

16 Rights of Way

16.1 Introduction and Policy Context

16.1.1 The development plan contains policies and text concerning the potential for landscape and visual impact in connection with development proposals. In particular:

- NPPF Section 13 and paragraph 98; and
- Wyre Forest Site Allocations and Policies Local Plan Policy SAL.UP3.

16.1.2 And within emerging policy:

- Worcestershire Minerals Local Plan Fourth Stage Consultation Document Policy MLP20.

16.1.3 The thrust of these policies are consistent with the advice in NPPF which highlights an aim, where practical, to promote safe and secure pedestrian and cycle routes.

16.2 Potential for Impact

16.2.1 The proposed development would have a direct impact upon PROW Footpath ref. 62 4(B) which is located within the western area of the site. It is proposed to divert this footpath to enable the working and restoration of land within Phase 1 and 2 of the development. The PROW, which currently runs east – west for ~ 300 linear metres and connects footpath and bridleway ref 62 6(B) with footpath 62 2(C). The footpath ref 62 4(B), which will be upgraded to bridleway standard, will be temporarily diverted for approximately one year to the south of its current route by ~120m. This diverted route will continue to provide access between bridleway references 62 6(B) and footpath 62 2(C) (see Planning Application Drawing No. 9 – Phase 1). On the completion of the working and restoration of Phase 1 the footpath 62 4(B) (note. at this point bridleway standard) will be placed back ~20m north of its original route for the duration of ~1.5years to allow for the working and restoration of Phase 2. The upgraded route returning to its original alignment at this time.

16.2.2 The proposed development would have a direct impact upon PROW bridleway Ref 62 6(B), a bridleway located along an internal track which separates the western and eastern areas of the site. It is proposed to install a below ground mineral conveyor linking the western extraction area with the plant site. The installation of the conveyor access track will take approximately one week. During this period, a short section of ~30 linear metres of 62 6(B) will be closed to allow the installation and make good the surface of the track. During this period the bridleway/track will be diverted approximately 30m to the west. This will be done in advance of the conveyor works to ensure full access is maintained at all times and to the standards required. Once installation has been completed the track/bridleway ref 62 6(B) will be reinstated on its original route. Once all mineral extraction and restoration works have been completed within Phase 1, 2 and 3, the temporary diversion of the track will be reinstated to allow the removal of the conveyor tunnel and the tracks reinstated. This will take approximately one week where upon the 30m section of bridleway ref 62 6(B) will be reinstated on its original route.

16.2.3 From the Initial Works phase of the proposals a new section of public right of way (bridleway) will be provided. It will connect prowl 62 5(B) in the northern area of the site on a new route along the north eastern, eastern, southern and south western boundaries of the site,

connecting to PROW 62 4(B) – upgraded to bridleway standard, which joins with 62 6(B) – the site internal access track. The new route being ~ 2.3km. The new section of public access will cross the proposed site entrance. At this point traffic and footpath management measure will be in place. The new PROW will be in place throughout the duration of the phased working and restoration of the site. A kissing gate (foot access only) being provided adjoining Wolverhampton Road.

- 16.2.4 The existing and new sections of PROW within the site will be supplemented by 5N° small pocket parks. The purpose of the parks being to provide a place to sit and observe the landscape. Signage/educational information on the past history of the site and local area, and ecological enhancement will be provided along with sports stations to help promote health and wellbeing. These public spaces have been located around the site (see Drawing KD.LCF.026A).
- 16.2.5 All impacts to users of the PROW across the site are temporary and although regular users of the site will experience inconvenience, the proposed mitigation measures will reduce this impact as far as possible.
- 16.2.6 An application under Sections 257 and 261 of the Town and Country Planning Act 1990 for temporary diversions of the legal routes will be made to Worcestershire County Council.
- 16.2.7 Potential impacts from the development proposals upon the PROW has been considered in terms of the direct and indirect impacts. Direct impacts would be caused by any activity that removes, disturbs or destroys a PROW, whereas an indirect impact would broadly relate to the development's potential effect upon the amenity of the right of way.
- 16.2.8 As mineral can only be worked where they are found, the direct impacts of the scheme on the PROW network in the area will require four temporary diversions, two of these being for approximately one week each as described above.
- 16.2.9 Other direct impacts on PROW relate to the additionally proposed ~2.7km of new footpaths, bridleway and cycleway, and the five new pocket parks.
- 16.2.10 During the course of the operations, although the proposals will maintain access to public footpaths 62 2(C) and 62 3(B), which are located outside of the site boundary, there will be some impact upon the amenity of users of these PROW. The main issues that have the potential to impact upon the amenity of the PROW in relatively close proximity to the site will include noise, dust, and visual considerations. The potential impacts upon the amenity of the Footpaths is discussed below.

Visual Amenity

- 16.2.11 A change in the landscape of the site during operations has the potential to impact on views from the PROWs within and adjacent to the site. There will be potential views of both the extraction areas and the plant site (if no mitigation were in place) which will result in impacts to the visual amenity of those that are affected. Visual impacts will however be transient and mitigated where possible.

Noise

- 16.2.12 The potential impact of noise on users of PROW in close proximity to the site would be a result of either noise generated by plant site operations, vehicle movements and mineral extraction/restoration. The level of impact will depend upon the proximity of the PROW to noise generating operations, the level of noise and the introduction of mitigation measures.
- 16.2.13 Proposals to place the plant site at a minimum of 7m below existing ground levels combined with setting it behind either higher landform levels or attenuation bunds, levels of noise will be minimal from the plant site.

Dust

- 16.2.14 Dust in relation to users of the local PROW network could be generated through soil stripping, movement and placement, mineral extraction and processing, vehicle movements and from the creation and existence of mineral stocks and bunds. As discussed above, the plant site will be contained at lower levels.

Restoration

- 16.2.15 On the phased completion of the development, the site will be returned to an agriculturally managed landscape parkland incorporating all of the existing PROW on their original alignments.
- 16.2.16 It is considered that the proposals will have a land use benefit of improving the access to the countryside. The diversions are only required for the duration of the operations within the western area of the site and reinstatement will be undertaken at the earliest opportunity.
- 16.2.17 It is considered that the criteria set out within Section 261 of the Town and Country Planning Act 1990 for the restoration of a temporary diversion is clearly met and 'the footpath or bridleway can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public'.
- 16.2.18 As discussed, the initial proposals will provide an addition 2.3km of new PROW, with a further ~0.4km of new public right of way at final restoration, along with additional public open space in the form of five pocket parks. The investment in the provision of new public access and space offers significant opportunities for the enhancement of local connectivity avoiding the use of vehicles and potential benefit for health and wellbeing.

16.3 Potential for Mitigation

- 16.3.1 The potential disturbance to PROW that will arise as a result of the development proposals has been considered from the outset of the scheme formulation, and measures have been taken to both minimise the amount of disturbance, to mitigate for any losses that cannot be avoided and to enhance access within the site, and associated connectivity along with the creation of new area of public open space.
- 16.3.2 The direct impacts of physically implementing temporary diversions will be mitigated by the establishment of alternative routes adjacent or in close proximity to the PROW effected. These routes are highlighted on Drawing No. KD.LCF.26A, KD.LCF.33C and KD.LCF.34C. An application will need to be made to divert the PROW and it will be undertaken in liaison with

the Rights of Way team at Worcestershire County Council and local neighbours. The temporary diversions will ensure that access is maintained at all times with footpaths reinstated at the earliest opportunity following quarry and restoration works. Although diverting the footpath will impact upon the PROW users to some extent, the proposed diversion has been designed to provide the best possible route that will have minimum negative impact upon users of the PROW.

- 16.3.3 In considering the mitigation of potential impacts, the measures proposed to minimise the generation of airborne dust in relation to PROW users, the mitigation measures stated for noise reduction will also apply to dust along with ensuring that soil storage/attenuation bunds are grass seeded and maintained. Soil stripping operations are not to take place in windy conditions and a wheel wash system is to be in place with all outgoing HGVs having to use it.
- 16.3.4 In respect of the potential for dust generation it should be noted that there are currently no dust movement measures in place associated with the agricultural land uses which involve the ploughing and cultivation of large areas of the site.
- 16.3.5 The potential for visual impact associated with the plant site and extraction areas will be reduced / mitigated through the use of soil bunds and hay bales. The bunds are to be seeded and maintained and hay bales are part of the general agricultural land uses. As stated, the plant site will also be situated a minimum of 7m below existing ground levels. Visual mitigation from users of the local PROW network will also be in the form of progressive phased restoration of extracted areas. Thus, minimizing areas of disturbed land at any one time period.
- 16.3.6 Control measures will be employed, as necessary on site in accordance with BS 5228-1:2009, such as:
- Avoid unnecessary revving of engines and switch off equipment when not required;
 - Keep internal haul routes well maintained;
 - Minimize drop heights of materials;
 - Ensure machinery is regularly well maintained; and
 - Ensure perimeter bunds are to the required height, with no gaps or inconsistencies.

16.4 Rights of Way Conclusions

- 16.4.1 There will be temporary impacts to users of two sections of PROW during the operation of the site. Neither section requires full closures with alternative temporary diversions to be provided.
- 16.4.2 It is considered that the proposed development will have transient effects on users of the PROW. The diversion of the route would not make any significant difference to the current situation. All connections will be maintained.
- 16.4.3 The temporary route provided as part of the proposals will be safe, convenient and easy to follow. A process of liaison and consultation with the Worcestershire County Council Rights of Way team and the public engagement during the course of the Application will ensure that all operations for the diversion of the PROW has been considered and the best possible route is introduced.

- 16.4.4 From the Initial Phase of the scheme, improvement and options for increased public access and uses will be provided. These involve an initial 2.3km of new routes which will be suitable for walkers, horse riders and cyclists. The new routes will be off road, set back from both the Wolverhampton Road and Wolverley Road. At the end of Phase 3, an additional section of PROW will be provided along with a pocket park on the north western boundary of the western area.
- 16.4.5 On completion of restoration, a further 0.4km of new PROW will be provided together with four further pocket parks spaced around and within the site.
- 16.4.6 The restoration proposals in respect of public footpaths, bridleways and cycle ways will provide significant benefits to the area.
- 16.4.7 The development is temporary, and the site will be restored to a high standard. Therefore, the restoration proposals have the potential to lead to an improvement to the long-term countryside environment and an enhanced PROW site system connecting into the wider PROW network.
- 16.4.8 All impacts upon the amenity of users of the PROW in close proximity and within the site will be mitigated to the highest standard possible to ensure that the development has minimal effect upon the continued use of the area.
- 16.4.9 Taking account of the proposed temporary diversions, the restoration scheme and proposed enhancement measures, the Lea Castle Farm mineral extraction and restoration scheme can be worked without posing unacceptable harm to the PROW network. The proposal of a new system of PROW of ~2.7km (walkers, bridleway users and cyclists) providing additional connectivity and alternative routes to local communities and visitors is considered a significant benefit. When combined with existing PROW within the site (including those to be upgraded), the total distance of PROW would be ~3.77 km.