



Planning Committee

Report of Head of Planning and Building Control on 25 April 2024

Plans List Item Number: 3

Reason for bringing to committee

Major Application: Significant Community Interest and Departure from the Unitary Development Plan

Application Details

Location: SANDOWN QUARRY, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL

Proposal: PLANNING APPLICATION FOR THE RESTORATION OF SANDOWN QUARRY THROUGH THE IMPORTATION OF 3,100,000M3 OF INERT/NON-HAZARDOUS MATERIAL OVER A 20 YEAR PERIOD, THE CONSTRUCTION OF A NEW SITE ACCESS AND ANCILLARY DEVELOPMENT. (SITE WITHIN THE PUBLIC RIGHTS OF WAY ALD1)

Application Number: 23/0120

Case Officer: Ann Scott

Applicant: Mr Richard Lord

Ward: Rushall-Shelfield

Agent: Mrs Sian Hayle

Expired Date: 01-May-2023

Application Type: County Matters: Waste Application

Time Extension Expiry: 03-May-2024



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Recommendation:

Delegate to the Head of Planning and Building Control to grant planning permission subject to conditions and a Section 106 Agreement (to secure traffic calming, public right of way and ecological measures) and subject to:

- receiving satisfactory amendments to highway safety, ecology and amenity
- the amendment and finalising of planning conditions

Proposal

Planning application for the restoration of Sandown Quarry through the importation of an anticipated 3,100,000m³ of inert/non-hazardous material over a 20-year period, the construction of a new site access and ancillary development. (Site within the Public Rights of Way Ald1).

Site and Surroundings

The application site is situated on the Northern side of Stubbers Green Road adjacent to the Weinberger Brickworks and next to the Swan Pool a SSSI and is situated within the West Midlands Green Belt. The site is in an area at a low risk of legacy coal mining development. To the North of the site boundary is the Daw End Branch of the Wryley and Essington Canal and to the Southern side of the site across Stubbers Green Road is The Swag. The site is situated in flood zone 1 but is adjacent to Flood Zone 3 at highest risk of flooding and adjacent to Flood Zone 2 at medium risk of flooding as defined on the Environment Agency Flood Map for Planning.

There are no heritage assets in the vicinity of the application site. A public right of way ALD 1 runs around the perimeter of the application site but historically did exist within the site until it was excavated a diversion order was granted and the fenced off Public Right of Way runs around the site boundary to the North, West and Southwest corner of the application site.

The application has been submitted together with one for the importation of 100% of clay from the adjacent brickworks as the quarry is now largely worked with a minimal amount of clay left for extraction. The quarry therefore needs to be restored to ensure that the land is returned to a suitable original condition in accordance with the approval of the quarry and brickworks. The application to import 100% of clay to the brickworks has now been approved under the reference 23/0118.

Over time vegetation and trees have grown around the edge of the quarry mouth and created a tree and vegetation belt around the perimeter of the site. The depth of the quarry is presently 130 metres approximately. The quarry will be backfilled with non-hazardous materials mainly soils and some mixed materials that will not create any landfill gas or further decomposition. The application is accompanied by an

Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Relevant Planning History

23/0118 -Application under Section 73 for the removal of condition number 8 of Planning permission 15/0303/FL (which varied condition 14 of planning permission

08/1338/FL and condition 14 of BA17797P) to allow an increase in the limit of imported clays from 95% to 100%. Site within the Public Rights of Way Ald1) – Approved 14 September 2023.

15/0303/FL- application under section 73 for the variation of condition 14 of planning permission BA17797P, (as amended by 08/1338/FL) to allow an increase in the limit on the percentage of imported clays used in the production of bricks at the brickworks from 65% to 95% - Approved 08 September 2015.

08/1338/FL- vary Condition 14 of planning approval BA17797P to Allow Increase of Limit on Imported Clays from 49% to 65% - Approved 05 November 2008.

BA17797P- Erection of Brickworks – Approved 25 September 1986.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good

relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan - www.go.walsall.gov.uk

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocations Document
- Unitary Development Plan
- Walsall Town Centre Area Action Plan

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultation Replies

Natural England - No objection subject to conditions and a satisfactory mitigation scheme to be agreed with the LPA.

HSE – No comments to make.

Environment Agency – no objections.

Canal and River Trust – Concerns raised regarding the protection of the canal, ecological and visual impact of the proposal. Informative advised in regard to ensure any necessary consents are obtained in relation to the Code of Practice for works affecting the Canal and River Trust land.

Coal Authority – The site does not fall within the defined development high risk area and there are no objections. The Coal Authority Standing Advice is advised.

Highways- Concerns raised but accept the access to Stubbers Green Road is acceptable. Subject to the implementation of traffic calming measures to Stubbers Green Road and the relocation of the bus stop.

The submitted Traffic Calming Scheme at The Swag is acceptable in principle however the following amendments are required:

- The northern build-out across the culvert relocated / extended to create the missing footway link.

- Highway drainage will need to be adjusted to prevent ponding at the build-outs.
- There is a system of street lighting along Stubbers Green Road and there the is legal requirement for the regulatory signs to diag. 615 & 615.1 to be illuminated which is not shown on the plans.
- Signs to diagram 811A (Priority over oncoming vehicles) should be provided to face traffic approaching from the other direction’.

Ecology – The restoration proposals should include the submission of a management and monitoring report and should include a description evaluation and features to be managed, aims and objectives, options for achieving aims and objectives, prescribed management actions, time frames, work schedule and plan, legal and funding mechanisms and long-term implementation of Section 106, ongoing remedial measures.

Trees/Landscape- Wishes to see existing trees retained and specification for the proposed landscaping works to be submitted and agreed.

Archaeological Officer- No objections, there are no archaeological implications relating to this proposal.

Severn Trent Water - No objections to the proposals and do not require a drainage condition to be applied. These comments only relate to the public wastewater network and does not include the representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Public Health – No objection.

Public Rights of Way – The proposed public rights of way specification for Footpath 1 Aldridge upon restoration as set out within 7.10 of the Phasing Plan dated January 2024 proposed culvert design drawing ref 3162-01-09 dated 09/02/24, are accepted subject to revisions to show:

- Proposed construction materials, including, confirmation of a compacted inert stone surface, wooden edgings and fixings.
- Drawings to show that upon restoration and installation of the culvert the 90m reinstated footpath and remaining footpath width between Stubbers Green Lane and the canal, will comprise a minimum 3m width. A minimum width of 3m is to enable inclusive access/ passing spaces and assist with maintenance access for a small mower/ tractor with flail.
- The 90m section of the footpath that will be affected by the settlement lagoon and reinstated is to be shown on drawings.
- Details of the proposed post and rail timber fence to be provided – this fencing must be suitable to ensure pedestrian safety adjacent to the new waterbody/areas of standing water.
- A cross section to show the proposed footpath in relation to the new settlement lagoon, swales and timber post and rail fencing.

The Footpath 1 Aldridge Monitoring and Maintenance Plan is accepted subject to updates to confirm:

- When safety issues with the footpath are identified (including any cracks, rutting, waterlogging, mud, flooding) they will be made safe by appropriate maintenance and/or safety fencing in the first instance, and the Public Rights of Way team will be notified of the occurrence and measures taken.
- Details of proposed maintenance of Footpath 1 Aldridge upon restoration and following cessation of the 20-year lease require clarification.

Neighbour and interested Parties Comments

46 comments received objecting to proposal for the following reasons:

- Highway safety
- Residential amenity
- Impact on wildlife
- Impact on ecology
- Inappropriate to visual amenity of the area
- Congestion/additional traffic
- Air quality
- Injury/potential death to wildlife/pedestrians from the increase in lorries using Stubbers Green Road.
- Already two landfills in the locality residents have been subjected to odours and a third landfill is not acceptable.
- Detrimental impact on wildlife and canal.
- Too close to the SSSI
- Site would be better to be converted to parkland for the local community.
- New landfill activities will spoil the environment of the sailing club nearby.
- Visibility not good on Stubbers Green Road.
- Speeding Vehicles an issue

Determining Issues

- Principle of development
- Green belt assessment
- Heritage assessment
- Cannock chase SAC and HRA
- Design, layout and character.
- Amenity of neighbours and future occupiers
- Highways
- Ecology and Biodiversity Net Gain
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Other key determining issues

Assessment of the Proposal

Principle of Development

The application site is on a 19.50 hectares parcel of land at Stubbers Green Road Aldridge. The application is accompanied by an Environmental Statement. The proposed development would fall within schedule 2 of the EIA regulations paragraph 11, (b) installations for the disposal of waste. The Development is therefore EIA development.

Paragraph 8 of the NPPF relates to achieving sustainable development and seeks to ensure that new development is sustainable in terms of the economy, social objectives and environmental objectives. Paragraph 10 provides for the presumption in favour of sustainable development. In terms of the location of the proposed development there are no objections in principle to the development for the restoration of the quarry in this location.

The site lies within the Green Belt as defined by SAD policy GB1. The site was originally vacant scrub land but has been in use as a worked clay extraction quarry since the late 1980's. The land has changed over time including the levels and thus the application seeks to restore the quarry and land back to a suitable condition with biodiversity enhancement at the core of the proposal. The original permission for the quarry was granted in September 1986 BA17797P and covered the brickworks and adjacent clay working areas, with conditions in relation to yearly working scheme, covering method, and sequence of areas to be worked and extraction, angles of slopes and excavated faces, planting of trees and shrubs for screening, stripping and storage of subsoils, topsoil and overburden and measures to minimise noise, dust and a programme of implementation. Together with restrictions on working in proximity to the Swan Pool. In principle the proposed development can be supported subject to satisfactory mitigation measures and appropriate access arrangements.

Green Belt Assessment

Para 142 of the National Planning Policy Framework seeks to ensure that the construction of new buildings in the Green Belt shall be regarded as inappropriate development, with a small number of exceptions. The application proposes limited buildings to facilitate the restoration of the quarry including a site office and facilities for the on-site staffing operation of the site. These buildings would be of a temporary nature and would not remain on the site once the restoration works are completed.

Paragraph 143. Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and 44 g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application is accompanied by a Planning Statement which identifies that the application site is situated within the Green Belt.

The restoration of the quarry will result in the land being restored to original condition to comprise of grassland/scrubland/vegetation and will incorporate drainage features to include a boggy area to facilitate the drainage of the land and balance drainage between the site and the adjacent SSSI. Bunding exists to the site boundary with the SSSI, and therefore it is anticipated that minimal impact will occur to the site and the SSSI in relation to drainage. The site will remain within the ownership of Wienerberger and will be leased by the applicants to carry out the restoration works. Once completed the land will be characterised by natural grassland, wetland and landscaping including the retention of the existing trees within the site. The proposal is considered to accord with the exceptions criteria of the National Planning Policy Framework and Policy GB1: Green Belt Boundary and Control of Development in the Green Belt of the Walsall Site allocation document. seeks to ensure that inappropriate development or where very special circumstances exist which clearly outweigh the potential harm to the green belt by reason of inappropriateness and any other harm.

The proposed restoration of the quarry is necessary to ensure that the site is put back to the condition it was prior to the excavation works in accordance with the original planning approval for the works to extract clay from the site.

Heritage Assessment

The Conservation Officer has no objections to the proposed restoration of the quarry.

The Daw End Branch Canal is a non-designated heritage asset and within an Area of High Historic Townscape Value. The AHHTV covers part of the Daw End Branch Canal (opened in 1800), which runs off from the Wryley and Essington Canal Extension at Catshill down to the Longwood Junction. Parts of the site are recorded on the Walsall historic environment record.

Para 209 of the NPPF States “the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

The proposed restoration of the quarry, new access and ancillary development would have minimal harm to the significance and setting of the Daw End Branch Canal.

The proposal accords with the Development Plan policies BCCC ENV2 (Historic Character and Local Distinctiveness) and SAD EN4 (Canals) and the NPPF revised December 2023 paragraph 209.

Design, Layout and Character

The proposed quarry restoration project is intended to create a grassland and wetland habitat to restore the site to its former condition prior to the quarrying operations to extract clay from the site. The existing site is now an area of land that has been excavated significantly from existing ground levels and the area of quarry void is approximately 19.5 hectares. The ground level of around the quarry is approximately 130m Above Ordnance Datum and the base of the quarry is approximately 90m Above Ordnance Datum.

The design of the completed site once backfilled with inert soils and crushed materials will encourage biodiversity habitats and wildlife to return to the site and will include a wetland area to act as a balancing/filter pond to ensure that water levels on the adjacent SSSI wetland area is not adversely affected by either significant increase or decrease in water levels. Presently water levels from the bottom of the quarry are pumped into a surface water settlement pond at the top of the site from accumulating if this did not continue then the existing quarried pit would fill up with groundwater. This would be potentially dangerous to the public and therefore pumping will still be required through the backfilling process. It is understood that the applicants have applied for an Environmental Permit to backfill the quarry from the Environment

Agency in particular this permit relates to the requirement to deposit and proposes approximately 35,000m³ of inert waste to facilitate the access road.

The Local Planning Authority has commented on the proposed licencing application which is dealt with under separate legislation from the planning legislation. There are no objections in principle to the granting of an environmental permit for the site subject to ensuring that there is no adverse impact on the existing wildlife and the adjacent SSSI Swan Pool and SWAG.

There are no objections in principle to the proposed restoration process set out in the submitted application. Amendments have been negotiated with the applicants to achieve an acceptable level of vehicular and pedestrian access to the site. Including work to the PROW ALD 1 which hugs the perimeter of the quarry to the South and West. Further changes have been requested to ensure that the Public Right of Way is maintained and fenced with timber post and rail boundary fencing and the section of the PROW around the SSSI area in particular to be surfaced with appropriate materials that are suitable around an area of sensitive nature conservation value.

The proposal is considered to accord with Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character

Amenity of Neighbours and Amenity of Future Occupiers

Near to the application site are residential properties and other established commercial premises, recreational and natural sites. The Daw End Canal Branch of the Wyrley and Essington Canal lies to the North of the application site with the existing brickworks run by the current landowners Wienerberger to the East of the site. The applicants for the site will have a long-term lease on the land to provide the restoration works. Regard has been taken to the likely impact of the backfilling process which is expected to take approximately 20 years and a further 2 years for the completion of the restoration works. Creation will last for the first two years after construction. as construction will end in 2045, A suggested period for these works commences in 2047 and runs to 2077.

The proposed highway works, and access mitigation measures proposed are negotiated to mitigate the impact of traffic generation to include traffic calming measures, to ensure the safety of other highway users, pedestrians and wildlife who all occupy space in and around the site including the links to the local and wider highway network and to ensure the existing amenities of surrounding properties are not adversely affected by the development.

A number of objections have been raised by third parties as set out in the responses section to this report. The main concerns relate to residential amenity, highway safety, traffic speed, congestion, additional traffic generation, air quality impact on wildlife, canal and ecology/SSSI. Impact on the nearby sailing club, odours, and noise.

The quarry backfilling works will be operated by strictly controlled hours of operation secured by a suitable planning condition. Works will only be carried out during the hours of operation for the backfilling which will be 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work will be conditioned on bank and public holidays to ensure that neighbouring residential sites are not adversely affected during public holidays. The Planning system recognises the following days as public holidays, Easter Monday, last Monday in May, Last Monday in August, 26 December if it is not a Sunday and the 27 December in a year which 25 or 26 of December is a Sunday.

The application subject to relevant conditions to secure the ecological and PROW mitigation measures, highway and traffic calming measures and in accordance with the submitted noise survey is considered to accord with the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

Highways

The Highways Authority have no objections in principle to the proposed new access and public right of way proposals. However further information has been requested to demonstrate the proposed new access, and related traffic calming scheme/bus stop relocation are to be undertaken to the satisfaction of the Highway Authority. The final details of these works will be secured by a Section 278 agreement, but for the purpose of ensuring that the proposed traffic calming and associated highway works can be secured in the Section 106 the LPA have requested a drawing to demonstrate the extent of the proposed works and the position of the relocated bus stop. This is in order to secure a zone of influence for the proposed works to the highway which can be attached to the section 106 agreement. The same information is required for the public right of Way to secure the zone of influence for the proposed works to the PROW to secure via the section 106 agreement. Subject to the amendments set out in relation to the proposed traffic calming and associated works to the highway, relocation of the bus stop and the proposed works to fence and surface the public right of way ALD 1 the application is considered to accord with the considered to accord with "saved policies" T7 - Car Parking, T13: Parking Provision for Cars, Cycles and Taxis, and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New

Development and the Revised National Planning Policy Framework Chapter 9 Promoting sustainable transport, paragraphs 114, 115 and 116.

Ecology and Biodiversity Net Gain

The Ecology Officer has no objections in principle to the proposal but seeks amendments and clarification of the following points.

The habitat management and maintenance plan are to last 30 years. In relation to a timeframe for these works it is recommended that the following timescale would be acceptable in principle. Creation will last for the first two years after construction. as construction will end in 2045, A suggested period for these works commences in 2047 and runs to 2077. Monitoring is stated to be held at minimum of 5-year intervals and the ecologist recommends this as the timeframe.

The Ecologist also advises the following: New information has been provided by the consultant within the Construction and Ecological management Plan (CEMP) that has provided commitment by the applicant to ensure that the tree loss will be minimised and replaced at 1 to 3 ratio upon completion of the development. The ditch will be regularly inspected to ensure it remains free of debris throughout the 20-year period. A timescale for the inspection of the ditch should be provided in the revised CEMP to ensure that this work is carried out in accordance with the agreed timescales.

Following consultation with the applicant it is understood that the proposed access road can be altered due to gradient issues. However, with the retention of the existing bunding and pollution control measures outlined within the CEMP measures have been put in place to avoid and minimise any potential risk. In addition, it is understood that by phase 6 the gradients of the site will allow for the access road to relocation, further to east. Should this be secured and implemented the ecologist has no further concerns.

The ecologist has raised concerns that the CEMP now includes an additional access track that will bring vehicles further into and adjacent to the SSSI area. This track is identified as Bulldozer and Excavator Access route and outlined within Appendix B site layout and traffic management plan. To bring in an additional trackway at this stage of consultation is disappointing especially considering its location the applicant has been advised to delete this this access track from the CEMP proposals and advised that the proposed two-way restoration Access Route proposed is utilised for these types of vehicles.

Subject to the proposed amendments to remove the access track for site excavation vehicles and clarification/justification for the proposed location of the balancing waterbody the application is considered acceptable subject to the amendments requested. In accordance with the proposal is considered to accord with the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature

conservation and new development) and the revised National Planning Policy Framework 2023 Chapter 15 Conserving and enhancing the natural environment.

Flood Risk / Drainage

The site is situated in flood zone 1 but is adjacent to Flood Zone 3 at highest risk of flooding and adjacent to Flood Zone 2 at medium risk of flooding as defined on the Environment Agency Flood Map for Planning.

The application is accompanied by a surface water management plan and also additional information has been provided in support of the proposed means of drainage. There are no objections in principle to the proposed development from the LLFA or Severn Trent Water Authority. The Canal and River Trust advised that if there is to be any discharge of surface water to the canal then the applicant will require a licence from the Canal and River Trust. In terms of surface water management for the proposed restoration, further details of the means for the provision of a balancing area to ensure that the site does not adversely affect the SSSI pond adjacent to the site. In addition, the site already uses a lagoon adjacent to the Swan Pool SSSI and pumps surface water that accumulates into the lagoon. It is understood that the site owners Wienerberger have a licence from the Environment Agency to discharge accumulated water to the lagoon. The licence also controls any water quality from the discharge of surface water and the applicant intends to share any licencing information and water quality checks to the LPA to ensure that the nearby watercourses are not affected by any pollution or contamination from the discharge of surface water. Discharge is necessary to ensure that the quarry does not fill with water from run off and rainfall within the site and from any nearby areas around the site.

The proposed development is considered to be acceptable in terms of flood risk and drainage and the proposal subject to conditions in respect of the above is considered to accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Chapter 14 of the revised NPPF December 2023.

Trees / Protected Trees

There are no protected trees within the site boundaries. The existing trees/hedging and vegetation is to remain as much as possible and further details of landscaping and native species should be provided and secured by conditions. The tree officer has no objection in principle but wishes to see the existing trees remain. In accordance with the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees, and Hedgerows) and ENV23 (Nature conservation and new development) and Chapter 15 of the revised National Planning Policy Framework Conserving and enhancing the natural environment.

Ground Conditions and Environment

The application site is in an area at low risk of coal mining activity. No further investigation is considered necessary. There are no objections from the Coal Authority. Standing advice is advised. The proposal is considered to accord with "Saved" Unitary Development Plan Policy ENV10: Pollution and The Black Country Core Strategy ENV8 Air Quality.

Planning Obligations

A Planning Obligation to secure the policy requirement for the Ecological Construction Management and maintenance Plan and access and highway traffic calming and improvement works required which can be secured by a Section 106.

In accordance with the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework 2023.

Other key determining issues

Air Quality

Regarding the above application and air quality, Environmental Protection Officers have no significant concerns regarding pollution levels at the proposed site and the application is accompanied by an air quality assessment. With reference to the adopted Black Country Air Quality Supplementary Planning Document (SPD). The Environmental Protection advise that conditions are necessary to ensure that wheel washing facilities and sweepers are provided to ensure that if there is any site drag out of mud and debris and ensure that materials do not enter nearby drains. Conditions are advised however these are addressed in the submitted Ecological Environmental Management Plan as details are provided to address the matters raised in relation to contamination, air pollution and dust. In addition, the site will be covered by a Waste Management Licence by the Environment Agency who will require this type of operation to provide this as part of the waste management licence agreement. There is therefore no need for a duplication of this by conditions. In addition, a dust and emissions report is provided with the submission to advise on how dust will be managed during the restoration and remediation works.

Noise

The application is accompanied by a noise report to address the impact of noise regarding the proposed development. The Environmental Health Officer has not raised any concerns regarding the noise impact of the proposed restoration works on the surrounding area. Further information is provided regarding mitigation measures during the restoration backfilling. In relation to residential amenity of existing and future occupiers of nearby residential properties and surrounding premises. Works will only be carried out during the hours of operation for the backfilling which will be 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. It is considered that a suitable planning condition to secure these hours should include no work to allow deliveries to customers for backfilling of waste on Bank or Public Holidays. To protect the residential amenities of nearby occupiers in the vicinity of the application site.

The findings of the submitted noise survey included a sound survey of the vicinity of the application site to determine the existing representative sound levels and provide a baseline for any mitigation measures. Account has been taken in the noise report in relation to Planning Policy Guidance on Minerals and the relevant identification of any necessary noise controls. In addition, account has been taken of the following documents WHO Guidelines for Community Noise 1999. DOT Calculation of Road Traffic Noise 1988. ISO 9612 1996 Acoustics. The NPPF 2021 which was relevant at the time of submission and the Noise Policy Statement for England 2010.

The proposal is considered to accord with the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

Geology and Hydrology

The application is accompanied by a geology and hydrogeology report to address the potential environmental impacts on geology and hydrogeology and ground conditions.

The proposal sets out the infilling stage and surface restoration and advises that the stockpiling of the remains of the clay being stockpiled on the adjacent Wienerberger site will not have any potential impact on the geological and hydrogeological conditions of the quarry.

The report considers ground conditions, chemical properties of the ground, groundwater quality, ground water flow direction, surface water quality, surface water flows.

The restoration of the site will require an environmental permit for waste recovery to facilitate the works including the access road and then will utilise waste soils and inert wastes that are geotechnically suitable for disposal and backfill on the site and none that will create any landfill gas. The site will be infilled commensurate with existing ground levels around the perimeter of the site is 130m AOD and to the southeast of the quarry adjacent to the brickwork storage yard levels will be 133 AOD.

As discussed in the drainage section of the report a balancing area to ensure water levels across the site does not adversely affect adjacent land.

The proposal is considered to accord with saved Walsall Unitary Development Plan Policy GP2 (Environmental Protection).

Conclusions and Reasons for Decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. Officers have worked with the applicant/agent to overcome the concerns regarding highway safety, ecology and amenity and the application is supported subject to the securing the traffic calming measures, a Construction Ecological Management Plan and the provision of satisfactory mitigation measures to public right of way via a section 106. The Local Planning Authority has worked positively and creatively with the applicant and have as a result secured negotiated amendments.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding highway safety, ecology and amenity amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Delegate to the Head of Planning and Building Control to grant planning permission subject to conditions and a Section 106 Agreement (to secure traffic calming, public right of way and ecological measures) and subject to:

- receiving satisfactory amendments to highway safety, ecology and amenity
- the amendment and finalising of planning conditions

Conditions and Reasons

1. Time Limit

This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Approved Plans

The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Site location plan received
- Surface water management plan received 12 October 2023
- Phasing drawings 1-4, 5-8, 9-12, 13-16, 17-20 Revision B received 9 February 2024.
- Landscape restoration scheme received 9 February 2024.
- Public Right of Way monitoring and maintenance Plan received 9 February 2024.
- Phasing plan Dated January 2024 received 9 February 2024.

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. Hours of operation.

The development hereby permitted shall not be open to customers or for backfilling deliveries of waste otherwise than between the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 Saturdays, with no opening for customers for the backfilling deliveries of waste on Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

Notes for Applicant

1.The following days are defined as bank/pubic holidays. Easter Monday, last Monday in May, Last Monday in August, 26 December if it is not a Sunday and the 27 December in a year which 25 or 26 of December is a Sunday.

END OF OFFICERS REPORT