

From: Robin Smithyman [REDACTED]
Sent: 16 July 2021 17:51
To: Aldridge, Steven
Subject: Re: Lea Castle Farm Quarry - Regulation 25

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Steve,

In respect of your email please find attached the following clarification information.

Aspects relating to Public Rights of Way

I confirm that we have received a response from the County Footpath Officer who has confirmed that they are content that the revised proposals, which incorporate all County requests. They do point out that these aspects would form part of any conditional requirements. The agreed requirements being included on the updated planning application drawings within the dropbox link below.

<https://www.dropbox.com/sh/qddiw8iuqb3kxz7/AADGVWQ3YSavLMmLI3a6hWPJa?dl=0>

These include the following:

- i. Initial Works
Phases 1 to 5
Final Working
Concept Restoration
Block Phasing

Public Rights of Way Proposed Drg No KD.LCF.033C

The Post Restoration PROW Routes within and adjacent to the Site Drg No KD.LCF.034C

- ii. Chapter 16 Rights of Way in the Environmental Statement has been revised and updated to reflect the amended PROW including those PROW which will be formally designated on the definitive map and those to be permissive (See dropbox link).
- iii. The drawing titled: 'Current and Proposed Public Rights of Way' in Technical Appendix J – Leisure and Recreation' (Drg No KD.LCF.026A / Figure 5) has been updated (see dropbox link).
- iv. The Non-Technical Summary has been updated accordingly (see dropbox link).

Aspects relating to Trees

- v. In response to the County Landscape Officer and HWGT, you have stated: *"I can confirm that the remaining avenue trees will be protected in full accordance with BS 5837:2012"*. Can you please clearly clarify / confirm that the topsoil bund shown on drawing titled: 'Phase 5 Working and Restoration', which appears to lie very close to the line of the avenue would not impact the avenue of trees? Should it require to be removed to accord with BS 5837:2012, then please amend this accordingly on the plans.

We think clarity on this point can be gained by providing a specific plan at a larger scale to illustrate the RPA standoffs from the existing avenue trees. Please refer to the attached plan Drawing No KD.LCF.042 (see dropbox link). This plan shows the location of all bunding adjacent to the avenue throughout the operational life of the proposed development and how they interact with the RPAs from the existing avenue of trees. Again we can only stress that **All** tree protection will be in full accordance with BS 5837:2012. *An Arboricultural Method Statement (AMS) would form part of any conditional aspects to be discharge if planning permission is given and all works associated with tree protection will be carried out by an experienced and qualified arboriculturist.*

- vi. You have provided a response to Wyre Forest District Council's Tree Officer, but it is not clear to me whether you have specifically addressed the following points raised:
- *"The extraction phase 2 boundary is within the RPA of T19. There is a note that this will be changed to be outside the RPA, but I need to highlight this to ensure it is changed if permission is granted."* Yes we confirm that **All** tree protection will be in full accordance with BS 5837:2012 this includes the RPA of T19 - please refer to attached plan Drawing No KD.LCF.042.
 - *The boundary of phase 2 is around 50% of T23. Granted it is outside the RPA, but it's right on the edge and I have serious concerns about the protection of the tree during the extraction process.* -It is not unusual for works in and around trees in both rural and urban areas have 50 – 100% of some form of development wrapping around them for a temporary and / or permanent period. The RPA has been applied and protective measures will be in full accordance with BS 5837:2012. The ground water table is ~34m below this tree so the proposals will not affect any water uptake from this source. We are in full support of the use of an Arboricultural Method Statement (AMS) which would form part of any conditional aspects to be discharge if planning permission is given. Any and all works associated with tree protection will be carried out by an experienced and qualified arboriculturist.
 - *I also have concerns about the protection of the trees T12 to 21 (most of which have a TPO) during the works. If permission is granted there will need to be a watertight AMS and a Arb Consultant retained for the phases 1 to 3 to prevent unnecessary damage to the trees* - We agree that a full and comprehensive AMS is produced as part of a condition to be discharge pre commencement of any works on site should a planning permission be given. We also confirm that any required works including protection will be supervised and carried out by an experienced and fully qualified arboriculturist.

Response to British Horse Society

- vii. *"We request that the term 'multi-user routes' be removed from the documentation."* We confirm that the term multi-user routes has been removed to avoid any confusion. We accept that all surface materials and dimensions to be applied to the routes will meet requirements of BHS Guidance / Worcestershire County Council requirements.
- viii. *p. 4 "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." Please confirm timescales and which routes this refers to.* The installation of the PROW pre mineral extraction will be implemented between the granting of a planning permission for mineral extraction and before any mineral extraction or ancillary mineral operations take place. This date is dependent upon a planning decision. The second route will be added at the end of the proposed scheme which will be approximately 10 years post any developments commencement.
- ix. *p.4 Response to comment regarding proposed route adjacent to A449 for exit points. Horse riders should be included in considerations for access to and from the site as well as walkers and cyclists.* We have been advised by Worcestershire County Council Footpaths Officer that the County does not wish an access for Horse Riders at this point due to reasons of Health and Safety. We have therefore not included one.

- x. *Document 85a Appendix C - Footpaths 623(B) and 622(C) are not shown on this plan as 'Proposed Upgraded PROW'. Footpaths 623(B) and 622(C) as well as 624B are to be upgraded. This would then correspond with Appendix M. BW 626B is already BW but shown as 'Proposed upgraded PROW'". Footpaths 623 (B) and 622(C) are not within the planning application boundary. Due to land gradients / health and safety aspects, Worcestershire County Councils Footpath Officer has requested that these routes do not become Dedicated Bridleways. As such, an additional section of Bridleway has been accommodated within the Site, along its western boundary. This will provide a circular bridleway route within the Site. We confirm that route 626(B) is a bridleway and retained. See attached Drawing No KD.LCF.026A Current & Proposed PROW (see dropbox link).*

We trust the above now satisfies all clarification points raised and that you are able to take the planning application to the Worcestershire Planning Committee on the 28th September 2021.

Regards

Robin



*Robin Smithyman
Director*

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

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From: "Aldridge, Steven" <SAldridge@worcestershire.gov.uk>

Date: Monday, 14 June 2021 at 06:56

To: Robin Smithyman [REDACTED]

Subject: RE: Lea Castle Farm Quarry - Regulation 25

Dear Robin,

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 email below regarding Lea Castle Farm Quarry and the submission of additional information triggering a further public consultation under Regulation 25 of the EIA Regulations. I propose to consult North Worcestershire Water Management on the submitted clarification informally ahead of the formal public consultation (under Regulation 25) to ensure that the submitted information clarifies and addresses their concerns.

Kind regards

Steve

Steven Aldridge

Team Manager – Development Management

Worcestershire County Council

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Email: saldridge@worcestershire.gov.uk



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Further to your emails dated 30 April 2021, regarding the above proposal. I have now reviewed this information and liaised with the County Council's Principal Solicitor and Head of Planning and Transport Planning and can confirm that the submitted information, namely your response regarding Dormouse, Public Rights of Way and Tree T22, would constitute "any other information" under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and, therefore, must be treated in the same way as information required by the Mineral Planning Authority under Regulation 25 of the Environmental Impact Assessment Regulations. In view of this, the Mineral Planning Authority will need to re-consult on the submitted information.

I note the information regarding Public Rights of Way has been submitted in draft and you are awaiting a response from the County Footpath Officer. I have chased and will continue to do so. However, once you have firmed up your proposals regarding any Public Rights of Way amendments, you should amend any corresponding documents and drawings that it would impact. For example Public Rights of Way are shown on

the 'Concept Restoration' would need to be amended. The following drawings may also require reviewing: 'Initial Works', 'Phases 1 to 5 Working and Restoration' drawings and 'Final Working' drawing. Chapter 16 'Rights of Way' of the Environmental Statement should be reviewed and updated as necessary to reflect the amended proposals should as updating the length of Rights of Way and being clear what are proposed to be permissive or to be designated formal Public Rights of Way on the definitive map. The drawing titled: 'Current and Proposed Public Rights of Way' in Technical Appendix J – Leisure and Recreation' would need to be updated / superseded. The Non-Technical Summary should also be updated to reflect any of the subsequent Environmental Statement amendments including the plans e.g. the new Public Rights of Way drawing, but also any other superseded plans should be updated within it, such as the Concept Restoration, as these drawings are embedding in the document.

You appear to have provided a response to the comments raised by Worcestershire Wildlife Trust, County Ecologist, County Landscape Officer, County Footpath Officer, North Worcestershire Water Management, Wyre Forest District Council Tree Officer, Woodland Trust, and Hereford and Worcester Gardens Trust (HWGT). However, you do not appear to have provided a response / clarification regarding the following matters raised:

In response to the County Landscape Officer and HWGT, you have stated: *"I can confirm that the remaining avenue trees will be protected in full accordance with BS 5837:2012"*. Can you please clearly clarify / confirm that the topsoil bund shown on drawing titled: 'Phase 5 Working and Restoration', which appears to lie very close to the line of the avenue would not impact the avenue of trees? Should it require to be removed to accord with BS 5837:2012, then please amend this accordingly on the plans.

You have provided a response to Wyre Forest District Council's Tree Officer, but it is not clear to me whether you have specifically addressed the following points raised:

- *"The extraction phase 2 boundary is within the RPA of T19. There is a note that this will be changed to be outside the RPA, but I need to highlight this to ensure it is changed if permission is granted.*
- *The boundary of phase 2 is around 50% of T23. Granted it is outside the RPA, but it's right on the edge and I have serious concerns about the protection of the tree during the extraction process.*
- *I also have concerns about the protection of the trees T12 to 21 (most of which have a TPO) during the works. If permission is granted there will need to be a watertight AMS and a Arb Consultant retained for the phases 1 to 3 to prevent unnecessary damage to the trees"*.

You do not appear to have provided a response to the British Horse Society, namely:

- *"We request that the term 'multi-user routes' be removed from the documentation as this is not a legal term (often misconstrued as being for pedestrians and cyclists only) and could bring into question maintenance responsibilities. We seek assurance that the surface materials and dimensions to be applied to the routes meet requirements for shared use of equestrians, pedestrians and cyclists. The BHS guidance is available via: <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>*
- *p. 4 "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." Please confirm timescales and which routes this refers to.*
- *p.4 Response to comment regarding proposed route adjacent to A449 for exit points. Horse riders should be included in considerations for access to and from the site as well as walkers and cyclists.*
- *Document 85a Appendix C - Footpaths 623(B) and 622(C) are not shown on this plan as 'Proposed Upgraded PROW'. Footpaths 623(B) and 622(C) as well as 624B are to be upgraded. This would then correspond with Appendix M. BW 626B is already BW but shown as 'Proposed upgraded PROW'".*

Given that the submitted information has triggered a re-consultation under Regulation 25 of the Environmental Impact Assessment Regulations. Please can you confirm if you wish to add anything to the information submitted to date, over and above the requested information / the points I have outlined above?

Kind regards

Steve

Steven Aldridge

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