

# **BROMSBERROW PARISH COUNCIL**

## **Draft MINUTES**

**7.00pm on Thursday 11th April 2024 at Bromsberrow Village Hall**

**1. Present:** Cllr Robin Launders (Chair), Cllr Roxanne Shayle Cllr Chris Neville, Cllr John Stephens, and fifteen members of the public.

**Apologies received:** FoDDC Cllr Philip Burford and GCC Cllr Gill Moseley

**2. Declaration of interests:** As agreed at the 20th June 2023 meeting the Clerk duly granted dispensation to all councillors to enable discussion of Quarry activity matters, progress of the ROMP and Parish Council Responses of this agenda and at subsequent meetings covering the same topic for the next two years. No other items declared.

**3. Appointment of Clerk to the Parish Council:** Cllr Shayle queried whether the meeting could proceed without a clerk. Cllr Launders said that the parish council had held meetings in the past without a clerk, but Cllr Shayle said that the council could not legally hold meetings without a clerk. Cllr Launders offered to act as clerk to the meeting, but Cllr Shayle said that the Chairman was expressly forbidden from acting as clerk by the Local Government Act. Cllr Launders therefore asked Cllr Neville to act as clerk for the purposes of the meeting.

Cllr Launders invited Cllr Neville to update the meeting on progress. Cllr Neville explained that he and Cllr Launders had interviewed a person for the post of Clerk and that they considered him to be a suitable candidate for the post. Their recommendation to the Council was that he should be appointed. Cllr Launders added that had taken up two verbal references; one of which was from his current employer. Both references reflected well on the candidate. The Council voted unanimously to offer the position to Daniel Hinde. Cllr Launders asked Cllr Neville to send the offer of employment to Mr Hinde by email and in writing.

**Action:** Cllr Neville to send employment contract to Mr Hinde

**4. Planning – Quarry:** Cllr Launders opened the discussion by explaining that the purpose of the meeting was to establish what the parish council would say in response to Gloucestershire County Council's consultation on the ROMP. He explained that the Review of Old Mineral Provisions (ROMP) was a legal requirement. It was for the operator of the quarry to put forward conditions and for the County Council to determine them. If the County Council were to

restrict the operator from winning mineral provisions relative to the old conditions they would have to compensate the operator, but this would not apply in respect of restoration.

Cllr Launders circulated a table provided by the operator (entitled Cubic metres and dates from table 3.1 HRA of 31Jan2024). It showed that up to February 2032 there was a further 155,000 cubic metres of sand to be excavated, equating to 403,000 tonnes and 40,300 vehicle movements. For the infill the prediction was 174,200 vehicle movements between now and November 2044. The two together come to 214,500 vehicle movements. On an average day there would be 20 vehicles movements out and 30 vehicle movements in.

Cllr Launders explained that the site has to be restored to amenity land, although amenity land did not necessarily mean that it would be open for public access. He said that the ROMP was announced in July 202, when the parish council provided comments, together with other statutory consultees. The County Council has now published a new set of conditions for the quarry, with a deadline for comment of 16<sup>th</sup> April 2024.

Some of the parish councillors had made comments individually via the planning portal. Cllr Launders explained that he had incorporated his own comments with those of Cllrs Neville and Shayle into a spreadsheet, which he had circulated to councillors prior to the meeting, and he tabled paper copies for members of the public who were present. A copy of that spreadsheet is attached to these minutes as Appendix 1, detailing the exact comments that were approved by the council in response to the revised conditions published in the ROMP consultation.

Attached as Appendix 2 to these minutes is a simplified version of Appendix 1, listing the subject headings of the comments. The heading 'Notes' next to certain subject headings indicates that members of the public made comments which the council supported and endorsed on behalf of the members of the public. Those comments are contained in Appendix 3 to these minutes.

**Condition 11. No excavation of minerals as part of the development hereby approved shall take place below a depth of 36m AOD.**

Cllr Launders said that he had tried to group comments into common themes and topics, but he believed that the most significant new condition was the fact that the new conditions would raise the maximum depth of the quarry floor from 32 metres above sea level to 36 metres above sea level. This represents 4 metres less depth.

He added that the water produced from the aquifer beneath the floor of the quarry has regional importance, given that it supplies more than 26,000 properties in Malvern: if it were to be contaminated it would be a disaster. The operators propose to protect the aquifer with a 1-metre-deep clay liner before infilling with inert materials. The meeting agreed to support the proposed Condition 11.

### **Construction of 3.5 metre perimeter bund.**

Cllr Landers said that in the documents referred to by the proposed conditions, one entitled 'Proposed Site Layout 02.11.23', shows a 3.5-metre-high bund along Beach Lane and Bell Lane. Despite the reduction in the depth of the quarry floor, the overall predicted volumes had not changed. Cllr Landers believed this to be due to the creation of the bunds, which would enable the operator to infill an amount of material equivalent to the amount lost by the reduction in the quarry's depth. This would mean that the number of vehicle movements would not be reduced. The meeting agreed to object to the construction of a 3.5-metre-high bund because it would result in greater volumes of material being deposited in the quarry.

**Condition 10 Except in emergencies, no operations authorised by this permission, including the running of any plant or machinery, shall take place within the Site outside the hours of 07:00 hours to 18:00 hours Mondays to Saturdays inclusive. There shall be no operations on the Site at any time on Sundays or Public Bank Holidays. The Mineral Planning Authority shall be notified in writing of the time, date and duration of any emergency occurrence within 48 hours of such event taking place.**

Cllr Landers explained that the current planning conditions for the quarry do not contain limitations on when the quarry can operate. The proposed hours of operation are contained in Condition 10. Cllr Neville read out the response that he had made to the consultation via the planning portal. *'The hours of operation appear to be too generous in favour of the operator. I live in Bromsberrow Heath, although not close enough to the site to be directly affected by it, however I have sympathy for the residents who live close to it, having to endure the noise, vibration and dust that arise from it. I do not think that the quarry should be allowed to operate on Saturdays, to allow residents living nearby the chance to enjoy their gardens and outside space without the noise from the operations at the quarry. Likewise, I think that the proposed operating hours from 07.00 hrs to 18.00 hrs are too long. The quarry should only be allowed to operate between the hours of 08.00 hrs and 17.00 hrs, to reduce the noise nuisance caused to people neighbouring the quarry.'*

Various members of the public agreed with the proposal put forward by Cllr Neville and the proposed hours were supported by the councillors. A member of the public said that she was concerned about the potential for there to be up to 90 vehicle movements per day, which raised serious health concerns caused by vehicle emissions. It was agreed that this point would be put to GCC.

### **Area of Permissions**

Cllr Launders said that the application form signed on 26<sup>th</sup> May 2022 and entered on 23<sup>rd</sup> July 2022 required a plan showing the area of the permissions. He said that the copies of the permissions (G1209, G1209/A and G1209C) were of poor quality, making them difficult to read and in some cases the permissions and the site plan did not match. It was agreed that this should be raised with GCC.

### **Red lined areas of planning consent exceed existing consents.**

Cllr Launders explained that the three existing consents under review had an attached plan with red lines marking the boundaries of each consent. The red lines on the plan do not correspond with other documents such as the Site Location Plan. It was agreed that the Parish Council should make clear to GCC that there had to be complete certainty about the boundaries of the land to which the consents apply and that the ROMP should not be used to extend the area of land over which there are current consents without a separate planning application.

### **Condition 12 Nothing other than uncontaminated inert waste material shall be deposited at the Site.**

Cllr Launders explained Condition 12. Cllr Shayle reported her proposal that What3Words should be used by the operator to accurately record the location of each lorry-load of waste when it is deposited, and she said that she thought that these records should be retained for 10 years. A member of the public and Cllr Stephens spoke about the way that the operator had filled the Ryton Road quarry with material that was not classed as 'inert', including motorcycles and oil cans. They were sceptical that the operator would adhere to Condition 12. Cllr Launders referred to the Operating Plan, which was quite comprehensive (although not perfect) in terms of the controls it proposed to ensure that only inert material was deposited.

A member of the public said that the skip hire company that operated from the site used to tip every sixth skip in Ryton Road Quarry, contrary to the conditions applicable at the time.

The councillors shared the scepticism of the members of the public, based on previous experience, that only inert waste would be deposited, and it was agreed to make this point to GCC.

**Condition 21 Any material stockpiled on the Site shall not exceed 4 metres in height such height being measured from the existing ground level immediately adjoining the stockpile.**

Cllr Neville's and Cllr Shayle's written comments welcoming this condition as an improvement over what has been happening at the quarry in terms of the height of stockpiled material were mentioned by Cllr Launder. It was agreed that this would form the council's response to GCC.

**Condition 28 From the date of this permission, the operator of the Site shall maintain records of the quarterly extraction of red sand and the importation of any inert waste material and shall make those records available to the Mineral Planning Authority within seven days of a written request. All records are to be kept and made available for inspection by the Mineral Planning Authority for a minimum period of two years.**

Cllr Neville referred to his written response to the ROMP in which he said that the meaning of this condition required clarification. And said that records should be kept for much longer than 2 years. A member of the public said that to protect the integrity of the aquifer, the clay liner should be subject to independent inspection before being infilled. Another member of the public thought that records extraction and importation should be kept in accordance with the schedule detailed in the Operating Plan.

A member of the public pointed out that what is regarded as safe today, might be regarded as unsafe in the future (e.g. Asbestos did not used to be thought of as unsafe), meaning that records should be kept for much longer than 2 years. Cllr Shayle said that hospitals are required to keep records of treatment they give to expectant mothers for 18 years, plus a further 7 years under the Data Protection Act and thought that this should be used as a suitable timescale for the retention of the quarry's records. A member of the public said that she thought the timescales contained in the Waste Management Regulations should be used.

It was agreed that the council would express its concern to GCC about the short time period stipulated in Condition 28.

**Compensation for Lost Winnings**

Cllr Launders explained that the new conditions did not impose any restrictions on the winning of sand by the operator. This meant that should GCC wish to impose conditions in the future it would be liable to pay the operator compensation, and that GCC was effectively setting a trap for itself by not doing so. It was agreed that the parish council should highlight this risk to GCC.

**The correct Environment Agency checklist should be completed and included in the documents.**

Cllr Launders said that the quarry was classed as a Schedule 2 location for the purposes of an Environmental Impact Assessment. That meant that the Minerals Authority had to carry out a screening to decide whether an Impact Assessment was required. He said that a screening had not yet taken place. The first application had had a one-page screening attached, whereas the correct screening document, required by statute, is eight pages long.

A member of the public said that fifteen years ago there used to be stag beetles in the quarry, and there were signs around the quarry and along the path next to the motorway talking about the beetles. She said that there used to be bats present too. Cllr Launders invited members of the public to make their own personal observations and comments via the GCC planning portal concerning their experience of wildlife at the quarry.

It was agreed that the parish council should ask GCC to ensure the correct completion of an Environmental Impact Assessment.

**Review of Condition 12 by a Contaminated Land Professional**

It was agreed by the councillors that an objection should be raised concerning the fact that a Contaminated Land Professional had not reviewed condition 12 concerning inert waste, as recommended by the GCC Geotechnical Consultant's comments of 15.08.22 entered on 22.08.22.

A member of the public raised a question about whether water from the aquifer was supplied to farms, because it increased the potential for harm if the water became contaminated and was used to irrigate crops. It was agreed to make this point to GCC.

The last GCC Geotechnical Consultant's comments were made on 15.08.22 and none had been made since. It was agreed that the council should object to the absence of any up-to-date comments.

## **Maintain the Impermeable Barrier**

It was agreed that a new condition was needed to require the operator to maintain the integrity of base and the sides of the impermeable barrier, given the complexity of the infill operation and the importance of protecting the aquifer.

## **Lack of Biodiversity Condition**

It was agreed that the recommendations of the Ecological Report, described in the report as measures that were ‘suggested’, should be made mandatory by way of a separate condition to recognise the importance of biodiversity.

## **Tree Screening Contradiction**

Condition 24 prohibits the removal of hedgerows and perimeter landscape planting, but Condition 26 contradicts it by permitting the removal of trees and shrubs outside the nesting season for birds. It was agreed that this contradiction should be raised with GCC.

## **Excavation Slopes not to Exceed 1:1**

Cllr Launders raised the fact that the current conditions prohibit the operator from creating slopes with an incline greater than 1:1. He regarded this as a vital safety measure, both for people working in the quarry and to safeguard the highway and the tree boundaries. It was agreed that the council should ask for this condition to be imported into the new conditions.

## **General Comments**

Cllr Neville read his written comment, namely ‘The quarry has, in recent years, operated a skip hire business, for which I understand there was no planning permission granted. Likewise, topsoil has been sold from the site and storage containers have been rented. I have not seen reference to subsidiary business operations in the planning conditions or other documents relating to the ROMP. I would have expected the ROMP to have been used as an opportunity to make clear that the site can only be used as a quarry, for the extraction of sand and the importation of inert materials. It should not become a commercial business park.’ This comment was agreed by the meeting to form part of the council’s response.

Cllr Neville read his written comment, namely: ‘I have not been able to see reference in any of the documents to any limitations on the proximity of sand extraction to the site boundaries, and in particular to the M50 motorway. This may be due to me not understanding some of the technical documents, however

the quarry has already extracted sand to what appears to the layman to be dangerously close to the M50. Should the minimum distance between the edge of extraction and the site boundaries not be mapped?’ This comment was agreed by the meeting to form part of the council’s response.

A member of the public referred to the existence of above-ground water pipes near to the pathway that sits alongside the M50 where it meets Woodend Street. She said that these should be specifically protected and mentioned in the conditions. This was agreed by the council.

**Condition 5 The existing access serving the Site as depicted on the Existing Site Layout Plan (drawing no. 21-248-D-011 Rev 02, November 2023) shall be permanently closed within 9 months from the date of this permission and thereafter, the means of access to and from the Site for all traffic associated with the approved development shall be from the proposed vehicular access as depicted on the Proposed Site Layout Plan (drawing no. 21-248-D-012, Rev 02 November 2023).**

Condition 5 was agreed by the council.

### **Disappearance of Wheel Wash**

Cllr Launderers noted that references to the wheel wash requirements that were present in the excavation part of the scheme disappeared in the restoration part of the scheme, and that Condition 8 which imposed the requirement for vehicles’ wheels to be cleaned should be applicable to the entirety of the operation. This was agreed by the council. A photograph was produced at the meeting of the road surface by the entrance to Ryton Road Quarry when it was being filled. It showed excessive amounts of mud on the road surface, and several members of the public spoke about the way that the requirement for a wheel wash to operate at Ryton Road had been disregarded.

**Condition 7 In relation to the phased restoration of the Site, no more than 60 heavy goods vehicles movements to and from the Site per day (a maximum of 30 heavy goods vehicles entering the Site and 30 heavy goods vehicles leaving the Site) shall take place.**

Cllr Neville said that he thought the proposed limitations on vehicle numbers seemed reasonable in the circumstances. This was agreed by the council. A member of the public suggested that villagers could work together to monitor vehicle numbers in the future if it was thought that the limits were being exceeded.



### **Removal of condition on winning of sand only**

Cllr Launders pointed out that the current conditions stipulate that the quarry can only be used for the ‘winning of sand’. The same condition is not replicated in the new conditions, which opens up the prospect of other business uses, such as skips, topsoil or containers. It was agreed by the council to ask for this condition to be retained.

### **Topsoil**

Cllr Launders referred to the fact that the quarry has been producing topsoil for sale, despite there not being any planning permission for such activity. He proposed that the current condition requiring the retention of topsoil for eventual restoration be replicated in the new conditions. This was agreed by the council.

### **Scrutiny of Delegated Decision Making**

Cllr Launders said that contrary to comments made in the past by Cllr Gill Moseley and Planning Officer Nick Bainton, the ROMP application should be capable of being called in by the Planning Committee for review. He asked the council for its agreement to put this point to GCC as part of the Parish Council’s response to the ROMP. This was agreed.

### **Deferral of Skip Complaints**

Cllr Launders explained that the parish council has made complaints to GCC about the storage and hiring of skips at the quarry, contrary to planning consent. He said that Cllr Moseley had recommended the deferral of the complaints until after the ROMP had been settled. However, Cllr Launders said that he disagreed with this as a proposal and did not see why the investigation of legitimate formal complaints should be delayed. It was agreed by the council to make this point to GCC.

### **Untimely Publication of Supporting Documents**

Cllr Launders requested the approval of the council to make a complaint to GCC about its delay in publishing the many documents attached to the new conditions. These documents had obviously been produced months ago but were only recently published for public scrutiny. This was agreed by the council.

### **Condition3 – Document Inaccuracies**

Cllr Launders said that Condition 3 introduces 18 documents, making them conditional upon the operator, however not all of the documents are available:

some documents in Condition 3 do not correlate to the documents published on the planning portal. He said that this had the effect of negating the proposed condition and might require a new Notice to be published and to recommence the consultation process. It was agreed that this point should be conveyed to GCC.

### **Corporate Identity of Operator**

Cllr Launders noted that the name of the applicant appears in different forms in the application paperwork. In some cases it appears as 'Allstones Sands Gravels Aggregates Trading Co Ltd', but in other documents it appears as 'Bromsberrow Sand and Gravel Company'. It was agreed to raise this with GCC.

A member of the public commented on the untidy appearance of all the roadside signs that have appeared in recent months at the junction of the A417 with Beach Lane. Many of the signs relate to the quarry. Cllr Neville said that he imagined that the signs had probably not been erected with the permission of the Highways Authority. It was agreed that the council would make a separate complaint to GCC Highways.

### **Late Ecological Report**

Cllr Launders noted that the Ecological Report of December 2023 was not posted to the planning portal until 8<sup>th</sup> April 2024. Given that the deadline for comments is 16<sup>th</sup> April 2024 he said that the deadline should be extended accordingly. It was agreed that the council would make this complaint to GCC.

### **Practicality of Conditions**

Cllr Launders drew the attention of the meeting to Condition 3 which requires the operator to observe 18 documents, the largest of which runs to 88 pages and 7 appendices. He observed that this method of writing conditions was unworkable. He thought that conditions should be clear, capable of being reviewed, understood, monitored, and enforced. It was agreed that the council would make this point to GCC.

### **Time Limits for Determination of ROMP**

Cllr Launders drew the attention of the meeting to the 3-month time limit for determining a ROMP contained in the Environment Act 1995. In the absence of any published notice of agreed deferral it had to be assumed that the Act's provisions were not being followed. It was agreed that this would be raised with GCC.

## **Aggregation of Land to which the Permissions Relate**

Cllr Launders said that the Environment Act 1995 enables the MWPA to aggregate the land to which existing permissions relate. He said that it was unclear whether land had been aggregated such that it included the 50 feet strip of land between the motorway and the quarry boundary. It was agreed that clarification should be sought.

## **Delay**

Cllr Launders noted that Condition 11 sets the depth limit for the quarry at 36m. This depth was measured in a topographical survey prepared on 14.05.23. It can be assumed that the operator must therefore have known the likely outcome of the condition and had acted on his knowledge by May 2023. Cllr Launders regarded the delay from May 2023 until today to be unacceptable and it was agreed that this point would be registered with GCC.

Cllr Launders made general observations about the unreasonable length of time taken to bring the process to conclusion, yet not all statutory agencies have published their responses to the consultation.

He observed that many documents are still not available on the planning portal.

## **Protection of the Aquifer**

Cllr Launders expressed his concern that given the quantity of material that is to be deposited in the quarry, the likelihood is that contamination of the water supply will occur.

## **Failure of Planning Control to Enforce Historic Breaches**

Cllr Launders observed that the community has been let down in recent years by the failure of the Planning Authority to enforce existing conditions at the quarry, such as the sale of topsoil or the depth of extraction, as examples. These failures have led to the environment being harmed and that it was in the interest of the Planning Authority to wipe away the old conditions on the quarry to remove its obligation to act. It was agreed to make this observation to GCC.

## **Fallback Position**

Cllr Launders proposed that the council should put forward a fallback position to GCC in the event that the objections from consultees were effective: namely the following three conditions:

**Proposed Condition:** the conditions of G1209, G1209A and G1209C plus Certificate of Lawful Use DF. 867/F/LDC, will remain in place pending a better

Application where each proposed Condition is monitorable and enforceable and the proposed winning of sand does not exceed the effect of the existing conditions.

**Proposed Condition:** No restoration of the site will take place other than in accordance with the conditions of G1209, G1209A and G1209C pending a better Application with emphasis on protection of the aquifer ensuring that no harm will come to the environment during any proposed restoration and capable of being determined within the time envisaged by the law without any need for agreement to a delayed process.

**Proposed Condition:** No activities on the land which require planning consent are to take place without that consent.

The proposed conditions were supported by the council.

At 9.00 pm Cllr Launder thanked the members of the public for their attendance and invited final comments. A member of the public asked about weight limits on the road between the motorway and the entrance to Beach Lane at the A417. He said that he was concerned about the damage that would be caused to the road surface at the entrance to the village and given that there are two water mains at the junction of Beach Lane and Woodend Street which frequently burst. He said that it was important that the roads were fit for purpose given the volume of traffic that would be using the roads to access the quarry. It was agreed to make this point to GCC.

The meeting concluded at 9.05 pm.

# APPENDIX 1

	1	Comments from Chairman and Councillors Chris Neville and Roxanne Shayle for BPC Meeting of 11 April 2024
	2	
	3	
1. Scope	4	# Condition of 36m AOD (Condition 11)
1. Scope	5	
1. Scope	6	The previous Proposed Condition 11, entered 23/7/2022, stated:
1. Scope	7	'No excavation of minerals as part of the development hereby approved shall take place below a depth of 32m AOD' .. 'To prevent pollution of the water environment in accordance with Gloucestershire Minerals Local Plan 2018-2032.'
1. Scope	8	The Updated Proposed Condition 11, entered 14/3/2024 amends this limit from 32m to 36m Above Ordnance Datum.
1. Scope	9	This raising of the limit to excavation by 4 metres across the site is welcome. It is noted that this is a major evolution in the application, presumably in recognition of the water table, the saturated zone and the importance of the aquifer, the public water supply supplying 25,000+ dwellings from the pumping station in Bell Lane, Bromsberrow just across Bell Lane from the quarry, and in recognition that the site is all in at least Water Protection Zone 2 and that WPZ 1 where the extraction and pumping takes place reaches to the current Bell Lane to the site. It is also noted that the water table rises and falls over the years and is currently held lower by the large volumes extracted for public water supply.
1. Scope	10	
1. Scope	11	CN. Condition 11
1. Scope	12	CN. The restriction on the depth to which sand can be excavated appears to be less than the original condition permitted, which is to be welcomed because it will provide additional security for the water table beneath the quarry.
	13	
	14	
1. Scope	15	RS Condition 11
	16	RS The stricter limit on condition 11 the depth of sand excavation is great, as it will support the protection of the water beneath the quarry.
	17	
	18	
1. Scope	19	3.5 metres bund level for final restoration???
1. Scope	20	
1. Scope	21	The documents include a revised plan: 'Proposed site layout 02.11.2023' entered 14/03/2024, Key Geosolutions drawing 21-248-D-012 Revision 02 for 'Allstone Sand & Gravel Aggregates Trading Co. Ltd' include a 'proposed site layout plan with 3.5m bund design'.
1. Scope	22	Objection. The site should be restored to prior levels not to 3.5 metre bund levels and Conditions should make this clear.
1. Scope	23	
1. Scope	24	
1. Scope	25	174,000 HGV movements for proposed waste imports -
1. Scope	26	
1. Scope	27	Objection. The nature and scale of the importation of inert waste materials constitutes would extend operations beyond the winning of sand to an extent that constitutes a huge risk to the aquifer and to the public water supply and constitutes a huge loss of amenity in terms of noise, dust and vehicle movements.
1. Scope	28	

1. Scope	29	The existing consents are for the winning of sand only. The ROMP application Section 4.3 requires details of any intended 'Extension of existing operations for depositing mineral waste:' only has the phrase 'Site to be restored as part of a phased programme'. Objection: this is not an extension of existing operations for depositing mineral waste; there is very little mineral waste in the winning of sand at the site and existing conditions already require overburden and topsoil to be retained on site for restoration.
1. Scope	30	
1. Scope	31	The tonnages and vehicle movements resulting from 'restoration' are not included in any document.
1. Scope	32	The approximate cubic metres of restoration <u>are</u> in table 3.1, page 46, of the revised Hydrogeological Risk Assessment in 8 phases amounting to 670.000 cubic metres .
1. Scope	33	
1. Scope	34	On assumptions of density 2.6 tonnes per cubic metre and 20 tonnes per HGV, this amounts to 1.742.000 Tonnes and 174,200 heavy goods vehicle movements (counting 87,000 arrival and 87,000 departure as movements). This contrasts with extraction of sand in 6 phases (Table 3.1): 155,000 cubic metres, 403.000 Tonnes and 40,300 HGV Movements.
1. Scope	35	
1. Scope	36	# Working hours Saturdays:13.00 increased to 18.00 (Condition 10)
1. Scope	37	
1. Scope	38	Objection. The Saturday working hours are proposed to be 07.00 to 18.00. This increase is not acceptable. Condition 10 should be amended to half-days on Saturdays.The Saturday limit should be halved to 15 vehicles in and 15 out in Condition 7.
1. Scope	39	
1. Scope	40	
1. Scope	41	# Conditions 4 and 7 combined
1. Scope	42	
1. Scope	43	Objection. Condition 4's 100,000 tonnes maximum of worked mineral per annum equates to 10,000 vehicle movements of HGS's of 20 tonne capacity and counting 5,000 arrival and 5,000 departure as movements. Added to this is the Condition 7 maximum of 60 HGV's per day (30 in and 30 out, in relation to restoration, with 6 working days per week, this could give rise to 15,600 HGV movements per annum. could give a combined maximum of 20,000 HGV's per annum. This volume of heavy traffic is unsuitable for the local roads, a burden on the A417, a big problem for Junction 2 of the M50, which is problematic at present as to visibility, ramp lengths, and road safety generally. Local road damage has been a chronic problem. Local road widths are poor. Local roads between the proposed quarry entrance and A 417 have no footpath and lead to a public footpath linking the 2 parts of the Parish.
1. Scope	44	
1. Scope	45	
1. Scope	46	#'area of permissions' is not shown on the Application
1. Scope	47	
1. Scope	48	The Application Form signed 26 May 2022 and entered 23/07/2022, Section 6, in addition to the location plan, requires a 'plan showing the area of the permission(s)'.
1. Scope	49	
1. Scope	50	Objection. This requirement has not been met.
1. Scope	51	

1. Scope	52	There are 3 permissions G1209, G1209/A 1nd G1209/C.
1. Scope	53	The permissions are historic and the copies of the permissions and of the attached plans are of poor quality. The indications (such as to 30 feet deep screens of trees) are faint but just visible. The location of limits such as the red line of drawing TPA 899, the are difficult to place on the site plan, to define in the modern precise OS mapping. Nevertheless, they are the areas of the permissions.
1. Scope	54	
1. Scope	55	The precise areas of permissions are important to the present application. The items below are examples only.
1. Scope	56	
1. Scope	57	Proposed Condition 24 refers to existing perimeter landscape planting.
1. Scope	58	
1. Scope	59	The area in red of G1209/C is 50 feet from the site boundary (in accordance with its condition (e) 'No winning of sand shall take place within 50 feet (15.4 metres) of the southerly and easterly boundaries and all trees and shrubbery within this area shall be retained'.
1. Scope	60	
1. Scope	61	The area in red on site plan is not the same as the area of permissions. These things should be clear.
1. Scope	62	
1. Scope	63	The Conditions, when determined by GCC should be precise as to the area of permissions and specific as to the area of permissions and the requirements as to retention of vegetation, as to protection of highways, etc.
1. Scope	64	
1. Scope	65	
1. Scope	66	G1209 and Condition re red line in drawing YPA 887
1. Scope	67	
1. Scope	68	Proposed site layout plan with 3.5m bund design, topo of March'23
1. Scope	69	
1. Scope	70	This document ( by Key Geosolutions, 21 - 248 - D - 012 of 07/11/23 entered 14/03/24
1. Scope	71	(previously 28/04/22, entered 23/07/22)) shows bund at the road taking height to 61.55 from 58.05 =+ 3.5metres; the drawing refers to 'PROPOSED SITE LAYOUT PLAN WITH 3.5MBUND DESIGN'.
1. Scope	72	
1. Scope	73	Objection. The restoration should be to existing and pre excavation heights, bot raised by 3.5 metres to the level of a bund.
1. Scope	74	
1. Scope	75	
1. Scope	76	Red lined areas of planning consent exceed existing consents
1. Scope	77	
1. Scope	78	There are 3 existing consents under review in this ROMP (Review of mineral planning permissions).
1. Scope	79	The consents are G1209, G1209(a) and G1209(C).
1. Scope	80	
1. Scope	81	Each of the 3 existing consents has its attached plan with red lines defining the limits of the consent.
1. Scope	82	
1. Scope	83	The Documents available for the planning Application include a Site Location Plan (OS Map) 21-248-D-010-Rev 01), dated 28th April 2022, entered 23/07/2022. This was listed in the Schedule of submissions accompanying the application for the Review of mineral planning permission FD 22/0031 FDROMP. For convenience, this document his will be referred to as the 'SLP'.
1. Scope	84	



1. Scope	85	The Area delineated in red in the SLP exceeds the area delineated in red in G1209C. G1209C extended the permitted development previously reserved for the (then) proposed motorway in consent G1209. Certificate of lawful use DF.867/F/LDC is also useful in delineating the site as a whole by reference to named houses. The excess area is the area between the current chain link fence and the motorway. The excess area does not therefore have current planning consent. To obtain such consent would require a new planning application.
1. Scope	86	
1. Scope	87	The demonstration that the SLP area is excessive required scaling and overlaying the plans attached to the existing permissions and the SLP and with the topographical surveys. This process clearly shows that the best fit for the southerly limit of existing planning consent is the chain-link fence, shown on the topographical surveys of the ROMP application, which is to the south of the southerly excavations and to the north of the present public footpath. With the available precision of the modern topographical surveys of the site, the precise delineation of consents need to be known, ideally by adding to these precise and modern surveys.
1. Scope	88	
1. Scope	89	Ownership of the land is not the present issue. The quarry site appears not to be registered with Land Registry and there is the public footpath (ie a highway).
1. Scope	90	
1. Scope	91	The boundaries of planning consent, however, are fundamental. Before the ROMP can be considered for approval there needs to be total certainty as to the land to which the consents apply, to the limits from which conditions apply, eg as to screens of trees.
1. Scope	92	
1. Scope	93	It is represented that the current consents cannot be replaced until this issue of delineation of the land is unambiguous. It is represented that the current application for review of must not extend the land over which there are current consents without a separate planning application for the purpose.
1. Scope	94	It is represented that this issue is fundamental.
1. Scope	95	
1. Scope	96	
1. Scope	97 CN.	Condition 10
1. Scope	98 CN.	The hours of operation appear to be too generous in favour of the operator. I live in Bromsberrow Heath, although not close enough to the site to be directly affected by it, however I have sympathy for the residents who live close to it, having to endure the noise, vibration and dust that arise from it. I do not think that the quarry should be allowed to operate on Saturdays, to allow residents living nearby the chance to enjoy their gardens and outside space without the noise from the operations at the quarry. Likewise, I think that the proposed operating hours from 07.00 hrs to 18.00 hrs are too long. The quarry should only be allowed to operate between the hours of 08.00 hrs and 17.00 hrs, to reduce the noise nuisance caused to people neighbouring the quarry.
1. Scope	99	
1. Scope	100	
	101 RS	Condition 12 stipulates that only uncontaminated inert waste, specifically waste glass-based fibrous material without organic binders, glass packaging glass, concrete, glass, bricks, tiles, ceramics, soil, and stone, should be used for infill. To ensure the uncontaminated nature of the waste, I propose that recordings of each lorry tip be provided. Perhaps we can utilize What3Words for this purpose? Additionally, I would appreciate it if records could be maintained for a minimum of ten years.
	102	
1. Scope	103	
1. Scope	104	
1. Scope	105 CN.	Condition 21



1. Scope	106	CN.	The restriction of the height of stockpiled materials to 4 metres is welcomed. It is a considerable reduction on the height of stockpiled materials that has been witnessed in recent months on the site and will help to make the site less visually obtrusive.
	107		
	108	RS	The 4-meter height limit for stockpiled materials on condition 21 is great. It's much better than the huge piles we've seen lately, and it'll make the site look a lot better.
	109		
1. Scope	110		
1. Scope	111		
1. Scope	112	CN.	Condition 28
			This condition requires clarification. What constitutes 'records of quarterly extraction'? Does it mean individual records of each lorry-load of material and the contents thereof that is taken from or delivered to the site, or does it simply mean gross figures totalling all materials entering and leaving the quarry?
1. Scope	113	CN.	Given the potential for long-term impacts on the local environment of materials deposited in the quarry, records need to be retained for much longer than the suggested 2-year period. It may be decades hence before the consequences become known if pollutants were introduced to the quarry.
1. Scope	114		
1. Scope	115		
1. Scope	116		
2. 3.			
Compensation	117		Compensation for lost winnings
2. 3.			
Compensation	118		The application cites Environment Act 1995 (Section 96 and paragraph 9 of Schedule 13 / Paragraph 6 of Schedule 14). (ukpga/1995/25). Section 96 puts Paragraphs 13 and 24 into effect.
2. 3.			
Compensation	120		
2. 3.			
Compensation	121		Sch 13 (6) details restricting of working rights; (10) describes 'the effect of the conditions, other than restoration or aftercare, as compared with the effect of the conditions immediately prior. Objection. That the release of all prior conditions under this ROMP will leave the MWPA vulnerable to compensation in any future ROMP.
2. 3.			
Compensation	122		
2. 3.			
Compensation	123		Furthermore, if the strategy is to avoid all risk of compensation by relying solely on negotiating with the applicant so as not to actually determine any new or altered conditions, then the duty to determine conditions is compromised. Objection. The delay and insistence on negotiation has resulted in proposed conditions which give rise to many concerns and many objections.
2. 3.			
Compensation	124		
2. 3.			
Compensation	125		
2. EIA	126		# The correct EA Checklist should be completed and included in the documents
2. EIA	127		
2. EIA	128		Objection. An 'EI Checklist' is included in the documents, entered 25/07/2022. This is in fact an EA West Midlands consultation filter of one page. The documents should include, completed, the required 8 page EA checklist as required prior to GCC's screening for Environmental Impact Assessment.
2. EIA	129		

2. EIA	130	
2. EIA	131	#Environmental permit from the EA
2. EIA	132	
2. EIA	133	
2. EIA	134	Under proposed condition 15: 'The site operator shall apply for an Environmental Permit from the Environmental Agency'. Is it safe to assume this applies to the whole operation, or just to the restoration phase? Objection. The Condition should be specific in this regard.
2. EIA	135	
2. EIA	136	Under proposed condition 22 (iii): 'The Site operator shall comply with the conditions contained in any Environmental Permit following... [refers back to a condition 15 application].
2. EIA	137	Objection. There is no condition covering the circumstance where a condition 15 application has been made but not granted or not yet granted. This should be rectified, please, by rephrasing the Condition 15.
2. EIA	138	
2. EIA	139	^ No screening for EIA
2. EIA	140	
2. EIA	141	Objection. There has been no screening for Environmental Impact Assessment EIA law and its own 'EIA Disciplines'. In the screening of this Schedule 2 application where the Authority has to screen as to no risk to the environment when the application involves 670,000 cubic metres ( 1,742,000 Tonnes, say 87,100 HGV loads) of inert materials where any leachate flowing from the site will be directed to a drainage basin just across the road from the PWS pumping station serving 25,000+ houses regionally; If the screening is that an EIA statement is required then there will be more delay and expensive consultation and conditions to be imposed (and the ROMP process has already been much delayed).
2. EIA	142	
2. EIA	143	
4. Aquifer	144	# Appendices to Hydrogeological Risk Assessment
4. Aquifer	145	
4. Aquifer	146	Stantec's document (entered 18/03/2024) has 8 Appendices, but these are blank. There were 3 pAppendices to a superceded version. EG: Stantec Section 3 Page 46 'Eight phases of restoration are described by the drawings in Appendix A'. Objection. This important document should be complete in the documents available on the GCC Planning Portal.
4. Aquifer	147	
4. Aquifer	148	Appendix A of the superceded has the same drawing
4. Aquifer	149	
4. Aquifer	150	
4. Aquifer	151	#GCC Geotechnical Consultant Comments were 15.08.2022, entered 22/08/2022
4. Aquifer	152	
4. Aquifer	153	The last GCC Geotechnical Consultant Comments were 15.08.2022, entered 22/08/2022.
4. Aquifer	154	
4. Aquifer	155	Objection. There are no updated GCC Geotechnical Consultant Comments.
4. Aquifer	156	
4. Aquifer	157	Objection. The many issues raised in comments by Atkins as consultants are still outstanding following the revised Conditions and Documents entered 14/03/2024.
4. Aquifer	158	
4. Aquifer	159	
4. Aquifer	160	# Review required by a Contaminated Land Professional.
4. Aquifer	161	

4. Aquifer	162	The GCC Geotechnical Consultant Comments of 15.08.2022, entered 22/08/2022, recommended that proposed condition 12 (regarding 'uncontaminated inert waste') should be reviewed by a Contaminated Land Professional.
4. Aquifer	163	
4. Aquifer	164	Objection. This does not appear to have been done.
4. Aquifer	165	
4. Aquifer	166	
4. Aquifer	167	Maintain the impermeable barrier
4. Aquifer	168	
4. Aquifer	169	Proposed operations are complicated. There is a mix of winning sand and simultaneous infill with inert materials. There are many phases. There are ramps and slopes. It is important to maintain the proposed barrier and contain any leachate through these operations.
4. Aquifer	170	
4. Aquifer	171	A Condition is required to <u>maintain the integrity of the base and the sides of the proposed impermeable barrier</u> , the barrier between any inert materials and the aquifer the sandstone formations and the sand workings. Purpose: to protect the aquifer and the public water supply drawn from the aquifer.
4. Aquifer	172	
4. Aquifer	173	
Biodiversity	174	# Biodiversity Condition required.
Biodiversity	175	
Biodiversity	176	Objection. That the recommendations of the Ecological Report be set by Condition(s) for biodiversity and ecological reasons.
Biodiversity	177	
Biodiversity	178	Conclusions of the Ecological Report (223326/ARB of December 2023, entered into the Planning Portal on 8th April 2024) state 'a range of ..measures have been suggested..' These should be covered by appropriate 22/0031/FDROMP Conditions.
Biodiversity	179	
Biodiversity	180	
Boundaries	181	#Tree screening contradiction
Boundaries	182	
Boundaries	183	Condition 24 'no removal of hedgerows, but C 26 allows removal of trees and shrubs. Objection, no trees should be removed from the areas previously required to be screened.
Boundaries	184	
Boundaries	185	
G1209	186	Condition (b) of G1209 and Condition (c) of G1209A should be retained. This is a permanent safeguard to the highway and to the Motorway and should not be removed without the express consent of the relevant highways authorities.
G1209	187	
G1209	188	
G1209	189	#G1209/A condition (d) excavation slope not to exceed 1 -in-1
G1209	190	Condition (d) of G1209A should be retained. This is a permanent safeguard to the highway and to the required screen of trees 30 feet wide and is vital for site safety. This condition has historically and is recently being broken by the operator (evidenced by the 2 topographical surveys in the Application. <b>Objection.</b> This Condition should not be removed.
G1209	191	
G1209	192	
General	193	CN. General Comments:

General	194	
General	195	CN.
General	196	
General	197	
General	198	
General	199	CN.
General	200	
General	201	CN.
General	202	
General	203	
Highways	204	
Highways	205	RS
Highways	206	
Highways	207	
Highways	208	Wheel-wash disappears in later phases of the restoration
Highways	209	
Highways	210	
Highways	211	
Highways	212	Previous experience of mud and non-operation of wheel-wash
Highways	213	
Highways	214	
Highways	215	
Highways	216	
Highways	217	
Highways	218	
Highways	219	

The quarry has, in recent years, operated a skip hire business, for which I understand there was no planning permission granted. Likewise, topsoil has been sold from the site and storage containers have been rented. I have not seen reference to subsidiary business operations in the planning conditions or other documents relating to the ROMP. I would have expected the ROMP to have been used as an opportunity to make clear that the site can only be used as a quarry, for the extraction of sand and the importation of inert materials. It should not become a commercial business park.

I have not been able to see reference in any of the documents to any limitations on the proximity of sand extraction to the site boundaries, and in particular to the M50 motorway. This may be due to me not understanding some of the technical documents, however the quarry has already extracted sand to what appears to the layman to be dangerously close to the M50. Should the minimum distance between the edge of extraction and the site boundaries not be mapped?

The site operating plan requires each and every load entering the site to be recorded and paper records maintained, but I could not see where there was a requirement for the location of each dumped load to be recorded. This would be needed if, in the future, something came to light that identified a problem with the material that was deposited. A record of the location where the load was dumped would be necessary to recover it.

I welcome condition 5, as it effectively diverts all quarry traffic from the village's entrance.

The drawing 'Proposed Site Layout 02.11.2023', entered 14/03/2024 shows the wheel wash to be constructed the East of the proposed site entrance and weighbridge. Objection, phases 4 to 8 of the planned restoration per drawing 7823-005-D-002 Rev02 would mine out the wheel wash. The plans should be consistent with proposed Condition 8.

The Bromsberrow South sand quarry (recently substantially completed) and the Bromsberrow North quarry (22/0031/FDROMP) are owned and were operated in parallel by the applicant.

Bromsberrow villagers reported adversely on the quantities of mud on the road. The wheel-wash was placed near the exit but was in a desolate condition and it reported never to have been installed, never operated. These things are confirmed by Parish Councillors and will be scrutinised in a Parish Council on 9th April.

Clearly, this would be evidence of doubt as to the likely compliance with proposed Condition 8, resulting in mud or deleterious material being deposited onto the public highway.



Highways	220	
Highways	221	CN. Condition 7
Highways	222	CN. This would seem to be a reasonable limit on the number of vehicle movements for restoration of the site.
	223	RS #REF!
	224	
	225	
Highways	226	
Highways	227	
Noise/Dust	228	#Deposition of Inert Waste under the Site Operating Plan
Noise/Dust	229	
Noise/Dust	230	Condition 3 states that 'The development shall be carried out in accordance with' Site operating Plan 331201261R of January 2024 (amongst others).
Noise/Dust	231	
Noise/Dust	232	Section 5.6 on the Placement of Waste 'On arrival at the working face the load will be deposited as directed...
Noise/Dust	233	
Noise/Dust	234	The concern to the Parish is as to what this involves and as to whether the loads will be deposited at of near the level and place of current restoration thus avoiding unnecessary noise and dust, or whether the point of discharge may be down a deep incline or distant from the eventual destination of the waste. Therefore there is an <b>Objection</b> that the current plan is not sufficient without clarification by a Condition.
Noise/Dust	235	
Sand only	236	Removing 'for the winning of sand only' permits uses of the land with consequences
Sand only	237	
Sand only	238	skips
Sand only	239	topsoils
Sand only	240	containers
Sand only	241	
Sand only	242	
Topsoil	243	#Imported organic materials should stop
Topsoil	244	
		The operator is currently importing organic materials, soils, and working them and re-exporting them. <b>Objection.</b> This is contrary to existing mining consents. This is outside the consent of Certificate of Lawful Use DF. 867/F/LDC. This is contrary to proposed Condition 12. This is outside existing permissions for the winning of sand. The situation is well known to GCC Planning. This import of organic materials is a risk to the aquifer. The consideration of the ROMP is incomplete without this being taken into account. The situation should be rectified urgently.
Topsoil	245	
Topsoil	246	
Topsoil	247	
Topsoil	248	Soil imports; sale of topsoil
Topsoil	249	
Topsoil	250	It has frequently and persistently been pointed out to GCC Planning by Bromsberrow Parish Council, that:
Topsoil	251	'topsoil and overburden' to be 'retained on site' conditions and the 'winning of sand only' conditions of the existing permissions G1209, G1209/A and G1209/C would mean that neither importing soils for working and resale is permitted nor is the sale of soils originating from the site permitted (these are required to be retained for restoration of the site).

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Highways	220	
Highways	221	CN. Condition 7
Highways	222	CN. This would seem to be a reasonable limit on the number of vehicle movements for restoration of the site.
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	224	
	225	
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Topsoil	252	
Topsoil	253	Certificate of Lawful Use DF. 867/F/LDC permits the import and storage of gravels and aggregates, limited to uncontaminated original minerals. This does not permit importing soils.
Topsoil	254	
Topsoil	255	It is alleged that importing and working topsoils is currently in contravention of existing conditions, is not permitted by the CLU. It is alleged that advertising topsoils for sale is without advertising planning permission. It is alleged that a use of land is taking place without planning permission. Sale of topsoils won from the site would be in contravention of existing conditions.
Topsoil	256	
Topsoil	257	The proposed conditions should continue to require retention of the site's topsoil and overburden for eventual restoration.
Topsoil	258	
Topsoil	259	
x Procedural	260	Feb 2024 statement re 'calling in' to Committee
x Procedural	261	
x Procedural	262	There have been statements in Bromsberrow Parish Council meetings as to 'calling in', from Councillor Gill Moseley or Senior Planning Officer Nick Bainton, which provoke comment.
x Procedural	263	
x Procedural	264	Councillor Moseley's latest statement was that her understanding was that the ROMP was not a planning application so the GCC policy on calling in to Committee would not apply. Objection The policy of a Minerals and Waste Authority must include ROMP applications which amend and extend existing planning consents such as to allow calling in to Committee.
x Procedural	265	
x Procedural	266	
x Procedural	267	Feb2024 report re deferral of complaints re skips till after the ROMP
x Procedural	268	
x Procedural	269	At the 28th February 2024 Meeting of Bromsberrow Parish Council Cllr Moseley reported that GCC Planning proposed deferral of the determination of outstanding BPC complaints re skips till after determination of the ROMP application as being 'best for all parties'. <b>Objection</b> the BPC complaint re skips is long outstanding; the subsequent BPC complaint to GCC as to this delay is itself outstanding. In the BPC November Meeting Nick Bainton confirmed breaches of planning control. The situation is unacceptable; avoidance of Planning Control Notices is itself impacting on the EIA screening and is totally to the ROMP which is silent on skips and where operation of skips is incompatible with protecting the aquifer, site safety and is without planning consent. <b>Objection.</b> The Conditions should clarify that no uses of the land are permitted without express planning consent. <b>Objection.</b> Issues of planning control should not be held over as convenient to the operator and to GCC against the formally expressed concerns and complaints of the Parish Council for the site.
x Procedural	270	
x Procedural	271	
x Procedural	272	Untimely publication of supporting documents
x Procedural	273	

		Accepting that it was appropriate to give Notice that 'Updated Proposed Conditions March 2024', entered 14/03/2024 to 22/0031/FDROMP. It is OBJECTED to that documents of much earlier dates were entered at the same time. It would appear that this is not being treated as a new application and is therefore just a protracted one. These revised documents are large and technical and could have been available for scrutiny months earlier. By Proposed Condition 3, they become a Condition, as were the superceded versions. The burden of proper review and comment could only start when they were published, were problematic to GCC in the publishing and are still not complete. The situation is unsatisfactory.
x Procedural	274	
x Procedural	275	
x Procedural	276	
x Procedural	277	Condition 3 errors
x Procedural	278	
		Objection. Condition 3 is inaccurate; also, there are references to documents that are not available. Therefore it cannot be accepted as a condition. Accordingly, the Updated Proposed Conditions and documents available need to be revised. This may necessitate a new Notice and revised deadline for comments.
x Procedural	279	
x Procedural	280	
x Procedural	281	Some citations of drawing numbers and versions are in error on the planning portal or in Condition 3.
x Procedural	282	It is not the job of the reader to work all this out; there are 54 entries in the documents available and where there are no plan numbers on the portal, only opening document(s) could find the correct links.
		This comment does not seek to list all the errors, but for example, the first bullet of Condition 3 refers to 21-248-010-Rev02, November 2023; there is no such drawing available, and for example, the last bullet point should perhaps refer to an updated document, for example, the phased mineral plan at 36m AOD should presumably be rev3.
x Procedural	283	
x Procedural	284	If the Condition 3 as proposed were to be confirmed, there would be unacceptable uncertainty due to errors.
x Procedural	285	
x Procedural	286	
x Procedural	287	# Change of name, change of ownership?
x Procedural	288	
		Objection: that the filing of documents naming or citing 'Allstone Sand & Gravel Aggregates Trading Co. Ltd' may indicate that the ownership/details required in the Official form for Application may now be incorrect.
x Procedural	289	
x Procedural	290	
		The name 'ALLSTONE SANDS GRAVELS AGGREGATES TRADING CO.LTD' is also shown as the client in 7873-005-d-002. Ditto the Ecological Report 223326/ARB of December 2023, was entered into the Planning Portal on 8th April 2024..
x Procedural	291	
x Procedural	292	
		The official application form (signed 25/05/2022, states BROMSBERROW SAND AND GRAVEL COMPANY' as 'The Applicant and the Owners'.
x Procedural	293	
x Procedural	294	
x Procedural	295	
x Procedural	296	# Ecological Report and comments deadlines
x Procedural	297	
		It is noted that the Ecological Report 223326/ARB of December 2023, was entered into the Planning Portal on 8th April 2024.
x Procedural	298	



x Procedural 299

x Procedural 300 Objection. That the deadline of 16th April for comments remains according to the latest site notice date of 22 March 2024. This date should be extended.

x Procedural 301

x Procedural 302

x Procedural 303 # Proposed Condition 3 'shall be carried out in accordance with...documents'

x Procedural 304

x Procedural 305

x Procedural 306 Revised Proposed Condition 3 specifies :

x Procedural 307 'The development shall be carried out in accordance with the plans, monitoring regimes and supporting documents contained in the application as listed below:'

x Procedural 308 The list contains 18 documents. The largest document runs to 88 pages and 7 appendices.

x Procedural 309

x Procedural 310 Objection. This method of setting conditions is unworkable. Conditions should be written for the matters covered in these reports which are clear, can be reviewed, understood, monitored, and that are enforceable.

x Procedural 311

x Procedural 312

x Procedural 313 The conditions that each relevant planning permission is to be subject'

x Procedural 314 4539

x Procedural 315 0.87152777:

x Procedural 316 Requirements of ukpga/1995/25 Sch 13(6)'the conditions that each relevant planning permission is to be subject'

x Procedural 317 Objection. The application ignores the conditions that 'each relevant planning permission is to be subject' without required procedure, just assumes merger of all the consents into one new consent.

x Procedural 318

x Procedural 319

x Procedural 320 The environment Act 1995, paragraph 9 of Schedule 13 sub-paragraphs (9) to (11) as to timings of determination

x Procedural 321

x Procedural 322 The environment Act 1995, paragraph 9 of Schedule 13 sub-paragraphs (9) to (11) as to timings of determination appear to be woefully overdue. Objection. No Notice of agreed deferral has been published in the documents available, the public has no idea of whether the law is being complied with, the delays are legal the limits to time expiry before applicant conditions are determined by default.

x Procedural 323

x Procedural 324

x Procedural 325 Agreement to an extended ROMP notice of determination

x Procedural 326

x Procedural 327 (ukpga/1995/25).

x Procedural 328 Sch 14(6) is the application and determination process

x Procedural 329 6(8) is automatic application conditions within 3 months of application received by MPA or end of agreed extended time. There must have been a Notice. Objection The Notice of agreement to delay should have been published.

x Procedural 330

x Procedural 331

x Procedural 332 Aggregate of the land to which those permissions relate

x Procedural 333

x Procedural	334	The application cites Environment Act 1995 (Section 96 and paragraph 9 of Schedule 13 / Paragraph 6 of Schedule 14). (ukpga/1995/25). Section 96 puts Paragraphs 13 and 24 into effect.
x Procedural	335	
x Procedural	336	paragraph 9(2) of Schedule 13 allows the MWPA to aggregate the land to which existing permissions relate.
x Procedural	337	
x Procedural	338	The question is, the definition of the land to which existing permissions relate'. Does it exclude the 50 feet between the motorway boundary and the permission area of G1209/C ?
x Procedural	339	
x Procedural	340	
x Procedural	341	Ownership Certificate signed as to owners of land to which the application relates.
x Procedural	342	
x Procedural	343	The 'OFFICIAL FORM FOR APPLICATION FOR DETERMINATION OF CONDITIONS FOR MINERAL SITE/MINING SITE' for 2022/0031/FDROMP was signed on 26/05/2022, and entered on 23/07/2022.
x Procedural	344	The Ownership Certificate, Section 11 certifies that on the day 21 days before nobody except the applicant 'BROMSBERROW SAND AND GRAVEL COMPANY' was the owner of any part of the land to which the application relates.
x Procedural	345	
x Procedural	346	
x Procedural	347	Omitted application documents making the application incomplete
x Procedural	348	
x Procedural	349	Revised Condition 3 lists 18 documents. Some are unavailable from the GCC Planning Portal/22/0031/FDROMP/documents. These include:
x Procedural	350	a Transport Statement (report 22-0183, 12th April 2022).
x Procedural	351	b Access S278
x Procedural	352	
x Procedural	353	
x Procedural	354	Either the application is incomplete or the portal is missed documents or parts of documents.
x Procedural	355	
x Procedural	356	Either way, this needs to be rectified urgently, please.
x Procedural	357	
x Procedural	358	With these documents unavailable to the public, the deadline for public and Parish Council comments is inappropriate and needs to be revised once the documents are fully available and notice given thereof.
x Procedural	359	
x Procedural	360	
x Procedural	361	Negotiation of 36m AOD (Condition 11)
x Procedural	362	
x Procedural	363	During the difficult and protracted process of this ROMP, Bromsberrow Parish Council have been aware that consultations and negotiations were taking place, but not with whom or on what matters. It can be inferred that the revision of proposed Condition 11, altering the depth limit of excavations from 32m AOD to 36m AOD.
x Procedural	364	
x Procedural	365	It is noted that a revised topographical survey was prepared 14/5/2023 but entered 14/03/2024 and that this survey recorded 36m. Therefore the operator must have been fairly certain that 36M would be the agreed outcome and had acted on this knowledge by May 2023. Objection. That the process has been unduly delayed if the main development of 36M had been settled May 2023.

x Procedural 366  
x Procedural 367  
368  
369  
370  
371  
372  
373 For Bromsberrow Parish Council Meeting of 11 April 2024  
374  
375  
376 General observations on the process  
The process has taken too long already. The result of the process, as of 22 March 2024 date of the the latest Site Planning Notice of 22 March 2024 was posted, gives rise to an unacceptable number of comments; the latest word from statutory consultees is of objection, no Screening for Environmental Impact has been delivered; indeed, if the time to date has been spent in negotiation with the applicant and the statutory consultees, then the time appears to have been wasted.  
378  
379  
380 General observation on the state of documents available  
381 Patchy, incomplete, missing important documents:  
382 Reports of GCC's own consultants on the revised Application documents  
383 Reports of statutory consultants on the revised Application documents  
384 Confirmation of removal of the objections of statutory consultees from the latest documents made available  
385 Updated Minerals and Waste Policy stance from their last Comment of 9 August 2022  
386 Updated EIA checklist (8 pages)  
387 Missing hydrogeological Appendices a to G  
388 Transport Statement  
389 EA licence  
390 EIA screening awaited; if screened as EIA, then more consultation needed (good! But another round of delay)  
391  
392  
393 General observation of the Application  
394 Some conditions are clear, monitorable, enforceable.  
Condition 3 'The development shall be carried out in accordance with (list of 17 documents, one running to page 88 plus 8 missing appendices) is totally unworkable as to monitoring or enforcement and are often not conditions at all but assumptions or descriptions.  
395  
The application itself is out of date, of uncertain date, does not set out the extent of the existing permissions, etc. (see detailed comments).  
396  
There are too many plans purporting to set out the restoration - confusing  
397  
Is vague as to monitoring, protections and precautions  
398  
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400  
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409 Protection of the aquifer and the public water supply

410 This Schedule 2 Application has to be screened by the Mineral and Waste planning authority as to risk to the environment. Proposed restoration by the importation of 670,000 cubic metres of inert waste (say 2.1 million tonnes, say 87,000 HGV loads), to just above the water table, is bound to be a risk to the nearby Public Water Supply extraction point supplying 27,000+ houses unless every single load is free from soluble contaminants, an unlikely degree of perfection. Extraction from nearby Lintridge remains stopped years after a contaminating application of strawberry insecticide. Proposed lining with a barrier but draining the excess of rainfall over evaporation into a basin even nearer the Water Protection Zone of the pumping station merely dilutes and slows the inevitable delivery of any leachate to the PWS extraction of regional importance.

411

412

413 Planning control to date appears to have let down the Community.

414 GCC as Minerals and Waste Planning Authority monitor planning consents G1209, G1209/A and G1209/C and Certificate of Lawful Use DF. 867/F/LDC, the existing conditions.

415

416 The information, particularly topographical surveys, contained in the Application demonstrate both past and recent breaches of planning control as to condition (d) of G1209/A (excavations to be carried out at a slope not exceeding 1 in 1.)

417

418 The information, particularly topographical surveys, contained in the Application indicate cumulative breaches of planning control as to:

419 'to be restricted to the winning of sand only'

420

420 'topsoil and overburden to be retained within the area...' or '...available for subsequent respreading.'

421

421 'The winning of sand shall be restricted to a depth of 140 feet (42.67 metres) above ordnance datum. (G1209/C.

422

423 We understand that the immunity to prosecution in respect of such mining permissions is 10 years from substantial completion; the site is still active in the winning of sand.

424

425 There are persistent indications of activities advertised and/or taking or recently taken place on the site, apparently without the required planning consents, notably skip storage, skip hire, waste in skips for long periods, importation of soils. Such activities constitute a threat to the environment and appear to breach the existing condition in each of Existing permissions G1209, G1209/A, and G1209/C, 'to be restricted to the winning of sand.

426

427 Bromsberrow Parish Council consider they have drawn the attention of the Planning Authority, both officially in writing and in formal meetings, persistently and cogently, these and other suspected breaches of planning control, notwithstanding the GCC Policy requirements as to planning enforcement and as to complaints .

428

429 Bromsberrow Parish Council are concerned if (as informed at 28th March BPC Meeting) GCC intend to  
430 defer consideration of long outstanding BPC formal skip complaints till after determination of the  
431 ROMP.

432

433 To date, in all the years of monitoring, no Planning Notices have been issued.

434

435 If there are persistent material breaches in Planning Control, this has caused avoidable harm to the  
436 environment.

437

438 If Planning control is ineffective, this allows harm to the environment to knowingly take place.

439

440 Planning control to date appears to have let down the Community as to planning control, to have  
441 presided over harm to the environment.

442

443 Risk of Conflict of interest

444 If Planning control is ineffective, and the GCC Department is responsible for planning control, there  
445 may be a conflict of interest if it is delegated to manage the ROMP process, particularly to undertake  
lengthy negotiations including over the proposed Condition 1 of the ROMP application: 'The conditions  
set out in planning permissions G1209, G1209/A and G1209/C shall no longer apply.'

446

447

448 GCC should consider a 'fall back position', in view of the outstanding objections of consultees, as follows:

449

450 Proposed Condition: the conditions of G1209, G1209A and G1209C plus Certificate of Lawful Use DF.  
451 867/F/LDC, will remain in place pending a better Application where each proposed Condition is  
452 monitorable and enforceable and the proposed winning of sand does not exceed the effect of the  
existing conditions.

453 Proposed Condition: No restoration of the site will take place other than in accordance with the  
454 conditions of G1209, G1209A and G1209C pending a better Application with emphasis on protection  
455 of the aquifer ensuring that no harm will come to the environment during any proposed restoration  
and capable of being determined within the time envisaged by the law without any need for  
agreement to a delayed process.

456

457 Proposed Condition: No activities on the land which require planning consent are to take place without  
458 that consent.



## APPENDIX 2

line	Comments endorsed at Bromsberrow Parish Council Meeting of 11 April 2024	Notes
4	Condition of 36m AOD (Condition 11)	
11	Condition 11, depth of winning sand	
19	3.5 metres bund level for final restoration???	
25	174,000 HGV movements for proposed waste imports -	
36	Working hours Saturdays:13.00 increased to 18.00 (Condition 10)	
41	Conditions 4 and 7 combined	41
46	area of permissions' is not shown on the Application	
68	Proposed site layout plan with 3.5m bund design, topo of March'23	68
76	Red lined areas of planning consent exceed existing consents	
97	Condition 10, operating hours	97
100	Condition 12, only inert waste	100
105	Condition 21, stockpiles	
122	Condition 28 quarterly records of extraction	
127	Compensation for lost winnings	
126	The correct EA Checklist should be completed and included in the documents	
131	Environmental permit from the EA	
139	No screening for EIA	
144	Appendices to Hydrogeological Risk Assessment	
151	GCC Geotechnical Consultant Comments were 15.08.2022, entered 22/08/2022	
160	Review required by a Contaminated Land Professional.	
167	Maintain the impermeable barrier	
174	Biodiversity Condition required.	
181	Tree screening contradiction	
189	G1209/A condition (d) excavation slope not to exceed 1 - in-1	
193	General Comment re skips	
198	General Comment on boundaries to extraction	198
200	General Comment on location of each delivery drop location	
204	Condition 5 New entrance	
208	Wheel wash disappears in later phases of the restoration	
212	Previous experience of mud and non-operation of wheel-wash	
221	Condition 7 restoration vehicle movements	221
228	Deposition of Inert Waste under the Site Operating Plan	
236	Removing 'for the winning of sand only' permits wider uses of the land - consequences	
243	Imported organic materials should stop	
248	Soil imports; sale of topsoil	
260	Feb 2024 statement re 'calling in' to Committee	
267	Feb2024 report re deferral of complaints re skips till after the ROMP	
272	Untimely publication of supporting documents	
277	Condition 3 errors (document lists)	
287	Change of name, change of ownership?	
296	Ecological Report and comments deadlines	
303	Proposed Condition 3 'shall be carried out in accordance with...documents'	
313	The conditions that each relevant planning permission is to be subject'	
320	The environment Act 1995, as to timings of determination	
325	Agreement to an extended ROMP notice of determination	
332	Aggregate of the land to which those permissions relate	
341	Ownership Certificate signed as to owners of land to which the application relates.	
347	Omitted application documents making the application incomplete	
361	Negotiation of 36m AOD (Condition 11)	
376	General observations on the process	
380	General observation on the state of documents available	
393	General observation of the Application	
409	Protection of the aquifer and the public water supply	409
413	Planning control to date appears to have let down the Community.	
439	Risk of Conflict of Interest	
443	GCC should consider a 'Fall back position', in view of the o/s objections of consultees, as:	

NB. Line numbers are from the document used at the Meeting to gather comments to date from Councillors.  
 N.B. some captions have been introduced to paragraphs in general comments; line numbers and texts are unaltered.  
 NB. Notes are provided to reflect the discussions at the Meeting as adopted by the Council.  
 NB. Notes are the points raised by members of the public and adopted by Council, listed by the original line number.

## **APPENDIX 3**

### **Comments from members of the public endorsed by Bromsberrow Parish Council**

#### **Condition 12. Nothing other than uncontaminated inert waste material shall be deposited at the Site.**

Members of the public said that their experience of the way that the operator of the quarry had managed the infilling of the Ryton Road site demonstrated that they did not have faith in its ability to properly manage the infilling of the Bromsberrow site. Several members of the public said that they had witnessed material other than inert waste being deposited at Ryton Road, including skips full of rubbish that were operated by Ledbury Skip Hire which traded from the site of the quarry.

#### **Review of Condition 12 by a Contaminated Land Professional**

A member of the public highlighted that if the aquifer became polluted as a result of the material deposited in the quarry, the risk would be not only to the drinking water supply, but if farmers use the water for irrigation, the pollution could find its way into the crops grown in the fields.

#### **Protection of water pipes above ground.**

A member of the public referred to the existence of above-ground water pipes near to the pathway that sits alongside the M50 where it meets Woodend Street. She said that these should be specifically protected and mentioned in the conditions.

#### **Wheel Wash**

Several members of the public related that the wheel wash that was installed for the Ryton Road site stopped being used. The road outside the quarry was covered in mud as a consequence. They were sceptical that the operator would enforce the use of a wheel wash in the Bromsberrow site.

#### **Road Surface**

A member of the public asked about weight limits on the road between the motorway and the entrance to Beach Lane at the A417. He said that he was concerned about the damage that would be caused to the road surface at the entrance to the village and given that there are two water mains at the junction of Beach Lane and Woodend Street which frequently burst. He said that it was important that the roads were fit for purpose and capable of withstanding the volume of traffic that would be using the roads to access the quarry.

DRAFT