

RESPONSE IN RESPECT TO EMAIL OF FRIDAY 5TH JUNE 2020 – STEVEN ALDRIDGE

Dear Mr Aldridge

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

Response in respect of your email dated Friday 5th June 2020

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 further information set out in my attached letter, under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

I would like to draw your attention to further comments from the County Ecologist (attached), dated 5 June 2020.

RESPONSE: These have been considered and acted upon within the main Regulation 25 Response.

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.

In addition to the attached formal request for further information, I also have the following questions / points of clarification:

- 1) Worcestershire Regulatory Services in their comments dated 27 February 2020 recommend the imposition of conditions restricting the operating hours as follows:*

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- ***Site preparation to between the hours of 08:00 to 17:00 Mondays to Fridays and no site preparation on weekends, Bank or Public Holidays. They also recommend that the site preparation works should be undertaken preferably during inclement months between October and March, as the majority of noise impact concerns the outdoor amenity of gardens, which have minimised use during these months***

RESPONSE: Site preparation works may be required to be carried out during any season of the year dependant upon a successful planning permission. Restricting these works to inclement weather months between October and March is not reasonable or required based upon environmental grounds.

- ***Mineral extraction and restoration works to between the hours of 08:00 to 17:00 hours Mondays to Fridays, with only Saturday workings between the hours of 08:00 to 13:00 hours between October and March, with no Saturday working between April and September, Sundays, Bank or Public Holidays.***

RESPONSE: The operator is agreeable to this request.

Should planning permission be granted, would the above operating hours restrictions be viable, particularly as I note Natural England recommend that soil handling and movement shall not be carried out between the months of October to March inclusive?

RESPONSE: Soil handling is not to be a seasonally restricted operation. It will be carried out in adherence to MAFF (2000) Good Practice Guide for Handling of Soils, and an appropriate “worm moisture test”.

- 2) ***Worcestershire Regulatory Services in their comments dated 19 February 2020 recommend the imposition of a condition regarding details of any soil or soil forming materials brought to site must be suitable for use on site, details shall include proposal for contamination testing, testing schedules, sampling frequencies and allowable contaminant concentrations, as determined by appropriate risk assessments, and validatory evidence (such as laboratory certificates) submitted before any soil or soil forming material is brought to site. I would be grateful for a response to this recommended condition, as it is understood that the infill element of the scheme would be controlled by an Environmental Permit. It is also noted that safeguards proposed at paragraph 5.6.5.9 Hydrological and Hydrogeological Impact Assessment.***

RESPONSE: There is no requirement for the importation of soils materials to achieve the restoration soil profile. This is because no soils will be lost from the Site and the original soil profile replaced during progressive restoration.

The infill element of the scheme would be controlled separately by an Environmental Permit. We therefore do not consider that an additional condition is required.

- 3) *The Hereford and Worcester Earth Heritage Trust in their comments dated 12 March 2020 requests that access is provided to the site for geologists to support investigation and recording of the geological features associated with the river terrace deposits. Please confirm if access could be arranged as required at the relevant stages of the development to allow access for geologist?*

RESPONSE: NRS “the operator” and the landowner are pleased to confirm that a request for arrangements to allow a geologist on Site from Worcester Earth Heritage Trust, is acceptable.

- 4) *CPRE in their comments dated 10 March 2020 state that “sandstone is certainly friable, but very considerable energy would be required to convert the rock into sand. At a time when we are seeking to reduce energy consumption, in the light of climate change, converting sandstone to sand should be a low priority option, to be pursued when easier ones are exhausted”. Are you able to comment in relation to the energy efficiency of the plant and the energy required to convert the solid sands to sand?*

RESPONSE: From geological drilling and assessment, it is confirmed that the sandstone is not heavily bonded and will easily be broken down into friable sand. The proposed plant will be new and accord to all appropriate sustainability requirements.

- 5) *A local residents makes a number of recommendations in relation to Public Rights of Way, whilst a number of these recommendations may conflict with other considerations such as biodiversity, I would be grateful if you could consider the suggestions:*

- *Full and ongoing discussion takes place with the Public Rights of Way Team at the Council (I know the Team have given an initial response). There are many legal and practical considerations including issues of path widths, shared use, gradients and status continuity if proposals are for bridleways/cycleways rather than for footpaths.*

RESPONSE: We note these comments and confirm that all public rights of way within the Site not already bridleways, are to be upgraded to bridleways / multi-use access routes, which will be to required specifications and permanently legally assured.

- *An additional public right of way is provided around the edge of the north west of the site (phase 1 of the proposal). This is a quiet and attractive part of the site and a route here would be popular with local residents and link to one of the proposed pocket parks.*

RESPONSE: The north western area of the Site is to remain private land to promote and enhance wildlife considerations.

- *The proposed public right of way in the south west corner of the site is moved a short distance further north away from the route as proposed, adjacent to the noisy Wolverley Road (B4189).*

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RESPONSE It is considered that the PROW along the south western boundary of the Site is located between the existing woodland block and the restored agricultural land.

- ***If operationally possible, the proposed public right of way immediately to the east of phases 4 and 5 to be established as early as possible (in preference, if necessary, to the proposed route further east, immediately adjacent to the very noisy A449). The higher route would be a more attractive route.***

RESPONSE: It is proposed to install a section of PROW in advance of any mineral extraction i.e. at the start of the initial works phase. A second section of PROW being added running parallel, further west, at final restoration.

- ***The route proposed immediately adjacent to A449 is probably not a priority from a recreational point of view but could be of value if access to it could be provided from the footway on the A449 to enable pedestrian (and potentially cyclist) segregation away from the busy and dangerous road. An exit point back onto the footway further north would also be required. The same consideration should be given to provide access to the proposed route in the south east corner of the site from the footway on Wolverley Road (B4189).***

RESPONSE: This could be accommodated.

- ***Can clarification be provided as to the extent of public access to proposed acid grassland areas or will access be restricted to only proposed public rights of way and pocket parks?***

RESPONSE: This will be only allowed along a short section of new PROW to the proposed pocket park, where users will then have visual access across the adjacent acidic grassland. This is to enhance wildlife opportunities.

- ***Proposed pocket parks should largely be very informal/low key, in keeping with setting/landscape, although one or two could potentially provide slightly more – dialogue with community could establish this.***

RESPONSE: Yes, agreed. The details to form a response to an appropriate planning condition, post determination of the application.

- ***Sensitively designed and positioned information and interpretation could be considered e.g. information about the historic Lea Castle (avenue tree planting proposals would also recognise the old estate landscape) and ecology/wildlife. Possible opportunities for a "Friends of" group?***

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RESPONSE: Yes, agreed. This would be welcomed. It is proposed to form a Liaison Group upon the determination of the application to allow for further consultation and opportunities for community involvement.

- 6) A local residents in their letter dated 15 March 2020 (attached), questions the trust worthiness and the track record of the applicant. You may wish to comment on these allegations.**

RESPONSE: NRS are a respected minerals and waste disposal operator. If complains for whatever reason are received, they are and will be dealt with promptly in a professional manner.

- 7) Stop the Quarry Action Group in their letter dated 18 March 2020 (attached) question the assessments in the Environmental Statement, in particular the impact levels. I would be grateful for a response to their comments.**

- **Did you and the EIA team use a matrix of any kind to determine the significance of effect. For example road scheme commonly use DMRB Volume 11 Section 2 Part 5, which details the criteria for determining significance for the relevant topic (see extract below), or any other guidance such as that by Environmental Management and Assessment (IEMA)?**

RESPONSE: All works associated with the planning application and Environmental Statement have been carried out in accordance with appropriate specialist statutory regulations and good practice guidance.