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**From:** Burlachka, Yana <Yana.Burlachka@naturalengland.org.uk>  
**Sent:** 01 May 2020 16:40  
**To:** Aldridge, Steven  
**Subject:** Seeking Comments - Proposed Quarry at Land at Lea Castle Farm - Ref: 19/000053/CM  
**Attachments:** NE Response 308334.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Steve,

Hope you are keeping well.

**Proposed Quarry at Land at Lea Castle Farm - Ref: 19/000053/CM**

Thank you again for agreeing to an extension for this consultation. Natural England's response is attached.

Please get in touch if you have any questions.

Kind regards,

Yana Burlachka  
Land use planning adviser  
Planning for a Better Environment – West Midlands Team  
Direct Dial: 0208 2256013  
Mobile: 07887708065

Follow the South Mercia team on Twitter - [@NESouthMercia](#)

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.**

**These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.**

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**From:** Development Control team [<mailto:DevControlTeam@worcestershires.gov.uk>]  
**Sent:** 06 February 2020 09:48  
**To:** SM-NE-Consultations (NE) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>  
**Subject:** Seeking Comments - Proposed Quarry at Land at Lea Castle Farm - Ref: 19/000053/CM

Dear Sir or Madam,

**Consultation on a Planning Application (County Matter)  
Town & Country Planning Act 1990**

**The Town & Country Planning (Environmental Impact Assessment) Regulations 2017**

**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

NRS Aggregates Ltd is applying to Worcestershire County Council for planning permission for the above proposal. The planning application is accompanied by an Environmental Statement.

The applicant is seeking planning permission to extract approximately 3 million tonnes of sand and gravel over a total of 6 phases. The land would be progressively restored using site derived and imported inert material to agricultural parkland, public access and nature enhancement. The applicant estimates the development would take approximately 11 years to complete.

The planning application, the plans, the Environmental Statement, Non-Technical Summary and relevant documents are available to view on <http://e-planning.worcestershire.gov.uk> using application reference: 19/000053/CM. When searching by application reference, please ensure that the full application reference number, including the suffix are entered into the search field.

I would be grateful for any comments you may have on the above application by **19 March 2020**. If this is not possible please let me know.

Please do not hesitate to contact me if you have any queries.

Kind regards

Steve

**Steven Aldridge**

Team Manager – Development Management

Worcestershire County Council

County Hall, Spetchley Road, Worcester, WR5 2NP

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Date: 01 May 2020  
Our ref: 308334  
Your ref: 19/000053/CM



Steven Aldridge  
Team Manager – Development Management  
Worcestershire County Council  
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**BY EMAIL ONLY**

[saldridge@worcestershire.gov.uk](mailto:saldridge@worcestershire.gov.uk)

T 0300 060 3900

Dear Steve

**Planning consultation:** 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

Thank you for your consultation on the above dated 06 February 2020 which was received by Natural England on same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## SUMMARY OF NATURAL ENGLAND'S ADVICE

### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Hurcott and Podmoor Pool Site of Special Scientific Interest (SSSI), Hurcott Pasture SSSI, Stourvale Marsh SSSI and Puxton Marshes SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further clarification on how the potential for continuity between the aquifer and the designated sites have been considered
- Clarification in relation to the proposed land drainage scheme to ensure long term efficacy
- Further clarification in relation to monitoring and mitigation scheme

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

## **Additional Information required**

- **Further clarification on how the potential for continuity between the aquifer and the designated sites have been considered**

The proposed development is situated in a primary aquifer considered to be in continuity with the surface water system including the River Stour to the west and the Wannerton Brook. Therefore, it is likely to also be in continuity with a number of protected sites locally which are associated with these waterbodies namely Hurcott and Podmoor Pool SSSI, Hurcott Pasture SSSI, Stourvale Marsh SSSI and Puxton Marshes SSSI. Consequently, it is a concern to Natural England that at the impact screening stage, the Hydrological and Hydrogeological Impact Assessment identifies a potential for impact on groundwater but fails to recognise any potential for impact on protected sites. Natural England requires further information on how the assessment has considered the potential for continuity between the aquifer and the above mentioned designated sites.

- **Clarification in relation to the proposed land drainage scheme to ensure long term efficacy**

Natural England recognises that the site will be worked dry and some considerable distance above the water table. Nevertheless, we remain concerned about two key risk pathways identified in the Impact Assessment which relate primarily to infilling with inert waste:

- Potential for degradation of groundwater quality at the Site (whether caused by spillages or leakages of hydrocarbons, or unacceptable contaminant concentrations mobilised by rainfall percolating through inert waste).
- Potential for reduced groundwater recharge and disruption to existing patterns of recharge due to infilling with inert waste of lower permeability (and associated low permeability lining).

It is proposed that to mitigate for impacts on groundwater recharge, a land drainage scheme with perimeter soakaways will be used to maintain recharge at current volumes and minimise any disturbance to groundwater level profiles across the site. Natural England has concerns that the efficacy of such schemes may deteriorate over time without ongoing maintenance and monitoring. Consequently, Natural England requires further information on what arrangements would be put in place to ensure maintenance of the drainage scheme in perpetuity.

- **Further clarification in relation to monitoring and mitigation scheme**

There is reliance on managing the risks associated with infilling of the workings through a monitoring and mitigation scheme that would be attached to any future Environmental Permitting application to be made to the EA. Natural England requires further information on 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.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

## **Soils, Land Quality and Reclamation – Further information required**

Having examined this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of

soil as set out in paragraphs 170 and 171 of the National Planning Policy Framework (July 2018), Natural England has the following comments to make:

1. Based on the information provided in support of the planning application, we note that the proposed development would extend to approximately 46 ha, including some 41.2 ha of 'best and most versatile' (BMV) agricultural land; namely Grades 2 and 3a land in the Agricultural Land Classification (ALC) system.
2. While some of the restoration proposals on some of the BMV land are for non-agricultural purposes (woodland), Natural England considers the proposed reclamation to a biodiversity and amenity afteruse acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer term capability to be farmed to its land classification potential, thus remaining a high quality resource for the future.
3. The hectareage involved in the proposals are not clear and consistent across the Environmental Statement. Acid rich grassland can be considered as agricultural land, therefore assuming that the restoration profile is similar to that of the agricultural restoration areas the 8.1 ha of acid grassland can contribute to the restored BMV total. Likewise for the woodland areas. There is no information provided about the proposed restored soil profile for the woodland and acid grassland areas, including its suitability for these land uses; this should be provided by the applicant.
4. However, although we are generally satisfied that that the BMV land should be capable of being reclaimed without loss of quality, the submitted soil handling, restoration and aftercare proposals do not fully meet the requirements for sustainable minerals development, set out in the National Planning Policy Framework and current [Minerals Planning Practice Guidance](#), particularly section 6 titled "Restoration and aftercare of mineral sites" for the following reasons:
  - *Soil stripping and storage; Proposals adequate to retain soil and land quality*
  - *Timing of critical operations or assessment or soil moisture condition; Proposals adequate to retain soil and land quality*
  - *The choice of soil handling machinery; Proposals adequate to retain soil and land quality*
  - **Restored soil profile depths and composition; inadequate details provided to confirm soil resource is protected**
  - *A detailed and practicable Restoration Scheme; Proposals adequate to retain soil and land quality, or*
  - **An outline aftercare scheme for the management of the restored land; inadequate details provided**
5. Soil resources: The ALC survey provides details of the soil resources in the current agricultural areas but does not provide details of the soils under the existing woodland or tracks. These soils form part of the soil resource of the site and should be included in a soil inventory. The inventory then can be used to assess the volume of soils at the site and whether there is sufficient soil resource for the proposed restoration profiles. No details are provided of the target profiles under the new woodland or acid grassland. Thus it is not clear whether there are sufficient soils on site, or if there will surplus soils following restoration. Soils are a finite resource and should not be wasted. The volumes of soils provided at ES Section 4.5.2 do not tally with the areas provided in the table or elsewhere in the Statement. There needs to be clarity over soils resources at the start of the proposals and where they are to be placed.
6. Reference is made to using imported soils and clay to fill the void (ES Section 13.4.28). The use of imported soils should be avoided if possible because soil is a finite resource. If there is no alternative then the use of topsoils should be avoided.
7. An outline aftercare statement should be provided by the applicant.

8. Although the soils are naturally free draining there should be a commitment to install under drainage during the aftercare period if required. This needs to be considered in the design of the restoration proposals.
9. Natural England would therefore advise that any grant of planning permission should be made subject to conditions to address these points, safeguard soil resources and promote a satisfactory standard of reclamation appropriate to the proposed afteruses. Suggested conditions are set out in the attached Appendix.
10. In accordance with Schedule 5, Part 1, Para 4 (1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse, and for the land to be reclaimed in accordance with Para 3 (1) of the Act; namely that the physical characteristics of the land be restored, so far as practicable, to what they were when last used for agriculture.
11. Should the development proceed (and subject to no more accurate information coming to light during the working of the site), Natural England is satisfied that the Soils and Agricultural Land Classification Report in ES Appendix G constitutes a record of the pre-working ALC grading and physical characteristics of the agricultural land within the application site boundary.
12. Defra's [Good Practice Guide for Handling Soils](#) provides detailed advice on the choice of machinery and method of their use for handling soils at various phases. We welcome the adoption of "Loose-handling" methods (as described by Sheets 1-4 of the Guide), to minimise damage to soil structure and achieve high standards of restoration.
13. More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra [Guidance for successful reclamation of mineral and waste sites](#).

Should your Authority consider that there is a case for granting planning permission without conditions along the lines of those recommended in the attached Appendix, Natural England would wish to be consulted again prior to the determination of the application.

#### **Other advice**

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on 02082256013.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Yana Burlachka  
Lead Adviser – West Midlands Team

**Appendix**  
**SUGGESTED CONDITIONS TO SAFEGUARD SOIL RESOURCES AND ACHIEVE A HIGH STANDARD OF RECLAMATION**

*Minerals Planning Authorities should satisfy themselves that conditions meet the tests for the use of planning conditions and obligations set out in paragraphs –54-57 of the [National Planning Policy Framework](#) (July 2018) and linked guidance in [Minerals Planning Practice Guidance](#).*

**GENERAL CONDITIONS**

1. The site shall be worked in accordance with the submitted plans and details including by the following conditions.
2. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
3. Prior to the commencement of development, and throughout the period of working, restoration and aftercare, it shall be the responsibility of the developer to make enquiries and, in consultation with the MPA, take appropriate steps to prevent the spread of any soil-borne plant or animal diseases.

**SOIL HANDLING**

4. Before topsoils and subsoils are stripped on each phase, or part phase, a Scheme of Soil Movement shall be submitted to the MPA for their consideration. Such schemes shall:
  - a) Be submitted at least 3 months prior to the expected commencement of soil stripping.
  - b) Where subsoils are not to be retained, identify those soils and soil substitutes intended to be used in their place.
  - c) Identify clearly the origin, intermediate and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.
5. All soil handling operations shall be carried out in accordance with:
  - a) The methodology detailed within the Environmental or Planning Statement (December 2019), notably Sections 4 and 13 and
  - b) Defra's [Good Practice Guide for Handling Soils](#), Sheets 1–4 (handling soil using 360° excavators and dumptrucks) and sheet 15 where low ground pressure bulldozers are to be used during restoration.
6. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the MPA showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein.



7. Soil shall only be moved when in a dry and friable condition. For cohesive soil this should be assessed by the tests described by Paras 13.4.20-27 of the Soil Handling Strategy) to determine if the moisture content is drier than the lower plastic limit and therefore, less prone to damage if handled.
8. For all soil types no soil handling shall proceed during and shortly after significant rainfall, and / or when there are any puddles on the soil surface.
9. Soil handling and movement shall not be carried out between the months of October to March inclusive, unless otherwise agreed in writing by or on behalf of the MPA.
10. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the MPA, or to the overburden surface and shall not cross areas of topsoil and subsoil.

## **SOIL STRIPPING AND STORAGE**

11. All available topsoil (and subsoil) shall be stripped, before any part of the site is excavated, built upon or otherwise traversed by heavy machinery (except for the purpose of stripping or stacking soil on those parts).
12. Soil stripping depths shall accord with the proposals set out by Paras 13.4.10 and 13.3.9 of the Environmental Statement .
13. Soils identified for use as a subsoil substitute shall be stripped separately and either re-spread over the replaced overburden or stored separately for subsequent replacement.
14. Written notification shall be made giving the MPA five clear working days notice of the intention to start stripping soils.
15. Bunds for the storage of agricultural soils shall conform to the following criteria:
  - a) Topsoils, subsoils and subsoil substitutes shall be stored separately.
  - b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the MPA.
  - c) Topsoil bunds shall not exceed 3 m in height and subsoil (or subsoil substitute) bunds shall not exceed 5 m in height.
  - d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
16. All storage bunds intended to remain in situ for more than 6 months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the MPA. The seed mixture and the application rates are to be agreed with the MPA in writing no less than one month before it is expected to complete the formation of the storage bunds.
17. All topsoil, subsoil, and soil forming material shall be retained on the site.
18. Pockets of suitable soil forming material shall be recovered wherever practicable, during the stripping or excavation operations, for use during the restoration phase.

## **SOIL REPLACEMENT**

19. Restored soil depths shall accord with the proposals set out by Paras 13.4.28 of the Environmental Statement / Planning Statement or other submitted documentation.

20. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.
21. The applicant shall notify the MPA at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

## **DIFFERENTIAL SETTLEMENT**

22. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the MPA, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the MPA.

## **AFTERCARE**

23. An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the approval of the MPA not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place.
24. The submitted Scheme shall:
- a) Provide an outline strategy for the five year Aftercare period in accordance with Paragraph: 057 of [Minerals Planning Practice Guidance](#). This shall specify the steps to be taken and phasing in the management of the land to promote its rehabilitation to the target afteruses; including where appropriate:
    - A map identifying clearly all areas with phasing, subject to aftercare management,
    - An annual meeting between the developer, the MPA and other interested parties,
    - Timing and pattern of vegetation establishment, with cultivation practices and secondary treatments,
    - Management of livestock, soil, fertility, weeds and pests etc,
    - Establishment of hedgerows, trees and other surface features,
    - Remedial surface and piped drainage systems, irrigation and watering, and
    - A pre-release report to demonstrate that the land has been reclaimed to the required standard.
  - b) Provide for a detailed annual programme, in accordance with Paragraph: 058 of [Minerals Planning Practice Guidance](#), to be submitted to the MPA not later than two months prior to the annual Aftercare meeting.
25. Unless the MPA, after consultation with other interested parties, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

## Annex A – Additional Advice

Natural England offers the following additional advice:

### Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

### Protected Species

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Rights of Way and Access land**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land and rights of way in the vicinity of the development and the scope to mitigate any adverse impacts.

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).