month of mineral extraction operations ceasing.

### Approved Plans

4. The development hereby approved shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:
  - 2636-4-4-3-Fig.2-S4-P6, titled: 'Existing Conditions';
  - 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction';
  - 2636-4-4-2-1-DR-0003-S4-P8, titled: 'Phases 3 and 4 Extraction';
  - 2636-4-4-2-1-DR-0004-S4-P8, titled: 'Phases 5 and 6 Extraction';
  - 2636-4-4-2-1-DR-0005-S4-P8, titled: 'Phases 7,8 and B Extraction';
  - 2636-4-4-2-1-DR-0006-S4-P9, titled: 'Phase 9 Extraction';
  - 2636-4-4-2-1-DR-0007-S4-P9, titled: 'Proposed Restoration';

Date 8 November 2022

S. Jones.

County Hall  
Worcester WR5 2NP

Proper Officer

*Note: This permission refers only to that required under the above Acts and Regulations and does not include any consent or approval under any other enactment, byelaw, order or regulation.*

- 2636-4-4-2-1-DR-0008-S4-P2, titled: 'Overburden Depth Isopachyte';
- 2636-4-4-2-1-DR-0009-S4-P2, titled: 'Mineral Depth Isopachyte';
- 2636-4-4-2-1-DR-0010-S4-P1, titled: 'Bridge Detail';
- 2636-4-4-2-DR-0011-S4-P1, titled: 'Site Location';
- 2636-4-4-2-1-DR-0012-S4-P2, titled: 'Borehole Location Plan';
- 2636-4-4-2-1-DR-0013-S4-P4, titled: 'Proposed Plant Site Cross Sections';
- 2636-4-4-2-2-DR-0014-P3, titled: 'Cross Section – Interceptor Ditch';
- 2636-4-4-2-1-DR-0015-P5, titled: 'Plant Site Details';
- 2636-4-4-2-1-DR-0016-P3, titled: 'Plant Site Elevations';
- 2636-4-4-2-1-DR-0017-P2, titled: 'Proposed Pipeline Crossing';
- 2636-4-4-2-1-DR-0018-P2, titled: 'Proposed Bridleway Crossing Detail';
- 2636-4-4-2-1-DR-0019-P2, titled: 'Bridleway, Common Land and Haul Route';
- 2636-4-4-2-1-DR-0020-P1, titled: 'Common Land Designation';
- 2636-4-4-2-1-DR-0021-S4-P3, titled: 'Tree Protection Plan';
- 2636-4-4-2-1-DR-0022-P1, titled: 'GCC Cross Sections';
- 2636-4-4-2-1-DR-0023-P1, titled: 'Towbury Hillfort SAM Sections'; and
- 2636-4-4-2-1-DR-0024-P1, titled: 'Flexible Working Area A Restoration Cross Section'.

#### Extraction Boundary

5. Notwithstanding the submitted details, no soil stripping operations shall take place until a drawing showing the limit of mineral extraction has been submitted to and approved in writing by the Mineral Planning Authority. The limit of mineral extraction shall exclude land underneath the eastern soil screening bund. Thereafter, the development shall be carried out in accordance with the approved details.

#### Waste Acceptance

6. No waste materials other than those defined in the application or stipulated by conditions(s) attached to this permission shall be imported to the site.
7. Inert waste material that is imported for the purpose of infilling and restoration purposes shall consist of uncontaminated or treated sub-soils and construction, demolition and excavation waste such as but not limited to: concrete, bricks, tiles, and ceramics that will not undergo any physical, chemical or biological transformations of significance and will not give rise to environmental pollution or risk harm to human health as a result of coming into contact with other matter.

#### Phasing and Restoration

8. 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: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction'; 2636-4-4-2-1-DR-0003-S4-P8, titled: 'Phases 3 and 4 Extraction'; 2636-4-4-2-1-DR-0004-S4-P8, titled: 'Phases 5 and 6 Extraction'; 2636-4-4-2-1-DR-0005-S4-P8, titled: 'Phases 7,8 and B Extraction'; and 2636-4-4-2-1-DR-0006-S4-P9, titled: 'Phase 9 Extraction', except where otherwise stipulated by conditions attached to this permission.

#### Working Hours

9. Except in emergencies, all operations and uses on the site including the running of any plant or machinery, shall only take place between 07:00 to 18:00 hours Mondays to Fridays, inclusive, and 07:00 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.

#### Design

10. Notwithstanding the submitted details, prior to the construction of the overland and radial conveyors, as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction', detailed design drawings of the conveyors including dimensions, materials, colour and finishes, 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.

#### Highways

11. No development shall commence until planning permission has been obtained for access to and from the site via the haul road and access onto A38 as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction'.
12. Access to and from the site shall only be gained via the haul road and access onto A38 as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction'.
13. Prior to the commencement of mineral extraction, a Geotechnical Assessment shall be submitted to and approved in writing by the Mineral Planning Authority, in consultation with National Highways. The Geotechnical Assessment must demonstrate that:
  - i. The side slope of the excavation does not undermine the M50 Motorway in the short or long-term;
  - ii. The inspection regime for the edge of the excavation adjacent to the M50 Motorway and procedures for addressing any stability issues are identified and agreed with National Highways; and
  - iii. The dewatering and lowering of the groundwater table during excavation does not undermine the M50 Motorway or the adjacent Bow Lane bridge structure.

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

#### Boundary Treatment

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

### CCTV

15. Details and locations of any Closed-Circuit Television (CCTV) to be installed at the site shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. Thereafter, the development shall be carried out in accordance with the approved details.

### Topographical Survey

16. During the 12th month following the commencement date for mineral extraction as notified under Condition 2 Part iii of this permission, a topographical survey of the application site as shown edged red on approved drawing numbered: 2636-4-4-2-DR-0011-S4-P1, titled: 'Site Location', shall be carried out and the resulting data submitted to the Mineral Planning Authority within 2 months from the date the survey was carried out. Every 12th month thereafter, a topographical survey of the site as shown edged red on approved drawing numbered: 2636-4-4-2-DR-0011-S4-P1, titled: 'Site Location' shall be carried out and the resulting data shall be submitted to the Mineral Planning Authority within two months of the survey date. Supplementary topographical surveys shall be undertaken upon the written request of the Mineral Planning Authority and submitted to the Mineral Planning Authority within 2 months of such a request. Each topographical survey shall be submitted to the Mineral Planning Authority at a scale of 1:1250, with all levels related to Ordnance Datum. Each topographical survey shall include the extent of land open for quarrying or undergoing restoration and include quarry floor levels. The requirement to undertake an annual topographical survey of the site shall cease upon the expiration of this permission, as set out in Condition 3 of this permission.

### Water Environment

17. Prior to the commencement of the development hereby approved, a scheme to monitor ground and surface water features (including but not limited to springs, boreholes, and wells) shall be submitted to and approved in writing by the Mineral Planning Authority in consultation with the Environment Agency, having regard to the approved 'Water Environment and Flood Risk' section of the Environmental Statement, Revision P2, dated 31 October 2019, and section 12: 'Water Environment' of the Environmental Statement Regulation 25 Addendum, Revision P2, dated 7 August 2020, and 'Bow Farm Sand and Gravel Quarry Development Hydrogeological and Hydrological Impact Assessment and Flood Risk Assessment undertaken by GWP Consultants, Report Ref: 190714, Version v.02, dated 27 August 2019. The scheme shall include: frequency and location of monitoring boreholes; method and nature of sampling. Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme.
18. If the monitoring scheme approved under Condition 17) of this permission, shows any adverse risk of deterioration to the water features then extraction shall cease until proposals: to investigate the cause of deterioration; to remediate any such risks; and to monitor and amend any failures of the remediation undertaken, have been submitted to the approved in writing by the Mineral Planning Authority, in consultation with the Environment Agency. Thereafter, the development shall be carried out in accordance with the approved details.
19. Prior to the commencement of development hereby approved, a scheme for flood storage compensation including flood risk betterment (post scheme) and improvements to flood flow, in accordance with the approved 'Bow Farm Sand and Gravel Quarry Development Hydrogeological and Hydrological Impact Assessment and Flood Risk Assessment undertaken by GWP Consultants, Report Ref: 190714, Version v.02, dated 27 August 2019, including Appendix 13: 'Floodplain Storage Compensation Assessment' and accompanying drawing numbered: Appendix 13.1, Version B, Drawing Ref: BOWFHIA1907, shall be submitted to and approved in writing by the Mineral Planning Authority in consultation with the Environment Agency. Thereafter, the development shall be carried out in accordance with the approved scheme.
20. Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have 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.
21. No works in connection with site drainage shall commence until a Sustainable Drainage Systems (SuDS) Management Plan 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 Mineral Planning Authority. The Management Plan shall also 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 agreed terms and conditions and shall be managed and maintained in accordance with the approved Management Plan and thereafter.
22. Flexible Working Areas A and B as shown on approved drawing numbered: 2636-4-4-3-Fig.2-S4-P6, titled: 'Existing Conditions' shall not be dewatered.
23. 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.
24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bundled compound shall be at least equivalent to the capacity of the tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank or vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.
25. Prior to the commencement of the development hereby approved, details of pollution control measures, including pollution incident response procedures 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.
26. Repair, maintenance and fuelling of vehicles, plant and machinery shall only take place on an impervious surface drained to a sealed interceptor and the contents of the interceptor shall be removed from the site.
27. Notwithstanding the submitted details, prior to the construction of the bridges, as shown on approved drawing numbered: 2636-4-4-2-1-DR-0002-S4-P9, titled: 'Initial Works and Phase 1 Extraction', the detailed design of the bridges, including surfacing details, materials, colour and finishes 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.

### Lighting

28. No external lighting shall be installed on the part of the application site falling within the administrative boundaries of Worcestershire, as detailed at paragraph 7.5 of the approved 'Ecological Impact Assessment', Revision P2, dated 6 November 2019.

### Noise and Vibration

29. Notwithstanding the submitted details, no soil stripping operations shall take place until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Mineral Planning Authority, which shall include a scheme for noise and vibration monitoring. Thereafter, the development shall be carried out in accordance with the approved scheme.
30. The noise attributable to mineral operations from the site shall not exceed the levels set out below at the receptor locations identified in approved Appendix 5: 'Noise and Vibration Response and Noise Management Plan – NVC Ltd', dated July 2020 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2020, as updated by Appendix 5: 'Noise Response', dated May 2021 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2021, when measured in terms of an LAeq 1-hour level (free field), as measured at a point closest to the noise source with the microphone at a height of 1.2 metres above ground level:
- Silvermead (North): LAeq, 1-hour 55dB;
  - Bow Farm: LAeq, 1-hour 54dB;
  - Puck Cottage, Bow Cottage, Bowfields, Threshing Bow, The Bow (East): LAeq, 1-hour 54dB;
  - Bowbridge Cottage, Scarecrow Stables, Dadsley Cottage (East): LAeq, 1-hour 54dB
  - Puckrup Lane (Puckrup Hall): LAeq, 1-hour 53dB;
  - Fairfield Bungalow: LAeq, 1-hour 55dB;
  - Twyning Farms and Owls End (South-East): LAeq, 1-hour 54dB;
  - Redpools Farm (South): LAeq, 1-hour 55dB;
  - Windmill Tump and Bushley Green (South-West): LAeq, 1-hour 53dB;
  - The Stall, Bredon School, and Church End Farm (West): LAeq, 1-hour 54dB; and
  - Far End / Church End Nursery: LAeq, 1-hour 55dB.
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 approved Appendix 5: 'Noise and Vibration Response and Noise Management Plan – NVC Ltd', dated July 2020 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2020, as updated by Appendix 5: 'Noise Response', dated May 2021 of the 'Environmental Statement – Regulation 25 Addendum', Revision P2, dated August 2021, shall not exceed 70dB LAeq 1-hour (free field), as measured at a point closest to the noise source with the microphone at a height of 1.2 metres above ground level. Such temporary operations shall not exceed a total of 8 weeks duration at any of the identified receptor locations in any continuous 12-month period. 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.
32. Within 21 days from receipt of a written request from the Mineral Planning Authority, the operator shall, at its expense, employ an independent qualified acoustic consultant to assess the noise impact from the development hereby approved upon the nearest sensitive properties. The scope, methodology and timescales for delivery of the noise assessment shall be agreed in writing with the Mineral Planning Authority before assessment begins. Thereafter, the noise assessment shall be completed in accordance with the agreed scope and shall be presented to the Mineral Planning Authority within the timescales for delivery.
33. Upon receipt of the independent consultant's noise assessment by the Mineral Planning Authority required under Condition 32) of this permission, including all noise measures and any audio recordings, where the Mineral Planning Authority is satisfied of an established breach of noise limits set out in the Conditions 30) and / or 31) of this permission, and upon notification by the Mineral Planning Authority in writing to the quarry operator, the quarry operator shall within 21 days propose a scheme of mitigation for the written approval of the Mineral Planning Authority. The scheme of mitigation shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. Thereafter, the scheme shall be implemented in accordance with the approved details.
34. Notwithstanding the submitted details, no soil stripping operations shall take place, until the detailed design of the soil screening bunds as shown on approved drawing number: 2636-4-4-2-1-DR-0002-S4-P8, titled: 'Initial Works and Phase 1 Extraction' 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 and soil screening bunds shall be constructed prior to mineral extraction taking place within the application site within the administrative boundaries of Worcestershire.
35. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times, and this shall include the fitting and use of silencers. Except for maintenance purposes, no machinery shall be operated with its covers either open or removed.
36. All mobile plant and machinery used on the site shall incorporate white noise reversing warning devices.
37. Internal roads shall be maintained such that their surface remains in a good condition free of potholes or other defects.
38. No soil stripping operations shall take place until a scheme to monitor vibrations has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include: method, nature, frequency, duration and locations of monitoring, trigger levels and contingency and mitigation proposals should a trigger level be breached. Thereafter monitoring shall be carried out in accordance with the approved scheme.

### Dust

39. The development hereby approved shall be carried out in accordance with the approved 'Dust Management Plan – Proposed Quarry at Bow Farm', Revision D, dated 8 December 2021.
40. Notwithstanding the provisions of Condition 39) of this permission, the following measures shall be undertaken to suppress dust emissions on the site arising from all operations, including vehicular movements, mineral extraction, infilling operations and restoration:
- i. The provision of a water bowser and spraying units which shall be used at all times when there is a risk of dust arising from operations at the site;
  - ii. All plant vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground; and
  - iii. There shall be a maximum speed limit of 10mph within the site.

41. No soil stripping operations shall take place, until a scheme for continuous dust monitoring has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include: method, nature, frequency, duration and locations of monitoring, trigger levels and contingency and mitigation proposals should a trigger level be breached. Thereafter monitoring shall be carried out in accordance with the approved scheme.

#### Archaeology

42. No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions and:
- i. The programme and methodology of site investigation and recording;
  - ii. The programme for post investigation assessment;
  - iii. Provision to be made for analysis of the site investigation and recording;
  - iv. Provision to be made and timetable for publication and dissemination of the analysis and records of the site investigation;
  - v. Provision to be made and timetable for archive deposition of the analysis and records of the site investigation; and
  - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

#### Ecology

43. Prior to the commencement of the development hereby approved, a Biodiversity Mitigation Scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The Scheme shall be based on Sections 8, 9.1 to 9.4 and Appendix 5 of the approved 'Ecological Impact Assessment', Revision P2, dated 6 November 2019 and Sections 3.14 to 3.25 of the 'Detailed Restoration Proposals and Landscape and Ecological Management Plan', Revision P4, dated 17 December 2021. The Scheme shall be compiled by a suitably qualified ecologist and include method statements with details of further surveys, protection measures, translocation arrangements, timings of works, creation or enhancement of habitats and features, related aftercare management, monitoring, and contingency measures. The Scheme shall include (but not limited to) appropriate and precautionary method statements for:
- i. Roosting bats in trees;
  - ii. Badgers plus hedgehogs and polecats;
  - iii. Hedgerow, tree and ground nesting birds;
  - iv. Flora that will be lost;
  - v. Grass snakes and other reptiles;
  - vi. Otters;
  - vii. Other wild mammals;
  - viii. Any other legally protected or priority species that might be encountered (precautionary measures only);
  - ix. Buffer or stand-off zones for all retained hedgerows, trees, plantations and watercourses;
  - x. Checking of temporary bunds and stockpiles for protected species and their protection prior to bund or stockpile removal;
  - xi. Measures to control and prevent the spread of non-native invasive species;
  - xii. A work schedule of tasks (including a 10 year timetable and a long-term strategy for protected and priority species);
  - xiii. Monitoring and remedial or contingency measures; and
  - xiv. Ecological Clerk of Works responsible for implementation of the scheme.

Thereafter, the development shall be carried out in accordance with the approved details. Any significant modifications to the approved details for example as a result of a protected species licence being required must be submitted to and approved in writing by the Mineral Planning Authority.

44. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an updated 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.
45. The development hereby approved shall be carried out in accordance with the approved 'Arboricultural Report on Trees', dated December 2021 and drawing numbered: 2636-4-4-2-1-DR-0021-S4-P3, titled: 'Tree Protection Plan'. All protective structures installed shall be maintained until all works have been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree or hedgerow within or immediately bordering the application site.
46. A fish rescue shall be carried out in accordance with the approved 'Fish Rescue Strategy – Land at Bow Farm, Ripple, Worcestershire – Planning Applications 19/00048/CM and 19/0081/TWMAJM', dated 31 August 2022. This shall include a post flood event review undertaken by a specialist contractor to ensure voids are investigated and cleared of any fish.

#### Stockpiles

47. The height of any stockpiles shall not exceed 5 metres.

#### Soil Handling and Storage

48. The development hereby approved shall be carried out in accordance with the approved Soil Handling Strategy, Revision P4, dated 8 December 2021.
49. Soil handling and placement shall be carried out in accordance with 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.
50. Notwithstanding Condition 48) of this permission, soil handling and movement, including soil stripping and the construction of soil storage bunds shall not be carried out between the months of December to March inclusive.
51. All topsoil and subsoil shall be permanently retained on site and used in restoration. All available soil forming materials shall be recovered during excavation to achieve restoration of the site.
52. All topsoil, subsoil and soil forming materials shall be stored in separate bunds which:
- i. Shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;

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

53. 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.

#### Restoration

54. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed restoration scheme for the site, based on drawing numbered: 2636-4-4-2-1-DR-0007-S4-P9, titled: 'Proposed Restoration', shall be submitted to the Mineral Planning Authority for approval in writing. The detailed restoration scheme shall include:

- Final contour levels, with all levels related to Ordnance Datum and shall ensure the land is free from ponding and capable of receiving an effective artificial under-drainage system; and
- Final access arrangements, along with any ownership, tenancy, legal and funding mechanisms by which the long-term management will be secured.

The scheme shall be implemented as approved by the Mineral Planning Authority. Any significant modifications to the approved details, for example as a result of unforeseen circumstances, must be submitted to and approved in writing by the Mineral Planning Authority.

55. In the event that the winning and working of minerals ceases prior to the achievement of the completion of the approved restoration scheme referred to in Condition 54) of this permission which, in the opinion of the Mineral Planning Authority constitutes a permanent cessation, a revised scheme, to include details of restoration and aftercare, shall be submitted to the Mineral Planning Authority for approval in writing within 6 months of the cessation of the winning and working of minerals. The revised scheme shall be fully implemented within 12 months of being approved in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.

56. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Mineral Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed in writing with the Mineral Planning Authority prior to such soils being imported to the site.

#### Aftercare

57. The land within the application site shall undergo aftercare management for a 10-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority.

58. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, an updated outline aftercare scheme shall be submitted to the Mineral Planning Authority for approval in writing. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the approved restoration scheme, as required by Condition 54) of this permission. These steps shall include the following:

- i. Control of invasive species;
- ii. Timing and pattern of vegetation establishment;
- iii. Cultivation practices;
- iv. Management of soil, fertility and weeds;
- v. Drainage;
- vi. Irrigation and watering;
- vii. A timetable for undertaking the aftercare scheme; and
- viii. The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance.

59. A Detailed Aftercare Scheme shall be submitted within 6 months of the commencement of the development hereby approved. The approved scheme shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings.

#### Interpretation Strategy

60. 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, design, size, quantity and location of any interpretation panels and the timescales for their installation. Thereafter, the development shall be carried out in accordance with the approved details.

#### Permitted Development Rights

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

#### Other Matters

62. There shall be no crushing, screening, sorting or processing of any waste materials on the site.
63. No processing or treatment of mineral shall take place within the application site within the administrative boundaries of Worcestershire, as shown on approved drawing numbered: 2636-4-4-3-Fig.2-S4-P6, titled: 'Existing Conditions'.
64. The site shall not be open to the general public for commercial purposes.
65. No materials shall be burned on the site.

#### Local Liaison

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

#### Planning Permission

67. 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.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. To notify the Mineral Planning Authority when the development commences for development monitoring purposes.
- 3., 4., 5. & 16. For the avoidance of doubt and to assist with the monitoring of the planning permission.
6. & 7. To define the permission.
8. 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 9, 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 Policy SWDP 25 of the adopted South Worcestershire Development Plan.
9. & 65. 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 SWDP 31 of the adopted South Worcestershire Development Plan.
10. & 28. 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 SWDP 21, SWDP 25, and SWDP 31 of the adopted South Worcestershire Development Plan.
11. & 12. In the interests of highway safety, 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 SWDP 4 of the adopted South Worcestershire Development Plan.
13. In the interests of highway safety to ensure that the M50 Motorway continues to serve its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, Policy MLP 39 of the adopted Worcestershire Minerals Local Plan, Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 4 of the adopted South Worcestershire Development Plan.
14. To protect the visual amenity of the site, the environmental quality of the surrounding area, and Public Rights of Way, in accordance with Policies MLP 28, MLP 30, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 8, WCS 12, and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SWDP 21 and SWDP 25 of the adopted South Worcestershire Development Plan.
15. To minimise the risk of crime, in accordance with Policy SWDP 21 of the adopted South Worcestershire Development Plan.
17. 18. & 22. To prevent impact upon and deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991), in accordance with Policy MLP 37 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 31 of the adopted South Worcestershire Development Plan.
19. To ensure no impact upon flood flow and storage and provide flood risk betterment, in accordance with Policy MLP 38 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 28 of the adopted South Worcestershire Development Plan.

20. & 21. 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 SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan.
- 23., 24., 25. & 26. 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 Policy SWDP 31 of the adopted South Worcestershire Development Plan.
27. To reduce the risk of creating or exacerbating flooding, in accordance with Policy MLP 38 of the adopted Worcestershire Minerals Local Plan, Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 28 of the adopted South Worcestershire Development Plan.
29. 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 SWDP 31 of the adopted South Worcestershire Development Plan.
- 30., 31., 32., 33., 35., 36. & 37. 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 SWDP 31 of the adopted South Worcestershire Development Plan.
34. To control noise emissions, and to reduce the risk of creating or exacerbating flooding, in accordance with Policies MLP 28 and MLP 38 of the adopted Worcestershire Minerals Local Plan, Policies WCS 10 and WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policies SWDP 28 and SWDP 31 of the adopted South Worcestershire Development Plan.
38. To control 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 SWDP 31 of the adopted South Worcestershire Development Plan.
- 39., 40. & 41. 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 SWDP 31 of the adopted South Worcestershire Development Plan.
42. 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 SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.
43. To protect and conserve statutorily protected species at the site, in accordance with Policy MLP 31 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.
44. & 45. 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 9, 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 SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
46. To mitigate impact upon migratory fish and to protect fish which may become trapped in voids created from the extraction of sand and gravel, in accordance with Policy MLP 31 of the adopted Worcestershire Minerals Local Plan, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.
47. & 61. 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 Policy SWDP 21 of the adopted South Worcestershire Development Plan.
- 48., 49., 50., 51., 52. & 53. 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.
- 54., 55. & 56. To ensure satisfactory restoration of the site, in accordance with Policies MLP 7, MLP 9, 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 SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.
- 57., 58. & 59. To provide for aftercare of the restored site, in accordance with Policies MLP 7, MLP 9, MLP 31, and MLP 33 of the adopted Worcestershire Minerals Local Plan, Policies WCS 5, WCS 9, and WCS 12, and Policies SWDP 22 and SWDP 25 of the adopted South Worcestershire Development Plan.

60. 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 SWDP 6, SWDP 22, SWDP 24, and SWDP 25 of the adopted South Worcestershire Development Plan.
62. & 63. 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 SWDP 31 of the adopted South Worcestershire Development Plan.
64. 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 SWDP 4 of the adopted South Worcestershire Development Plan.
66. To protect the amenity of neighbouring residents and to ensure satisfactory restoration of the site.
67. 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 SWDP 31 of the adopted South Worcestershire Development Plan.

#### **Reason(s) for Approval**

The development falls within Schedule 1, Part 19 'Quarries and open cast mining where the surface of the site exceeds 25 hectares...' of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The submitted Environmental Statement, Non-Technical Summary, and other information submitted to the Mineral Planning Authority together with the further environmental information in respect of the Environmental Statement are considered sufficient to properly understand the proposals and assess their likely environmental effects.

As set out in the officer report to the Planning and Regulatory Committee relating to the determination of this application, in accordance with paragraph 11 c) of the National Planning Policy Framework (NPPF), development proposals that accord with an up-to-date Development Plan should be approved without delay. The Mineral Planning Authority has considered the development against the relevant policies in the Development Plan, in particular Policies MLP 1, MLP 3, MLP 7, MLP 9, MLP 14, MLP 15, MLP 26, MLP 28, MLP 29, MLP 30, MLP 31, MLP 32, MLP 33, MLP 34, MLP 35, MLP 36, MLP 37, MLP 38, MLP 39, and MLP 40 of the adopted Worcestershire Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32 and SWDP 33 of the adopted South Worcestershire Development Plan, and is considered to be broadly in accordance with the National Planning Policy Framework and the Development Plan.

At the time of the decision, Worcestershire County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its production guideline for sand and gravel set out in the Local Aggregates Assessment. The development will increase the landbank by approximately 1.69 years, equating to a landbank of approximately 5.31 years in total, which is substantially below the minimum landbank for at least 7 years for sand and gravel. It is considered the development will contribute towards Worcestershire's landbank for sand and gravel.

It is considered that the location of the development accords with the strategic locational policies of the adopted Worcestershire Minerals Local Plan, in accordance with Policies MLP 1 and MLP 3 of the adopted Worcestershire Minerals Local Plan.

It is considered that subject to the imposition of conditions (Conditions 20, 48 to 53, 58, and 59), that the development will not have an unacceptable adverse impact on soils and Best and Most Versatile agricultural land.

It is considered that the applicant's approach to the consideration of alternatives is acceptable in this instance.

The Mineral Planning Authority is satisfied that the development will not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of conditions (Conditions 11 to 14, 37, 40, and 64).

It is considered that subject to the imposition of conditions that there will be no unacceptable adverse air pollution and dust, (Conditions 39 to 41), noise (Conditions 29 to 38), vibration (Conditions 29 and 38) or lighting impacts (Condition 28) on residential amenity or that of human health.

It is considered that the development will not have an unacceptable impact upon the character and appearance of the local area, including the Cotswolds Area of Outstanding Natural Beauty National Landscape, and historic environment, subject to the imposition of appropriate conditions (Conditions 3, 8 to 10, 14, 16, 20, 21, 28 to 34, 39 to 41, 43 to 45, 47, 48, 54, and 57 to 61).

It is considered that the development will not have an unacceptable adverse effect on ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and will protect, conserve and enhance the application site's value for biodiversity, subject to the imposition of conditions (Conditions 9, 17, 18, 20 to 27, 29, 39, 43 to 46, 54, and 57 to 60).

The Mineral Planning Authority is satisfied that this application will not have an unacceptable adverse effect on the water environment, including flooding and the restoration scheme will result in flood risk betterment, subject to the imposition of conditions (Conditions 17 to 27).

The Mineral Planning Authority considered that the proposed restoration and aftercare schemes are acceptable, subject to the imposition of conditions (Conditions 54 to 60).

The Mineral Planning Authority considered that the development will provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF.

Given that the development will be well located close to the potential markets it would serve; located close to the primary road network; makes use of conveyors where possible to reduce dump truck movements across the site and thereby reduce vehicle emissions; includes on site recycling of water; the restoration scheme would make provision for Sustainable Drainage Systems; flood risk betterment; extensive habitat creation; and reinstatement

of Best and Most Versatile agricultural land. In view of this, the Mineral Planning Authority considered that overall, the development will contribute to achieving sustainable development and mitigating and adapting to climate change.

The submitted Environmental Statement and further environmental information in respect of the Environmental Statement considered cumulative effects, based upon the studies and content of the individual chapters within the Environmental Statement, the underlying conclusion is that there is no single topic or combination of issues which should objectively prevent the development from proceeding. The further environmental information in respect of the Environmental Statement also demonstrated that no significant adverse effects would arise from the simultaneous working of the development and the proposed Ripple East Quarry. The Mineral Planning Authority are satisfied that the development will not result in unacceptable adverse cumulative effects.

The Mineral Planning Authority is satisfied that the applicant engaged competent experts to prepare the submitted Environmental Statement.

The various benefits of the development are not significantly and demonstrably outweighed by the adverse impacts and overall, the proposals are considered to represent sustainable development.

The Mineral Planning Authority in reaching a decision to grant planning permission has taken into account all of the environmental information submitted with it and in support of the application and all of the consultation responses and third-party public representations received. Overall, it is considered that there will not be any major adverse effects that cannot be adequately mitigated. Where necessary, adequate mitigation to avoid and reduce any adverse effects including but not limited to water environment and flood risk, ecology, landscape and visual impact, noise and vibration, dust and air quality, transport and highways, archaeology and cultural heritage, soil resources and agricultural land classification, arboriculture, health and wellbeing and cumulative effects, have been secured through the use of the planning conditions, as referenced in the officer report and above, as appropriate attached to this permission.

The public had opportunities to participate in the decision-making process through statutory and non-statutory consultations, through neighbour notifications, Public Notices erected on site and in the surrounding area and published in a local newspaper circulating in the locality in which the land to which the application is situated, and on a website maintained by the Mineral Planning Authority. There were 6 rounds of public consultation in total taking place in December 2019 to January 2020; August 2020 to October 2020; April 2021 to May 2021; September 2021 to October 2021; January 2022 to February 2022; and June 2022 to July 2022. Public consultation was undertaken as appropriate in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and subsequent Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

In response to the planning consultations, 446 letters of representation were received by the Mineral Planning Authority (2 of which were received following the publication of the officer report), of which 66 were letters of support, 378 were objections and 2 made comments. These letters of representation commented on a number of matters including but not limited to adverse impact upon traffic, highway safety, public rights of way, residential amenity, health, historic environment, water environment, including flooding, biodiversity, agricultural land, business and tourism, common land, adverse noise and vibration, dust, air quality, visual impact and landscape character impacts, lack of need for the development, premature application as the emerging Worcestershire Mineral Site Allocations Development Plan Document has not been adopted, creation of jobs, minimal impact on highway network, need for the development, flood benefits, and restoration scheme would create wildlife habitat and support biodiversity. As set out above, where necessary, adequate mitigation to avoid and reduce any adverse effects have been secured through the imposition of conditions.

### **Positive and Proactive Statement**

Worcestershire County Council works positively and proactively in order to determine planning applications in an efficient and effective manner and in accordance with the presumption in favour of sustainable development, as described in the National Planning Policy Framework.

In dealing with the application the County Council has worked with the applicant in the following way:-

Planning Officers communicated all consultee responses and letters of representation in a timely manner in order to address any material planning concerns raised. Planning Officers acted positively and proactively in discussing the planning process with the applicant. In addition, the draft conditions were shared with the applicant to ensure a satisfactory outcome for the applicant and the Mineral Planning Authority.

### **Right to Challenge the Decision at the High Court**

The general public does not have a right of appeal as such in respect of planning decisions, although persons aggrieved may have the right to challenge such decisions in the High Court. This process is known as Judicial Review and is a means for challenging the administrative decisions of local planning authorities. It is not really concerned about the merits of the decision reached as long as the appropriate procedure has been followed in reaching that decision.

The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice and in any event within 6 weeks. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000). Further information on judicial review can be found on the web site of the Judiciary for England and Wales (<https://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review/>).

### **Informative Notes**

#### **Public Rights of Way**

The applicant must be aware of their obligations towards the Public Rights of Way as follows:

- a. No disturbance of, or change to, the surface of the path or part thereof should be carried out without the Highway Authority's written consent.
- b. No diminution in the width of the right of way available for use by the public.
- c. Buildings materials must not be stored on the right of way.
- d. Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- e. No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

- f. The safety of the public using the right of way is to be ensured at all times.

Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a public right of way during works the appropriate application should be made to the Public Rights of Way Mapping Team at Worcestershire County Council at least 8 weeks prior to the earliest requested closure date.

If it is necessary to divert / extinguish/create public rights of way in order for the development to take place, this should be completed to confirmation stage before any development affecting the public right/s of way is started.

#### Archaeology

A fee will be charged to the applicant for the provision of a Brief (an outline scope of works) for the archaeological work required and for the checking of any responding Written Scheme of Investigation (contractors detailed method statement) and archaeological reports required to facilitate discharge of the recommended conditions.

The applicant or their successor in title must contact the County Archaeologist (Emma Hancox, email: [EHancox@worcestershire.gov.uk](mailto:EHancox@worcestershire.gov.uk)) to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief. The Planning Advisory Section of the Worcestershire Archive and Archaeology Service will offer advice on all stages of the proceedings.

#### Salmon and Freshwater Fisheries Act

Fish capture should be through netting or electro-fishing.

- To facilitate fish capture, water levels may be drawn down to force fish into shallower water making capture easier.
- Any captured fish shall be moved to the River Severn or adjacent brooks if appropriate.
- Fish capture shall only be undertaken when oxygen levels are at the greatest levels and fish are less prone to stress.
- The Environment Agency should be consulted with respect to the proposed method and to determine the need for any consent.

Authorisation is required under S27 of the Salmon and Freshwater Fisheries Act to use instruments (Nets/electric fishing). It is noted that a specialist contractor will be employed. They should be made aware of the requirement for authorisation. They should be aware of appropriate techniques and the requirement for consenting purposes. Please contact the Environment Agency's Fisheries team via: [shhrwgfrg@environment-agency.gov.uk](mailto:shhrwgfrg@environment-agency.gov.uk).

#### Biodiversity

Should protected species be discovered on site all works in that area should halt immediately and a suitably qualified and experienced ecologist contacted and their advice implemented.

#### Geodiversity

If during extraction any rock or interesting sand and gravel exposures are uncovered, the applicant should inform Herefordshire and Worcestershire Earth Heritage Trust to arrange for the geology and features of interest to be recorded.

#### Land Drainage Act

Any proposals to alter existing, or construct new, culverts or carry out works in or on an ordinary watercourse will need Land Drainage Consent under Section 23 of the Land Drainage Act 1991 from South Worcestershire Land Drainage Partnership. Such consent will need to be granted prior to any works commencing on site as consent cannot be granted retrospectively. Failure to comply may result in enforcement action being taken under Section 24 of the Land Drainage Act 1991. South Worcestershire Land Drainage Partnership may also exercise powers to require works for maintaining flow of a watercourse where appropriate under Section 25 of the Land Drainage Act 1991 where the proper flow of water is impeded.

#### Appeal

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

#### Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.