

My ref: WDC/22CM008



**Communities**

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Mr Ian Briggs,  
Landesign,  
Unit 3,  
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Gordon Road,  
Loughborough,  
LE11 1JP.

12 January 2024

Dear Mr Briggs,

**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:** WDC/22CM008

**Grid Reference:** (E) 427370, (N) 259375

**Applicant:** Smiths Concrete Ltd

**Proposal:** Proposed sand and gravel quarry, ancillary offices, buildings, processing plant and new access road, with restoration using imported inert materials to recreate agricultural land and biodiversity enhancement works.

**Location:** Land south of Wasperton Farm, Wellesbourne Road, Wasperton, Warwickshire.

I am writing further to my letter dated 4 January 2023 informing you that the application was declared valid on 14<sup>th</sup> November 2022. The consultation deadline has passed and in view of the comments received, I hereby request the following information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

Water Environment

In view of the comments received from Warwickshire County Council Flood Risk Management as the Lead Local Flood Authority (LLFA), dated 25<sup>th</sup> January 2023, the Environment Agency (EA) dated 7<sup>th</sup> February 2023 and County Ecologist dated 8<sup>th</sup> March 2023, the Mineral Planning Authority request further information as detailed below:

- The current EA flood risk mapping does not indicate floodplains associated with ordinary watercourses with an upstream catchment size of less than 3km<sup>2</sup> and therefore the risk

*Working for  
Warwickshire*

of flooding from the unnamed ordinary watercourses that run through the site is not fully understood. Given the close proximity of the development to the watercourses on site and the known historic flooding issues in the area, a detailed hydraulic modelling exercise is required to be carried out and then independently reviewed to ensure the flood risks arising from the development have been robustly appraised and mitigated.

- Clarification is required as to how much hardstanding would be created in the processing plant area, as well as how these areas would be drained during the mineral extraction phase. An impermeable area plan for each phase should be provided.
- It has been noted that water in the quarry void would be directed to a sump and pumped to phase one. Clarification to be provided on what the pumped discharge rate would be and how this would be restricted to the greenfield runoff rate.
- It has been noted that the site restoration would occur progressively, and the lagoons constructed in phase 1 would not be backfilled. A revised restoration plan should be submitted ensuring flood risk is not increased and to ensure any betterment opportunities, such as Natural Flood Management, would be fully utilised given the flood risk in the catchment.
- Clarification to be provided as to how many crossing points would be required for the haul road over the watercourse and how these crossing points would be created and sized appropriately to convey flows.
- It has been stated that an emergency overland flow routing plan would not be required as excess water would exit the site via the existing ditch network. A plan is required demonstrating the existing site overland flows and the overland flow routing whilst works are ongoing.
- Details are required of the cut off drainage around pond storage areas to prevent significant overland flows entering storage areas.
- Groundwater ingress to the quarry void is indicated to be managed by dewatering. Further details should be provided as to where this groundwater would be pumped to, at what discharge rate and how the attenuation has been sized to accommodate it.
- Plan and cross section drawings of the clear water ponds/ silt lagoons should be provided.
- Clarifications should be provided as to whether the existing ditches would remain open or if there are plans to culvert these ditches throughout the site operation. The LLFA has a culverting policy where we would only accept culverting where it is deemed absolutely necessary. If the ditches are to remain open, what easement for maintenance/pollution prevention and river corridor would be provided whilst works are ongoing?
- Due to the presence of protected surface water abstractions within proximity to the site, a groundwater monitoring programme is required to be developed and agreed prior to determination.
- The proposed development includes plans for excavation (Phase 8) and settlement lagoons in flood zone 3 of the Thelsford Brook. This increases the likelihood of sediment pollution from the site works during flood events and this risk has not been fully considered. Sediment pollution from the site has the potential to negatively impact both biological and hydro-morphological elements. An emergency pollution plan is required prior to determination.
- Details of the foul drainage from the proposed plant site and offices are required.
- Details are required to evidence that all pumping of water at the site (from/between lagoons, dewatering of work areas etc) is done with the use of an adequate fish screen as required by the EA.

A query raised by a local resident which the MPA agrees needs to be addressed is the question of the volume of water to be abstracted and whether there would be sufficient for the operational needs of the quarrying operations. The hydrology report states that historical data indicates that abstraction may be available for 318 days in a year due to the restriction when the River Avon flow rate (as measured at Evesham) falls below a certain level. The

Mineral Planning Authority request a response as to what contingency plan would be in place in the case of on-site water shortfalls.

The applicant is requested to address the concern of a local resident about the maintenance and quality of their mains water supply which is from a well. Details are required as to how the water supply is to be maintained.

#### Biodiversity: Non-Statutory Designated Sites

The comments received from the County Ecologist dated 8<sup>th</sup> March 2023 state that there is a potential impact through the hydrological connections of the on-site ditches to the River Avon Local Wildlife Site (LWS) by silt run off, dust deposition and pollution during the operational phase. The Mineral Planning Authority request further information be provided to demonstrate how silt run off/surface water drainage would be dealt with and an assessment of the potential impacts of the proposal on the River Avon LWS. The details should include a plan showing the 5m buffer zones to the LWS and ditches.

#### Biodiversity: Woodland, hedgerow and tree protection

Comments received from the County Ecologist dated 8<sup>th</sup> March 2023 and County Landscape Officer's response dated 17<sup>th</sup> February 2023 raised concerns relating to the level of detail submitted to inform of the impact of the proposed development on the existing trees and hedgerows within the site area and to some discrepancies in the information provided. In view of the points raised the Mineral Planning Authority request the provision of a plan to show the locations and full extent of hedgerow removal, where hedgerows would be realigned/translocated to and the extent of hedgerow improvements for each phase. The plan should include a new hedgerow along the eastern edge of the vehicular track leading to Wasperton Farm where currently there is no hedgerow. For clarity, it is requested that the same coding is used to identify hedges throughout all documentation. The plan should include details of the buffer zone to be provided between activity and hedgerows and larger hedgerow trees which should include a 5m minimum buffer and at least 2 – 3 m from the canopy edge of larger trees.

#### Biodiversity: Impact of Haul Routes

The County Ecologist in the response dated 8<sup>th</sup> March 2023 and County Landscape Officer dated 17<sup>th</sup> February 2023 raised queries relating to the locations of the proposed haul routes on the existing habitats as listed below:

- Phase 1: details of the design of the haul route to the south-east of Phase 2 ditch crossings and impacts on ditches should be provided e.g. if culverting is proposed.
- Phase 2: haul route crossings are proposed over ditches to north and south of Phase 2, details should be provided.
- Phase 4: soil movements are proposed across the LWS from Phase 4 to Phase 2. The plan for Phase 4 shows two haul routes cutting across hedge line H11 (Hedgerow Regulations Assessment) and its associated ditch. Details of the proposed haul route for this movement should be clarified. Please provide detail as to how the remainder of the hedgerow and ditch would be protected for the lifetime of the development.
- Phase 5: a haul route is proposed over the LWS from Phase 4 to the plant site. This proposed route should be avoided. Details of an alternative route taken to avoid the LWS should be provided on the revised plans.
- Phase 7: haul routes into Phase 6 cross over the ditch at two points. Further details of design of the ditch crossings and impacts on ditches should be provided e.g. whether culverting is proposed.

- Phase 8: the haul route is adjacent to the pond on the north-east corner of Phase 7. Details are required to show how the pond would be protected from soil run off etc, particularly during this phase.
- Phases 7, 8, 9, 10: the haul route to the south of the plant site is located on top of the existing ditch. Details are required to show a buffer zone to the ditch and protection measures between the ditch and the haul route to clarify. In addition, details of any ditch crossing should be clarified.

### Biodiversity: Protected Species

Comments received from County Ecologist dated 8<sup>th</sup> March 2023, Warwickshire Wildlife Trust received 3<sup>rd</sup> February 2023 and the Environment Agency dated 7<sup>th</sup> February 2023, in addition to comments received from local residents raised the following issues relating to protected species:

#### Bats

- Results of the August bat survey are missing from table 3.3 of the bat activity survey and should be added.
- A c.250m section of hedgerow H17 (Swift report) is required to be removed for access. Please could the number of passes along H17 and connecting hedgerows be provided to assess if this hedgerow is used by foraging/commuting bats, and details of the proposed mitigation measures as appropriate.
- The Ecology Impact Assessment (EIA) provided by SLR Consultants does not take into consideration vibration or light impact on the local roosting bat population. An update to the EIA is requested.

#### Otter and Water Vole

- The methodology of the otter and water vole survey should be provided, to check which areas of the site were surveyed (i.e. if all ditches within the site were surveyed, plus if any adjacent stretches downstream were surveyed). An additional survey would be required if the previous survey is found not satisfy the requirements of the County Ecologist.
- The proposed restoration plans include water bodies which are likely to be used by otters as part of their foraging resource. Opportunities to improve connectivity for otters between the water bodies and the wider landscape should be provided in line with the EA planning response letter (7th February 2023).

Badger – *N.B. - details requested relating to badgers are required to be submitted in a form that enables them to remain confidential.*

- An explanation is requested as to why the badger survey did not extend 30m around the site boundary. If access was not possible, please state what were the reasons?
- There are three badger setts recorded at the site and within its immediate surroundings. Warwickshire Wildlife Trust queried whether the third badger sett is an outlier sett or not? Clarification is requested.
- All badger setts should be protected from disturbance by creating a no-disturbance buffer of at least 30m. Details are requested to indicate the buffer.
- The bunding proposed around Phase 8 appears to be within a 30m impact zone of the potential main Sett 2. The County Ecologist recommends that further information is provided to demonstrate how Sett 2 is proposed to be retained and protected within the development design.

## Breeding Birds

- Clarification is required for Table 3.2 of the Breeding Bird Survey Report – do the figures in column 'Summary of Records' refer to number of individuals or numbers of territories?
- Ground-nesting species skylark are breeding on site. There is discrepancy in the number of breeding territories of skylark – the report (para 4.1) states that two skylark territories were identified within the site, however Table 3.2 indicates nine territories recorded in March and June and there are six on the survey map. This should be clarified to determine the number of skylark territories which would be lost/displaced during the operation of the proposed quarry.
- Compensation for skylark breeding habitat will be required, for example through creation or enhancement of compensatory habitat elsewhere. An outline plan is required to be provided to compensate for the loss of skylark breeding habitat. An alternative option to on-site enhancements which may be preferable would be to secure an offsite financial contribution from the developer for skylark compensatory habitat via a Section 106 agreement.

## Great Crested Newt

- It is strongly recommended that water bodies designed for GCN are included within the revised restoration scheme to provide additional breeding opportunities for this species within the plans. Details should be provided.
- Details should be provided of suitable habitat and receptor areas for great crested newts to be relocated to.

## Reptiles

- County Ecology recommends that further information is provided to show the details of hedgerow removal and the impacts to the ditches and ponds (e.g. through haul route crossings, haul routes next to the ponds causing pollution, etc). If reptiles are found to be impacted by such operations, a reptile survey will be required to be undertaken prior to determination, in line with the standard guidelines at an appropriate time of year to determine presence/absence and population size, inform any mitigation measures, such as ecological supervision of clearance of suitable habitat, and identification of a suitable receptor site should any reptiles be found.
- The eastern field to the north of Phase 10 is proposed to be retained, County Ecology ask if this field could be used as a potential reptile mitigation area?

## Wintering Birds

- The proposed wetland habitat creation would be of benefit to birds. The County Ecologist stated that the creation of additional habitat for breeding and wintering birds, for example planting of native woodland and dense scrub, to further maximise opportunities for birds and their habitats within the site in the long-term would be encouraged in the restoration scheme.

## Biodiversity Net Gain

- The Warwickshire, Coventry and Solihull Biodiversity Impact Assessment (BIA) submitted with the application is not considered accurate, as there would be delays in the time between the habitat creation (e.g. wetland areas) and the site clearance (of up to 12-15 years). The Warwickshire BIA is not able to account for this temporal 'delay' factor for the habitat creation in phased developments. In addition, the Hedgerow Impact Assessment tab has not been completed. Any advanced planting is encouraged to create habitats (such as the proposed hedgerow and woodland planting) as far as

possible in advance of works. Further hedgerow and woodland planting would all contribute towards a biodiversity net gain upfront in the early phases. The Natural England Biodiversity Metric v3.1 provides this functionality (see 'New habitat created in advance of loss' and 'Delay in starting habitat creation' in the User Guide), and therefore County Ecology have recommended that the Biodiversity Metric v3.1 is completed in order to calculate if there is an expected biodiversity net gain/loss from the proposals. It is acknowledged that the exact timeframes are not known but the Natural England metric would provide a baseline for future updated calculations as the phases progress and any future changes to timeframes for restoration that could arise.

### Noise Assessment

The County Ecologist in comments dated 8<sup>th</sup> March 2023 and Natural England in their email dated 17<sup>th</sup> October 2023 require that the ecological impact assessment be updated to include a noise risk assessment and a vibration impact assessment to understand the potential impacts on ecological receptors and to assess if the increase in noise levels would have an impact on protected species (bats and badgers) and if so to what extent and to provide any mitigation recommendations.

Warwick District Council (WDC) Environmental Health Officer (EHO) in comments dated 22<sup>nd</sup> March 2023 requested clarification of the operating hours as the noise assessment and the non-technical summary state different hours.

The WDC EHO has recommended that the operating hours are conditioned to: 7:30 AM to 5:30 PM weekdays and 7:30 AM to 12:30 PM on Saturdays. I would be grateful for your comments and indication as to whether these operating hours are likely to be acceptable.

Local residents in a number of comments submitted requested clarification on the hours of operation of the water pumps required to de-water the site. Please provide clarification as requested.

Local residents have queried the modelling in the Noise Impact Assessment does not include site preparation and the impact it would have. Clarification is requested as to how long the site preparation works would take to complete.

Objections have been received from local residents relating to noise impacts of the proposed development. Noise modelling is requested to show the site noise levels now, the site noise levels when operations commence and the how the site noise levels would be altered by the introduction of bunds or other noise measures.

There are discrepancies in the application documents of the heights of the proposed bunds. The noise report indicates bunds to be 5m around the plant site and 3 m high elsewhere while the Phase 1 to 12 plans indicate bunds to be of a varying heights between 2 and 5 metres in various locations within the site. Clarification of proposed bund heights is required.

There are gaps in the 5m high bund surrounding the processing plant site. Additional details are requested in the Noise Assessment to consider the impact of those gaps in the bund on the noise levels experienced by sensitive receptors.

### Habitat Regulations Assessment Screening (HRA)

A HRA Screening was undertaken by WCC Ecologist which concluded that the proposed development could have a potential significant effect alone or in combination with other plans and projects on the Severn Estuary SAC, SPA and Ramsar site, concluding therefore that an appropriate assessment be required to be undertaken.

The Minerals Planning Authority requires that the additional information required by the County Ecologist to complete the Draft Appropriate Assessment – Wasperton Farm is provided. For information, the additional information required to be provided by the applicant and the applicant's ecological consultant is indicated in red font in the HRA Draft Appropriate Assessment document attached to this letter as Appendix A.

### Landscape and Visual Impacts

In view of the comments of the County Landscape Officer received on 17<sup>th</sup> February 2023 the Mineral Planning Authority requests additional information to address the following points:

- The stand-off for the dwellings and domestic curtilage at Glebe Farm and Holloway Farm is not adequate. While the screen bunds would be a temporary measure, they would be in close proximity to these properties and would remain in place for up to four phases. Policy S4 of the Mineral Local Plan requires a minimum standoff of 100m from J&A Growers Ltd, The Forge Cottage, Wasperton Farm house, Holloway Farm house, Glebe Farm house and Seven Elms and Seven Elms Barn. The Mineral Planning Authority request that the separation distances are adequately provided and clearly indicated on plans.
- It is not clear how the Zone of Theoretical Visibility (ZTV) has been determined. The ZTV is shown as a combined dotted line / shaded area on the Landscape Plan (LVIA). Confirmation is required to explain whether or not the ZTV is based on bare ground survey or whether other land data has been included and what height the viewer eye level has been set at.
- In addition to the Landscape Officer's query, Barford Residents Association queried whether the height of the washplant and vehicles/machinery and proposed building heights were used to assess the views from residential properties. Clarification is required.
- The visual assessment results on page 11 of the Statement of Community Involvement does not make clear which properties from the village of Barford would have a potential view of the development with or without screening measures, or where additional planting would be provided in order to help screen views. Clarification is required.
- The images that accompany the site photographs within the Landscape and Visual Impact Assessment (LVIA) are not easy to interpret or to read in conjunction with one another. The site area should be indicated on these images.
- The LVIA should include potential impacts arising from the operational lighting for the access road and external floodlighting on the plant site during winter months.
- The linear group of houses at Grove Fields (located approximately 2km to the west of the site) ends with a large modern dwelling which has the potential to overlook the site. Although views towards the development would be long distance a viewpoint from the end of the lane is required to help understand whether views would be limited to workings within Phase 9.
- Under Phase 1, during the initial site set up, hedgerow improvements are to be conducted, but it is not clear how extensive these would be. Some hedgerows have very wide gaps, particularly along Wasperton Lane. Details are required as to how will these be managed during the operational phases?
- Along Wasperton Lane there are views towards Phase 3 through gaps in the hedgerows. Although these would be blocked by the construction of the bunds, would it be possible to provide a wider and more varied buffer to the development since this route is frequently used for informal recreation by local residents? Additional details are requested to address this.

## Air Quality

Comments have been received from the UK Health Security Agency dated 30 March 2023 and WDC EHO dated 22 March 2023, requesting additional information relating to air quality. In addition, considerable concern has been raised by over 2000 objectors including Barford Residents Association, local residents and many interested parties to the impact of the proposed development on air quality and the impact on health from particulates.

In the light of the comments from the UKHSA and EHO, the Mineral Planning Authority request that the Air Quality Assessment be amended to include the potential for dust generation by infill materials and for an additional measurement for dust control measures to ensure that PM10 and PM 2.5 are included in accordance with the requirements and targets set out in the Environment Act 2021 and any subsequent published regulations.

WDC EHO have stated that the proposed development is required to comply with the requirements of the Warwick District Council's adopted Air Quality Supplementary Planning Document (SPD). Any damage costs arising from the proposed development should be agreed with Environmental Health. A S106 agreement would be required to secure the contribution agreed. The agreed sum would be used for air quality improvement measures as detailed in the WDC Air Quality Action Plan.

## Restoration

In view of the comments of the County Ecologist dated 8<sup>th</sup> March 2023 and the County Landscape Officer received on 17<sup>th</sup> February 2023, the Mineral Planning Authority request the following points are addressed:

- While the majority of the site would be restored back to arable land the creation of further habitat within the restoration plans such as, for example, species rich grassland, broad-leaved woodland, native scrub, reedbed and wetland/ponds would be encouraged.
- The opportunity for biodiversity to be maximised in the arable restoration plan is encouraged. The revised restoration plan is required to include creation of habitat including beetle banks, wide pollen/nectar rich wildflower margins, skylark plots and pond creation surrounded by a 15m grassland buffer zone in the arable field margins/corners.
- The revised restoration plan should be designed specifically to target priority habitat and species, such as farmland birds, waders and wildfowl, reptiles and great crested newt. Smaller water bodies could be created in areas out of the flood zone, as great crested newt breeding habitat.
- The revised restoration plan should include suitable reptile habitat for grass snake and other reptiles, such as basking habitat and hibernacula.
- The revised restoration plan is required to clarify the final width of the access road into the site on completion of the works and whether the bunds to either side of the access road are to be removed on completion or retained and planted with hedge?

## Geological features

Comments from the County Ecologist dated 8<sup>th</sup> March 2023 and from Warwickshire Geological Conservation Group dated 24<sup>th</sup> January 2023 have suggested the provision of information and a scheme for public interpretation of any geological features revealed during excavation of the site which are worthy of retention. The design of the restoration scheme is requested to include details of this provision.



## Highways

In the light of the comments from Warwickshire County Highways dated 1<sup>st</sup> November 2023 the Minerals Planning Authority require the points below to be addressed before a final Highway view may be provided:

### Proposed site access

- A detailed explanation/comparative assessment is required (from an operational perspective and/or due to other site-specific factors including for example cost, landtake and location of services) as to why traffic signals rather than a roundabout are proposed at the site access.

### Junction Assessment

- A Stage 1/2 Road Safety Audit is required to be submitted for consideration prior to determination, in line with LTP4 Policy Position MS6

### Base Traffic Data

- In order to derive background flows on the A429, Tetra Tech has factored the weekday peak hour flows from the June 2021 Automatic Traffic Counter (ATC) data by 20% to represent baseline 'Covid Adjusted' weekday flows in 2023. WCC commissioned an ATC survey on the A429 south of Holloway Farm in March 2023. The initial review of this data indicates that Tetra Tech's PM peak hour two-way background traffic flow estimate for 2023 (1913 PCUs) is likely to be robust. However, the estimate for the AM peak hour (1520 PCUs) is likely to be too low and should be adjusted in line with advice from WCC Highways.
- Tetra Tech are requested to undertake a sensitivity test for the weekday AM peak hour and also the busiest hour on a Saturday which has not been considered in the Transport Statement (TS) using data derived from the March 2023 ATC survey data.
- WCC's initial review also suggests that the AM peak hour appears to have shifted in the latest survey data. Tetra Tech are requested to revisit the factoring using the latest March 2023 ATC data in accordance with the assumptions listed below:
  - (i) Neutral weekday (Tuesday to Thursday) 3-day average.
  - (ii) PCU factors based on the values - Car 1.0, LGV 1.0, 2 Axled Rigid 2.0, 3 Axled Rigid 2.3, 4 Axled Rigid 2.3, 3 Axled Artic 2.3, 4 Axled Artic 2.3, 5+ Axled Artic 2.5, Bus 2.0
  - (iii) Peak to peak (i.e. the peak hours don't need to 'match' as long as the highest flow set from each dataset is used to determine the factor).

### Trip Generation, Distribution and Assignment

- Tetra Tech's vehicle trip generation estimates for staff car trips and HGVs are based on information provided by Smiths Concrete Ltd. WCC Highways in their response to the Transport Statement dated 1<sup>st</sup> November 2023 have requested clarification on the underlying methodology and calculations used to derive these figures, including justification for use of an hourly flat profile for assignment of development trips. The AM and PM peak hour development trip totals presented in Table 4 of the TS appear to be expressed in vehicles not in PCUs as stated.
- WCC Highways request that the development flows used in the LinSig assessment are converted to PCUs using a factor of 2.5 for site-generated HGVs to represent the maximum length of vehicle likely to be used for quarry operations.
- Information is required to be provided as to whether a Ready Mixed Concrete (RMC) plant is proposed to be installed now or in the future. We understand that Smith's main business is concrete so supplying this to the market via their existing RMC plants in

Warwickshire and Oxfordshire may have wider network implications which may need be to be considered when estimating potential trip generation/distribution scenarios.'

### HGV Routing Agreement

- A S106 agreement would be required regarding HGV routing agreement to protect the residents of Barford, Wellesbourne and Stratford-upon-Avon from unwarranted intrusion of site-related HGVs. Heads of terms for the S106 are required to be provided prior to determination.

### Wheel wash

Many local residents and Barford and Sherbourne Joint Parish Council in their comments dated 23<sup>rd</sup> January 2023 have expressed concern that water from the wheel wash would be discharged to drainage ditches and to the river resulting in pollution of the river. Details of the wheel wash and the associated drainage for the facility are required to address this concern.

### Footpath west of A429

Barford and Sherbourne Joint Parish Council in their comments dated 23<sup>rd</sup> January 2023 commented that the footpath heading north along the A429 towards Barford is very narrow and consider that the path should be upgraded to provide a safe path for cyclists and pedestrians to travel to Barford and to link up with the cycleway to the north.

Local residents have raised the following concerns:

- The Transport Statement has not addressed the effect of the development on the A429 priority junction with Bridge Street to the north of Barford village. Vehicles waiting to emerge from the junctions at both ends of Barford are met with long delays during peak hours, with very little gap time, which often results in drivers unsafely emerging (due to pressure from other drivers, long delays or impatience), resulting in road collisions. The proposal is considered by the objector to be likely to exacerbate this issue, to the detriment of highway safety. The MPA require this concern to be addressed.
- The report does not identify how early arriving vehicles would be accommodated on the A429 prior to the site opening. Details are required of measures to overcome the potential of early arriving commercial vehicles causing traffic queues onto or parking on the A429.
- The drawing for the access to the site does not show footpaths for operatives to use to encourage multi-modal transport options including bus, cycling and walking. Details of such provision is required.
- In the forecast growth section of the Transport Statement (TS), it provides TEMPRO growth factors up to 2033, but then states that that site will be operational into the 2040s. Why aren't the growth factors being extended into the 2040s? Please clarify.

### Public Rights of Way

In view of the comments received from the Public Rights of Way Officer dated 25<sup>th</sup> January 2023, Landscape Officer dated 17<sup>th</sup> February and Ramblers Association dated 18<sup>th</sup> January 2023, the Minerals Planning Authority request the following:

- Confirmation is required regarding how the priority system for the public bridleway W101a and the safety of the crossing would be managed, such as whether a banksman would be present when the crossing is in use.

- Confirmation is required regarding how the surface of the public bridleway would be protected at these crossing points and that any temporary surfacing at these crossings would be suitable for public bridleway users, including equestrians.
- Confirmation required that screening bunds and proposed hedges alongside public bridleway would not encroach onto the public bridleway in any way and that there would be no risk of soil slippage onto the bridleway from the proposed bunds.
- Since permissive routes may be withdrawn at any point in time, clarification is requested as to whether it is intended that the proposed permissive route would become permanent on completion.

A local resident commented that the A429 is extremely dangerous for horse riders – the bridleway needs to be a full off-road loop. Horses should not be able to get off the bridleway and onto that road if a rider becomes unseated. However, access is needed straight across the A429 onto the road to Wasperton to gain access to and from the bridleways on that side of the road – details for the provision of a gate that can be used while mounted are required with provision of an area behind the gate to wait safely to cross.

### Best and Most Versatile (BMV) Agricultural Land and Soils

Prior to determination you are required to address the change in national policy reflected in footnote 62 of the NPPF December 2023 concerning food production which is a significant issue at this site. This is a material change in national policy since the adoption of the Mineral Plan in July 2022.

Natural England in their comments dated 10<sup>th</sup> February 2023 state that while they are generally satisfied that the Best and Most Versatile (BMV) land should be capable of being restored on 30.6ha of the site, the submitted soil handling, restoration and aftercare proposals do not meet the requirements for sustainable minerals development, set out in the NPPF and current Minerals Planning Practice Guidance, particularly section 6 titled “Restoration and aftercare of mineral sites” for the following reasons set out below. The Mineral Planning Authority require additional details and/or clarification to address the following:

- The MAFF Good Practice guide for handling soils is referenced, but this document has been superseded and replaced by the Institute for Quarrying 2021 Soils Guidance (quarrying.org). There would be a risk of compaction of the top and subsoil layers by the repeated trafficking of a dozer (paragraph 8.80, Planning Statement), even if a low ground pressure machine were used, as it pushes soil to the windrows. Hence, subsequent remedial treatments are likely to be relied upon. For restoration to high agricultural quality, the best practice for soil handling is using the excavator-dump truck combination in conjunction with the sequential ‘strip’ method (Sheets A – D) and Sheet K, where the modified method of topsoil replacement using low ground pressure bulldozers is being used.
- Soil stripping depths should be clearly set out, reflecting the soil horizon depths identified from the detailed soil survey as presented in the LRA Soil Resources & Agricultural Quality of the Land at Wasperton Report, 1862/1.
- There are inconsistencies with regards to the separate handling and storage of the different soil types identified in the LRA Soil Resources & Agricultural Quality of the Land at Wasperton Report, 1862/1. Paragraphs 4.2 and 4.3 (LRA Soil Resources and Agricultural Quality of Land Report 1862/1) state that TS1 and TS2 are of differing qualities and should be stockpiled separately. This is in line with their differing resiliencies. However, the application details suggest the topsoil would be stockpiled as one resource and restored profiles could contain a mix of TS1 and TS2. To avoid mixing of soils, information on soil resources (depths, types, volumes etc) should be used to delineate and separately handle soil types with very different characteristics.

This would require commitment to pegging out the different soil types on the ground and then close supervision of soil moving by a competent soil specialist. In all cases topsoil and subsoil must be separately handled to avoid mixing (TS1/TS2/SS1/SS2/C). Where soils are stored, the different soil types would need to be kept separated in the storage bunds. This should be reflected in the Revised Restoration Plans (1-12), accompanied with a detailed soil balance.

- Any soil in storage for more than 6 months would need to be seeded rather than within 12 months as stated in paragraph 8.97 of the Planning Statement. An update is required.
- A plan of the final proposed ALC grades across the Site should be provided.
- To ensure successful reclamation, avoiding soil compaction and damage, commitment is required that soils would only be moved when in a 'dry and friable' condition. Suitable criteria should be provided for assessing when the soil is in this state, as proposed in Paragraphs 5.4-5.5 in the LRA Soil Resources & Agricultural Quality of the Land at Wasperton Report, 1862/1.
- The proposals include the restoration of agricultural land to original ground levels. It is proposed that this is achieved through the importing of 'inert wastes, (mainly clays and soils)' (Paragraph 6.171; Environmental Statement). However, the proposed restoration soil profile to restore BMV agricultural land, includes a 500 mm lower subsoil horizon of 'selected permeable inert fill / overburden' (Figure 1 in LRA Soil Resources and Agricultural Quality of Land Report 1862/1, 2021). The overburden has been described as clay (Paragraph 5.16, Environmental Statement), which has been identified as a slowly permeable layer in the LRA Soil Resources and Agricultural Quality of Land Report 1862/1, 2021. Resolution of this issue is required to ensure adequate restoration.

Objections from local residents and interested parties including Barford Residents Association have raised concerns at the loss of agricultural land. The Mineral Planning Authority request that the applicant addresses the suggestion by objectors that all grade 2 and grade 3a farmland within the application area is removed to balance out the need for high yielding quality farmland and the requirement for sand and gravel.

### Archaeology

The County Archaeologist acknowledges that trial trenching has been conducted of the application and requests that the report detailing the results of trenching be formally submitted prior to determination.

### Site Security

Local residents have raised concerns about site safety and the potential for trespass into the site. The Mineral Planning Authority requests details of the measures to be put in place to secure the site in accordance with Policy DM9 of the Adopted Minerals Plan.

### Drawings

It is requested that the level of detail is increased for the drawings submitted for the Weighbridge Office (LD135-WSP-026) and the main workshop (LD135-WSP-023).

### Wash Plant / Processing Plant

In response to queries raised by local residents, the Mineral Planning Authority request that the details of the specific wash plant/processing plant to be installed on site are provided to clarify the processing capability of the plant, and to assess the light, noise and visual impact.

Non-Technical Summary and Mitigation Strategy

An updated version of the Non-Technical Summary is required to be submitted to accurately represent the proposed development as revised.

I would be grateful if you could advise as soon as practicable, the date by which the additional information requested will be received to enable the timely consideration of the application.

Yours sincerely

A handwritten signature in black ink, consisting of the letters 'S' and 'P' in a cursive, stylized font.

Sally Panayi  
Senior Planner

**HRA Appropriate Assessment for a Project****DRAFT**

<b>Date</b>	5 <sup>th</sup> April 2023
<b>Version</b>	V1, Draft
<b>Assessor</b>	Warwickshire County Council Ecological Services
<b>Site</b>	Land south of Wasperton Farm, Wasperton
<b>Planning application reference</b>	WDC/22CM008
<b>Proposal</b>	Proposed sand and gravel quarry, ancillary offices, buildings, processing plant, and a new access road, with restoration using imported inert materials to recreate agricultural land and biodiversity enhancement works.
<b>Competent Authority</b>	Warwickshire County Council
<b>Other Competent Authorities</b>	Natural England and Environment Agency
<b>Results of Stage 1: HRA Screening</b>	Warwickshire County Council Ecological Services is of the opinion that the project could have a potential likely significant effect alone or in combination with other plans and projects on the Severn Estuary SAC, SPA and Ramsar site. An appropriate assessment is required.

**NB This document is a draft version. It is an iterative document and we would expect amendments by the applicant/applicant's ecological consultant to provide clarifications to complete the Appropriate Assessment.**

## **1. Introduction**

Table 1 below identifies qualifying features of the European Site, conservation objectives and the generic impact pathways of the project.

**Table 1: European Site Information**

European Site	Generic impact pathways from the project	Qualifying Features of the European site <sup>1</sup>	Conservation Objectives of the European Site	Condition assessment
River Severn Estuary SAC	Land take, air quality, dust, noise, impacts on functionally linked watercourses, water quality, water pollution and siltation	<p><u>Habitats:</u></p> <ul style="list-style-type: none"> <li>• Sandbanks</li> <li>• Estuaries</li> <li>• Mudflats and sandflats</li> <li>• Reefs</li> <li>• Atlantic salt meadows</li> </ul> <p><u>Species:</u></p> <ul style="list-style-type: none"> <li>• Sea lamprey <i>Petromyzon marinus</i></li> <li>• River lamprey <i>Lampetra fluviatilis</i></li> <li>• Twaite shad <i>Alosa fallax</i></li> </ul>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species</li> <li>• The structure and function (including typical species) of qualifying natural habitats</li> <li>• The structure and function of the habitats of qualifying species</li> <li>• The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</li> <li>• The populations of qualifying species, and,</li> <li>• The distribution of qualifying species within the site.</li> </ul>	<p>Sandbanks – favourable            Estuaries – unfavourable            Mudflats and sandflats – unfavourable            Reefs - unknown            Atlantic salt meadows - unfavourable            Sea lamprey - unfavourable            River lamprey - unfavourable            Twaite shad - unfavourable</p>

<sup>1</sup>European Site Conservation Objectives for Severn Estuary SAC  
<http://publications.naturalengland.org.uk/publication/6081105098702848?category=5374002071601152>

<b>River Severn Estuary SPA</b>	Land take, air quality, dust, noise, impacts on functionally linked watercourses, water quality, water pollution and siltation	<ul style="list-style-type: none"> <li>• Bewick’s swan</li> <li>• Common shelduck</li> <li>• Gadwall</li> <li>• Dunlin</li> <li>• Common redshank</li> <li>• Greater white-fronted goose</li> <li>• Waterbird assemblage</li> </ul>	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The population of each of the qualifying features, and,</li> <li>• The distribution of the qualifying features within the site.</li> </ul>	
<b>River Severn Estuary Ramsar</b>	Land take, air quality, dust, noise, impacts on functionally linked watercourses, water quality, water pollution and siltation	<u>Ramsar interest features:</u> <ul style="list-style-type: none"> <li>• Estuaries</li> <li>• Internationally important populations of waterfowl</li> <li>• Internationally important assemblage of waterfowl</li> <li>• Assemblage of Migratory Fish: <ul style="list-style-type: none"> <li>• European eel <i>Anguilla Anguilla</i></li> <li>• Atlantic salmon <i>Salmo salar</i></li> <li>• Aea trout <i>S. trutta</i></li> <li>• Allis shad <i>Alosa alosa</i></li> </ul> </li> </ul>	The conservation objectives are too extensive to summarise here, but can be found in the Severn Estuary SAC, SPA and Ramsar site: Regulation 33 Advice from CCW and Natural England document <sup>2</sup> .	

<sup>2</sup> <https://naturalresources.wales/media/673887/severn-estuary-sac-spa-and-ramsar-reg-33-advice-from-ne-and-ccw-june-09.pdf>



		<ul style="list-style-type: none"> <li>• Twaite shad <i>A.fallax</i>,</li> <li>• Sea lamprey <i>Petromyson marinus</i></li> <li>• River lamprey <i>Lampreta fluviatilis</i></li> </ul>		
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Table 2 summarises the qualifying features which have been ‘Screened In’ to the appropriate assessment. The qualifying features of the European Site other than migratory fish species have been ‘Screened out’. For the Warwickshire Local Minerals Plan HRA it was agreed by Natural England that the Operations Likely to Damage the Special Interest of the Site (OLDSIS) are those that relate to migratory fish (River Lamprey, Twaite Shad, Salmon, Eel, Sea Trout and Allis Shad) that may migrate to watercourses within Warwickshire.

**Table 2: Screened In Qualifying Features**

European Site	Impact pathways from the project	Qualifying Features which have been Screened In	Negative pressures/Operations Likely to Damage the Special Interest of the Site (OLDSIS) from the Warwickshire Minerals Plan HRA <sup>3</sup>	Site Improvement Plan of relevance to potential effects of the project on migratory fish <sup>4</sup>
River Severn Estuary SAC	Impacts on functionally linked watercourses, water quality, water pollution and siltation	<ul style="list-style-type: none"> <li>• Sea lamprey</li> <li>• River lamprey</li> <li>• Twaite shad</li> </ul>	Any operation that could impact on:  <u>Sensitivity</u> <ul style="list-style-type: none"> <li>• physical loss</li> <li>• physical damage</li> <li>• toxic contamination</li> <li>• non-toxic contamination and</li> <li>• biological disturbance</li> </ul> <u>Exposure</u>	Prioritized issues for the SAC/SPA identified in the Site Improvement Plan for sea lamprey, river lamprey and twaite shad are: <ul style="list-style-type: none"> <li>• physical modification to reduce, remove and prevent barriers to migratory fish.</li> <li>• Inform strategic planning decisions to minimise impact of development</li> <li>• changes in species distributions to understand/prepare for changes in</li> </ul>

<sup>3</sup> Warwickshire Minerals Local Plan (2018 – 2032) HRA Screening Decision and Appropriate Assessment Final Update September 2021  
<https://www.warwickshire.gov.uk/mdf>

<sup>4</sup> <http://publications.naturalengland.org.uk/publication/4590676519944192>

			<ul style="list-style-type: none"> <li>• substratum loss</li> <li>• smothering</li> <li>• changes in suspended sediment</li> <li>• changes in water flow rate</li> <li>• abrasion and physical disturbance</li> <li>• noise and visual disturbance</li> <li>• toxic contamination (introduction of synthetic &amp; non synthetic compounds)</li> <li>• changes in nutrient loading</li> <li>• changes in thermal regime</li> <li>• changes in turbidity</li> <li>• changes in oxygenation</li> <li>• introduction of microbial pathogens</li> <li>• introduction of nonnative species</li> <li>• selective extraction of species</li> </ul>	<p>species distribution (caused by climate change/other events),</p> <ul style="list-style-type: none"> <li>• to identify any existing issues and prevent/reduce decline in water and sediment quality (applying relevant measures to all relevant tributaries in England and Wales)</li> </ul>
<b>River Severn Estuary SPA</b>	Impacts on functionally linked watercourses, water quality, water pollution and siltation	N/A for migratory fish as SPA designated for bird species and habitats supporting bird species		
<b>River Severn Estuary Ramsar</b>	Impacts on functionally linked watercourses, water quality, water pollution and siltation	<p>Ramsar interest <u>feature Assemblage of Migratory Fish:</u></p> <ul style="list-style-type: none"> <li>• European eel</li> <li>• Atlantic salmon</li> <li>• Sea trout</li> <li>• Allis shad</li> <li>• Twaite shad</li> <li>• Sea lamprey</li> </ul>	<p>Any operation that could impact on:</p> <p><u>Sensitivity</u></p> <ul style="list-style-type: none"> <li>• physical loss</li> <li>• physical damage</li> <li>• toxic contamination</li> <li>• non-toxic contamination and</li> <li>• biological disturbance</li> </ul> <p><u>Exposure</u></p>	<p>Prioritized issues for the SAC/SPA identified in the Site Improvement Plan for sea lamprey, river lamprey and twaite shad are:</p> <ul style="list-style-type: none"> <li>• physical modification to reduce, remove and prevent barriers to migratory fish.</li> <li>• Inform strategic planning decisions to minimise impact of development</li> </ul>

		<ul style="list-style-type: none"> <li>• River lamprey</li> </ul>	<ul style="list-style-type: none"> <li>• substratum loss</li> <li>• smothering</li> <li>• changes in suspended sediment</li> <li>• changes in water flow rate</li> <li>• abrasion and physical disturbance</li> <li>• noise and visual disturbance</li> <li>• toxic contamination (introduction of synthetic &amp; non synthetic compounds)</li> <li>• changes in nutrient loading</li> <li>• changes in thermal regime</li> <li>• changes in turbidity</li> <li>• changes in oxygenation</li> <li>• introduction of microbial pathogens</li> <li>• introduction of nonnative species</li> <li>• selective extraction of species</li> </ul>	<ul style="list-style-type: none"> <li>• changes in species distributions to understand/prepare for changes in species distribution (caused by climate change/other events),</li> <li>• to identify any existing issues and prevent/reduce decline in water and sediment quality (applying relevant measures to all relevant tributaries in England and Wales)</li> </ul>
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## 2. Warwickshire Minerals Local Plan (2018 – 2032) HRA Screening Decision and Appropriate Assessment

Land south of Wasperton Farm is an allocated site in The Warwickshire Minerals Local Plan HRA and therefore this project HRA is based on the information contained in the Plan HRA.

In October 2020 a Statement of Common Ground document was produced to resolve updated advice from Natural England and Environment Agency to consider the Severn and Humber Estuary SACs, SPAs and RAMSAR sites within the Plan HRA. It concluded that the following text is included into the Policy DM1:

*“The recent judgement (Case C-461/17 Holohan v An Bord Pleanála 7/11/18) highlighted the importance of consideration, as part of EIA and HRA, of potential implications for habitat types and species outside the boundaries of European designated sites, those implications being liable to affect the conservation objectives of the site. The Plan area is located approx. 60km upstream of the Severn Estuary Special Area of Conservation and Ramsar Site and approx. 120km upstream of the Humber Estuary Special Area of Conservation and Ramsar Site. Both are hydrologically linked to the designated sites through the Warwickshire River Avon and River Trent tributaries. The Severn Estuary migratory fish species, including Atlantic salmon, Sea trout, Allis Shad, Twaite Shad, Sea lamprey, River lamprey, European eel, travel upstream through the River Severn and its tributaries, spending part of their life cycle in the wider Severn hydrological catchment.*”

*Currently the tidal weir at Tewkesbury is believed to present an obstacle to most of the migratory fish species apart from the European eel which is recorded within the Warwickshire Avon. In the last few decades eel numbers have declined internationally by as much as 95% and have been listed by the International Union for Conservation of Nature (IUCN) on their Red List as critically endangered species. The Humber Estuary migratory fish species include Sea lamprey and River lamprey. Barriers to their journey upstream and degradation of habitat and pollution are some of the contributing factors for the decline.*

*The removal or modification of existing weirs to facilitate fish passage is identified as a key action in River Basin Management Plans under the Water Framework Directive. In view of the mineral plan's timeframe, the 25 year Environment Plan's, (<https://www.gov.uk/government/publications/25-year-environment-plan>), 'nature recovery' objectives and in line with the Severn and Humber Estuary's conservation objectives (<http://publications.naturalengland.org.uk/publication/6081105098702848?category=5374002071601152>), consideration should be given to opportunities to maintain and restore the Warwickshire Avon and tributaries' habitat features for these migratory fish species. In addition to European eel, the Warwickshire Avon and its tributaries plus the River Trent tributaries within Warwickshire are believed to offer scope for species such as River lamprey, Sea lamprey, Atlantic salmon and Sea trout.*

*Those mineral schemes in hydrological connectivity with the Warwickshire Avon and its tributaries should be suitably designed to consider implications for the eel. Enhancements as part of restoration schemes should consider, for example 'off line' water bodies and wetlands linked to the river as these are attractive to eel. The Eel Handbook (EA) provides detailed information on relevant development management considerations, while updated ancillary guidance documents are expected early on in the plan's lifetime. Both the Warwickshire Avon and its tributaries and the River Trent tributaries within Warwickshire will consider implications and Habitat enhancements for the range of migratory fish described above should be incorporated into suitable schemes in order to support Water Framework Directive objectives. "*

### **3. Appropriate Assessment**

No land-take will occur in the SAC/SPA/Ramsar site, so no direct habitat loss will occur. The application site is 60km from the SAC/SPA/Ramsar so no indirect adverse effects to the qualifying habitats of the site will occur. However the migratory fish species which are qualifying features of the SAC/SPA/Ramsar site are functionally connected to the application site through the River Severn catchment area, which contains suitable spawning grounds. The appropriate assessment is provided in the table below.

**Table 3 Appropriate Assessment Table**

**(Text in red requires input from the applicant and applicant’s ecologist to complete the appropriate assessment)**

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
<b>SENSITIVITY</b>				
<b>Physical loss</b>	Population size.	The likelihood of impacts on migratory fish from the physical loss of any functionally linked watercourse through the proposals requires clarification from the applicant.	Requires clarification. For example, physical loss of functionally linked watercourses if any culverts are proposed or haul routes over watercourses.	Requires clarification.
<b>Physical damage</b>	Population size	The likelihood of impacts on migratory fish from the physical damage of any functionally linked watercourse through the proposals requires clarification from the applicant.	Requires clarification. For example, physical damage functionally linked watercourses if any culverts are proposed or haul routes over watercourses.	Requires clarification.
<b>Toxic Contamination</b>	Water quality	<p>Toxic contamination is only likely if toxic chemicals are free to enter the groundwater and surface water and then discharged into the river. For example, from fuel and oil leaks and spills from fixed or mobile plant during construction and operational phases. These chemicals would be detrimental to the migratory fish species using the river as spawning grounds.</p> <p>Potential increase in risk of fuel contaminants from haul routes located near/over existing ditches/ponds.</p>	<p>Requires clarification. For example, mitigation for fuel spillage/run-off from any haul routes proposed near/over watercourses/ponds.</p> <p>Mitigation in the ES states: “Water quality Impacts due to the accidental spillage of contaminants from fixed or mobile plant will be</p>	Planning Conditions

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
		Unlikely but any discharge is likely to have a significant effect.	<p>mitigated by adopting the following measures:</p> <ul style="list-style-type: none"> <li>i. All refuelling of mobile plant will take place on hardstanding in the plant area, thereby minimising the risk of spillages reaching the sand and gravel aquifer.</li> <li>ii. Fuel will be stored in a double-skinned and/or bunded tank.</li> <li>iii. Plant will be maintained by best practice.</li> <li>iv. Written procedures will be in place for responding to an accidental spillage</li> <li>v. Spill kits will be available for use on-site in the unlikely event of such an occurrence.”</li> </ul> <p>Design and operation of an adequate pollution</p>	

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
			prevention scheme and ongoing monitoring of the scheme.	
<b>Non- toxic contamination</b>	Water quality of the Thelsford Brook and River Avon	<p>Sedimentation.</p> <p>Potential increase in sediment run-off from the site works either directly (as waste water run-off, run-off of soil from soil bunds) or during flood events, which could adversely impact the water quality of the Thelsford Brook and River Avon. Increase in levels of sediment could remove or disturb spawning habitats for lampreys, trout and other migratory fish.</p> <p>The EA comments stated that <i>“Without an Emergency Pollution Plan, the proposal’s ecological impact may lead to the deterioration of a water quality element to a lower status class on the Thelsford Brook or River Avon. This is because sediment pollution from the site has the potential to negatively impact both biological and hydro-morphological elements.</i></p> <p><i>In light of the above, the proposed development will only be acceptable if a planning condition requiring an emergency pollution plan is included”.</i></p>	<p>Provision of a 5m buffer from each ditch, including the River Avon and Tributaries LWS to minimise the risk of breaching. WCC Ecological Services requested a plan to confirm this. WCC Ecological Services highlight that 8m stand-off zone is standard for main rivers. Although the ditches and LWS are not classed as main river, a wider buffer zone may be required, to ensure that run-off is mitigated. The Environment Agency and LLFA are the specialists in this area.</p> <p>Management of buffer strips along water courses during operation of scheme.</p> <p>All boundary vegetation features and ditches will be</p>	<p>Planning Conditions, subject to the approval of the details requested are provided by applicant prior to determination of the application.</p> <p>Condition for an Emergency Pollution Plan, as detailed in the EA response letter dated 7<sup>th</sup> February 2023.</p> <p>EA discharge licence.</p>

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
		<p>No discharge of water from the Site is planned other than during the initial Site set-up. This will be discharged via an existing drain feeding into the river Avon or Thelsford Brook and will require a separate discharge license from the Environment Agency.</p> <p>Silt will only be placed into the Phase 1 Lagoon. No silt is to be placed into the existing ditches. It is understood that any discharge of clean settled water into the existing ditches would be controlled by an EA discharge licence, which would control the suspended solids that are allowed to be discharged.</p> <p>Excavation levels of each phase will be below the bank level of the existing ditches so runoff from the site into the ditches is unlikely. The gravel stockpile area in Phase 2 will be higher than the existing ditch level.</p> <p>The silt lagoon system is where silty water will be pumped into where the silt settles out of suspension.</p> <p>Phase 8 will be intentionally allowed to inundate during a flood. Following any flooding the flood water will be dewatered into the silt lagoon.</p>	<p>retained within the proposed development. WCC Ecological Services requested a plan to confirm this.</p> <p>Details of embedded mitigation measures designed into the scheme to avoid silt-run off, such as silt fencing.</p> <p>Mitigation measures are outlined in the Flood Risk Assessment report to ensure contaminants and risk of siltation is minimised.</p> <p>Progressive restoration to minimise the periods for bare sand and gravel being exposed.</p> <p>Appropriate control measures for sedimentation will need to be put in place to treat waste water to remove silt and muddy discharges prior to discharge</p>	



Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
		<p>The silt would sink to the base of the void.</p> <p>Unlikely but any increase in sedimentation is likely to have a significant effect.</p>	<p>within the desilting and disposal scheme. New haulage roads and soil storage bunding will need to be designed to avoid silt deposition into the watercourses during the operation and restoration phases of the scheme.</p> <p>Control of clean settled water into ditches under EA discharge licence.</p> <p>In Phase 2, a temporary interceptor/barrier created between the stockpile and the ditches to prevent silt run off from the stockpile.</p>	
<b>Biological disturbance</b>	Water flows and physical barrier. Flooding	<p>Water flows could be affected by culverting of existing ditches on site. Clarification on whether any culverting is proposed should be made by the applicant and their location.</p> <p>There are several locations of proposed haul routes crossing over existing ditches, which could impact water flows.</p>	<p><b>WCC Ecological Services comments – further information requested to clarify impacts on water flows.</b></p> <p>EA comments (7<sup>th</sup> February 2023). Ensure that all pumping of water at the site (from/between lagoons, de-</p>	Planning Conditions, subject to the approval of the details requested are provided by applicant prior to determination of the application.

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
		<p>EA comments (7<sup>th</sup> February 2023). The development includes plans for excavation (Phase 8) and settlement lagoons in flood zone 3 of the Thelsford Brook. This may lead to fish mortality from risk of entrapment to migratory fish and eels post-flooding, which are protected under the Salmon and Freshwater Fisheries Act 1975 and Eels Regulations 2009.</p> <p>Entrapment likely to have a significant effect.</p>	<p>watering of work areas etc) is done with the use of an adequate fish screen.</p> <p>Flood Risk Assessment</p>	
<b>EXPOSURE</b>				
<b>Substratum loss</b>	Population size	Increase in sediment. See Non-toxic contamination above.	See section on Non-toxic contamination above	Planning Conditions, subject to the approval of the details requested are provided by applicant prior to determination of the application.
<b>Smothering</b>	Population size	Increase in sediment. See Non-toxic contamination above.	See section on Non-toxic contamination above	Planning Conditions, subject to the approval of the details requested are provided by applicant prior to determination of the application.
<b>Changes in suspended sediment</b>	Water quality and population size	Increase in sediment. See Non-toxic contamination above.	See section on Non-toxic contamination above	Planning Conditions, subject to the approval of the details requested are provided by applicant prior

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
				to determination of the application.
<b>Changes in water flow rate</b>	Water flows	<p>The proposed de-watering of the mineral deposits could have an impact by decreasing the water flow of the existing ditches and beyond to the river Avon which could affect migratory fish movement. In the EA response letter (7<sup>th</sup> February 2023) the EA have assessed the submitted Hydrogeological and Hydroecological Assessment (October 2022). The EA have concluded that <i>‘Considering the conceptual description and the water features survey information we are of the opinion that it may be unlikely that any of the considered linked water features will be significantly impacted as a result of de-watering operations in the proposed extension area.’</i> However, whilst more detailed hydrogeological assessment may not be warranted given <i>the environmental setting of the site, due to the presence of protected surface water abstractions within proximity to the site, we recommend that a groundwater monitoring programme is developed prior to planning permission being granted for this development. We therefore recommend that the Planning Permission includes the following condition”</i>(see comments for full condition wording, but in summary the condition is</p>	Flood Risk Assessment Water Management scheme	<p>Planning Condition for groundwater monitoring programme</p> <p>Discharge Consent</p>

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
		<p>for pre-commencement groundwater monitoring scheme to ensure the protection of controlled waters.</p> <p>Therefore the potential effect is unlikely but any change is likely to have a significant effect.</p>		
<b>Abrasion and physical disturbance</b>	Population size	No likely significant effects.	N/A	N/A
<b>Noise and visual disturbance</b>	Population Size	No likely significant effects.	N/A	N/A
<b>Toxic contamination (Introduction of synthetic &amp; non synthetic compounds)</b>	Water quality	See toxic contamination section above.	See toxic contamination section above.	Planning Conditions
<b>Changes in nutrients loading</b>	Water quality	Excessive growth of algae. No likely significant effects	Design and operation of the desilting and disposal scheme.	No action required
<b>Changes in thermal regime</b>	Water quality	Mortality of fish due to increase in water temperature. No likely significant effects	Design and operation of the desilting and disposal scheme.	No action required
<b>Changes in turbidity</b>	Water quality	Making water cloudy due to increased sediment. See above regarding sedimentation.	Design and operation of the desilting and disposal scheme.	Planning Conditions

Identified potential impacts (based on OLDSIS)	Conservation Objectives Affected – Fish Features	Potential Effects (scale, extent, timing, duration, reversibility, and likelihood)	Mitigation	Delivery of Mitigation
Changes in oxygenation	Water quality	Unlikely but any discharge is likely to have a significant effect.	Design and operation of the desilting and disposal scheme.	Planning Conditions
Introduction of microbial pathogens	Water quality	Increase in pathogens (e.g. bacteria, protozoa, and viruses). Unlikely. Silt is pumped into a void. It sinks to bottom. Clean water is pumped back to the plant. If there are pathogens, then the processes offer the opportunity to clean the product before it discharged into the river. Unlikely but any discharge is likely to have a significant effect.	Design and operation of the desilting and disposal scheme.	Planning Conditions
Introduction of non native species	Water quality	The importation of inert materials onto the site has unlikely risk of introducing invasive non-native plant species.	Check for non-native invasive species before use on site.	Consent from EA for imported inert materials
Selective extraction of species.	N/A	N/A	N/A	N/A

#### 4. In Combination Effects

The application site boundary is 60 km away from the European site, therefore an in-combination assessment of the proposals with other plans or projects is not considered to be required once mitigation measures have been taken into account, due to the distance from the European site.

#### 5. Conclusion and Further Information Required to complete the Appropriate Assessment and Integrity Test

Mitigation measures will be required to fully inform the appropriate assessment. To progress the appropriate assessment, clarification of the mitigation measures should be provided by the applicant in order to complete this HRA.

The applicant and applicant's ecologist are requested to provide the following information to determine the effect of the proposals on integrity of the European site:

- Clarification of the details in **red text** in Table 3 above which relate to mitigation measures and solutions embedded within the proposals. Mitigation measures should be specific for example buffer zone distances between the ordinary watercourses/ditches, the soil storage bunds and the quarry activity.
- Habitat enhancements for the migratory fish (in line with the Warwickshire Minerals Local Plan HRA) should be incorporated into the proposals in order to support Water Framework Directive objectives. The proposal design should be suitably designed to consider implications for the eel and enhancements as part of the restoration scheme for example 'off line' water bodies and wetlands linked to the river as these are attractive to eel.