

**Mr Robin Smithyman**

Kedd Limited  
Fox Studio  
King Street  
Much Wenlock  
Shropshire, TF13 6BL

5 June 2020

Our ref: 19/000053/CM  
Ask for: Steven Aldridge

Dear Mr Smithyman,

**Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure)**  
**(England) Order 2015 (as amended)**  
**Town and Country Planning (Environmental Impact Assessment)**  
**Regulations 2017 (Regulation 25)**

**Application Ref:** 19/000053/CM      **Grid Ref:** (E) 383959, (N) 278992

**Applicant:** NRS Aggregates Ltd

**Proposal:** Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement

**Location:** Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire

Further to my letter dated 24 January 2020 informing you that the application is valid from 14 January 2020, and that when I had received the consultation responses that I may require further information in support of your client's application. The consultation deadline has now passed, and in view of the comments received, I hereby request the following further information, under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

**Steven Aldridge**  
Team Manager  
Development  
Management  
Directorate of Economy  
and Infrastructure



volumes and minimise any disturbance to groundwater level profiles across the site. The efficacy of such schemes may deteriorate over time without ongoing maintenance and monitoring. In view of this, the Mineral Planning Authority requests further information on what arrangements would be put in place to ensure maintenance of the drainage scheme.

There appears to be a reliance on managing the risks associated with infilling of the mineral workings through a monitoring and mitigation scheme that would be attached to any future Environmental Permitting application to be made to the Environment Agency. The Mineral Planning Authority requests further information on the proposals for monitoring, which should address both groundwater quality and groundwater level impacts (the latter to ensure the drainage scheme is operating effectively). Monitoring proposals should also identify what realistic and available mitigation options could be deployed if monitoring identifies issues of groundwater contamination or undesirable levels of disturbance to recharge patterns.

Biodiversity: Ancient Woodland, and Ancient and Veteran Trees

In respect of ancient woodland, ancient or veteran trees, the Mineral Planning Authority notes the comments from the County Ecologist, dated 24 March 2020 and Worcestershire Wildlife Trust, dated 25 March 2020 consider that Tree T22 has been given limited consideration within the application submission. In accordance with Paragraph 175 c) of the NPPF, the Mineral Planning Authority seeks further information regarding the 'wholly exceptional reasons' for the loss of a veteran tree. Furthermore, the Mineral Planning Authority request that a suitable compensation strategy is submitted.

The Mineral Planning Authority notes that there appears to be a mismatch in Tree ID between the various submitted documents, specifically between the Ecological Impact Assessment and Arboriculture appendices:

- x Target Note 2 as a dying sweet chestnut with negligible bat roost potential. This tree is identified as T22 (**veteran** sweet chestnut) in the Arboriculture Appendix.
  - x Target Note 3 is identified as a **veteran** oak in poor condition and which appears to not have been assessed any further for potential to support bat roosts. This appears to be Tree T5 in the Arboriculture Appendix but was not identified in that document as a veteran tree.
  - x Target Note 5 is Tree T3, identified as a sweet chestnut with moderate bat roosting potential and which was subsequently found to support a bat roost. This appears to be Tree T8 in the Arboriculture Appendix, which identifies it as a common oak.
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- x Target Note 6 is Tree T2, an oak with high bat roost potential and subsequently a 'possible' bat emergence was noted during surveys. This is identified as Tree T9 in the Arboriculture Appendix.
  
- x Target Note 12 is Tree T4, an oak tree with high bat roost potential and which supports roosting kestrel. This was identified as **veteran** oak T25 in the Arboriculture Appendix.

In view of the above points, the Mineral Planning Authority seeks further clarification regarding the veteran trees on and adjacent to the site.

The Mineral Planning Authority also wish to reiterate that development resulting in loss or deterioration of veteran trees (T5, T22 and T25 as per Arboriculture Appendix, based on combined assessment between the applicant's Ecologists and AEt

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information regarding the submission of a dark corridor map that demonstrates that bat commuting routes can be maintained throughout the duration of the operations.

In addition, the County Ecologist in his comments dated 5 June 2020, notes that Target Note 3 in the Preliminary Ecological Appraisal is identified as a veteran oak. This appears to be Tree T25 in the Arboriculture Appendix, however, there does not appear to be any assessment of bat roost potential. Tree T25 is located very close to site boundaries and may, as a result, be affected by environmental effects of the scheme during operation / restoration, which may in turn lead to deterioration and potential loss. The Mineral Planning Authority, therefore, requires further information / clarification of the potential effects on and protection measures for veteran oak tree Target Note 3 / Tree T25.

In addition, the County Ecologist in his comments dated 24 March 2020, and the Countryside and Parks Manager note that the submitted Bat Survey only addresses the potential of roosts within the boundary of the application site. The operational phase of this application is highly disruptive and some of the bat species identified are rare and highly susceptible to the effects of disturbance and light. Therefore, it is considered that there is a risk active bat roosts may exist within the boundary features that surround the application that would be negatively impacted by the proposal. In view of this, the Mineral Planning Authority seeks further information / clarification as to why it is considered a 10-metre buffer zone is acceptable to not cause disturbance to potentially active bat roosts; or further surveys of the boundary features for bats should be undertaken.

The Ecological Impact Assessment identifies the presence of Skylark, which are listed as a species of principle conservation concern under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Given the duration of the operations, by encouraging greater public use of the site post-restoration, and the fragile conservation status of this species, the Mineral Planning Authority requests further clarification / consideration is given to mitigation for the loss of habitat for this species.

The Environmental Statement discounts impacts on otter as there are no suitable habitats identified on site. However, the Countryside and Parks Manager, the County Ecologist, and the Environment Agency in their comments dated 31 March 2020, note that the site abuts woodland associated with a (designated) watercourse, which are habitats likely to offer suitable opportunities for resting or natal otters. In addition, there are records of otter in proximity to

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Statement indicates that adverse dust impacts from sand and gravel extraction can reasonably be predicted within 250 metres of the source. In view of this, the Mineral Planning Authority requests further information regarding the potential offsite impacts upon wildlife including otters. Given the 11-year lifespan of the proposed operations, if disturbance is predicted this may have a significant impact upon a number of species sensitive to effects of disturbance, such as bats, otters and farmland birds. The Mineral Planning Authority, therefore, requests further consideration of specifications for proportional compensation and sustainable long-term enhancement measures for these species.

The Mineral Planning Authority draws the applicant's attention to the comments from the Countryside and Parks Manager, who recommends that bat and bird boxes should be in the form of woodcreast or other more durable materials, due to the length of time these mitigation features would be required to be in place.

#### Biodiversity: Restoration Scheme

With regard to the submitted restoration scheme, in view of the comments from the County Ecologist, dated 24 March 2020, Wyre Forest District Council's Countryside and Parks Manager, dated 27 February 2020, and Environment Agency, dated 31 March 2020. The Mineral Planning Authority consider that whilst the creation of acid grassland would be entirely appropriate given the site's ecological and historical contexts, the proposed 'ribbons' of grassland habitats, proposed around the field margins, are not be appropriate. As these ribbons of acid grassland do not link adjacent unimproved grasslands, would suffer from greater 'edge effects' by their linear nature, would be under agricultural pressure from adjacent farmed habitat and would offer comparatively lower ecological value in comparison to a single, more practically manageable unit of acid grassland. In view of this, the Mineral Planning Authority requests that greater consideration is given to reconfiguration of acid grassland habitat as a single cohesive block. The Mineral Planning Authority notes that the County Ecologist recommends this be located on the site's western aspect to further buffer woodland edge from agricultural land use. For the mitigation scheme to be effective, acidic grassland requires a suitable soil substrate. This is likely to be different in nature to the topsoil intended for strip and bund storage for use in concurrent restoration work. The Mineral Planning Authority seeks further information and clarity that the volumes and quality of soils suitable for

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partially fragmented, the restoration plan would ideally aim to reinforce this feature in the local landscape. Conversely, scattered woodland planting (as is shown in the north-western corner of the site) should be reconsidered due to increased management requirements or risk of deterioration of acidic grassland through succession of scrub and woodland.

Submitted Drawing Numbered: Plan KD.LCF.021. Titled: 'Plant Site Layout – Plan & Elevations' shows no tree protection measures implemented in 'Soil Storage / Screening Bund 2'. The Mineral Planning Authority requests that this is re-examined as the proposed topography means likely contamination into the tree's drip zone of eroded bund material. The Arboricultural Report identifies that trees T4 and T19 are marked for retention and protection but would require that the extraction area is amended to ensure no working takes place within their root protection areas. The Mineral Planning Authority seeks confirmation that this is the case.

The Mineral Planning Authority wishes to draw the applicant's attention to the comments from the Environment Agency, who consider that the proposed restoration scheme could be improved and provide greater net gain for biodiversity and ecological benefits by establishing ecological linkages through

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Best and Most Versatile (BMV) Agricultural Land and Soils

Within their consultation response dated 1 May 2020, Natural England state whilst some of the restoration proposals on part of the BMV land are for non-



### Aftercare

In accordance with the letter dated 1 May 2020 from Natural England, the Mineral Planning Authority request an Outline Aftercare Strategy is submitted. Natural England notes that although the soils are naturally free draining there should be a commitment to install under drainage during the aftercare period if required. This should to be considered in the design of the restoration proposals.

### Materials for Restoration

The Mineral Planning Authority questions if the likely availability of suitable fill materials and likely sources of inert material for the site's restoration are known?

In relation to the above point, the Mineral Planning Authority draws the applicant's attention to Draft Policy MLP 17: 'Prudent Use of Resources' of the Emerging Worcestershire Minerals Local Plan. Part C requires developers to "demonstrate that, throughout its lifetime, the proposed development will... balance the benefits of maximising extraction with any benefits of allowing sterilisation of some of the resource, taking account of:

- i. the need for the mineral resource;
- ii. the ability to deliver the relevant strategic corridor priorities;
- iii. the ability to provide an appropriate landform for beneficial after-use;
- iv. the ability to deliver high-quality restoration at the earliest opportunity;
- v. the appropriateness of importing fill materials on to site, and the likely availability of suitable fill materials;
- vi. the need to protect and enhance inherent landscape character; and
- vii. the need to manage or mitigate impacts on the built, historic, natural and water environment and amenity".

Paragraphs 6.11-6.16 of the Emerging Worcestershire Minerals Local Plan set out further detail of the types of information which should be provided to meet these policy requirements.

### Historic Environment

In view of the comments received from Wyre Forest District Council's Conservation Officer, dated 27 February 2020, the Mineral Planning Authority notes that further assessment of impact upon the Staffordshire and Worcestershire Canal Conservation Area was excluded from further assessment because it is screened from the application site by trees and topography. The Mineral Planning Authority requests that further assessment is undertaken to assess the potential impacts of noise and dust emissions on the intrinsic character of the Canal Conservation Area as experienced by those within it. As at this location, the Conservation Area runs through a tranquil setting, different

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The Mineral Planning Authority requests that consideration is given to upgrading Footpaths WC-622, WC-623 and WC-624 to bridleway status and creation of the additional section of bridleway as soon as possible, noting that the British Horse Society in their comments, dated 19 March 2020 request that the additional multi-user route, proposed to the west of the quarry are achieved within the first 2 years rather than at the end of Phase 3.

#### Site Security

County Councillor Mary Rayner and District Councillor Sarah Rook in their comments dated 26 February 2020, raise safety concerns regarding trespass and accidents. Please describe the measures that would be put in place to secure the site.

#### Drawings

Hereford & Worcester Gardens Trust in their comments, dated 20 February 2020 and North Worcestershire Water Management in their comments, dated 12 March 2020 are unsure about the final levels of the site. Hereford & Worcester Gardens Trust comment that they would not wish to see the proposed tree avenue as an elevated strip of land across a lower level park. The Mineral

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