

**APPLICATION REFERENCE: PL/2020/01612/PPFL****Site Address:** Berkswell Quarry Cornets End Lane Meriden Solihull CV7 7LH

<b>Proposal:</b>	Temporary depot with open storage area for plant and machinery, workshop, office building, and re-profiling of the site for works relating to HS2.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	<b>A Section 106 agreement is required</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 AGREEMENT</b>
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**EXECUTIVE SUMMARY**

The application seeks planning permission for a temporary depot (for a period of 10 years) with open storage area for plant and machinery, workshop, office building, and re-profiling of the site, which forms part of Berkswell Quarry, for works relating to the construction and delivery of Phase One of High Speed Two, which is currently under construction within the borough and beyond under deemed planning permission provided for by Section 20 of the High Speed Rail (London West Midlands) Act (The Act).

The site lies within West Midlands Green Belt and represents inappropriate development. Very special circumstances have been put forward by the applicant in support of the proposals, including that they are a necessary component to the support of the delivery of the HS2 rail project, which are felt to be sufficient to clearly outweigh the harm caused to the green belt by reason of inappropriateness, and temporary loss of openness.

Subject to the imposition of suitably worded conditions and the applicants entering into a s106 agreement to secure third party land owner agreement for the use of land outside of the application site, for implementation of landscaping; financial contribution for highway maintenance of Cornets End Lane; a landscape restoration

scheme; and Biodiversity offset, the proposals are considered to be acceptable in terms of impact on highway safety, neighbours amenities, landscape, ecology, and drainage. The proposal provides public and environmental benefits in the form of enhanced landscape restoration upon cessation of the use to mitigate for the temporary loss of landscape character and limited less than substantial harm caused to nearby designated and non-designated heritage assets.

## **MAIN ISSUES**

The main issues to be considered are the effects of the development, having regard to the following issues:

- Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the proposal in terms of highway safety;
- The effect of the proposal on the living conditions of nearby residential properties;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal in terms of ecology;
- The effect of the proposal on nearby Designated Heritage Assets;
- The effect of the proposal on drainage matters;
- If the development is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.
- Other matters

## **CONSULTATION RESPONSES**

### **Non Statutory Consultees**

The following Non-Statutory Consultee responses have been received:

Berkswell Parish Council - no response received

British Pipeline Agency – no response received

Lead Local Flood Authority – no objection, subject to condition

National Grid – no response received

SMBC Ecology – No objection, subject to conditions and s106 agreement to secure Biodiversity offset

SMBC Heritage Assets – no objection subject to conditions

SMBC Highways – no objection subject to condition and s106 agreement to secure maintenance of Cornets End Lane

SMBC Landscape – no objection, subject to conditions and s106 agreement to secure landscape

SMBC Public Protection – No objection subject to conditions

SMBC Policy and Spatial Planning - No objection

SMBC Rights of Way – No objection  
Warwickshire County Council (Archaeology) – No objection

## **PUBLICITY**

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015. One letter of comment has been received from Meriden Parish Council, in summary, making the following points:

- Meriden Parish Council thanks the applicant and agent for taking the time to meet with them and amending the proposed working hours in line with existing quarry operators' licence conditions and revising the number of HGV movements from 42 to 33.
- The PC acknowledges receipt of a number of management plans, and duly note these will be in place and monitored regularly by the applicant to mitigate the risk of air quality, dust, noise and traffic issues raised within the conditions of any temporary licence granted for a maximum 10 year term.
- The PC requests the applicant to be sympathetic to community amenity of the "Meriden Gap" and "Vale of Arden" landscapes when diverting any public footpaths, building visual bunds and erecting temporary structures for workshops and employee welfare.
- Regarding this site being Green Belt the application does not prove there are special circumstances as the applicant will provide neither mineral extraction, recycling or landfill operations identified in Solihull's Local Plan.
- The PC requested the applicant to join the "Sweeper Operator Consortium" in maintaining Cornets End highway cleansing regimes; to be a participating member of the Quarry Liaison Group; to adopt an "open door" policy to receive complaints and field enquiries from the parish council and local community, and to make any contribution deemed appropriate by Solihull MBC highways for the maintenance of Cornets End Lane.
- Whilst the need to support the HS2 construction is understood, the PC has concern and caution around the cumulative impact of another operator based at Meriden/Berkswell Quarries, together with HS2 construction all around Meriden and increased HGV's on the road network when all other operators in the local area are included.

## **PLANNING ASSESSMENT**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning

policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance.

Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies, in relation to the purposes of including land within the green belt.

The proposal, which involves a new building on an otherwise vacant site, is not one of the exceptions to the general presumption against development in the green belt within the NPPF. (Paragraphs 145 & 146).

The courts have ruled that the openness of the Green Belt has both spatial and visual dimensions. Being devoid of built form at present, the site contributes to openness of the Green Belt. It would seem inevitable that the cumulative impact of the proposed 11m high workshop, wash-down bays, HGV fuelling point, diesel tank, hardstanding areas, 3m high fencing, lighting and security cameras would have a significant effect on the openness of the site, despite additional landscaping to screen the proposal, will also give rise to harm to openness and to green belt purposes, including harm through the encroachment of inappropriate development.

Accordingly, the proposal represents inappropriate development and would result in harm to the openness of the surrounding Green Belt. This issue carries substantial weight against the development in the planning balance.

The applicants accept that their proposal represents inappropriate development in the Green Belt and a very special circumstances case (VSC) is put forward. 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. The issue of what constitutes VSCs, either singularly or collectively, is a matter for planning judgement in each case. This will be discussed later in this report.

#### The effect of the proposal in terms of highway safety

Policy P7 of the Solihull Local Plan seeks to focus development in the most accessible locations and seeks to enhance accessibility levels and promote ease of access. Policy P8 seeks all development to have regard to transport efficiency and highway safety.

The site would be accessed off Cornets End Lane via an existing access track, located to the north-west corner of the site and running along the western boundary. A new gated access would be created off the existing track, to the south western corner of the site. The main purpose of the site is for the storage and maintenance of construction plant and machinery associated to the construction of HS2 within the vicinity of the site. The site would serve as a distribution location for hired

construction plant (such as dumpers and excavators), such plant being temporarily stored on site when not in use or when requiring maintenance.

Plant would be transported to/from work locations by 4 no. 80-tonne GVW articulated low-loader vehicles and 1 no. 120-tonne GVW articulated low-loader vehicle, which would operate from the site and be parked there overnight.

It is expected that 4 or 5 service vans would travel between hired plant locations to undertake routine servicing and minor repairs, removing the need for plant to be brought back to the depot for such purposes. These vans would operate on a mobile basis, only occasionally visiting the depot (perhaps once per week) to collect parts. There would also be a periodic need for plant operators to visit the site for induction and training.

The site is also intended to serve as an operational base for 2 mobile cranes, able to be driven to and from work locations.

The site would comprise open storage, parking for staff and visits, a temporary workshop building (with inflatable roof) to house associated maintenance activities, ad offices. The site would also accommodate a plant/vehicle wash-down area and diesel tank for plant/vehicle fuelling.

The Transport Statement submitted in support of the application indicates that the proposals could generate approximately 66 two-way vehicle trips per day. This equates to approximately 5 two-way vehicle trips per hour over the proposed operating hours (07:00-20:00).

The Transport Statement estimates that the development proposals would result in a 2% increase in traffic along Cornets End Lane; a 0.2% increase in traffic along the A452 Kenilworth Road and a 0.03% increase in traffic along the A452 Kenilworth Road North.

Since the transport statement was submitted, the hours of operation have been reduced to 0800 to 18.00 hours. This may have the effect of less vehicle trips per day, thereby creating a betterment in terms of vehicles on the surrounding road network. Conversely, should the proposal result in more vehicle trips per hour, given the modest increase in traffic along the above roads, any consolidation of vehicle movements within the reduced operation hours would not be materially significant.

SMBC Highways have considered the proposals and raise no objection, concluding that it is unlikely that the proposals will generate a significant increase in vehicle trips, sufficient to have a severe impact on public highway safety, or on the operation or capacity of the local highway network. It is recommended that a condition requiring a Traffic Management Plan is attached to any approval to ensure that all vehicles travel to/from the site via the A452 roundabout.

Given the nature of the proposed use, with abnormal loads required to utilise Cornets End Lane to access and egress the site, an annual/ongoing financial contribution by means of s106 agreement is also recommended, to secure the

maintenance of Cornets End Lane throughout the duration of the permission granted. An update will be provided at the meeting.

The submitted Landscape and Visual Impact Assessment notes that the closest Public Right of Way (PRoW) is M218 (Millennium Way) which runs 300m east of the Proposed Development from Keepers Cottage to Mercote Hall Lane where it then turns east.

Another footpath (M229) is located to the south west and is subject to a temporary diversion where it formerly crossed the quarry workings from Mercote Mill Farm westwards and to the south of the proposed Development. This footpath is currently due to be reinstated in November 2021. There are no changes to the alignment of the PRoW as a result of the proposal and the application proposal does not preclude such re-instatement. On this basis, SMBC Public Rights of Way officers raise no objection to the proposals.

In considering the application in terms of the impact on highway safety, the proposals are found to be acceptable, in line with Policies P7 and P8 of the Solihull Local Plan. This issue carries neutral weight in the planning balance.

#### The effect of the proposal on neighbours amenities

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development. Policy P14 is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The site lies within a rural setting, nevertheless, is set in the context of existing industrial type development due to the quarrying operations that operate in close proximity to the application site. The nearest sensitive receptors in the form of residential dwellings lie some 300m to the north-west and, further south of the application site. A commercial premises lies on the opposite side of Cornets End Lane, to the north.

The proposed operating hours for the development have been amended during the life of the application to between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays. This is in line with other approved uses and operations at Meriden and Berkswell Quarries and HS2's Code of Construction Practice (COCP). This can be secured via the imposition of a suitably worded condition attached to any approval, to avoid unduly adverse impacts on noise and disturbance to surrounding residential dwellings.

SMBC Public Protection have considered the application, with reference to the noise assessment that has been submitted. While a noise assessment has been submitted for consideration, further information is required to define baseline noise levels, the impacts presented, and any definitive mitigation strategies (if required). A suitably worded condition could secure these details and measures to be taken to avoid adverse impact on sensitive receptors, as appropriate.

Further conditions are recommended in relation to dust mitigation and control; as well as ground investigation and assessment for contaminated land, both prior to commencement of development and prior to restoration of the land to its original agricultural state, as appropriate, to ensure that the temporary use has not caused its own contamination that may need appropriate mitigation, for example from the concrete pad if this does not form an impervious layer. A condition is also recommended to ensure appropriate facilities for storage of oils, fuels or chemicals, as well as that stipulating minimum standards for engine emissions. Given the applicant's stated purpose of the development, being to facilitate the construction of HS2, it is considered that the latter condition is reasonable, and in line with HS2's own Code of Construction Practice in relation to engine emission standards.

The proposals indicate 20 lighting units, to be either column or building mounted, varying between 6m and 10m in height above ground level, as well as vehicles and plant when operating during the construction period, which is expected to last for 18 weeks, during winter months. Hours of lighting would be confined to the operational hours of the proposed development, with lighting reduced to minimum levels out of hours during the winter months. During the summer, the lighting would be set by a light cell switch. The column mounted lights would surround the southern, eastern and north-eastern extent of the site, and to north, west and south of the car park perimeter. All lighting would be removed upon restoration of the site, upon cessation of the proposed development.

An amended Lighting Assessment has been submitted with the application, which is based on current best practice, the ILP 'Guidance Notes for the Reduction of Obtrusive Light'. The site is identified as being within ILP Environmental Zone E2, which is defined as rural and would introduce new sources of light into a relatively dark area.

Mitigation measures to the lighting design would be employed to ensure that the amount of obtrusive light would be within guideline levels for the proposed land uses and identified sensitive receptors within the study area. Predicted visual effects upon sensitive receptors would be limited by intervening vegetation and bunding along the northern extent of the site. Due to varying screening and distances of receptors, visual effects from lighting associated with the proposed development is considered be slight/moderate overall and the effects would be temporary and reversible.

For the purpose of the submitted lighting assessment, no light fittings were assumed to be left on post curfew. However, in the event that lighting is necessary, for example during darkness in winter months, for reasons of safety and security, a condition is recommended to mitigate against any undue adverse impact of proposed lighting on nearby sensitive receptors, including residential dwellings

In the long term, the predicted effects from the proposed lighting would be completely restored and no lighting would be required after 10 years, upon cessation of the development, where all fixtures and fittings would be removed. This can be secured by condition.

Given the restricted hours of operation and that any external lighting beyond operational hours can be controlled by suitably worded condition, it is considered

that obtrusive lighting should not pose a material constraint to the proposed development.

Subject to the above mentioned conditions, the proposal is not considered to cause undue harm to neighbouring amenities, by reason of noise and disturbance, from activities arising from the operation of the proposed use and in this regard, no objection is raised by SMBC Public Protection. This issue carries neutral weight in the planning balance. The proposal is considered to be compliant with Policy P14 of the Solihull Local Plan guidance in the NPPF.

#### The effect of the proposal on the character and appearance of the area.

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. Policy P15 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The site lies within a rural area and on the periphery of an existing quarry. It forms a roughly rectangular parcel of land to the north east of the existing quarry operations, within an area of partially restored land. It is bound to the north by Cornets End Lane, to the east, by a large drainage basin and to the south and west by internal roads for site traffic movement. The site itself is a recently capped landfill situated on a mixed industrial/rural landscape.

This site has an open appearance albeit screened from the lane by an earth bund. The site is devoid of built form and is unlit. The entrance and internal roadway are greater in scale than those normally seen for agriculture and so conflict to some extent with their overall rural context.

In terms of views of the proposal from nearby public footpaths (located some 300m east and to the south west), it is anticipated that the immediate setting of footpaths crossing a semi industrial landscape would not change until the land on which the quarry, recycling facility and depot sits is reinstated to agriculture in the short to medium term (5 to 10 years). However, as a worst case scenario, the existence of the proposed depot may extend the semi industrial activities here if the quarry land and recycled aggregate facility is restored before the depot is.

The extant planning permission for the quarry provides that the area should be restored by virtue of the restoration requirements of Review of Mineral Permission (ROMP) 2001/2722 (PL/2001/00320/FULL)), which would see the full footprint of the site revert to arable land. The ROMP continues to apply subject to review on or before 13<sup>th</sup> September 2022. This states that the winning of minerals will cease on or before 21<sup>st</sup> February 2042.

The proposed development seeks planning permission on a temporary basis, for a period of 10 years, for an 11m high, two storey workshop and office building, set south of an existing earth bund which lies outside of the application site, running

parallel with Cornets End Lane. New parking facilities for plant and machinery on areas of hardstanding would also be laid within the site. A wash down bay area would also be provided. A new site entrance and access gate would be set to the south west corner of the site. A 3m high fence would be installed along the northern boundary of the site. Lighting and CCTV cameras would also be installed.

A new noise bund would be incorporated to the eastern boundary of the site for the duration of the proposal, while an existing 5m high noise bund beyond the northern boundary of the site would remain for the life of the planning permission sought, to provide partial screening of the development.

Following removal of the proposed infrastructure associated with the proposed development, the site would be restored to agricultural fields, divided by native hedgerows. The bund to the north, and the acoustic bund to the east, would be removed and used in restoration of the site, unless at this stage any protected species are present. The existing boundary hedge to the north would remain intact and form part of the restored site. A new, native hedgerow, incorporating native trees is to run in a north-south direction across the site is required by the original restoration proposals for the wider quarry site.

A submitted mitigation plan indicates that this hedge would have additional, native oak trees to be planted south of it at the earliest opportunity following commencement of development. These trees are intended to be retained in perpetuity following the quarry restoration. A new hedgerow of some 30m length is also proposed, extending from the existing hedgerow along Cornets End Lane to the existing Berkswell Quarry site entrance, located along the bund behind the existing fence line and consisting of a double staggered row of native locally occurring species, in accordance with SPG Warwickshire Landscape Guidelines. Irregular spaced field oaks would also be introduced within the proposed hedge line to the site entrance. These would be planted at the earliest opportunity in the project programme, as part of advance mitigation works. A mixed native hedgerow of 175m length along the southern boundary of the site would also be incorporated, to assist in screening lower potential views of proposed infrastructure and vehicular movements. All hedgerows would be maintained at a minimum height of 2m or the height of neighbouring existing hedgerows. These new hedgerows/tree planting are in addition to the landscape restoration scheme, as envisaged by the original restoration proposals for the wider quarry site.

Part of the proposed landscape mitigation lies outside the application site boundary, on land that lies outside the applicant's interest. A S106 legal agreement binding landowners to commit to and implement the proposed planting would be required to secure this.

SMBC Landscape raise no objection to the proposals, subject to conditions and s106 agreement to secure further mitigation planting to that shown on the proposed landscape mitigation plans, off-site, in the form of new tree, woodland and hedgerow planting of suitable species, to help break up the structure of the development and integrate the immediate landscape scheme into the wider surrounding landscape. Further details will be provided as an update note to the forthcoming meeting.

The proposal will introduce a significant amount of new, substantial built form to the site for the duration of its use and operation, notwithstanding peripheral screening by vegetation and bund, despite the existence of other quarry operations in the vicinity of the application site. However, the temporary nature of the application is noted and the impact of proposal is reversible. Suitable landscaping of the site for the duration of the proposed development and beyond is proposed and can be further bolstered by condition/s106 agreement, providing mitigation for any visually adverse effects of the use/operations and restoration of the landscape over and above that which is secured by the extant planning permission for the wider quarry area, upon cessation and removal of the use. On this basis, the proposal is not considered to undermine the character of the area, or the aims of Policies P14 and P15 of the Solihull Local Plan and guidance within the NPPF. This aspect carries neutral weight in the planning balance.

#### The effect of the proposal in terms of ecology

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right and states that the Council will seek to conserve, enhance and restore biodiversity and geodiversity, to create new native woodlands and other habitats and to protect, restore and enhance ancient woodland and green infrastructure assets across the Borough. It goes on to state that development should be informed by the latest information on habitats and species, and take full account of national and local guidance on conserving biodiversity, opportunities for biodiversity enhancement and for improving and restoring the Borough's green infrastructure.

The policy goes on to state that where development is likely to have significant harmful effects on the natural environment, as a result of the development itself, or the cumulative impact of developments, developers must demonstrate that all possible alternatives that would result in less harm have been considered. Where development is permitted, appropriate mitigation of the impacts and compensation where relevant will be required to deliver a net gain in biodiversity, habitat creation, landscape character and local distinctiveness. Enhancements should be undertaken either on the site, in its vicinity, but where it is demonstrated that this is not possible, offsetting in alternative strategic locations within the biodiversity or green infrastructure network, to deliver biodiversity or other objectives may be considered.

Policy P10 is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

A Preliminary Ecological Appraisal (PEA) and Biodiversity Impact Assessment (BIA) has been submitted in support of the application. A lighting assessment and Ecological Management Plan, as well as the result of surveys to confirm the presence/likely absence of reptiles from the site have also been submitted for consideration, to detail all avoidance, mitigation and compensation for all notable and/or protected species on site.

The applicant asserts within their submission that any impacts associated with the construction phase will be fully mitigated through the production of a Construction

Environment Management Plan. SMBC Ecology are content that this can be secured through planning condition.

The PEA identified value for a number of notable and protected species, however, habitats on site are of low value and in poor condition.

The submitted Ecological Management Plan states that site clearance will not impact habitats of high value for nesting birds. The interior of the site area which is to be cleared is of low value. Site clearance will be undertaken outside of the nesting bird season to avoid impacts upon ground nesting birds. Site clearance will not impact habitats with potential to support hedgehogs. However, as a precautionary measure, clearance will be undertaken in a directional manner from south to north. Any hedgehogs will be 'encouraged' to move into suitable habitat beyond the northern boundary of the site. Additionally, should any hedgehogs be encountered during site clearance, clearance will cease and the hedgehog(s) will be moved by hand into suitable habitat beyond the northern boundary of the site before clearance works commence.

With regard to ecological enhancement, the EMP strategy details hedgerow planting along the southern and north-western boundaries of the site, as detailed above. Within the north-eastern hedgerow, standard oak trees will also be planted. The detailed design has not been submitted for consideration, however, a range of measures are suggested to ensure their health and longevity. It is asserted that these hedgerows will constitute Local Biodiversity Action Plan (BAP) priority habitats and provide a valuable foraging resource for bats, birds and hedgehog, in addition to invertebrates. The Local BAP also contains Species Action Plans for hedgehogs and bats; therefore this hedgerow will create habitat for local conservation priority species and contribute to local BAPs.

The Biodiversity Impact Assessment demonstrates that the development proposals will result in a net loss of 2.14 biodiversity units on site and an equivalent level of biodiversity offset is required to compensate for the loss. The applicant advises that the compensatory biodiversity units will be provided post-development by a third-party offset provider. A financial contribution of £100,611 is offered to offset this net loss, to be secured by s106 agreement. SMBC Ecology are content that the proposed mitigation of the site, in combination with the BIA financial equivalent sum, will lift the proposal into a position to avoid a "no net loss" situation, in line with the SMBC current Local Plan policy.

The submitted lighting assessment concludes that the proposal will introduce new sources of light in a relatively dark area during the period of operations (over a 10 year period). The assessment asserts that lighting has been designed to minimise impacts upon foraging and commuting bats, specifically along the bund which runs west to east along the north of the site. All lighting installed will be downward facing and feature cut-off angles to minimise light spillage. There is no predicted increase in sky glow as a consequence of lighting on site. Luminaires will be directed to the interior of the site. Any security lighting facing away from the site will feature passive infra-red (PIR) sensors to ensure they are only illuminated when required.

Additionally, mixed native hedgerows along the southern and north-western boundary will act as a visual screen and buffer light spill from the interior of the site, in addition to providing foraging habitat for bats, birds and hedgehog. As site operations will largely be confined to the day and in areas of the site which are considered largely unsuitable for foraging and commuting bats, external lighting is not expected to result in significant impacts upon bat foraging and commuting. SMBC Ecology consider it is likely that the surrounding habitats of scrub and woodland, including the local ecological features of hedgerows and water bodies, will be used for foraging and breeding of birds, bats and invertebrates. Upon removal of the depot and implementation of the existing restoration plan for the site, all external lighting will be removed.

SMBC Ecology have considered the lighting assessment and its effect on biodiversity. A condition is recommended to secure appropriate lighting details in the interests of protecting ecological species from harmful effects of lighting.

On the basis of the above, subject to conditions and completion of a s106 agreement to secure net gain to biodiversity, the application complies with the NPPF and Policy P10 of the Solihull Local Plan and guidance within the NPPF.

#### The effect of the proposal on nearby designated and non-designated heritage assets

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The decision maker must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.

Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should be given great weight and in accordance with Paragraph 194 and 196 of the Framework should require clear and convincing justification and overriding public benefits.

The site is less than 300 metres east of two grade 2 listed designated heritage assets, Hornbrook Farmhouse and Hornbrook Farm barn. Part of their significance lies in their clear representation of a timber framed farmhouse and barn with locally made brick nogging infill panels and plain clay tiled roofs, with the significance heightened by their ongoing group value. The surviving elements of rural setting add to their significance and the appreciation of them as buildings provided at some expense for rural industry. The site lies north of the grade 2 listed Mercote Mill Farm but separating the two are areas of mineral extraction, spoil heaps, aggregate recycling and wide internal roadways for the minerals site. This combined with trees and hedges is sufficient, in this unusual instance, to prevent harm to the setting of the farmhouse whilst the minerals extraction and aggregate recycling operations are ongoing. As the submitted Heritage Assessment points out, the landscape around the listed buildings has been subject to significant change in many parts.

The new building would be of substantial scale, at up to 11 metres high, and regardless of finish and colour would be noticeable in the predominantly rural landscape. Some of the screening measures for the extractive industry succeed in maintaining an impression of a rural area by concealing workings and plant from some viewpoints. However, site entrances, internal roads, signage and lorry movements remain clearly evident as adverse impacts in the wider setting of Hornbrook Farm and its barn (both grade 2 listed). Other viewpoints allow views or glimpses of the works and structures in their setting, such as from various points on the A452 and from higher ground on Cornett's End Lane and Park Lane.

A lack of clear opportunities to appreciate the listed buildings and their position in relation to the site mean that the substantial compound and buildings with fencing and external plant parking would not affect the setting of the farmhouse and barn. The proposals indicate that the site would be restored to agricultural land after the use of the depot expires.

A Lighting Assessment has been submitted which concludes that lighting associated with the proposed development would have a negligible visual effect upon Listed Buildings due to limited inter visibility between the buildings and site and orientation of main facades of those Listed Buildings.

It is noted, however, that the submitted lighting assessment does not appear to address the impacts of lighting outside the standard working hours. It is reasonable to assume that a project of this scale will no doubt require occasional use of the yard and lane beyond the normal working hours and this is implied within the worded of the amended assessment. Lighting would then potentially have a greater impact if the surroundings are darker. However, SMBC Heritage Assets do not consider this is likely to mean an appreciable change in the impact upon listed buildings, and these limited instances would presumably be fairly unusual and brief.

It is considered that the impacts of the proposed depot, including lighting, noise and frequent heavy vehicle movements, would be absorbed within the existing impacts caused by mineral extraction, given that the proposed operating hours of the development mirror that of existing operations in the vicinity.

The A452 to the south is not busy at night and the proposed use would produce a cumulative impact on tranquillity when experienced together with any necessary evening or night hours working to construct HS2 itself. If all nearby minerals extraction and restoration are completed before the proposed building and its associated activities and storage cease and are removed, the proposed building and use would then cause their own greater degree of harm during that period. However, temporary consent seems likely to expire and the building and use be removed and ceased before the mineral extraction is completed.

SMBC Heritage Assets officer agrees with the assertion within the Heritage Assessment that the existing mineral extraction activities affect the setting of Mercote Mill Farm to the south of the site significantly. Whilst that site is operative the proposed building, compound and uses may well not be able to produce any additional harm to its setting. However, if the site extraction and restoration are completed before the proposed building and its associated activities and storage

cease and are removed, the proposed building and use could cause their own greater degree of harmful impact during that period.

It is considered that the proposals would only cause a small amount of 'less than substantial' harm to the setting of the designated heritage asset of Hornbrook Farm house due to additional heavy vehicle movements, if those had to occur outside the normal working day. In this regard, it is noted that the applicants have agreed to limit operating hours to daytime hours, in line with existing quarry operators in the vicinity. Furthermore, if the site can be restored to a suitable agricultural parcel and then used as such, the impacts will be temporary but for a significant number of years. If restoration can be enhanced to restore Arden landscape characteristics on and around the site this could secure a long term improvement in the wider setting of the farmstead.

Such landscape enhancement, over and above that already secured by planning condition attached to previous planning permissions for the wider quarry site, can be secured via a suitably worded condition. On this basis, upon cessation, removal and restoration of the land, incorporating the above enhancement, the proposals could provide a public benefit, which is considered to balance the less than substantial harm caused by the proposal to nearby designated heritage assets. This would ensure that aims of Policy P16 of the Solihull Local Plan or the guidance contained within the NPPF are not compromised. The less than substantial harm caused by the proposal to nearby designated Heritage Assets carries very limited weight in the planning balance.

In terms of impact on features of archaeological interest, Warwickshire County Council have considered the proposals and conclude that given the past disturbance of the application site the proposed development would not have a significant archaeological impact. The proposals would accord with Policy P16 of the Solihull Local Plan in this regard and this carries neutral weight in the planning balance.

#### The effect of the proposal on drainage matters

A Flood Risk Assessment and Drainage Strategy has been submitted with the application. SMBC Drainage, as Lead Local Flood Authority, have considered the information and are content that the proposals are acceptable in drainage terms, subject to a condition requiring the submission, approval and implementation of a surface water drainage scheme.

On this basis, the proposals comply with Policy P11 of the Solihull Local Plan. This issue carries neutral weight in the planning balance.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Commentary given within the applicant's planning statement accepts that the proposals are inappropriate development within the green belt and a Very Special Circumstances (VSCs) case is outlined in support of the proposals which the

applicants consider, both individually and collectively, outweigh any potential harm to the Green Belt.

In summary, VSC's are listed as the following:

- Directly related and essential component of the HS2 works;
- Strategic Location;
- Complementary activity to existing Cemex waste recycling/landfill operation;
- Temporary use;
- Provision of jobs and significant benefit to the local economy.
- Minimal and mitigated impact on Green Belt with the proposed bunding and screening of the site.
- Environmental benefits of the proposal.

These very special circumstances are considered in turn, below:

#### Directly related and essential component of the HS2 works

The applicant asserts that the application is sought for the exclusive use to support the construction and delivery of the High Speed Two Project and, considering the scale of the HS2 infrastructure, there is a need for depots to facilitate the substantial works proposed in the area. Due to the intensive nature and high demand for plant and machinery required, there is a need for additional depots, to those compounds identified within HS2 Act Limits. They advise that the application site has been chosen due to its close proximity to the HS2 worksites, thus reducing emissions, compared to travelling from the applicant's existing premises which are located further away from the HS2 route. The proposed site would therefore represent a key facility in supplying the machinery required to support this major national infrastructure project.

The applicant has provided a letter from BBV JV, who are contracted to deliver the Main Works Civils elements of the HS2 railway project, which confirms that the applicant is a current supplier to them on the HS2 main works contract, providing operated and non-operated plant at several of their local compounds as part of the mobilisation and early works. BBV JV confirm that they are now looking to engage with the applicant and other plant operators to deliver this major infrastructure project. BBV JV confirm their expectation that their Tier 1 suppliers (of which the applicant is one) will provide more equipment this year as they build their components. Further heavy earthmoving and structure plant will be required from the start of next year. BBV JV state the importance of engagement with suppliers that are local to the project to enable prompt service of their requirements, while minimising logistics requirements, in accordance with part of their undertaking with HS2 Ltd.

The applicant has offered the following measures, to be secured by condition and/or legal agreement, to both mitigate the effects of the proposal and to ensure that the site would be exclusively used for the supply of goods and services for the delivery of the HS2 project:

- Temporary consent sought for the duration of the HS2 project, for a period of 10 years from the date of any planning permission.
- Limiting the use/operation of the development to the applicant, only, and for the sole purpose of supplying equipment necessary to facilitate the construction of HS2.
- Storage of plant and machinery on site only for the purpose necessary for the construction of HS2.
- Submission of written reports to the Local Planning Authority outlining the use and operation of the site and confirming the use of the site for its authorised purpose only.
- Cessation of operations if it cannot be demonstrated that the site has been supplying for the construction of HS2.
- Restriction of hours of use/operation of the site, in line with those established by HS2's Code of Construction Practice.

### Strategic Location

The applicants second VSC asserts that the site is well placed strategically to serve the HS2 operation, being ideally located in close proximity to the HS2 works and the wider strategic transport network, a short distance from Cornets End Lane to the A452. The applicant states that vehicle proximity to the transport network is key to the supply of HS2 with plant and machinery to support the extensive building and preparation works of the railway.

The applicant states that of their existing network of depots, the closest to the West Midlands section of the HS2 route is at Rushden in Northamptonshire, approximately 60 miles away from the site, and are therefore too distant from the proposed HS2 work sites for these to be utilised due to the large haulage distance and associated carbon footprint, associated costs, and the servicing requirements for BBV JV. The applicant states that it would be economically unviable and unsustainable to use the applicant's existing depots.

Whilst there is no policy requirement to undertake a sequential test for to ascertain the suitability of the proposed site, the applicants have, nevertheless, undertaken to apply the standard 'suitable' and 'available' search criteria used in housing supply and sequential assessment to demonstrate that the site is the most suitable site for the development proposed, via the submission of an Alternative Site Search Appraisal (ASSA).

The applicant advises that due to the nature of the use, it is not practical to disaggregate the storage or other facilities across multiple sites; it is required to be managed from one location, thus a single site is required. Alternative sites therefore considered those with land exceeding 1 ha, which lie close to the strategic transport network.

The ASSA identifies 13 alternative sites that have been assessed for suitability for the proposed use. The source of potential alternative sites was taken from the HS2 Planning Context Report for Solihull and the applicants own internal site search

process. The assessment concludes that no other site assessed is available, suitable or accessible for the proposed development and that the proposed site at Berkswell Quarry is the most suitable for a temporary depot facility for storage of machinery and plant for the HS2 works.

Of the sites identified within HS2 Act Limits as per those identified within the HS2 Planning Context Report for Solihull, they have been discounted, amongst other reasons, on the basis that they are too small to accommodate the proposed depot; lie close to residential dwellings; are without direct or easy access to the road network; are located within the green belt/other land designations (minerals local plan allocations etc); are allocated for alternative uses to serve HS2 construction activities; or, are otherwise unavailable for the proposed development. Furthermore, the applicant states that these compounds are for HS2 Ltd's directly retained staff, equipment and resources. In order to deliver HS2, HS2 Ltd requires other suppliers (such as the applicant) to provide specialist equipment and expertise. Overall budgetary allowance has been made for the required essential third party input. Physical accommodation is not allowed for or given in the HS2 Act Limits compounds and as such key suppliers are tasked with finding premises themselves.

A strip of land adjacent to Berkswell station car park is also identified, which is currently being used by Network Rail. This land lies within the green belt and is identified as a Minerals Safeguarding Area for Coal in the Solihull Local Plan. While it is considered that it would be possible to import aggregate by train and operate a plant yard on the site, Network Rail have confirmed that it would not be possible to organise and facilitate the use of the train for the proposed development before HS2 phase one is built. Furthermore, the current access is via the car park that serves Berkswell Station, which would be impractical given the conflict between low loaders/HGV vehicles and Station car park users. The proximity of the site to nearby residential dwellings also renders the site unacceptable.

A number of sites are also identified outside of Solihull Borough, however these are also discounted for similar reasons as above, as well as other reasons, including local plan designations for other uses including green belt; proximity to SSSI's; sites that are too large for the proposed development; as well as noting the greater distance of these sites from the HS2 route than the application site. It is therefore concluded that the proposed facility would be required in addition to the sites identified by High Speed Rail (London – West Midlands) Act 2017 (The Act).

In terms of operational requirements, the applicant submits that the application site at Berkswell is the best location due to its operational quarry permissions and access to the road network, in close proximity to HS2 haul roads. The quarry area already accommodates the type of large vehicles that would be utilised by the applicant, such as 30, 40,50 and 70 ton excavators and 30,40 and 60 ton dumpers, as well as physical and Vehicle and Operator Services Agency (VOSA) permitted access for 150 ton oversized low loaders. A minimum site area of 3 acres is required to accommodate the operational requirements of the proposed use. The application site is also equipped with mains power and therefore would not need to rely on portable generators to supply power, which the applicant advises is in line with HS2 requirements.

There is also a requirement for ground pressure rated sub base or 400 mm concrete to manage the high ground pressures by plant movements and vibration sensitive locations to neighbouring dwellings.

The applicant submits that the application site would not be out of place and is the best location to provide the least disruption to the local community.

#### Complementary activity to existing Cemex waste recycling/landfill operation

The third listed VSC asserts that the proposed development is a complementary activity to existing Cemex waste recycling/landfill operation.

The proposed submission also indicates that the proposed impact of the development on the green belt would be mitigated by the existence of similar built form in the surrounding area, along with limited visual impact from the wider area due to the existing landscaping of the site. The planning statement refers to planning permission for the erection of buildings near to the application site and located within the green belt, namely at Coleman's Yard (PL/2018/03057/PPFL) and at the former Tarmac site at Meriden Quarry (PL/2019/01368/PPFL).

#### Temporary use

The proposal seeks consent on a temporary basis, for a period of 10 years, while required for the duration of the construction of HS2 railway line. After this time, built form and hardstanding areas would be removed and the land would be restored/enhanced.

The planning also statement refers to cancellation of the lease from Berkswell Estates if HS2 is abandoned. However, the terms of a lease is not a matter for planning consideration.

#### Provision of jobs and significant benefit to the local economy

The applicant asserts that the proposal will generate employment in the order of 60 - 70 jobs and would have a significant benefit to the local economy.

#### Minimal and mitigated impact on Green Belt with the proposed bunding and screening of the site

The applicant considers that the proposal would have minimal and mitigated impact on the Green Belt, with the proposed bunding and screening of the site via landscape planting as part of advance mitigation upon commencement and for the duration of the development. Post development, upon expiration of the temporary planning permission, the site would be restored and enhanced via landscape planting which is in line with, and in addition to, the restoration requirements already envisaged for the wider quarry site.

#### Environmental benefits

The applicants point out that the application site lies at the approximate centre of the West Midlands section of the HS2 route, having been selected to limit operational travel distances and times, given that the applicants nearest existing depot is located some 60 miles away at Rushden, Northamptonshire. This depot only serves the applicant's larger plant (including a 120 tonne GVW articulated low loader), with smaller items (including four 80 tonne GVW articulated low loader vehicles) being served by a depot in Hemel Hempstead, located 87.5 miles away from the centre of the West Midlands section of the HS2 route.

The applicant asserts that serving the West Midlands section of the HS2 route from the application site instead of Rushden, Northamptonshire, would save 594,000 vehicle miles per year, equating to almost 6 million vehicle miles over 10 years, the equivalent of going to and from Birmingham to Australia 270 times or around the globe 240 times. Utilising the two depots at Rushden and Hemel Hempstead to supply plant and equipment to the HS2 construction operation would give rise to 787,600 vehicle miles per year, equating to almost 8 million vehicle miles over 10 years, the equivalent of going to and from Birmingham to Australia 363 times or around the globe 321 times.

The combined carbon saving by utilising the application site as opposed to transporting plant from Rushden and Hemel Hempstead would equate to over 100,000 tonnes of CO<sub>2</sub> over 10 years (saving 80,000 tonnes if all vehicles were to travel from and back to Rushden).

### Consideration of VSC's

Whether very special circumstances (VSCs) existing to warrant justification for inappropriate development in the green belt is a matter of planning judgement in each case and can rely on an accumulation of circumstances. Having regard to the above VSC's, in turn, officers acknowledge that the HS2 project, which is already underway in the Borough and along the wider Phase One route, will continue to be delivered via the main works programme following the government's commitment to the delivery of HS2 in February 2020.

Need is an important part of the applicants VSCs case and should be considered in the context of the particular circumstances of the application. In order to construct HS2 there is a need for the type of heavy specialist plant that the applicant supplies. Officers also note the comments from BBV JV HS2 (BBV), the Main Works Civil's Contractor (MWCC) for this part of the Phase One Route, that the applicant is a current Tier One supplier to the HS2 project. BBV also confirms that they are looking to engage with the applicant and other plant operators to deliver this major infrastructure project, via the provision of more equipment as they build their components. This would appear to confirm a genuine need for the applicant's services.

The proposed site would appear to be ideally located in relation to the wider strategic transport network to supply HS2 with plant and machinery to support the extensive building and preparation works of the new railway line, given the relatively short distance to travel from the application site access road to Cornets End Lane, before traffic is able to enter the trunk road (A452) to the west, to serve the HS2 network

along the phase one route. The site's favourable location would put the applicant in a prime position to supply the heavy plant such that it is highly likely that BBV would draw on the applicant's services. In these terms, the applicant has a strong claim that an essential contribution will be made through the proposal to meeting HS2's needs. The legal agreement offered by the applicant to exclusively link the operation of the site to HS2 also demonstrates a strong, focused commitment to serving HS2. Conditions attached to any approval can suitably mitigate for the effects of the proposal, both on its own and cumulatively when set against existing/authorised/extant development in the surrounding locality.

Other sites considered by the applicant were found to be unsuitable for reasons the applicant puts forward. Sites in the urban area may well present difficulties in moving such heavy plant via local roads in terms of disruption to traffic and other adverse effects relating to amenity. Likewise other, green belt, sites assessed have been found to be unsuitable for reasons put forward.

The use will operate in the context of a location adjacent the existing operational, commercial quarry and other related uses that have similarities in terms of the nature of commercial vehicle movements in the locality. Harm to the green belt through effects on openness, encroachment and amenity for the temporary period that the development is sought would therefore be minimal and further mitigated by landscaping/bunding proposed within the site.

The applicant has also demonstrated that there would be a significant saving in lorry miles travelled associated with the proposed site than would be the case if other existing depots were relied upon. In comparison there would be a much reduced carbon footprint associated with the proposal as a relatively sustainable, transport related use.

The HS2 project has a finite lifespan in terms of construction, which appears in line with the time period sought by this application to serve the construction requirements of the project, and thus the time period sought by the applicants to operate and deliver the services required to assist in the construction of HS2 is considered to be reasonable, after which time the operation would cease and the land would be restored, secured by condition attached to Review of Minerals Planning Permission (ROMP) 2001/2722, with further conditions/legal agreement to secure enhancement of the landscape above and beyond that is currently expected for the site under the aforementioned ROMP.

The nature of built form is considered to be entirely reversible and would not preclude restoration of the site to an agreed state, subject to the imposition of conditions/s106 agreement to secure cessation of the use following the construction of HS2. This very special circumstance is considered to carry significant weight in favour of the application.

With regard to the provision of jobs and benefit to the economy as a result of the proposal, while Policy P17 of the Solihull Local Plan 2013 enables the reasonable expansion of established businesses into the green belt where there would be a significant contribution to the local economy or employment, the facility is not an established business on the site and therefore this part of Policy P17 does not apply.

Nevertheless, it is acknowledged that the facility would create in the order of 60-70 jobs, with consequential economic benefits in line with the aspirations of the NPPF, creating a strong responsive, competitive economy supported by necessary infrastructure, enabling a business to invest, expand and adapt. The NPPF at paragraph 80 places significant weight on supporting economic growth and productivity, taking into account local business needs and wider opportunities for development.

The proposal offers an opportunity to secure an enhanced restoration scheme over and above that expected under the existing ROMP (2001/2722 / PL/2001/00320/FULL), albeit at a later date than anticipated under that permission, due to the duration of operations proposed. This would secure environmental benefits for the site in the longer term and would also provide public benefit in relation to mitigation and enhancement against the less than substantial harm caused by the proposal on the setting of nearby Designated Heritage Assets.

The application cannot draw support from Policies P12 or P13 of the Solihull Local Plan 2013, given that the proposal does not constitute a waste or recycling operation. With regard to cancellation of the applicant's lease by the owner of the land, it should be noted that the terms of the lease is not a planning issue and not one that the Local Planning Authority has any control over should the terms change. Therefore, it is not considered that these matters amount to very special circumstances in support of the application.

Nevertheless, having regard to all of the above, it is accepted that cumulatively there are very special circumstances to justify the proposal in green belt terms, including those relating to need, the temporary nature of the proposal and commitment to a legal agreement to exclusively bind the use/development to facilitating the construction of HS2 and these can be taken to outweigh harm. SMBC Policy and Delivery raise no objection to the proposal in this regard and the proposal will not therefore compromise the aims of Policy P17 of the Solihull Local Plan or guidance within the NPPF.

#### Other matters

##### - Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 as it is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

##### - Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

## **CONCLUSION**

The proposal represents inappropriate development in the green belt and the identified green belt harm must be accorded substantial weight. However, it is considered that, collectively, the very special circumstances put forward for this temporary proposal can reasonably be regarded as clearly outweighing the harm to the green belt, in this case.

Subject to conditions and section 106 agreement, as appropriate, any undue harm caused to matters of highway safety, neighbours amenities, drainage, landscape and ecology, or less than substantial harm caused to designated heritage assets, can be suitably mitigated for. This includes measures secure restoration and landscape planting of the site which is both in line with, and in addition to, the restoration aspirations of required by conditions attached to the Review of Minerals Permission for the wider quarry site, upon cessation of the proposed use/development

## **RECOMMENDATION**

Resolution of approval, subject to the applicants entering into an obligation under section 106 and the following précis of conditions listed below (a full list of standard conditions is available using the following link), and referral of the application to the National Planning Casework Unit:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>)

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 3295/L/01 Rev B; 3295/P/03 Rev E; 3295/P/04 Rev C; 3295/P/06.

To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with Policy P14 and P15 of the Solihull Local Plan 2013

2. The development hereby permitted must be begun before the expiration of 3 years from the date of this permission.

Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development and use hereby permitted shall be for a limited period not exceeding 10 years from the date of this permission subject to compliance with condition 5 below. Upon expiration of the temporary planning permission, the use shall be permanently discontinued, and any associated plant, equipment, structures, hard surfacing and other operational development not required to facilitate restoration of the site shall be removed.

It would be undesirable to permit the development on a permanent basis, as this would be contrary to Policies P13 and P17 of the Solihull Local Plan.

4. The use hereby permitted shall be carried on only by L Lynch Plant Hire and Haulage Ltd, for the sole purpose of supplying equipment to facilitate the construction of the HS2 project.

This permission is only granted because of the particular circumstances of the applicant and in the interests of the long term safeguarding of the green belt, in accordance with Policy P17 of the Solihull Local Plan 2013.

5. Prior to the occupation and first use of the development hereby approved, and thereafter on an annual basis, a management plan outlining the use and operation of the site which provides confirmation that the site is only being used for the use hereby permitted, in line with condition 4 above, shall be submitted to and approved in writing by the Local Planning Authority. The agreed management plan shall be implemented upon first use of the development and shall be adhered to for the lifetime of the development. If it cannot be demonstrated to the satisfaction of the Local Planning Authority, for two quarters in a row, that the site has been supplying the construction of HS2, the use shall cease and the land shall be restored in accordance with details to be submitted to and agreed in writing by the Local Planning Authority pursuant to the details required by condition 9 below.

This permission is only granted because of the particular circumstances of the applicant and in the interests of ensuring the proper and expedient restoration of the site and long term safeguarding of the green belt, in accordance with policies P10, P13, P14 and P17 of the Solihull Local Plan 2013.

6. CL04

7. CL06

8. CL07

9. Within 3 months of the cessation of the use, a scheme of site restoration shall be submitted and approved in writing by the Local Planning Authority to facilitate the restoration of the site pursuant to conditions 3 and 5 above. Such a scheme shall be expected to incorporate a detailed scheme of soft landscape works and incorporate the requirements of site restoration as agreed by conditions attached to Review of

Minerals Planning Permission 2001/2722 (PL/2001/00320/FULL). In addition, to accord with the very special circumstances submitted within this planning application, the landscaping scheme shall provide enhancement beyond the requirements of the Review of Minerals Planning Permission 2001/2722. The soft landscape works scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The restoration scheme shall be carried out in accordance with the approved plans, details and timetable for implementation, unless otherwise agreed in writing by the local planning authority.

To facilitate full restoration of the land to agriculture and in the interests of landscape character and biodiversity and the long term safeguarding of the green belt, in accordance with policies P10, P13, P14, P15, P16 and P17 of the Solihull Local Plan 2013.

10. The use hereby permitted shall not be carried out, unless otherwise agreed in writing by the local planning authority, except between the following times: 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, and not at all on Sundays and Bank Holidays.

To protect the amenities of the occupiers of nearby dwellings in accordance with Policy P14 of the Solihull Local Plan 2013.

11. No materials, plant or machinery shall be stored on the site other than those necessary to facilitate the construction of HS2.

This permission is only granted because of the particular circumstances of the applicant in the interests of amenities in accordance with policies P14 and P17 of the Solihull Local Plan 2013.

12. The formation of bunds and site restoration shall be carried out using only soils from within the application site, in accordance with the approved plans and details, and there shall be no importation of soils from outside the site.

To minimise traffic movements and protect amenity in accordance with Policies P8 and P14 of the Solihull Local Plan 2013.

13. No building works shall be commenced until a schedule and samples of all materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To safeguard the visual amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.

14. Prior to the commencement of the approved development, a traffic management plan shall be submitted to and agreed in writing by the local planning authority. The approved traffic management plan shall be implemented prior to the development

coming into use and shall be adhered to for the lifetime of the development. The Traffic Management plan shall provide for:

a. Use of best endeavours to ensure that all lorry trips to and from the site adhere to the existing routing arrangements already established for existing quarry traffic (i.e. with all vehicles heading to the A452/B4102 junction before heading north or southbound on the A452 (i.e. no access to the B4102) by means of specified measures including site exit signage, written letters and information to drivers and contractors, a system of warnings and penalties, a complaints log, and the implementation of a periodic monitoring regime;

b. Commitment to work in partnership with the Council and local stakeholders to resolve so far as reasonably practicable identified issues surrounding traffic connected with the site;

c. A named contact who can be contacted in the event of an issues arising and who will record and respond to complaints with regard to vehicle routing.

In the interests of amenity in accordance with Policy P14 of the Solihull Local Plan 2013

15. The site access shall be maintained in a good state of repair and kept clean and free of mud and other deleterious material at all times.

In the interests of road safety in accordance with Policy P8 of the Solihull Local Plan 2013.

16. No mud or deleterious material shall be deposited on the public highway. In the event that material is inadvertently deposited it shall be removed immediately.

In the interests of highway safety in accordance with Policy of P8 of the Solihull Local Plan 2013.

17. Details of proposed external lighting, including a light contour plan at various areas of the site to be agreed in writing by the Local Planning Authority, as well as details comprising type, height and appearance of associated columns, bollards or similar installations, and the details of associated lighting fittings comprising details of colour, watts and any cowls or similar to direct light, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The scheme shall be carried out in accordance with the approved details before the development hereby approved is brought into use unless otherwise agreed in writing.

To preserve the local environment and amenity, including nearby Designated Heritage Assets, and to ensure protection of ecological habitats/corridors, in accordance with Policies P10, P14, P15 and P16 of the Solihull Local Plan 2013.

18. Before the development hereby approved is occupied (or at such later time as may be agreed in writing with the Local Planning Authority), a Green Travel Plan shall be submitted to and approved by the Local Planning Authority. Thereafter, the occupier of the premises shall review the Green Travel Plan on a biannual basis for

the duration of the planning permission. The review report shall be submitted biannually to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

To promote more sustainable transport choices in accordance with policy P8 of the Solihull Local Plan 2013.

19. Before the development hereby permitted commences a detailed noise impact assessment shall be carried out, by an appropriately qualified and technically competent professional, to establish the noise impacts presented by this development. The assessment shall have due regard to noise levels that may affect local noise sensitive receptors. Where assessment indicates that noise mitigation measures are required, the impact assessment shall include a noise mitigation strategy which shall detail the measures and evidence to show that acceptable noise criteria, as specified in recognised noise standards and guidance, can be achieved at sensitive receptors.

The noise impact assessment and any associated noise mitigation strategy, detailing the provisions to be made for the control of noise emanating from the site, shall be submitted to and agreed in writing by the Local Planning Authority

Once written approval has been issued, all agreed noise mitigation / control measures must be implemented before the use commences, and shall be maintained and used in accordance with the agreed measures thereafter.

To protect the amenity of nearby residents with regard to noise, in accordance with policies P14 of the Solihull Local Plan 2013.

20. All reasonable steps shall be taken to control the generation of dust on site. The following dust mitigation measures shall be provided on site at all times when the site is in use:

- Bunds shall be provided and seeded or otherwise vegetated to minimise dust emissions and aid in containment and mitigation of dust on site;
- All depot surfaces shall be laid with reinforced concrete;
- Wheel washing facilities shall be provided and be available at all times when the site is in use;
- Dust suppression systems shall be available, as necessary, to dampen down on site roadways and other hardstanding.

To protect the amenity of nearby residents in accordance with policy P14 of the Solihull Local Plan 2013.

21. The following control measures shall be carried out to minimise dust on site and the release of dust beyond site boundaries:

- Dust levels to be monitored on site during all potential dust generating activities and where necessary actions be taken to minimise any dust emissions, including the use of water suppression;

- Cleaning and damping down of on-site roadways and other hardstanding areas;
- Cleaning of vehicle wheels and bodies as necessary when vehicles enter and before leaving the development site;
- Plant brought onto the site that is contaminated with mud or soil shall be unloaded at plant wash bay and be cleaned prior to storage;
- A speed limit of 10mph to limit and minimise the production and re-suspension of dust.

To protect the amenity of nearby residents in accordance with policy P14 of the Solihull Local Plan 2013.

22. The following minimum engine emissions standards shall be achieved for all vehicles and equipment on site:

- Stage IV EU emission standards for non-road mobile machinery (NRMM)
- Euro VI standards for all heavy goods / heavy duty vehicles

In the interests of the protection of amenity and air quality, in accordance with policy P14 of the Solihull Local Plan 2013.

23. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (1) to (4) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part (4) has been complied with in relation to that contamination.

(1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- (a) human health,
- (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- (c) adjoining land,
- (d) ground waters and surface waters,
- (e) ecological systems,
- (f) archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

#### (2) Submission of Remediation Scheme

Where necessary following (1) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### (3) Implementation of Approved Remediation Scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### (4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### (5) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of any proposed remediation over a period of to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority before the development hereby approved is first used or occupied.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

(6) Unless otherwise agreed in writing by the Local Planning Authority, prior to any surrender of the development use hereby approved (and prior to its return to any pre-approved use or status), parts (1) to (4) above shall be complied with so as to demonstrate that any contamination resulting from this temporary use are appropriately and adequately investigated and where necessary mitigated. Similarly if unexpected contamination is found during investigations then the part of the site affected by the unexpected contamination shall be subject to parts (1) to (4) requirements above.

Investigations shall be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy P14 of the Solihull Local Plan 2013.

24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls or shall be stored in suitable double skinned tanks. The volume of any bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund must be sealed with no discharge to any water course, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

To prevent pollution of the water environment in accordance with policy P11 of the Solihull Local Plan 2013.

25. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:

- a) Drawings showing overall site concept design principles
- b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- c) Surface Water Drainage Design including:

- Confirmation of the lifetime of the development;
  - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice [Flood risk assessments: climate change allowances'](#)),
  - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
  - Confirmation of discharge rates and volumes (both pre and post development);
  - Confirmation of proposed discharge location;
  - Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
  - Engineering details for all surface water drainage features
  - Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
  - Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site.
- d) Surface Water Drainage adoption and maintenance strategy
- e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- f) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

The scheme shall be implemented, maintained and managed in accordance with the approved details.

To secure the satisfactory drainage of the site in accordance with Policy P11 and P15 of the Solihull Local Plan 2013.

26. No development shall take place until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Mineral Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for site clearance to be undertaken outside of the nesting bird season to avoid impacts upon ground nesting birds and shall not impact habits with potential to support hedgehogs. As a precautionary measure, clearance shall be undertaken in a directional manner from south to north of the site. Any hedgehogs should be encouraged to move into suitable habitat beyond the northern boundary of the site. Should any hedgehogs be encountered during site clearance, clearance will cease and the hedgehog(s) will be moved by hand into suitable habitat beyond the northern boundary of the site before clearance works commence.

To ensure the retention and protection of protected species and biodiversity in accordance with Policy P10 of the Solihull Local Plan 2013