

REPLY TO 'STOP THE QUARRY ACTION GROUP' CONSULTATION COMMENTS

Dear Mr Adrian Carlos

Stop The Quarry Action Group
c/o Mr D Talbot
46 Gaymore Road
Cookley
Kidderminster
DY10 3TU

Re: Land at Lea Castle Farm

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

This document is a specific reply to the consultation comments made by and submitted on behalf of **Stop the Quarry Action Group**.

The format used to address these matters being a summary statement below each of the individual items raised in their Response.

Thank you for your comments in respect of the above application. We appreciate you have attended both informal and formal consultation on the proposals as a representative of 'Stop The Quarry Action Group'.

The approach to your concerns appears to be both procedural in respect of the planning application / Environmental Impact Assessment EIA process and detailed in respect of Landscape, Restoration and Ecological matters.

We and our consultants have read through in detail the Planning Statement, the Environmental Impact Assessment (EIA) Non-Technical Summary, the first 100 pages of the EIA and some of the technical supporting documents. Following this peer review, while there are many points with which we disagree, believe are, actually, incorrect or take exception to, our fundamental problem is that the EIA is not fit for purpose. We should not be expected to use our resources to further consider a poor and confusing document.

Having submitted an EIA the applicants concede that the project is likely to have significant effects on the environment. The Environmental Statement (ES) is somewhat of a paperchase with it referring to extraneous documents making it difficult to read and fully understand. This is contrary to guidance on EIA.

The aim of EIA is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects

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on the environment, does so in the full knowledge of the likely significant effects. It should take this into account in the decision-making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

ES should be prepared objectively. It should not understate adverse effects or over-emphasise beneficial ones. ES should read as though prepared by a neutral observer and should neither support nor oppose the proposal, merely set out the evidence gathered on likely impacts if it were to go ahead. While there may be instances where subjective opinions are necessary, these should be identified. The key to a useful ES is the honest presentation of objective evidence.

The submitted EIA does not provide the local planning authority (the County Council) with the full knowledge of likely environmental effects of the project.

The EIA approaches each area of potential environmental effect within each chapter in the same way, to demonstrate there will be no impact.

In respect of impact on Landscape and Visual Impact, the ES states (para 7.3.6),

“There would be no significant impacts resulting from the operational phase upon existing landscape.”

The ES concludes (para 7.5.2 – 7.5.3),

“It has been concluded that whilst the proposals will result in some temporary disturbance to landscape character and views for visual receptors in the vicinity of the site, the development is not out of character with the local context and any effect are temporary alongside the life of mineral and restoration operations. In the long-term, once restoration has matured, the proposed development will not have any lasting adverse impact on landscape or visual receptors.”

RESPONSE: With regards to the planning application and EIA, the approach taken has been based upon the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017. Its general format and required detail being subject to a Scoping Report to Worcestershire County Council (WCC), and a subsequent returned Scoping Opinion.

Two formal public consultation events have taken place along with meeting / discussions with local residents, businesses and school.

Baseline desktop and Site survey data has been collated by specialist consultants and the proposed development scheme assessed against specific regulatory and specialist institute guidance on methodologies and good practice. The planning application and accompanying EIA Environmental Statement being submitted to Worcestershire County Council. The application was registered and has been circulated by the Council to statutory bodies and other parties. None of these bodies or WCC, the mineral planning authority, or Wyre Forest District Council have suggested that the procedural aspects of the application are not correct.

WCC have compiled and assessed the comments received and provided a request for clarification and additional information as part of a Regulation 25 request. This again is normal EIA procedural protocol.

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In considering the potential for cumulative visual effects, the outline permitted residential development for some 600 new homes and up to 3,500 square metres of employment floorspace with a total of 1400 proposed in the local plan at the disused Lea Castle Hospital site had been considered. It is assessed that the cumulative effect of the Quarry and Hospital development upon visual amenity for both operational and restoration periods is assessed to be neutral and not significant."

The merit of the ES, from the main author of the ES who has been directly employed by mineral operating companies, can be judged on these statements to the effect that the open excavation quarry will not be out of character and any effect will be reversible. The after use leaves a 1.1Million m³ crater in the ancient parkland. This characterisation is at minimum wrong and at worst untruthful. How can these conclusions be reached? How does this provide the decision maker with the full knowledge of the likely significant effects?

RESPONSE: You raise a specific criticism in respect of the potential for cumulative visual effects associated with the outline permitted residential development and employment land at the disused Lea Castle Hospital site and the afteruse of the quarry, which you consider will result in a 1.1million m³ crater in the ancient parkland. The proposed restoration scheme will not appear as a crater. The proposed restored ground levels and gradients being generally between ~ 1 in 8 and 1 in 30, gradients which are currently present within the Site and the adjoining land area. The restored landform being further integrated via the proposed native and parkland planting proposals. We are not saying that there will be no change. We are saying that there will be no Significant Adverse Landscape or Visual Effect. The guidelines used to make this assessment being the Guidelines for Landscape and visual Impact Assessment 3rd Edition, produced by the Landscape Institute and Institute of Environmental Management and Assessment 2013. Part of their guidelines stating "It is always important to remember that the emphasis in EIA is on likely significant effects rather than on comprehensive cataloguing of every conceivable effect that might occur".

In respect of ecological impact, the ES says;

- *Semi-improved neutral grassland - short-term negative impact on this habitat that is considered to be temporary, reversible and not-significant.*
- *Improved grassland - The development would have a short-term negative impact on this habitat that is considered to be temporary, reversible and not significant.*
- *Tall ruderal - short term negative impact on this habitat that is considered to be temporary, reversible and not significant.*
- *Arable - short term negative impact that is considered to be temporary, reversible and not significant.*
- *Defunct hedgerow - long-term negative impact that is considered to be temporary, reversible and not significant.*
- *Standard trees = A number are present in the centre of site where the quarry will be. The development would have a long term negative impact on scattered trees that is considered to be temporary, reversible and not significant.*

And so it goes on for all types of flora, fauna, bats, birds, invertebrates - all temporary, reversible, not significant. This seems to be highly unlikely.

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RESPONSE: The ecological consultants have carried out detailed baseline surveys, they have assessed the operational and restoration changes that the application will result in, including mitigation, compensation and enhancement measures.

As part of the additional request for information, a Biodiversity Net Gain Calculation has been produced. This is a Natural England matrix which provides a way of measuring and accounting for biodiversity losses and gains resulting from development or landscape management change. The Biodiversity Net Gain or Loss is calculated using the difference between the pre-development and post development habitat data.

Based on the calculation conducted, the hedgerow biodiversity units represent an increase of 166.52% and the habitat biodiversity units represent an increase of 87.21% following the implementation of the proposed restoration scheme. Therefore, the proposals would result in a significant Biodiversity Net Gain, which addresses specific UKBAP priority habitats of Hedgerows, Woodland and Acidic Grassland. The matrix of habitats promoting species diversity and connectivity within and adjacent to the Site.

Chapters on noise, air quality, historic environment and the like are all the same, an extremely light touch, no consideration of impact without mitigation and no finding of any significant harm in any case.

We are sure you will have noted the failings of some environmental chapters to assess the correct scheme, meaning they cannot possibly provide useable information on the impact of the scheme.

It is a pointless exercise; it does not provide the local planning authority with any reasonable level of knowledge on the potential impacts of the development. No planning authority acting reasonably could rely on this document in order to reach a decision. Some negative impact is inevitable from a 3,000,000-tonne quarry, but the ES does not concede this at all.

RESPONSE: Other chapters of the ES firstly define baseline, the potential effect of the proposed development iterative mitigation and the assessment of any adverse or beneficial effects. Negative impacts are stated where they are assessed to occur.

The application is further flawed by fundamental issues it relies upon but cannot control. The development is assessed for impact over only 10 years. This time period cannot be guaranteed, it is dependent on the speed of extraction, weather conditions and on the rate of sale of product, and on whether further reserves are identified.

RESPONSE: The application is for a period of 10 years of mineral extraction and progressive restoration, followed by a further year to complete final restoration. The timescale and application approach taken is consistent with minerals application and other types of temporary development. It is based upon the available mineral, operator extraction and predicted rates of sale and restoration.

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Despite referring to “restoration” around 300 times in the first 100 pages of the ES, the landscape will not be restored. 3,000,000 tonnes will be removed (1.7M m³), and 1,020,000 tonnes (600,000m³) replaced. This will leave a 1,100,000m³ crater where the parkland used to be. This is not restoring the landscape. The “restoration” is also outside the control of the applicant and is dependent on sourcing 1 million tonnes of inert waste (clay, sub soil, chalk, concrete, hardcore, rubble) which they admit is in short supply. In ten-years’ time it will be in even shorter supply due to diminishing brownfield sites to redevelop and improved recycling.

The ES does not look at impact on the longer term in any way. It does not consider short term, medium term or long term impact. The site could potentially be operational for 20 years if extraction takes longer and after care is slow.

RESPONSE: There appears to be a misunderstanding of the restoration scheme proposals. You do not need to bring the same volume of material back into a Site to achieve a successful restoration scheme. If you bring the same volume of material back, the scheme could be described as “landform replication”, where current topographic levels and land gradients would be reinstated. At Lea Castle Farm, similar to many sand and gravel quarries, the scheme has been designed to reflect the general landform and gradients of the Site and its local area context, to create an appropriate landscape and character which is fully capable of integration and assimilation into its local setting. This approach utilised both the retained in-situ soils and overburden and imported inert fill. This fill material being used to help create restoration formation levels on to which the original soils profile (overburden, subsoils and topsoils) is to be placed. This approach reduces the requirement for imported inert material. There will not therefore be a 1.1million m³ crater. The restoration will be progressive, following on from mineral extraction. This will enable the Mineral Planning Authority to monitor and control the scheme through appropriate conditions.

The restoration is not outside of the control of the application as the operator business is both a supplier of minerals and an importer of inert material. This is the market NRS operate within.

In terms of a highways assessment and potential traffic impact, we were asked by Worcestershire Highways Department to base the scheme assessment on a “worst case scenario”, and to not include within the assessment the user of back-hauling i.e. where a HGV leaves the Site with mineral sales, and returns with inert fill material. Back-hauling is desirable from an operational perspective as it reduces transportation costs and traffic movements, given they can only drive for a limited number of hours per day. On average an NRS site, this accounts for 25% of the time, therefore traffic movements will likely be less than that presented in the Transport Assessment, which nonetheless found that the additional development traffic represented a very small proportion of the existing, observed traffic flows during the day and peak hour periods.

The ES repeatedly justifies the impact due to the 11 jobs to be created but no account is taken of jobs lost as a consequence of the quarry, in agriculture, the equestrian centre, tourism, pubs, cafes, restaurants, schools, care homes etc. The 11 jobs are short term and are likely to be transferred from existing quarries. The job losses would be local and could be permanent. This alone demonstrates the absolute absence of any balance in the ES; this is consistent within all chapters.

RESPONSE: No specific details of any job losses as a result of the development proposals have been raised in any of the consultation responses.

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The ES repeatedly refers to and seeks justification from the Third Stage Consultation of the Worcestershire Minerals Local Plan. This plan has been abandoned by the County Council. The application seeks to pre-determine the emerging Minerals Plan and it is not needed in the context of an existing 7-year supply of sand and gravel.

RESPONSE: Worcestershire County Council have decided to revise the method for site selection, with site allocations to be addressed in a separate Mineral Site Allocations Development Plan Document which will be forthcoming.

The spatial strategy of the emerging Minerals Plan seeks to locate minerals development within 1 of 5 strategic corridors. Figure 4.5 (Publication Version) identifies the North West Worcestershire Strategic Corridor, which includes Lea Castle Farm.

Policy MLP 7: North West Worcestershire Strategic Corridor of the emerging Minerals Plan states that Planning permission will be granted for mineral development within the North West Worcestershire Strategic Corridor that contributes towards the quality, character and distinctiveness of the corridor through the delivery and enhancement of green infrastructure networks. As set out in the submitted Planning Statement and Environmental Statement, in line with Policy MLP 7, the supporting technical assessment and restoration scheme demonstrates how, throughout its lifetime, the development will optimise opportunities to deliver green infrastructure priorities. The vision of the progressive restoration scheme is to create a high-quality estate parkland setting which provides opportunities for living, leisure, recreation and enjoyment for local communities. This includes a matrix of wildlife habitat and biodiversity enhancement and public connectivity via footpaths, bridleways and cycleways and pocket parks to enhance physical activity and wellbeing.