

**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  
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Worcestershire County  
Council  
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### Water Environment

In view of the comments received from North Worcestershire Water Management, dated 12 March 2020, further information is required in relation to an assessment of any changes in 'exceedance' overland flow routes leaving the site following the development (this represents a worst case scenario in which the soils become water logged and / or the newly installed land drainage does not function); details regarding the phasing of when the land drains and soakaway ponds would be installed; and details of who would maintain the proposed drainage features.

North Worcestershire Water Management in their comments question whether the use of above ground Sustainable Drainage Systems (SuDS) features rather than buried land drains could be explored. The Mineral Planning Authority question if this has this been considered and details as to why this has this been ruled out / discounted?

### Biodiversity: Designated Sites

In view of the comments received from Natural England, dated 1 May 2020, the County Ecologist, dated 24 March 2020 and Wyre Forest District Council's Countryside and Parks Manager, dated 27 February 2020, it is considered that the proposed development has the potential to have significant environmental effects upon Hurcott and Podmoor Pool Site of Special Scientific Interest (SSSI), Hurcott Pasture SSSI, Stourvale Marsh SSSI and Puxton Marshes SSSI.

In view of this, the Mineral Planning Authority requests further information 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; and clarification in relation to monitoring and mitigation scheme.

Natural England comment that the proposed development is situated in a primary aquifer considered to be in continuity with the surface water system including the River Stour 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 as outlined above. Consequently, Natural England are concerned 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. The Mineral Planning Authority requests further information on how the assessment has considered the potential for continuity between the aquifer and these designated sites.

To mitigate for impacts on groundwater recharge, a land drainage scheme with perimeter soakaways is proposed to be used to maintain recharge at current

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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:

- 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.
  - 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.
  - 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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- 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.
- 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 Arboriculturists) should not be permitted unless there are 'wholly exceptional reasons' and an suitable compensation strategy.

The County Ecologist comments that veteran trees support a remarkable diversity of wildlife; the Environmental Statement appears to limit scope of invertebrate consideration to butterflies, noting that the site "*does not contain any rare habitats*", however, veteran trees are an increasingly rare and critically important habitat resource for notable and protected saproxylic invertebrates. The Mineral Planning Authority requests that further consideration is given to the impact of veteran tree loss on protected invertebrate species.

The Worcestershire Habitat Inventory shows that the woodland bordering the northern and western edges of the site have been included in the county Ancient Woodland Catalogue (WNCT, JJ Day, 1983) as "Wolverley Lodge" (reference 87023). In view of this, the Mineral Planning Authority seeks further information regarding the proposed mitigation strategies in relation to this ancient woodland, and their suitability for protection of ancient woodland habitats.

The Mineral Planning Authority wishes to draw the applicant's attention to the comments from the Forestry Commission, dated 17 February 2020 and Woodland Trust, dated 19 March 2020.

#### Biodiversity: Protected Species

It is noted that the site is used for commuting and foraging bats. Wyre Forest District Council's Countryside and Parks Manager in his comments dated 27 February 2020, is concerned that these bats are commuting and foraging across the site from an unknown location, therefore, there is a risk that if the proposal severs these foraging or commuting routes, it could harm these protected species. In view of this, the Mineral Planning Authority requests that further

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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 this area. Whilst not within the red line boundary of the scheme, the effects of disturbance arising from mineral working upon the woodland habitat may risk adversely impacting otter, should they occur. For example, the Environmental

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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 establishment of acid grassland have been identified and would be protected throughout working for restoration of acid grassland habitats.

The Mineral Planning Authority requests confirmation that a wide woodland corridor (ideally no less than 30 metres) would be provided along the site's western boundary. This is because the County Ecologist notes that the Worcestershire Habitat Inventory indicates that this area provides a notable north-south linear woodland feature in the local landscape which, as currently

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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 wetland habitat and associated species. The Environment Agency consider that the proposed restoration plan does not go far enough to create robust ecological networks that could be utilised by a range of species within the landscape. They recommend that the restoration plan would benefit from creating some areas of permanent water with ephemerally wet pools dispersed between. If permanent pools were created as part of the restoration of the site, these could potentially function as ARK sites for the White Clawed Crayfish population in the Wyre Forest. The Environment Agency also advise that landscaped soakaway ponds could also contribute to biodiversity, if they were planted up with phragmites reedbed - a Worcestershire BAP habitat and valuable wildlife resource.

### Landscape

In view of the comments received from the County Landscape Officer, dated 20 March 2020, and the Hereford & Worcester Gardens Trust, dated 20 February 2020, the Mineral Planning Authority recommends that the applicant undertakes a review of the landscaping strategy in order to give greater priority to tree and hedge planting in those areas not constrained by extraction works. The County Landscape Officer states that the eastern part of the site is particularly open and while the County Landscape Officer accepts the mitigation proposed for screening of the later phases of extraction, it would be prudent to establish as many trees and hedging as possible so that contribution to screening would begin to take effect as the operations progress.

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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-agricultural purposes (woodland), Natural England considers the proposed reclamation to a biodiversity and amenity afteruse is 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.

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 hectares of acid grassland can contribute to the restored BMV total, similarly for the woodland areas. The Mineral Planning Authority requests further information regarding the proposed restored soil profile for the woodland and acid grassland areas, including its suitability for these land uses.

Natural England consider that the submitted soil handling, restoration and aftercare proposals do not meet the requirements for sustainable minerals development, as set out in the National Planning Policy Framework and Government's Planning Practice Guidance, 'Minerals' Section, titled: 'Restoration and aftercare of minerals sites'. In seeking to address these concerns the Mineral Planning Authority request the submission of the following further information / clarification:

- No details are provided 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 should 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. As a result, it is not clear whether there are sufficient soils on site. Natural England comments that the volumes of soils provided in the Environmental Statement at Section 4.5.2 do not tally with the areas provided in the table or elsewhere in the Environmental Statement. The Mineral Planning Authority seeks clarity regarding the soils resources at the start of the proposals and where they are to be placed.

The applicant's attention is drawn to Natural England's comment "*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*".

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### 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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from the industrial and urban landscapes of Stourport and Kidderminster and this is noted in the Conservation Area Appraisal.

The Mineral Planning Authority also notes that paragraph 5.1.2 of the Archaeological Desk-Based Assessment refers to the “*Wolverley and Staffordshire Canal Conservation Area*”, however, this is incorrect, as there are two Conservation Areas: a) Wolverley Conservation Area; and b) The Staffordshire and Worcestershire Canal Conservation Area. Please update accordingly.

### Highways

In view of the comments received from the County Highways Officer, dated 26 February 2020, the Mineral Planning Authority requests clarification / further information in relation to the following:

- Clarification on HGV assignment assumptions. Explanation of the applicant’s prediction in 5.18 and what evidence do you have on this matter?
- Clarification if the gradient is accounted for in 5.4, as it does not appear to have been.
- County Highways originally requested a Safety Audit of the access and this has not been provided, this is required given the nature of the junction and types of vehicles using it.
- Note 5.26 – 5.27. This is not included in CD123, therefore, a sub 5% impact does not mean it is acceptable.

### Public Rights of Way

In view of the comments received from the County Footpath Officer, dated 16 March 2020, further information is required in relation to the proposed buried conveyor belt under Bridleway WC-626, and its impacts in terms of noise and vibration upon bridleway users. In addition, further information is required in relation to the technical specifications of the installation of this conveyor, including confirmation that the proposed cover levels would be suitable to support any users of the route.

The Mineral Planning Authority notes that Footpaths WC-622, WC-623 and WC-624 are proposed to be upgraded to bridleway status. It is noted that Drawing Number: KD.LCF.010, Titled: ‘Concept Restoration Scheme’, shows an additional footpath / bridleway in the western part of the site, north of Footpath WC-624 and east of Footpath WC-623 leading to a proposed pocket park. This is not shown on Drawing Numbered: KD.LCF.026, Titled: ‘Current & Proposed Public Rights of Way (L & R Figure 5)’; or the drawings showing the phased working of the site. Please clarify or update the plans accordingly.

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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 Planning Authority notes that the submitted Drawing Numbered: KD.LCF.028, Titled: 'Restoration Sections', is drawn at a scale (1:1,250) that it is difficult to appreciate the impact of the proposals. Please amended accordingly.

In order that the application may be assessed promptly and with an appropriate type and level of information, I would be grateful if you could confirm as soon as practicable the date by when I could expect to receive the further information that is the subject of the above request.

Yours sincerely



**Steven Aldridge**  
**Team Manager – Development Management**

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