

# Minerals Plan Publication Form 2018

Please add your personal details here:

**Please refer to the Guidance Note to assist you in completing this form.**

Name: Barford Residents Association

Postal address:

c/o Andy Steel

Seven Elms

Wasperton

Warwick

CV35 8EE

Email: [andy.steel@epsilonpsl.com](mailto:andy.steel@epsilonpsl.com)

## Minerals Plan Publication Form 2018

**Part A - Your personal details**

**Please refer to the Guidance Note to assist you in completing this form.**

All respondents must provide their personal details including a full postal address and postcode. Please ensure your details are complete and correct in the 'My Account' section of the website before submitting your comment. It is not possible to accept anonymous representations.

Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, requires all representations received to be submitted to the Secretary of State. By completing this form and submitting it to the Council you are giving your consent to the processing of personal data by Warwickshire County Council and that any information received by the Council, including personal data, may be put into the public domain.

**Please indicate your interest in the Minerals Plan**

*(please select all that apply)*

- Developer/Promoter* .....
- Landowner* .....
- Agent* .....
- Borough/District resident*.....
- Interest group* .....
- Other* .....
- Parish or Town Council* .....
- Neighbourhood Planning group* .....

**Future stages**

**Do you wish to be notified of future stages in the Minerals Plan, including Submission, Examination and Adoption?**

*(please select one answer)*

**Yes** .....

# Minerals Plan Publication Form 2018

## Part B - Your representations

The Publication Draft Minerals Plan consultation seeks the views of local residents, key stakeholders and other interested parties as to whether the Minerals Plan has been prepared in accordance with legal and procedural requirements, and whether it is 'sound'.

### Soundness

Paragraph 35 of the National Planning Policy Framework (2018) sets out the considerations in relation to a plan being considered 'sound'.

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

### Legal Compliance

For the Minerals Plan to be considered legally compliant, the following needs to be determined:

- Whether the Minerals Plan is detailed in the current Local Development Scheme (LDS) and that the key stages have been followed.
- That community involvement has been carried out in accordance with the current Statement of Community Involvement (SCI).
- Whether the Minerals Plan makes satisfactory regard to the Sustainable Community Strategy (SCS). That the Minerals Plan complies with the Planning and Compulsory Purchase Act 2004 (as amended). That the Minerals Plan complies with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- That a Sustainability Appraisal Report (SA) is published to accompany the Minerals Plan and is adequate. That the Habitats Regulations Assessment (HRA) is carried out in accordance with the Conservation of Habitats and Species Regulations (The Habitats Regulations) 2010.
- That the Minerals Plan has regard to national planning policy.
- That Section 110 of the Localism Act 2011 (Duty to Co-operate) has been complied with.

The Statement of Community Involvement, Local Development Scheme, Sustainable Community Strategy, Sustainability Appraisal and Habitats Regulations Assessment are available via the Council's website ([www.warwickshire.gov.uk/mdf](http://www.warwickshire.gov.uk/mdf)).

Representations received at this stage may not result in changes to the document but will be recorded and considered alongside the Minerals Plan at Examination by the appointed Inspector.

Representations must primarily be on the basis of the 'soundness' of the Minerals Plan or its legal compliance. If you wish to make a representation with a view to making a change to the Minerals Plan you should make it clear exactly what you want to be changed and the reason(s) for this change. Your representation should include information and supporting evidence justifying the suggested change.

## Minerals Plan Publication Form 2018

**1. To which part of the Minerals Plan does this representation relate?**

Please submit a separate comment for each representation.

**Policy number:**

**Policy MCS 2 Sand & Gravel**  
Justification (Para. 8.5 – 8.9)

**Paragraph:**

**Policy S4**  
Site Allocation 4 - Wasperton

**Policies map element:**

## Minerals Plan Publication Form 2018

**2. Do you consider the Minerals Plan to be legally compliant?***(please select one answer)*

~~Yes~~ ..... No .....

**3. Do you consider the Publication Minerals Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5.***(please select one answer)*

~~Yes~~ ..... No .....

**4. Do you consider the Minerals Plan is 'unsound' because it is not:***(please select all that apply)*

1. *Positively prepared* .....
2. *Justified* .....
3. *Effective* .....
4. *Consistent with national planning policy* .....

# Minerals Plan Publication Form 2018

5. If you consider that the Minerals Plan is not legally compliant or is unsound please give details as to why you consider this to be so. Please ensure you are as precise as possible. If you wish to support the legal compliance or 'soundness' of the Minerals Plan, please also use this box to provide your comments.

## Executive Summary

In summary, the SA shows a flawed process for the following reasons:

- The SA methodology set out in the Scoping report has not been used in future iterations of the SA
- The SA framework that was consulted upon included 16 Objectives, which in the Council's own words were developed as a result of detailed analysis and consultation. The SA framework has now been reduced to 11 at the apparent discretion of the consultants rather than a result of the responses to consultation. It would appear that the SA Framework has been altered in order to skew the results.
- The likely significant effects of implementing the plan and the reasonable alternatives have not been **identified, described or evaluated** in accordance with the significance criteria set out in the Regulations (Environmental Assessment of Plans and Programmes Regulations 2004, Article 12 (2-3 and Schedule 1&2)
- The assessment has only taken into account the likely positive and negative impacts of the proposals. The probability, duration, frequency and reversibility of the effects are not considered.
- The SA of the sites is not linked to any evidence base. Key evidence is not available, particularly in relation to the issues of transport, landscape and the historic environment. It is assumed further studies at the planning application will identify the effects.
- There are discrepancies in the scoring and assessment of sites. The absence of any evidence means that the results cannot be verified.
- The reasons for the selection and rejection of sites has not been outlined within the SA report contrary to the Regulations and Guidance.
- The key findings of the consultations and how they have been taken into consideration, particularly the Statutory Consultees, have not been included within the SA report or NTS. Several consultation responses have not been included or referred to in the reports. It is not evident how the results of the consultation were taken into account when decisions were made.
- The viability and deliverability of the proposals have not been assessed contrary to the NPPF.
- The failures in the SA process do not demonstrate a justified, robust or effective process, which means that the Plan cannot be found sound.

# Minerals Plan Publication Form 2018

## 1.0 Introduction

1.1 This report has been prepared by **Jam Consult Ltd** on behalf of **Barford Residents Association** with regards to the allocation of **Site 4 – Wasperton Hill Farm, Wasperton** for minerals workings and relates to Warwickshire County Council's (WCC) Minerals Plan, **Second Publication, Sustainability Appraisal (SA), October 2018**, prepared by Atkins on behalf of the Council.

1.2 The Council has previously consulted on the following SAs, which are also considered within these representations, as it is necessary to look at the SA process as a whole, given the iterative nature of the process:

- Sustainability Scoping Report, March 2015.
- Site Assessment Methodology, July 2015.
- Issues and Options SA, November 2015.
- Minerals Plan, Publication Version SA, November 2016.

Reference should also be made to previous representations made by residents on the Publication Plan SA 2016, which are still relevant.

1.3 Sustainability Appraisal is mandatory for new or revised Development Plan Documents (DPDs), which includes the Minerals Local Plan under section 19(5) of the Planning and Compulsory Purchase Act 2004. The appraisal should include an assessment of the economic, social and environmental sustainability of the plan.

1.4 When conducting a Sustainability Appraisal of DPDs a Strategic Environmental Assessment (SEA) must also be conducted in accordance with the requirements of European Directive 2001/42/EC (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the Environmental Assessment of Plans and Programmes Regulations 2004, Section 12.

1.5 SAs should be carried out in accordance with the Government's National Planning Policy Framework (NPPF, revised 2018) and Planning Practice Guidance (PPG). Sustainability Appraisal, as defined under the Planning and Compulsory Purchase Act, fully incorporates the requirements of the SEA directive. The revised NPPF 2018 retains the required approach to SA in plan making (paragraph 35).

1.6 Other documents and guidance that should be referred to include:

- EC Guidance on the SEA Directive – Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment, September 2003.
- The Planning Inspectorate - Local Development Frameworks: Examining Development Plan Documents – Learning from Experience, September 2009.
- Local Development Frameworks: Examining Development Plan Documents - Soundness Guidance, Planning Inspectorate, August 2009 and update February 2010.
- Principles of Plan Making, Chapter 6 The Role of Sustainability Appraisal, PAS April 2013.
- RTPI Practice Advice Note, January 2018.

# Minerals Plan Publication Form 2018

## 2.0 SA Methodology

2.1 The Second Publication SA, 2018 is an update to the Sustainability Appraisal of the Warwickshire Minerals Plan (Publication) document. The methodology for the SA, including the SA Framework, was originally set out in Council's Scoping Report in March 2015 (pp 88-89). The methodology sets out the development of the SA Framework and includes a series of matrices to be used in the assessment of impacts.

### "7.8.2 Proposed Matrices for Appraisal

A series of Matrices have been developed for Stage B of the appraisal.

- Matrix 1 Testing SA Objectives Against Plan Objectives;
- Matrix 2 Predicting and Assessing the Impacts of Options;
- Matrix 3 Predicting and Assessing the Impacts of a Preferred Option (Draft Policy); and
- Matrix 4 Assessing Secondary Cumulative and Synergistic impacts of a Whole Plan.

Each matrix guides the process for:

- Predicting and assessing the effects including cumulative and synergistic (not relevant for Matrix 1);
- Identifying mitigation and enhancement opportunities; and
- Drawing conclusions on the option, policy or plan.

The Matrices have been developed in spreadsheet format to enable flexibility and ease of use, and enable any quantitative aspects of the appraisals to be automated. Copies of the Matrices for Appraisal are contained in Appendix F." **Scoping Opinion, 2015, page 89**

2.2 The Scoping Opinion also makes reference to the significance criteria set out in the Regulations (Sch 1 (2)), which should be used in the assessment:

"The appraisal process also has to meet the requirements of the SEA Directive. These include: *"the likely significant effects.... These effects should include secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects"* (Annex I (f) and footnote) *"the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme..."* (Annex I (g))" **Scoping Opinion, 2015, page 89**

2.3 The SA methodology set out above is different to the methodology set out in subsequent iterations of the SA. Matrix 2 – Predicting and assessing the impacts of options – has not been used in the assessment of sites (see Appendix A of this report for reference). As a consequence, the appraisal has only considered positive and negative effects and failed to consider the majority of effects detailed above. The SA therefore provides a very simplistic assessment of the site and is not in compliance with the regulations and guidance.

## 3.0 SA Framework

"A framework of 16 objectives and associated decision-making criteria has been drawn up, developed through the analysis of baseline information and identification of key issues, as well as the PPP review. The Scoping Report consultation and which issues can potentially be addressed by the Mineral Plan were a key consideration."

**Publication SA, para 7.2, page 60**

3.1 The SA framework set out in the Scoping Report has been carried through to the later iterations of the SA. However, in undertaking the assessment, Atkins (on behalf of the Council) has decided that objectives have become irrelevant as the process has gone along.

## Minerals Plan Publication Form 2018

- 3.2 At the Publication Plan stage (2016), two objectives were dropped from the SA Framework for the site assessment (**SA report, Section 10, Table 12, PDF pp76-77**):
- SAO 9 To promote the delivery of energy efficiency and carbon reduction targets
- SAO15 To enfranchise the community in improving the local environment.
- 3.3 The reasons for excluding these objectives are set out in para 10.5 (**PDF page 77**) and include; information not being available at this stage; and for SAO15, that the information *'is unlikely to be a differentiator between sites'*. There are two problems with this approach: firstly it is pre-empting the results of the assessment by assuming that there will not be a differentiator between sites; and secondly, it ignores the decision making criteria set out in the Council's SA Framework.
- 3.4 The decision-making criteria for SAO15 state:
- "Will the WMP
- Avoid neighbourhood 'dissatisfaction' as places to live adjacent to minerals facilities, thereby encouraging 'ownership'?
  - Aim to improve residential amenity and 'sense of place' at locations currently adversely affected by minerals operations?
  - Encourage a 'secure through design' approach to the planning of new minerals facilities, reducing the likelihood of anti-social behavior, crime and a general sense of apprehension within the community." **Publication SA report, SA Framework, page 63**
- 3.5 Given the proximity of sites to existing settlements, it is clear that SAO15 should have been considered in the assessment. The SA assessment would have demonstrated whether or not the issue was a differentiator between the sites if it had been included, in a clear and transparent manner. The removal of the objective results in an assessment which is not transparent and can only be regarded as a mis-representation of the facts.
- 3.6 The approach of discarding objectives continues with the Second Publication SA, 2018, with a further three objectives removed from the SA Framework (**Second Publication SA Report, page 75**):
- SAO 10 To reduce consumption of natural resources
- SAO 12 To adequately safeguard reserves of minerals for future generations
- SAO 13 To ensure minerals restoration makes the best use of former mineral operations
- 3.7 Once again, the reason given for the removal of the objectives is that they are not considered to be differentiators between sites and that sites will adhere to them in 'equal fashion'. Of particular significance in this instance is SAO13, which relates to the use of former mineral operation sites, the restoration of sites and minimising the use of inert fill. This is an issue which can vary from site to site and should be considered in the assessment. The 2016 SA showed that there were mixed impacts against this objective for the different sites.
- 3.8 The SA framework that was consulted upon included 16 Objectives, which in the Council's own words were developed as a result of detailed analysis and consultation. The SA framework has now been reduced to 11 at the apparent discretion of the consultants rather than a result of the responses to consultation. It would appear that the SA Framework has been altered in order to skew the results.

## Minerals Plan Publication Form 2018

**4.0 Assessment of Impacts**

“An environmental report for the purpose of the regulations must identify, describe and evaluate **the likely significant effects on the environment of implementing the Local Plan policies and of the reasonable alternatives** taking into account the objectives and geographical scope of the Local Plan. The sustainability appraisal report must clearly show how these requirements have been met as well as recording the wider assessment of social and economic effects.” **(PPG 019 – emphasis added)**

4.1 The SA assessment of sites is confusing for the reader. The SA report states (**page 74**) that the assessment of sites is set out in **Appendix II**. The methodology set out for the sites is an adapted version of the SA Framework (**SA Report Appendix II, p5**) with the addition of what are called ‘constraints’, however, it is more of a commentary on potential adverse impacts and areas which are protected. This is followed by **Table A-2 Detailed Assessment Scale** for each Objective (**pp11-16**). The matrix sets out how the effects will be assessed from very positive through to very negative. The matrix has then been used to assess the sites at **Appendix II - Appendix B (pp 17-65)**.

4.2 The site assessment has not considered the secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary effects in accordance with the regulations and guidance. The results do not link to any evidence and the potential for mitigation is not discussed. There are also no conclusions for each of the site assessments regarding the overall sustainability of the site.

4.3 The regulations are clear that the SA needs to ‘*identify, describe and evaluate*’ the likely significant impacts of implementing the Plan and the reasonable alternatives (Environmental Assessment of Plans & Programmes, 2004, Section 12(2), Sch. 1 (2)). The SA has failed to undertake the assessment in accordance with the regulations.

4.4 Further confusion is added to the process by **Appendix III – Appendix C**, which sets out a further assessment of sites and policies. In this iteration, the proposed policy wording is included with strikethroughs where amendments have been made. A matrix is then set out, without a key, which attempts to show the magnitude and duration of the effects. The commentary is the same as the one provided in **Appendix II** but an additional column with mitigation/recommendations has been added. It should be noted that this assessment has only been carried out for the allocated sites contrary to guidance:

“The sustainability appraisal should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them. The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach).” **(PPG 018)**

4.5 In addition, the recommendations provide several inconsistencies with the policy wording, for example in relation to Site 4, the need for an archaeological evaluation and flood risk assessment have been removed from the policy wording but remain in the recommendations. As a consequence, it is not clear how the SA has informed the development of the Plan (**PPG 018**).

## Minerals Plan Publication Form 2018

4.6 Further information on the assessment of sites is also provided in **Section 10** of the SA report. This section refers to the assessment results in **Appendix II** and not the further results in **Appendix III**. It is therefore apparent that the full results of the SA are Appendix II not III, which are deficient.

4.7 In addition, the results have been altered since the 2016 SA. For example, it was stated in the Publication Plan SA, para 10.121,

“Policies S4 and S9 are likely to result in significant negative effects on landscape despite the mitigation measures being put forward. This is because of the large size of the allocations being proposed.”

The Second Publication Plan SA has now amended the impact for landscape to a minor negative impact

## 5.0 Evidence

“The sustainability appraisal should identify, describe and evaluate the likely significant effects on environmental, economic and social factors using the evidence base. Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.”

**(PPG 018)**

5.1 The assessment results fail to link to any evidence base in order to verify the results. In **Appendix III – Appendix E (page 221)** the response to Andrew Steel’s representations, Atkins admits:

“We recognise that the MLP is very succinct in terms of publishing relevant supporting evidence and have taken steps to ensure that the evidence is reported to an appropriate degree to support the policy decisions that have been made.”

5.2 Key evidence is not available, particularly in relation to the issues of transport, landscape and the historic environment. The SA should be describing the assessment of effects against the evidence base. Without a suitable evidence base, the results are meaningless as the extent of the impact cannot be judged or mitigation measures identified.

5.3 It is clear from the information available that sufficient evidence does not exist in order to make an informed decision, for example: the capacity of the road network; the extent of road improvements required; the number of trips anticipated; the size of lorry required; and the proposed routes of the vehicles.

“Minor negative effects were identified on SAO 11 (To encourage the sustainable transportation of minerals) as although the Highway Authority have indicated that the A429 should be able to accommodate a high volume of traffic and larger vehicles (HGVs) and that it provides an excellent link onto the A46 and M40, and then onto the wider highway network, improvements would need to be made before use. Depending on the number of vehicular trips likely to be generated and the direction of travel a right turn lane may be necessary. The exact location of the access would need to be determined at the planning application stage through the submission of a Transport Assessment.” **Second Publication SA Report p85**

No evidence has been provided to demonstrate the assessment findings above or consequently whether the necessary improvements will have impacts upon viability and deliverability.

## Minerals Plan Publication Form 2018

5.4 Atkins also states in **Appendix E p225** with regards to viability and deliverability:

“There appears to be a fundamental misunderstanding of how the SA fits into the wider site assessment methodology (SIAM) applied by the Council and what SA is about, in particular SA not being the process in which viability and deliverability is established.” **(Second Publication SA, Appendix III (E) pp225-6)**

5.5 If a site is not viable or deliverable then it follows that it cannot be sustainable. Given the importance of viability and deliverability for the implementation of the Plan, such issues should have been considered in the site assessment.

### 6.0 Selection and Rejection of Alternatives

“The sustainability appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall sustainability of the different alternatives, including those selected as the preferred approach in the Local Plan. Any assumptions used in assessing the significance of effects of the Local Plan should be documented.” **(PPG 018)**

6.1 It would appear that the selection of sites has been predominantly as a result of the Site Identification Assessment Methodology (SIAM 2015, 2016 & 2018) rather than being informed by the SA.

6.2 Where sites have been recommended for selection the SA report (section 10) it simply states: *‘it is recommended that this site be taken forward’*. A summary of the reasons why a site is considered sustainable is not provided. Furthermore, the conclusions to the chapter state:

“As a general rule of thumb, site options with four or more moderate adverse effects or any major negative effects results in a site being considered ‘less sustainable’ and site options with three or less moderate adverse effects are considered ‘more sustainable’. Sites with major adverse effects against one or more SA objectives should not be given further consideration.”

6.4 The approach taken by Atkins to the selection of sites is fundamentally flawed. The process of SA is intended to assess not just the positive and negative effects but also the duration, permanence, cumulative and synergistic effects. The SA also needs to address whether any adverse impacts can be suitably mitigated and test the evidence base used to support the plan. The assessment of only the positive and negative effects, without the support of any suitable evidence, cannot provide a suitable assessment in accordance with the regulations and guidance.

6.5 A summary of the reasons for selection and rejection of the sites is also not provided, as required by the regulations and guidance. The SA has not demonstrated that the plan is an appropriate strategy.

### 7.0 Consultation

“Article 2 b) ‘environmental assessment’ shall mean the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision making and the provision of information on the decision in accordance with Articles 4 to 9”

**SEA Directive 2201/42/EC**

## Minerals Plan Publication Form 2018

- 7.1 The SEA Guidance on the Directive states in relation to Article 2 b) above:  
“This definition clearly states that consultation is an inseparable part of the assessment. Further, the results of the consultation have to be taken into account when the decision is being made. If either element is missing, there is, by definition, no environmental assessment in conformity with the Directive. This underlines the importance that is attached to consultation in the assessment.”
- 7.2 The SA Reports have failed to provide a summary of the consultation process undertaken and the responses received, although some details of the consultation responses are included at **Appendix III** to the Second Publication SA Report, 2018 (**Appendices D and E**).
- 7.3 **Appendix D** provides the responses to the consultation on the SA report, 2015 from Natural England, Bourton & Draycote Parish Council and Andrew Steel. **Appendix E** only provides the response to the consultation on the SA Report, 2016 from Andrew Steel in relation to sites 4 and 5.
- 7.4 The comments from the 2015 consultations on the Sustainability Appraisal cannot be viewed on the Council’s consultation portal. It is therefore not known whether further comments were made in relation to the SA. With regards to the 2016 Sustainability Appraisal, the consultation portal shows that there were several responses (c. 20), in addition to those from Andrew Steel, which have not been included.
- 7.5 A particularly significant omission is the response from Historic England (17/01/2017), which states:  
“To be able to demonstrate to an Inspector how Warwick County Council, as the relevant local authority, has considered the effect on significance of known and likely heritage assets of importance, you will need to set out very clearly the evidence that has been gathered and applied to inform the suitability of the proposed allocations. At present the local authority does not appear to have done so.”
- 7.6 The information within the SA fails to demonstrate how the consultation responses have been taken into account in the SA and development of the Plan contrary to the regulations and guidance.

## Minerals Plan Publication Form 2018

**Environmental Matters****Heritage Assets**

It is important to note that a Heritage Assessment does not form part of the evidence base for the Warwickshire Minerals Plan Publication Consultation October 2018 (herein WMP 2018). The consideration of heritage is largely restricted to the Sustainability Appraisal Report. This indicates that mineral extraction will have negative impacts on heritage assets of historic archaeological or architectural importance and their settings. Whilst heritage is considered within the Site Identification and Assessment Methodology for allocating sand and gravel sites 2018, it is restricted solely to whether mineral extraction would cause substantial harm to a nationally designated asset or its setting. Irrespective of this, none of appraisals fully and properly consider the likely impact of mineral extraction on the historic environment.

This representation is supported by a detailed Heritage Statement<sup>1</sup>. This statement identifies that a number of heritage assets are located in close proximity to the site. The assessment indicates that impacts upon the Thelsford Priory Scheduled Monument could be up to major adverse. In addition, impacts upon Grade II Listed Severn Elms; Grade II Wasperton Farmhouse; and Grade II Wasperton Hill House would be slight adverse.

The assessment identifies that operational impacts would lead to less than substantial harm. This does not equate to a less than substantial planning consideration. Rather, in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, this requires the decision maker to have special regard for the preservation of a Listed Building or its setting. Similarly, the NPPF states that *“great weight should be given to the asset’s conservation.”* Recent case law has determined that considerable weight and importance should be given to the desirability to preserve the setting of listed buildings in accordance with the Planning (Listed Building and Conservation) Act 1990.

Paragraph 196 of the NPPF states that, *“Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”* Mineral extraction at the site would release sand and gravel reserves, which would be in the public interest, however this would give rise to significant adverse environmental effects, not only in terms of heritage, but also in terms of the amenity of surrounding local residents (particularly in terms of visual intrusion). Notwithstanding this, mineral extraction would significantly impact surrounding landscape character which has cultural and historic links to Shakespeare. This would significantly reduce any public benefit offered by mineral extraction. Subsequently, it is considered that the public benefit of mineral extraction would not outweigh the acknowledged harm to the designated heritage assets.

Paragraph 204 of the NPPF states:

*“Planning policies should:...*

- f) Set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural or historic environment...”*

As mineral extraction would not pass the test of Paragraph 196 of the NPPF, the proposed allocation of Site 4 would be contrary to Paragraph 204 of the NPPF.

<sup>1</sup> Heritage Statement, Report Number ST15937-001 (Wardell Armstrong, August 2017)

## Minerals Plan Publication Form 2018

### Landscape and Visual Impact

It is important to note that a Landscape Assessment does not form part of the evidence base for the WMP 2018. The consideration of landscape and visual impacts is restricted solely to the Sustainability Appraisal Report. This indicates that mineral extraction at Site 4 will result in negative landscape impacts. This representation is supported by a detailed Landscape and Visual Impacts Constraints Report<sup>2</sup>. This report indicates that the site and its surrounding area are representative of the River Avon Valley Character Area. As such, the landscape has been assessed of good quality and high value. The landscape has a tranquil character with important cultural and historic links to Shakespeare. Inter-visibility between the site and surrounding areas is high due its location at the valley bottom. The sensitivity of the landscape to mineral extraction is high.

To reduce the magnitude of change associated it the landscape number of mitigation measures are outlined in Policy S4. For instance, phased working is promoted as a method to protect hedgerows and reduce landscape impacts. However, it is inevitable that a significant amount of hedgerow will be lost through mineral extraction, as to avoid hedgerows within the site would unnecessarily sterilise mineral resources. Furthermore, given that significant areas of the site will be active simultaneously either through mineral extraction or restoration, phased working is unlikely to be a sufficient mitigation method as mineral extraction by definition is out of character for the surrounding landscape.

Indeed, whilst mineral extraction will not be permanent, the operations proposed are likely to negatively affect the surrounding landscape for well over a decade (site preparation, mineral extraction, restoration and aftercare). This will result in a long-term impact. Nevertheless, even through restoration back to agriculture, there would be permanent adverse impacts as the landscape would be fragmented; the topography would be altered and mature hedgerows and tree would be lost. The magnitude of change on the landscape would be high. Therefore, mineral extraction at Site 4 would result in substantial significant adverse effects on the landscape character of the site and surrounding area.

In terms of visibility, the site is open and long-distance panoramic views are available of the site. There are a number of Public Rights of Way (including Shakespeare's Avon Way), highways and residential dwellings which would have open views of the site. Visual impacts are unlikely to be sufficiently mitigated through landscape bunding, planting and a minimum 100m buffer, largely due to properties on the boundary of site. Receptors, particularly in upper floor windows, will have open views which extend far beyond 100m. It is considered that visual receptors would experience significant adverse visual effects as a result of mineral extraction.

The supporting Landscape and Visual Constraints Report concludes that, *"...sand and gravel extraction...would have significant adverse effects on landscape and visual amenity, which it would not possible to mitigate, predominantly due to the sensitivity if the existing landscape character and the size and scale of the site..."*

Paragraph 170 of the NPPF states:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) Protecting and enhancing valued landscapes...*
- b) Recognising the intrinsic character and beauty of the countryside"*

Paragraph 204 of the NPPF states:

*"Planning policies should:...*

- f) Set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural or historic environment..."*

<sup>2</sup> Landscape and Visual Constraints Report, Report Number ST15937-002 (Wardell Armstrong, 2017)

## Minerals Plan Publication Form 2018

The proposed allocation of Site 4 would be contrary to Paragraphs 170 and 204 of the NPPF.

### Restoration

The WMP 2018 indicates that restoration of Site 4 would rely on inert landfill to raise land back to original levels. However, Issue 6 of the WMP 2018 itself states, *“One problem related to the increase in recycling of aggregate material is that much more material is now being recycled so that there may be less waste material to fill the quarry voids quickly once extraction has been completed. It may take longer for quarries to be restored back to agriculture if that is the proposed end use. This can be a problem or communities which may be left with an unrestored quarry for several years longer than had initially been proposed.”*

Paragraph 204 of the NPPF states:

*“Planning policies should: ...*

- h) Ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.”*

It is understood that no evidence has been provided by the promoters of Site 4 to outline the volumes of inert required or the sources of this material. Therefore, in view of the increasing trend of recycling aggregate materials and the Waste Hierarchy which promotes the diversion of waste from landfill, restoration at the earliest opportunity cannot be guaranteed. Indeed, even if this restoration via inert infill were to be achieved this would result in significant adverse impacts on the landscape character of the surrounding (fragmenting the landscape through permanently altering site topography).

Low level restoration would be the other option to ensure restoration is achieved quicker, however, as mentioned previously, this is likely to further and more severely alter existing topography. This would increase the level of adverse impact on the landscape created through fragmentation. Furthermore, given that sections of the site are located within Flood Zones 2 and 3, the long-term effect of permanent lower ground levels is unknown

It is considered that neither of the options outlined above will provide a high quality restoration as directed by the NPPF. In this regard, Paragraph 170 of the NPPF is relevant:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:..*

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”*

Due to the uncertainties associated with securing appropriate restoration, the retention of Best and Most Versatile (BMV) land cannot be guaranteed. Even in such an instance that BMV is appropriately restored, there is a high probability that this would take a significant amount of time due to the shortfalls of the restoration options outlined above. Such delays would further increase the adverse impacts associated with long-term loss of BMV land.

The restoration of Site 4 would be contrary to Paragraphs 170 and 204 of the NPPF.

### Best and Most Versatile Land

The majority of Site 4 is BMV with 58% of the sites classified as Grades 2 and 3a. Paragraph 171 of the NPPF states:

*“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework 53...”*

## Minerals Plan Publication Form 2018

Footnote 53 states:

*“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*

Site 4 covers approximately 85 hectares, therefore it is considered that mineral extraction at the site would represent significant development. Given that approximately 58% of the site is classified of BMV land, mineral extraction would result in the long-term loss of over 49 hectares of Grade 2 and 3a agricultural land. Indeed, in view of the issues associated with the proposed restoration options, retention of BMV land cannot be guaranteed.

In accordance with Paragraph 171 of the NPPF, land should be allocated on the basis of a hierarchy of environmental impact; with a preference for poorer quality agricultural land specifically outlined within footnote 53. Despite this, it is notable that agricultural land classification is not mentioned within the Site Identification and Assessment Methodology for allocating sand and gravel sites 2018. Therefore, it cannot be determined whether a strategic approach to protecting BMV land has been taken through the site allocation process. As such, in view of Paragraph 171 of the NPPF, the long-term loss of a significant amount of BMV land through mineral extraction at Site 4 is not justifiable.

The proposed allocation of Site 4 would be contrary to Paragraph 171 of the NPPF

#### Amenity

A number of residential properties are located in close proximity to the boundaries of Site 4. Public Bridleway W101A crosses site. Furthermore, the villages of Barford and Wasperton are 300m north and 100m east respectively. Given the nature of the proposed site activities there are clear risks of introducing unacceptable environmental impacts in terms of dust and noise even when considering at least a 100m buffer zone.

For instance, the Institute of Air Quality Management<sup>3</sup> indicates that adverse dust impacts from sand and gravel extractions are largely experienced up to 250m from dust generating activities. The report also states:

*“Intermediate-sized particles (10 to 30 µm) may travel up to 400 m, with occasional elevated levels of dust deposition and PM10 possible. Particles less than 10µm have the potential to persist beyond 400 m...”*

In relation to noise, National Planning Policy Guidance (2014) states:

*“Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900).”*

It is notable that the site is currently rural and agricultural in nature with high amenity value, likely to have low background noise levels. Paragraph 180 of the NPPF states:

*“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;...”*

## Minerals Plan Publication Form 2018

This statement and supporting technical assessments have outlined the likely environmental impacts associated with mineral extraction at Site 4. It has indicated that heritage, landscape and visual impacts will be significantly problematic to effectively mitigate if at all possible. It is important to note that Paragraph 204 of the NPPF goes onto state:

*“Planning policies should:...*

- f) *Set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural or historic environment or human health, **taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.**”*

It is likely that receptors in close proximity to the site will experience cumulative effects due to multiple impacts created by mineral extraction at Site 4. This will no doubt adversely impact their current living conditions and environmental appreciation. Paragraph 183 of the NPPF states, *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land.”* The inclusion of Policy S4 within the WMP 2018 does not accord with this requirement by virtue of the environmental impacts outlined above. Indeed, the allocation of Site 4 is not acceptable as it will not deliver sustainable development as required by Paragraph 9 of the NPPF.

As such, the inclusion of Policy S4 and the allocation of Site 4 is not consistent with national policy and is thereby not sound or legally compliant.

## Minerals Plan Publication Form 2018

**Warwickshire Minerals Plan Publication Consultation 2018 – Site 4****Sand and Gravel Need**

Paragraph 207 of the NPPF states:

*“Minerals planning authorities should plan for a steady and adequate supply of aggregates by:*

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years’ sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources)...”*

It is acknowledged that 10 year sales data forms the basis of the Council’s calculation of future sand and gravel demand. Indeed, the Plan requirement of 6.525 million tonnes is solely derived from utilising this figure in the calculations outlined in Appendix 4 of the Sand and Gravel Topic Paper. However, it is notable that the Council’s Sand and Gravel Topic Paper outlines that there has been a continuous year on year decline in sales since 2007. Indeed, it is also recognised that sales within the first 4 years of the 10 years sales period (2007 to 2010) *“are distorting the overall average”* 10 year sales figure. The Topic Paper goes on to state, *“...over 10 years it can be seen just how far the sales have dropped since 2007 when production was at 1 million tonnes in the county, whereas the sales figure is now 300,000 tonnes and has been around that amount for the last 6 years.”* It is questionable in this instance how representative the 10 year sales average remain.

As a fundamental aspect of the direction of the Submission Plan, it is clear that the requirement is not robustly derived and thus draws into significant question, its soundness.

National Planning Policy Guidance (Paragraph: 064 Reference ID: 27-064-20140306) states:

*“Local Aggregate Assessments must also consider other relevant local information in addition to the 10 year rolling supply, which seeks to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.”*

Although ultimately the 10 year sales average it utilised to calculate mineral demand, it is recognised that local characteristics such as future planned construction do form part of the Council’s consideration of sand and gravel demand. However, minimal attention seems to be paid to 3 years sales averages. Indeed, it is notable that 3 year sales data is not included within the list of issues considered as part of calculating Plan provision (Section 5.1). This is despite explicit reference of the NPPG paragraph 064 within the Council’s Topic Paper and an acknowledgment that the 3 year sales average better reflects the trend of sales over the last 6 years. This approach does not comply with the NPPF or the NPPG and is therefore unsound.

A comparison of the 10 years sales average against the 3 year sales average indicates that 3 years sales are noticeably lower than the 10 year sales average (0.311 million tonnes to 0.508 million tonnes). In view of the inherent drawbacks associated with the 10 year sales figure, a logical approach would have been to consider the 3 year average sale trends, adjusting the annual requirement accordingly. This would comply with the NPPF and the NPPG which is clear that the 10 years sales averages are the starting point in any quantification of need. Indeed, the local circumstances in this particular instance point to lower future demand than what is outlined by the 10 year sales average. From this perspective the 6.525 million tonnes of aggregate required over the Plan period points to an overestimation of likely future demand. Therefore, to allocate a total of 8.48 million tonnes of sand and gravel (1.955 million tonnes in excess of the required provision) is disproportionate considering this equates to an overprovision of nearly 30% on top of a figure which is questionably high or overestimated.

## Minerals Plan Publication Form 2018

It is noted that the consumption of sand and gravel within Warwickshire is higher than sales. The Topic Paper indicates that 200,000 million tonnes sand and gravel was imported in 2014. However, it is wholly unclear whether this conclusion takes into consideration the contribution of recycled aggregates given the acknowledged difficulties of monitoring recycled aggregate sales<sup>4</sup>. Warwickshire has 9 operational recycled aggregates sites with an estimated annual production of 650,000 tonnes per annum (which is greater than the 10 years sales average of 508,000 tonnes per annum), it reasonable to conclude that a large proportion of the identified shortfall is met through recycled aggregates rather than imports.

Paragraph 204 of the NPPF states:

*“Planning policies should:...*

*b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;”*

Despite the significant amount of recycled aggregate produced, the Topic Paper largely ignores its potential contribution in satisfying future demand. It states, *“Clearly recycled aggregates produced in the country make a contribution to the supply of materials but they are limited largely by the scale of construction and demolition activity within or in the vicinity of the country and the type and quantity of feedstock materials available from the source of recycling.”* This is despite indicating that a large amount of construction will be taking place in Warwickshire including large scale housing schemes; the Warwick Gateway development; other large scale employment sites; and HS2.

Irrespective of the lack of monitoring data associated with recycled aggregates sales, given the large quantities produced, to ignore recycled aggregates is contrary to Paragraph 204 of the NPPF. In accordance with the NPPF, recycled aggregates should be favoured, ahead of primary materials and importing minerals. The approach taken does not comply with the NPPF in this respect.

It is considered the evidence base used to prepare the WMP 2018 does not comply with the NPPF or the NPPG and the approach taken to quantifying mineral demand is therefore fundamentally unsound. As a result, the WMP 2018 and the proposed allocation of Site 4 is not sound or legally compliant.

<sup>4</sup> This is considered very unlikely given that monitoring of recycling aggregate sales is not widespread.

## Minerals Plan Publication Form 2018



### Overall Planning Considerations

The main issues are the effects of the proposed development at **Site 4 Wasperton**, having regard to relevant policy are:

- Environmental impact
- Minerals/Waste issues
- Deliverability

Plan policy MCS2 supports proposals for new sand and gravel sites, if amongst other things, the need for mineral outweighs the material planning objections. By definition, such proposals (allocated site proposals) should demonstrate that they are environmentally acceptable and would be consistent with other Plan policies and national guidance (NPPF / NPPG).

The NPPG sets out guidance on, amongst other things, planning for mineral extraction, including assessing environmental impacts, restoration and aftercare.

### Character and appearance

Site 4 comprises agricultural land, mostly under arable cultivation, with hedgerow boundaries and block of woodland in context. Although the site is not the subject of any formal landscape designations, the area is one of pleasant rural character. The mixed character and its immediate context give the area considerable visual amenity.

An operational sand and gravel quarry, with a processing plant, would add significant plant, equipment and activity in this rural location, It would also reshape landforms, and so would significantly alter this part of the countryside. The resultant harm from the operational scheme would have a substantial adverse impact on the landscape character of the area.

It is accepted that the site may be able to be satisfactorily screened by mounding. However, many views from public vantage points would then be toward engineered mounds, which will result in loss of views over the wider rural landscape, which currently exist for the residents of Barford and Wasperton. The proposed allocation site 4 would have a substantial adverse effect on the visual amenity of the area.

In summary, as the Secretary of State confirmed in his decision related to the general site for development in 1993, the allocation would have a substantial adverse effect on the character and appearance of the area during its operation, and that significant and permanent harm to the local landscape would result from its development. This harm should weigh heavily against the proposal.

The reasoning behind the Secretary of State's decision in 1993 is purposely mis-represented in favour of a changing need context, when it is the aspect of 'material harm to the environment' which was the fundamental issue.

### Living conditions and amenity

Notwithstanding that the proposed operation could in time be subject to planning conditions that would contain aspects like noise and dust within acceptable standards, the development would at times likely to be audible at nearby residential properties, and dust could at times affect those using this part of the countryside on designated footpaths. These emissions could be compliant with relevant planning conditions, but the harm to the amenity of the area should be properly weighed against the benefits of mineral extraction.

## Minerals Plan Publication Form 2018

### **Agricultural land**

The NPPF provides that the planning system should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing soils. For mineral sites in a Plan making context, worked land should be reclaimed at the earliest opportunity, and that high-quality restoration and aftercare takes place, including for agriculture by safeguarding BMV and conserving soil resources.

MAFF ALC assessments indicate that the proposed allocation site contains significant proportions of Grade 2 and 3a land, plus some classified as 3b and 3c. The proposal would therefore affect the best and more versatile agricultural land.

Appropriate measures could be taken in handling and storing soils to safeguard them for future restoration of the site for agricultural use. However, significant parts of the site would be disturbed at any one time as the site was worked progressively through the duration of the operation.

The intention to restore agricultural land is laudable, but successful restoration by inert landfill to the same quality of land is largely unproven, circumstantial evidence being that at least 5 years is required to achieve 3a quality. Other factors are determinant including soil storage methods and timescales, weather and satisfactory landfill.

In practice it is reasonable to assume that it could take a considerable time to be restored to reaching its former status. Therefore, there would be a significant temporary loss of best and most versatile agricultural land. Land of lower agricultural quality should clearly be sequentially preferred.

It is considered that the Plan does not demonstrate that the need for sand and gravel cannot be met from other sites comprising agricultural land of lower than Grade 3a quality. The onus of this is upon the MPA, but the temporary loss of BMV agricultural land, along with the possibility of permanent harm to soil quality and question marks against hydrogeology, is a factor that weighs against allocation.

### **Supply of aggregate minerals**

The NPPF supports the planning of a steady and adequate supply of aggregates based on sound information.

The review of all the evidence offered in the Plan about the likely future demand for and supply of sand and gravel is far from reliable and robust. Assessing future need is far from an exact science and various outcomes result from applying different assumptions. Whilst it is not possible to demonstrate other than the broadest trends in terms of where supplies are required and what markets should be served.

It is the contention that the evidence base offered is unreliable and therefore not a robust base on which to build the foundations of Plan allocations. The Plan cannot positively demonstrate compelling local need, particularly in relation to Site 4 other than 'serving a sub-regional market'. There may be some sustainability advantages in having a source of sand and gravel close to Warwick, Leamington and Stratford. In the circumstances that apply, the need for sand and gravel is a consideration of some, but minor significance, the merits of which are unfounded in relation to Site 4.

### **Waste management**

Available information related to the need for the disposal of inert waste and the capacity of potential sites likely to require material and its quantities is scant at best. This is particularly so for better quality material required to achieve higher quality levels of restoration to the current BMV classifications. It is the contention that this evidence, including the levels of planned construction and infrastructure in the sub-region, falls short of establishing demonstrable justification in any sense for 1.8 million tonnes of inert waste attributed to Site 4 over the stated 9 year estimated working.

## Minerals Plan Publication Form 2018

There is concern about the potential for the operation to take longer than envisaged to restore because of insufficient suitable fill being available in reliable and economic source locations – mostly orientated toward the West Midlands conurbation – due to laudable target measures to promote the recycling of construction, demolition and excavation waste. This will over time, where there is added impetus on recycling with increased financial considerations, have the effect of either prolonging the operation with resultant harm, or a revised restoration scheme that is completely unevidenced at this time.

In addition, there may be commercial pressure to achieve the required restoration that could be potentially recycled. An example is that mixed loads are considered to be uneconomical to sort, and so the whole load is sent to landfill. Such commercial decisions are likely to affect the need to provide sufficient fill for timely restoration and would result in more recyclable material going to landfill than would otherwise be the case.

There is particular concern in this regard because a massive volume of material is required to restore the site to acceptable levels. This amounts to significant quantity of inert waste, where in future it is likely that less of this waste material becomes economically available.

The sustainability advantages of providing an inert landfill site is countered by the fact that it lies in open countryside with a close relationship to two Conservation areas and listed buildings, and a valued landscape. There is not an established demonstrable need for a landfill site.

On the basis of the above, the proposal would not move waste up the waste hierarchy.

### **Local and national economy**

The scheme would generate economic activity in providing a supply of aggregate for the construction industry. However, the 'Justification' section behind Policy MCS2 Sand and Gravel, in particular Paras. 8.7 – 8.9 inclusive demonstrates an unjustified and therefore ineffective approach. The self-deprecating approach, in particular statements referring to 'significant adverse environmental impacts which may not be capable of mitigation', demonstrate a lack of effective, positive and justified Plan making, in particular the basis of allocating sites for mineral development.

### **Viability**

The Plan completely fails to recognise the new imperative set in the 2018 NPPF and associated updated NPPG in respect that 'the role for viability assessment is primarily at the plan making stage'.

NPPG 002 Reference ID: 10-002-20180724 also sets out the requirement that 'viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all the relevant policies will not undermine deliverability of the plan'.

In the matter of Site 4, the Plan at 7.82 references 'early development of the site (years 2017-2021)' set against a context of minimal site assessment, non-existent viability information to review, 'requirements' set out at Policy S4 as bullet points without proper assessment and so forth.

There is thus a lack of accountability in the manner required under NPPG 002 Reference ID: 10-020-20180724, where the requirement is that viability assessments should be presented and published, under the principle of transparency.

## Minerals Plan Publication Form 2018

**Material considerations**

Section 17 of the 2018 NPPF references the context to Mineral development. Compliance of the draft Plan is questionable at best, and if this representation is read as a whole in the context of Site 4 Wasperton, the matters a) – h) are unjustified.

The interpretation set out in the draft Plan at 7.67 (Page 55) deviates from fact but does recognise that the Secretary of State has found that development of the substantial site was unacceptable due to harm to the environment whilst balancing environmental objections, the reality of supply and need' (Para 41 of the decision letter). This harm is not a time-limited consideration, but one that endures.

## Minerals Plan Publication Form 2018

**6. Please set out any change(s) that you consider necessary to make the Minerals Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'. You will need to say why this change will make the Minerals Plan legally compliant or 'sound'. Where relevant, please include proposed revised wording of any policy or text.**

**Refer to Section 5.** The Plan needs to robustly assess the matters outlined in the context of Site 4 in a justified matter in the context of significant objections.

# Minerals Plan Publication Form 2018

## 7. Duty to Co-operate

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters (Planning Policy Guidance).

*Please note that any non compliance with duty to co-operate is incapable of modification at examination.*

### 7. Do you consider the Minerals Plan complies with the Duty to Co-operate?

*(please select one answer)*

~~Yes~~ .....      ~~No~~ .....      ~~n/a~~ .....

## Minerals Plan Publication Form 2018

**Please give details of why you consider the Minerals Plan complies with the duty to co-operate.**

*Please be as precise as possible.*

We are unable to comment on this until we have had the opportunity to see other representations including those from other Mineral Planning Authorities

# Minerals Plan Publication Form 2018

**Please give details of why you consider the Minerals Plan fails to comply with the duty to co-operate.**

*Please be as precise as possible.*

ADD TEXT HERE...

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

**After this stage, further representations will only be at the request of the appointed Inspector, based on matters and issues he/she identifies for examination.**

## Minerals Plan Publication Form 2018

**8. If your representation is seeking to make a change to the Minerals Plan, do you consider it necessary to participate in the oral part of the examination?**

*(please select all that apply)*

*No, I do not wish to participate at the oral examination ....*

*Yes, I do wish to participate at the oral examination .....*

**9. If you do wish to participate at the oral part of the examination, please outline why you consider this to be necessary.**

In order to assist the Council and the Planning Inspector in appropriately considering the representation and any further investigation required in assessing its relation to testing the soundness of the plan

**Please note** the appointed Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.



**BARFORD RESIDENTS ASSOCIATION**

**DRAFT WARWICKSHIRE MINERALS LOCAL PLAN – ASSESSMENT OF  
PROPOSED ALLOCATIONS, SITES 4 AND 5**

**HERITAGE STATEMENT**

**August 2017**

**Wardell Armstrong**

Sir Henry Doulton House, Forge Lane, Etruria, Stoke-on-Trent, ST1 5BD, United Kingdom  
Telephone: +44 (0)845 111 7777 Facsimile: +44 (0)845 111 8888 www.wardell-armstrong.com



**DATE ISSUED:** August 2017  
**JOB NUMBER:** ST15937  
**REPORT NUMBER:** 001

**BARFORD RESIDENTS ASSOCIATION**

**DRAFT WARWICKSHIRE MINERALS LOCAL PLAN – ASSESSMENT OF PROPOSED ALLOCATIONS, SITES 4 AND 5**

**HERITAGE STATEMENT**

**PREPARED BY:**

Alice Howell Heritage Consultant

**CHECKED BY:**

Charlotte Dawson Principal Archaeologist

**APPROVED BY:**

Dave Hodgkinson Technical Director

*This report has been prepared by Wardell Armstrong LLP with all reasonable skill, care and diligence, within the terms of the Contract with the Client. The report is confidential to the Client and Wardell Armstrong LLP accept no responsibility of whatever nature to third parties to whom this report may be made known.*

*No part of this document may be reproduced without the prior written approval of Wardell Armstrong LLP.*



Wardell Armstrong is the trading name of Wardell Armstrong LLP, Registered in England No. OC307138.

Registered office: Sir Henry Doulton House, Forge Lane, Etruria, Stoke-on-Trent, ST1 5BD, United Kingdom

UK Offices: Stoke-on-Trent, Birmingham, Cardiff, Carlisle, Edinburgh, Greater Manchester, London, Newcastle upon Tyne, Penryn, Sheffield, Truro, West Bromwich. International Offices: Almaty, Moscow

ENERGY AND CLIMATE CHANGE  
ENVIRONMENT AND SUSTAINABILITY  
INFRASTRUCTURE AND UTILITIES  
LAND AND PROPERTY  
MINING AND MINERAL PROCESSING  
MINERAL ESTATES AND QUARRYING  
WASTE RESOURCE MANAGEMENT

## CONTENTS

|   |   |    |
|---|---|----|
| 1 | INTRODUCTION .....  | 1  |
| 2 | DEFINITIONS OF TERMS AND HERITAGE PLANNING POLICY CONTEXT ..... | 2  |
| 3 | METHODOLOGY .....   | 4  |
| 4 | BASELINE DATA.....  | 6  |
| 5 | STATEMENT OF SIGNIFICANCE .....                                 | 14 |
| 6 | MITIGATION.....   | 25 |
| 7 | CONCLUSION .....  | 26 |
|   | BIBLIOGRAPHY .....  | 28 |
|   | APPENDICES .....  | 29 |

## APPENDICES

- Appendix 1 Assessment Methodology
- Appendix 2 Heritage Assets

## DRAWINGS

- Drawing 1 Location of Designated Heritage Assets
- Drawing 2 Historic Maps
- Drawing 3 Seven Elms Historic Landholding
- Drawing 4 Wasperton Farmhouse Historic Landholding
- Drawing 5 Wasperton Hill House Historic Landholding

## 1 INTRODUCTION

- 1.1 This report has been prepared in respect to proposed site allocations of Site 4 (Wasperton) and Site 5 (Glebe Farm, Wasperton) for sand and gravel extraction within the Draft Warwickshire Minerals Plan. Both sites are located to the south of Barford, Warwickshire; Site 4 NGR SP 27531 59636 and Site 5 NGR SP 27484 58809.
- 1.2 Sand and gravel extraction would have the potential to impact upon the setting of designated heritage assets within the vicinity of the sites. These comprise:
- Scheduled Monument Thelsford Priory (1013162);
  - Grade II Listed Seven Elms (1035125);
  - Grade II Listed Wasperton Farmhouse (1035123);
  - Grade II Listed Wasperton Hill House (1364963);
  - Grade II Forge Cottage (1035124); and
  - Grade II Wasperton House (1035127).
- 1.3 This report provides a detailed assessment of the significance and setting of the designated assets in order to determine the level of harm to the significance, if any, which may be experienced, as a consequence of sand and gravel extraction.
- 1.4 The assessment was undertaken following the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA 2014) and in accordance with terminology expressed within the National Planning Policy Framework. Historic England guidance on the setting of heritage assets has also been considered (Historic England 2015). At discretion terminology used in Historic England's *Conservation Principles, Policies and Guidance* (2008) will be quoted.

## **2 DEFINITIONS OF TERMS AND HERITAGE PLANNING POLICY CONTEXT**

- 2.1 A heritage asset is defined in the National Planning Policy Framework (NPPF) as *'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest'* (NPPF page:52).
- 2.2 The significance of a heritage asset is defined within the NPPF as *'the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from the physical fabric of a heritage asset but also from its setting'* (NPPF page:56).
- 2.3 The setting of a heritage asset is defined as *'the surroundings within which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting can make a positive or negative contribution to the significance of a heritage asset, may affect the ability to appreciate that significance or may be neutral'* (NPPF page:56).
- 2.4 Where heritage assets are to be affected by development, *'local authorities should require the applicant to describe the significance of the assets affected, including the contribution made to the significance of the asset by its setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'* (NPPF para: 128).

### **National Heritage Legislation**

- 2.5 Designated heritage assets protected by statutory legislation comprise Scheduled Monuments, Protected Wrecks, Listed Buildings and Conservation Areas; nationally significant archaeological sites, monuments and structures are protected under the Ancient Monuments and Archaeological Areas Act (1979).
- 2.6 Listed Buildings and Conservation Areas are protected under the Planning (Listed Building and Conservation Areas) Act (1990). In relation to development proposals, the act states that *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the secretary of state shall have special regard to the*

*desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ (section 66).*

- 2.7 Non-statutory designated heritage assets, comprising Registered Parks and Gardens and Registered Battlefields, are protected under national and local planning policy only. This is also the case for the remainder of the archaeological resource; entries onto a historic environment record or sites and monument record as well as previously unknown features which may be recorded during the course of data collection in respect to a given development proposal.
- 2.8 In determining applications, NPPF stipulates that *‘great weight’* should be given to the assets conservation and that *‘substantial harm to or loss of a grade II Listed Building, Park or Garden should be exceptional’* whilst *‘substantial harm to or loss of assets of highest significance, notably Scheduled Monuments, protected wreck sites, battlefields, Grade I and II\* listed Buildings and Grade I and II\* Parks and Gardens, and World Heritage Sites, should be wholly exceptional’* (NPPF para:132).
- 2.9 Developments where substantial harm to or total loss of significance of a heritage asset should be assessed against specific tests and should deliver substantial public benefits which outweigh any loss or harm (NPPF para:133). Less than substantial harm to a designated asset would require public benefits including the securement of an optimum viable use (NPPF para:134). Impacts to the significance of non-designated assets will require a balanced judgement based on the level of significance and the scale of harm (NPPF para:135), although non-designated assets which are of equivalent significance to designated assets will be considered as such (NPPF para:139).

### 3 METHODOLOGY

- 3.1 The term ‘sites’ is used to refer to Site 4 and Site 5. The term ‘search area’ relates to the wider area defined for the purposes of baseline information collection.
- 3.2 The NPPF states that a description of the significance of each asset potentially affected by the proposed development should be provided in order to satisfy the requirements of the NPPF. This should include an assessment of the contribution made to the significance of the asset by its setting.
- 3.3 Under the values presented within the NPPF this significance can be archaeological, architectural, artistic or historic.
- 3.4 In respect of identifying the importance of setting to the identified significance of a heritage asset, Historic England’s guidance presented in the *Setting of Heritage Assets Historic Environment Good Practice Advice (2015)* will be utilised; specifically ‘what matters and why’ (2015:7). A non-exhaustive list provided within the document (2015:9) identifies themes such as:
- physical surrounding such as topography, the grain of surrounding streetscapes and formal design;
  - land use;
  - history and degree of change over time;
  - sense of enclosure, seclusion, intimacy or privacy; and
  - views from, towards, through, across and including the asset.
- 3.5 The guidance the Historic England publication will be used alongside the DMRB methodology for assessing the significance of impacts, see Appendix 1. Whilst developed in relation to roads and bridges, the DMRB matrix is the standard matrix used in determining the significance of impacts, cross referencing the importance of an asset with the magnitude of impact.
- 3.6 With respect to Historic England’s 2015 publication, ‘The Setting of Heritage Assets’, and the stepped process it describes, whilst not explicitly expressed, this has been applied: Step 1 being the identification of the assets potentially affected and Steps 2, 3 and 4 being applied within sections 4 and 5 of this report.

### **Limitations**

- 3.7 At the time of the survey (June 2017) there was no access to a number of fields within the boundaries of Site 4 and Site 5.
- 3.8 Access to privately owned land outside of the control of the client was not possible.
- 3.9 As such, assumptions relating to the inter-visibility with heritage assets have been determined by on-site observations and public accessible land.

## 4 BASELINE DATA

### Designated Heritage Assets

4.1 Potential sand and gravel extraction is considered to have the potential to cause change within the setting of the following heritage designations during operations:

- Scheduled Monument Thelsford Priory (1013162);
- Grade II Listed Seven Elms (1035125);
- Grade II Listed Wasperton Farmhouse (1035123);
- Grade II Listed Wasperton Hill House (1364963);
- Grade II Forge Cottage (1035124); and
- Grade II Wasperton House (1035127).

4.2 The location of these assets is shown on Drawing 1.

4.3 This satisfies Step 1 of Historic England's 'The Setting of Heritage Assets' (2015).

### Brief Historic Context

4.4 By the 11<sup>th</sup> century, a number of the small settlements within the vicinity of Site 4 and Site 5 had been established, verified by their inclusion in the Domesday survey of 1086. This included Barford to the north of the sites, recorded under two Lords, Hugh and Saewolf; Wasperton to the west of the sites, recorded under the Abbey of Coventry; and Charlecote, to the south of the sites, recorded under the Count of Meulan.

4.5 Prior to 1200, the canons of Thelsford, of the Order of the Holy Sepulchre, founded a priory, to the south of Barford, near to the River Avon. The Priory was granted the church of Barford and certain messuages (land) in the early 13<sup>th</sup> century, and a monastic farm or Grange was located opposite the church to cultivate the surrounding land. In 1214, the priory was granted to the Canons of the Trinitarian Order, who also received the church of Charlecote and 13 acres of land within Charlecote Parish. They built a new church, as well as a hospital for the relief of the poor and the reception of pilgrims. The priory was dissolved in 1538, during the Reformation.

4.6 The earliest cartographic material viewed was the Wasperton Tithe map (1838) which showed the five Grade II Listed Buildings in the vicinity of the sites (see Drawing 2). Seven Elms and Forge Cottage date to the 17<sup>th</sup> century and are of timber-framed

construction. Wasperton Hill House and Wasperton House date from the late 18<sup>th</sup> to early 19<sup>th</sup> century. Wasperton Farmhouse is of early 19<sup>th</sup> century construction.

4.7 The apportionment recorded that the land within the boundary of Site 4 was associated with the following farmsteads/small holdings:

- Seven Elms;
- Wasperton Farmhouse;
- Wasperton Hill House;
- Vicarage or Glebe Land; and
- Holloway Farm.

4.8 The apportionment recorded that the land within the boundary of Site 5 was associated with the Vicarage or Glebe Farm.

4.9 The First Edition Ordnance Survey (OS) map (1887) showed that a number of the plots within Site 4 on the Tithe had been amalgamated to make larger fields, reflecting the national trend for holdings to become larger. The four fields within Site 5 remained the same.

4.10 There were no changes within the sites shown on the Second and Third OS maps. From the 1950s onwards, a number of new dwellings had been constructed in Barford, to the north of Site 4.

#### **Site Visit**

4.11 A Site visit was undertaken in June 2017.

4.12 The fields within the sites were predominately arable with some pasture. Tree cover was sparse and concentrated along the field boundaries of Site 4, and along the northern boundary of Site 5. There were isolated mature trees within some of the fields.

#### *Scheduled Monument Thelsford Priory (1013162)*

4.13 The remains of the priory were located within dense woodland to the south of Thelsford Brook, which extended towards the southern boundary of Site 5 (see plate 1). Views between the asset and Site 5 were largely screened by intervening vegetation including hedgerows and single mature trees.

4.14 There were no clear views of the asset which included the sites.



Plate 1: View of woodland and Site 5 beyond

*Grade II Listed Seven Elms (1035125)*

- 4.15 The building was located adjacent to the eastern boundary of Site 5 (see plate 2). The boundary between the asset and the site was defined by an open stock netting fence, which had intermittent small shrubs along it. From the southern part of Site 5, clear views were possible of the asset. From the northern part of the Site 5, views were possible of part of the asset's northern and western elevation.
- 4.16 From Site 4 to the north of the asset, views were restricted by intervening vegetation and buildings, including the barn to the rear of the asset.
- 4.17 The clearest view of the asset was from its associated garden to the south of the building. Whilst this view did not directly include Site 5, the site was directly adjacent to the western gable end of the building and therefore viewed in association with the asset. There are also very clear views of the asset from the whole of the south-western field of Site 5 (see plate 4), and of the western elevation from the access track (see plate 3).



Plate 2: Site 5 from upper window of Seven Elms



Plate 3: view of Seven Elms from access track



Plate 4: view of Seven Elms from south-eastern field of Site 5

*Grade II Listed Wasperton Farmhouse (1035123)*

- 4.18 The building was located adjacent to the north-western boundary of Site 4. There were views of the house from the north-western part of Site 4. From the building, there were views across Site 4, interspersed by hedgerow and single mature trees.
- 4.19 The principal elevation of the farmhouse faced west-south-west, across land not within the boundary of Site 4 (see plate 5).



Plate 5: Wasperton Farmhouse

*Grade II Listed Wasperton Hill House (1364963)*

- 4.20 The building was located to the east of Site 4. Observations were not possible from the asset due to restricted access. However, the building was situated in an elevated position over the site, and views were possible of its principal elevation, which faced south-west (see plate 6).



Plate 6: Wasperton Hill House (zoomed in)

*Grade II Listed Forge Cottage (1035124)*

- 4.21 The building was located to the west of Site 4, on the other side of the A429, behind a wooden gateway. Views were limited by the topography, which meant the A429 was higher than the cottage, as well as vegetation along the western boundary of Site 4 (see plate 7).
- 4.22 It was established during the site visit that there would be no change within its setting. This is a consequence of the lack of inter-visibility and the lack of association with the land within the sites.



Plate 7: View of Site 4 from beyond gate for Forge Cottage

*Grade II Listed Wasperton House (1035127)*

- 4.23 The building was located to the west of Site 4, in the north of Wasperton village. Due to the intervening vegetation at the time of the survey (summer months), as well as the presence of two large barns, there was no visibility between the sites and the asset.
- 4.24 It was established during the site visit that there would be no change within its setting. This is a consequence of the lack of inter-visibility and the lack of association with the land within the sites. The intervening distance was also a determining factor.

## 5 STATEMENT OF SIGNIFICANCE

5.1 The site visit confirmed that change may occur within the setting of the following designated heritage assets during operations, located within the search area:

- Scheduled Thelsford Priory (1013162);
- Grade II Listed Seven Elms (1035125);
- Grade II Listed Wasperton Farmhouse (1035123); and
- Grade II Listed Wasperton Hill House (1364963).

5.2 The significance of a heritage asset is defined within the National Planning Policy Framework (NPPF) as ‘the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from the physical fabric of a heritage asset but also from its setting’ (DCLG 2012:56). At discretion terminology used in Historic England’s *Conservation Principles, Policies and Guidance* (2008) will be quoted.

5.3 The following assessment adheres to guidance published by Historic England (2008) ‘*Conservation Principles*’.

5.4 Historic England (2008) states that:

- *evidential value derives from the potential of a place to yield evidence about past human activity;*
- *historical value derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative;*
- *aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place; and*
- *communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.*

5.5 This section satisfies Steps 2 and 3 of Historic England’s ‘The Setting of Heritage Assets’ (2015).

### **Thelsford Priory (1013162)**

- 5.6 The value of the Scheduled Monument is derived from its evidential and historic values.

#### *Evidential*

- 5.7 The evidential value of the monument is derived from its known buried structural remains and deposits including stone packed post holes and foundations. These provide evidence for the plan of the conventual buildings, dates of construction and occupation and their inter-relationships. The buildings reflect the responsibilities of the monks who resided there, for example, to the poor and sick, and to travellers. Surviving artefactual evidence would provide information on the conventual economy and the environment in which the canons and monks lived.

- 5.8 The monument has high evidential value.

#### *Historic*

- 5.9 The site of the priory was first founded prior to 1200, by the canons of Thelsford, of the Order of the Holy Sepulchre. By 1214, the priory had been granted to the Canons of the Trinitarian Order, who built a new church, as well as a hospital, for the relief of the poor and reception of pilgrims.

- 5.10 During this period, the priory received land from the Lords of the manors, including the church of Barford and certain messuages (land). In the early 13<sup>th</sup> century, land was received from Henry and Isobel de Bereford, and the church of Charlecote. Thirteen acres of land was granted in 1214, by Sir William de Lucy. They were also granted a mill in Barford and fishing rights in the River Avon.

- 5.11 The priory was dissolved in 1538 during the Reformation.

- 5.12 The history of the priory is well documented, and therefore provides a rare insight into the changing fortunes of the different monastic orders, and reveals distinctions between the circumstances in which they lived and worked.

- 5.13 The monument has high historic value.

#### *Setting and its contribution to significance*

- 5.14 The monument, situated in woodland, is protected in two areas, bisected by the A429 (see plate 1). The earthworks have been levelled, meaning that no features remain above ground. The scheduling description states that the conventual precinct

originally occupied a roughly rectangular area of approximately 1.6ha. The perimeter of the priory was defined by the Thelsford Brook to the north, a linear pond to the west, the former course of the Warwick Road to the east, and a ditch to the south.

- 5.15 The wider setting of the monument comprises the land beyond its immediate perimeter, which would have been under the influence of the priory during the medieval period. Today, whilst this landscape has evolved, it retains a rural and agricultural character, which for the most part, is likely to reflect the original setting of the priory. As such, it is considered to contribute to the understanding and interpretation of the monument.

#### *Impact*

- 5.16 The monument is located 285m south of Site 5 and 400m south of Site 4. On current evidence, sand and gravel extraction would not physically impact upon the Scheduled Monument, and its primary evidential and historic values would remain unaltered. Whilst a small part of the wider setting of the monument would change from agricultural to industrial use during operations, this would not consider to impact upon the overall significance of the asset.
- 5.17 Therefore, the magnitude of operational impact would be **negligible**, resulting in a significance of impact of **slight adverse** on the Scheduled Monument.
- 5.18 However, in the event of potential changes to the water table, the long-term effect of the proposals on the evidential values of the asset would need to be reconsidered. We note that Historic England have asked for further assessment, which to our knowledge has not yet been done. Therefore, the degree of physical impacts to the Scheduled Monument are unknown. This impact may be **up to major** adverse. Assessment in respect to the current water table and how this affects the Scheduled Monument may inform allocation.

#### **Seven Elms (1035125)**

- 5.19 The value of the Listed Building is derived from its evidential, historic and aesthetic values.

#### *Evidential*

- 5.20 The evidential value of the building is derived from its physical fabric and architectural detailing. It potentially contains considerable information relating to the architectural

and structural development of timber-framed 17<sup>th</sup> century buildings, particularly through their adaption.

5.21 The building has medium evidential value.

*Historic*

5.22 The building dates to the 17<sup>th</sup> century and is recorded on the Wasperton Tithe map (1838) as an irregular U-shaped farmstead (see Drawing 3).

5.23 The Tithe apportionment recorded that the farmhouse was owned by Thomas Venner, and tenanted by Francis Underwood. The landholding of the farm contained 21 plots of land, one of which was within the boundary of Site 4.

5.24 The farm contributes to the understanding of the historic evolution of the landscape and how it has developed from the early post-medieval period onwards.

5.25 The building has medium historic value.

*Aesthetic*

5.26 The house is an example of early 17<sup>th</sup> century vernacular architecture often found in the West Midlands; namely, of two-storey construction, with the fireplace at the gable end, and a brick chimney hood (see plate 8).

5.27 It is an attractive building with rendered infill panels and rendered end and north elevations.

5.28 The building has medium aesthetic value.



Plate 8: Seven Elms

*Setting and its contribution to significance*

- 5.29 The house and its associated barn buildings to the north and east are located within a flat and open rural landscape (see plates 3, and 9). They are surrounded on all sides by agricultural land, of which Sites 4 and 5 form a part. The cartographic material showed that this wider area has changed little from the mid-19<sup>th</sup> century, with the majority of residential development contained in Barford to the north, with some in Wasperton to the west.
- 5.30 This surrounding rural agricultural landscape plays a tangible role in the understanding and interpretation of Seven Elms. It contributes to the significance of the farmhouse as well as its associated barns, and therefore our appreciation of them.
- 5.31 Setting is considered to contribute to the significance of Seven Elms.

*Impact*

- 5.32 The asset is adjacent to the eastern boundary of Site 5 and located 55m south of Site 4. Sand and gravel extraction would not physically impact upon the Listed Building, and its primary evidential, historic and aesthetic values would remain unaltered.
- 5.33 With regards to retaining the setting of the building, the draft plan states that a 100m buffer should be employed around the asset, which would fall partially across the

eastern part of Site 5, and a small part of the south-east corner of Site 4, including the part of Site 4 historically linked to the asset.

- 5.34 Despite this buffer, it is considered that the proposals, during operations, would alter how the asset is experienced.
- 5.35 Although the asset is no longer a farmhouse, the potential loss of agricultural land which provides a tranquil and peaceful setting, would detract from the significance of Seven Elms.
- 5.36 Site 5, in particular, would infringe on the access to the asset; potential extraction to both sides of the asset's access would affect the appreciation of a currently rural setting and views into Site 5 are also particularly open.
- 5.37 Therefore, the magnitude of impact of extraction in Site 5 would be **minor to moderate**, resulting in a significance of impact of **up to moderate adverse** on the Listed Building.
- 5.38 In respect of Site 4, the offset from the historically associated land and the screened views would result in an operational impact of **slight adverse** significance.



Plate 9: Site 4 from east of Seven Elms

### **Wasperton Farmhouse (1035123)**

5.39 The value of the Listed Building is derived from its evidential, historic and aesthetic values.

#### *Evidential*

5.40 The evidential value of the building is derived from its physical fabric and architectural detailing. It potentially contains considerable information relating to the architectural and structural development of post-medieval and early modern buildings, particularly through their adaption.

5.41 The building has medium evidential value.

#### *Historic*

5.42 The house dates to the early 19<sup>th</sup> century and is recorded on the Wasperton Tithe map (1838) as a U-shaped farmstead named 'The Farm' (see Drawing 4).

5.43 The Tithe apportionment recorded that the farmhouse was owned by the President & Scholars of Saint John Baptist College in the University of Oxford, and tenanted by William Seeley Oldham. The landholding of the farm contained 25 plots of land, nine of which were within the boundary of Site 4.

5.44 The farm contributes to the understanding of the historic evolution of the landscape and how it has developed from the late post-medieval period onwards.

5.45 The building has medium historic value.

#### *Aesthetic*

5.46 The two-storey house is in the Georgian style, with a square, symmetrical shape (see plate 5). It has sash windows, and the chimneys are on either gable end, reflecting the internal symmetrical location of the fireplaces.

5.47 The building has medium aesthetic value.

#### *Setting and its contribution to significance*

5.48 The house and its associated barn buildings to the north-east are located within a rural landscape. They are surrounded on all sides by agricultural land, of which Site 4 forms a part. The cartographic material showed that this wider area has changed little from the Tithe map, with the majority of residential development contained in Barford to the north.

5.49 Therefore, this surrounding rural agricultural landscape plays a tangible role in the understanding and interpretation of Wasperton Farmhouse. It contributes to the significance of the farmhouse as well as its associated buildings, and therefore our appreciation of them.

5.50 Setting is considered to contribute to its significance.

*Impact*

5.51 The asset is 70m north-west of Site 4 and 1km north of Site 5. Sand and gravel extraction would not physically impact upon the Listed Building, and its primary evidential, historic and aesthetic values would remain unaltered.

5.52 The principal setting of the farmhouse, its farmyard, would not be impacted upon by the proposals.

5.53 With regards to retaining the wider setting of the building, the draft plan states that a 100m buffer should be employed around the asset, which would fall slightly within the north-western part of Site 4.

5.54 Whilst the farmhouse is at a distance from the boundary of Site 4, the wider landscape setting in which the asset is experienced, which includes part of its historic landholding, would be altered from an agricultural one, during operations (see plate 10). This potential harm to the setting of Wasperton Farmhouse would detract from its significance.

5.55 The magnitude of impact of extraction in Site 4 would be **minor**, resulting in a significance of operational impact of **slight adverse** on the Listed Building.

5.56 Extraction at Site 5 would, as a consequence of intervening distance, lack of views and no historic associations, cause **no change** to the asset.



Plate 10: Site 4 beyond treeline

### **Wasperton Hill House (1364963)**

5.57 The value of the Listed Building is derived from its evidential, historic and aesthetic values.

#### *Evidential*

5.58 The evidential value of the building is derived from its physical fabric and architectural detailing. It potentially contains considerable information relating to the architectural and structural development of post-medieval buildings, particularly through their adaption.

5.59 The building was built on the site of an earlier house, and there remains a sandstone cellar under the north-west corner. Therefore, there may be further below-ground remains and archaeological deposits which could contribute to the history and development of the farm.

5.60 The building has medium evidential value.

### *Historic*

- 5.61 The house dates to the late 18<sup>th</sup> to early 19<sup>th</sup> centuries and is recorded on the Wasperton Tithe map (1838) as an unenclosed square farmstead (see Drawing 5).
- 5.62 The Tithe apportionment recorded that the farmhouse was owned by the President & Scholars of Saint John Baptist College in the University of Oxford, and tenanted by Thomas Garner. The landholding of the farm contained 31 plots of land, four of which were within the boundary of Site 4.
- 5.63 The farm contributes to the understanding of the historic evolution of the landscape and how it has developed from the late post-medieval period onwards.
- 5.64 The building has medium historic value.

### *Aesthetic*

- 5.65 The house has notable aesthetic value as a two-storey, two window range red brick building standing in an elevated position over a flat landscape (see plate 6).
- 5.66 The building has medium aesthetic value.

### *Setting and its contribution to significance*

- 5.67 The house and its associated barn buildings to the south and east are located within a rural landscape. They are surrounded on all sides by agricultural land, of which Area 4 forms a part. The cartographic material showed that this wider area has changed little from the Tithe map, with the majority of residential development contained in Barford to the north-west.
- 5.68 Therefore, this surrounding rural agricultural landscape plays a tangible role in the understanding and interpretation of Wasperton Hill House. It contributes to the significance of the farmhouse as well as its associated barns, and therefore our appreciation of them.
- 5.69 Setting is considered to contribute to its significance.

### *Impact*

- 5.70 The asset is located 650m east of Site 4 and 1km north-east of Site 5. Sand and gravel extraction would not physically impact upon the Listed Building, and its primary evidential, historic and aesthetic values would remain unaltered.

- 5.71 The principal setting of the farmhouse, its farmyard, would not be impacted upon by the proposals.
- 5.72 However, the proposals would be visible from the principal elevation of the asset and would affect part of the asset's historic landholding. Taking into account the intervening distance and the expanse of intervening land which would be unaffected, the significance of operational impact would be **slight adverse**.
- 5.73 Extraction at Site 5 would, as a consequence of intervening distance, lack of views and no historic associations, cause **no change** to the asset.

## **6 MITIGATION**

- 6.1 Operational impacts to the setting of the designated heritage assets would be reduced through the stepping back of the sand and gravel extraction to ensure an adequate buffer. The size of the buffer should be assessed and be appropriate to the specified designated heritage asset. This buffer should extend further, as a minimum, than the 100m buffer stated in the draft plan.
- 6.2 In addition, plantation screening and bunds along the boundaries would contribute to reducing noise and dust from both extraction activities, providing the planting is done well in advance of excavation. However, it should be recognised that bunding would adversely affect the long-distance views of an open landscape that are currently available (see Landscape and Visual Constraints Report).
- 6.3 This section satisfies Step 4 of Historic England’s ‘The Setting of Heritage Assets’ (2015).

## 7 CONCLUSION

7.1 This assessment, undertaken with due respect to guidance published by Historic England and with the utilisation of terminology in full accordance with the National Planning Policy Framework, has assessed the potential operational impact of the proposed extraction on the setting of designated heritage assets within the vicinity of the site.

7.2 The assessment concluded that sand and gravel extraction would cause operational impacts to elements of the settings of the discussed designated heritage assets. The identified operational impacts comprise:

- Scheduled Thelsford Priory – slight adverse (Sites 4 and 5); (if changes to the water table occurred as a result of the proposals, this would have the potential to affect the evidential values of the asset. Historic England have asked for further assessment, which to our knowledge has not yet been done, and therefore, the degree of physical impacts to the Scheduled Monument are unknown. Effects may potentially result in **up to major** long-term adverse impacts. Assessment may inform allocation);
- Grade II Seven Elms – up to moderate adverse (Site 5) and slight adverse (Site 4);
- Grade II Wasperton Farmhouse – slight adverse (Site 4) and no change (Site 5); and
- Grade II Wasperton Hill House – slight adverse (Site 4) and no change (Site 5).

7.3 The identified operational significance of impacts of slight adverse to moderate adverse would result in less than substantial harm to the asset. The finding of less than substantial harm does not equate to a less than substantial planning consideration. Section 66 of the Planning (Listed Building and Conservation Areas) Act (1990) requires the decision maker, when considering applications which affect the significance of a Listed Building, to have special regard for the preservation of a Listed Building or its setting. This is amplified in the NPPF, where “*great weight*” is required.

7.4 The finding of less than substantial harm in the case of the assets assessed in this report means that the decision has to be balanced against the public benefits. However, following the recent High Court decisions (Barnwell, Forge Field and

Mordue), there is a strong presumption against planning permission being granted where harm to a Listed Building through impacts to its setting is found.

## **BIBLIOGRAPHY**

### *Documentary Sources*

- Barford Heritage Group (2017) available <http://www.barfordheritage.org.uk/>
- ClfA (2014) *Standards and Guidance for Historic Environment Desk-Based Assessment*, Reading: Chartered Institute for Archaeologists
- DCLG. (2012) *National planning policy framework*
- DCLG. (2014) *Planning Practice Guidance*
- Highways Agency (2007) *Design Manual for Roads and Bridges, Volume 11, Section 3, Part 2*
- Historic England. (2011) *Seeing the history in the view a method for assessing heritage significance within views*
- Historic England. (2016) *National Heritage List for England downloadable GIS data*
- Historic England. (2015) *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3*

### *Cartographic Sources*

- Wasperton Tithe map            1838
- First Edition OS map            1887
- Second Edition OS map        1905
- Third Edition OS map          1925

## **APPENDICES**

**Appendix 1**  
**Assessment Methodology**

In ascribing levels of **importance** to heritage assets, the Design Manual for Roads and Bridges, Volume II, Section 3, Part 2 (Highways Agency 2007) has been used, see Table 1 below.

The **magnitude of impact** is measured from the condition that would prevail in a 'do nothing' scenario and it is assessed without regard to the importance of the receptor (Highways Agency 2007).

Heritage assets are susceptible to numerous forms of development during the construction process and as a consequence of the operational life of the proposed development. These can be either direct (physical) impacts or indirect (non-physical) impacts.

The worst magnitude of impact would be complete physical removal of the heritage asset. In some instances it is possible to discuss percentage loss when establishing the magnitude of impact. However complex receptors will require a much more sophisticated approach (Highways Agency 2007).

In ascribing the magnitude of impact, guidance presented in the Design Manual for Roads and Bridges, Volume II, Section 3, Part 2 (Highways Agency 2007) has been used, see Table 2 below.

In respect of setting and assessing how 'what matters' may be affected by a proposed development Historic England's Setting of Heritage Assets (2015) includes a checklist for consideration (2015:11) which includes:

- the proximity of the development to an asset;
- the prominence, dominance or conspicuousness of a development;
- competition or distraction from the asset;
- changes to general character of an area and
- the position of a development in relation to key views

The **significance of an impact** is devised by cross referencing the importance of the receptor with the magnitude of the impact, see Table 3. The impacts which are in grey are considered significant impacts which would constitute substantial harm.

Table 1: Establishing the importance of a heritage asset

| Importance        | Heritage Asset   |  |  |
|-------------------|--|--|--|
|                   | Archaeological Remains<br>(Archaeological Interest)  | Historic Buildings<br>(Architectural/Artistic Interest and/or<br>Historic Interest)  | Historic Landscapes<br>(Historic Interest)   |
| <b>Very High</b>  | <ul style="list-style-type: none"> <li>WHS</li> <li>Other sites of acknowledged international importance</li> <li>Sites that can contribute significantly to acknowledged international research objectives</li> </ul>   | <ul style="list-style-type: none"> <li>WHS</li> <li>Other buildings of recognized international importance</li> </ul>  | <ul style="list-style-type: none"> <li>WHS</li> <li>Historic landscapes of international value, whether designated or not</li> <li>Extremely well preserved historic landscapes with exceptional coherence, time depth, or other critical factor(s)</li> </ul>   |
| <b>High</b>       | <ul style="list-style-type: none"> <li>Scheduled Ancient Monuments</li> <li>Undesignated sites of schedulable quality and importance</li> <li>Sites that can contribute significantly to acknowledged national research objectives</li> </ul>  | <ul style="list-style-type: none"> <li>Scheduled Ancient Monuments with standing remains</li> <li>All Grade I and all Grade II* Listed Buildings (Scotland Category A)</li> <li>Conservation Areas containing very important buildings</li> <li>Undesignated structures of clear national importance</li> <li>Other listed buildings that can be shown to have exceptional qualities in their fabric or historical associations not adequately reflected in their listing grade</li> </ul>   | <ul style="list-style-type: none"> <li>Designated historic landscapes of outstanding interest</li> <li>Undesignated landscapes of outstanding interest</li> <li>Undesignated landscapes of high quality and importance, and of demonstrable national value</li> <li>Well preserved historic landscapes, exhibiting considerable coherence, time depth or other critical factor(s)</li> </ul> |
| <b>Medium</b>     | <ul style="list-style-type: none"> <li>Undesignated assets that contribute to regional research objectives</li> </ul>  | <ul style="list-style-type: none"> <li>Grade II Listed Buildings (Scotland Category B)</li> <li>Historic (unlisted) buildings that can be shown to have exceptional qualities in their fabric or historical associations</li> <li>Other listed buildings that can be shown to have exceptional qualities in their fabric or historical associations not adequately reflected in their listing grade</li> <li>Conservation Areas containing buildings that contribute significantly to its historic character</li> <li>Historic townscape or built up areas with important historic integrity in their buildings, or built settings (e.g. including street furniture and other structures)</li> </ul> | <ul style="list-style-type: none"> <li>Designated special historic landscapes</li> <li>Undesignated historic landscapes that would justify special historic landscape designation, landscapes of regional value</li> <li>Averagely well preserved historic landscapes with reasonable coherence, time depth or other critical factor(s)</li> </ul>   |
| <b>Low</b>        | <ul style="list-style-type: none"> <li>undesignated assets of local importance</li> <li>Assets compromised by poor preservation and/or poor survival of contextual associations</li> <li>Assets of limited value, but with potential to contribute to local research objectives</li> </ul> | <ul style="list-style-type: none"> <li>Locally listed buildings (Scotland Category C)</li> <li>Historic (unlisted) buildings of modest quality in their fabric or historical association</li> <li>Historic townscape or built up areas of limited historic integrity in their buildings, or built settings (e.g. including street furniture and other structures)</li> </ul>   | <ul style="list-style-type: none"> <li>Robust undesignated historic landscapes</li> <li>Historic landscapes with importance to local interest groups</li> <li>Historic landscapes whose value is limited by poor preservation and/or poor survival of contextual associations</li> </ul>   |
| <b>Negligible</b> | <ul style="list-style-type: none"> <li>Assets with very little or no surviving archaeological interest</li> </ul>  | <ul style="list-style-type: none"> <li>Buildings of no architectural or historical note</li> </ul>   | <ul style="list-style-type: none"> <li>Landscapes with little or no significant historic interest</li> </ul>   |

Design Manual for Roads and Bridges, Volume II, Section 3, Part 2 (Highways Agency 2007)

Table 2: Establishing the magnitude of impact

| Magnitude of Impact | Heritage Asset  |   |   |
|---------------------|---|---|---|
|                     | Archaeological Remains<br>(Archaeological Interest)   | Historic Buildings<br>(Architectural/Artistic Interest and/or<br>Historic Interest)   | Historic Landscapes<br>(Historic Interest)  |
| Major               | <ul style="list-style-type: none"> <li>Change to most or all key archaeological materials, such that the resource is totally altered</li> <li>Comprehensive changes to setting</li> </ul>   | <ul style="list-style-type: none"> <li>Change to key historic building elements, such that the resource is totally altered</li> <li>Comprehensive changes to setting</li> </ul>   | <p>Major change to historic landscape character resulting from:</p> <ul style="list-style-type: none"> <li>Changes to most key historic landscape elements, parcels or components</li> <li>Extreme visual effects</li> <li>Major change to noise or change to sound quality</li> <li>Major changes to use or access</li> </ul>  |
|                     | <p>OR*</p> <ul style="list-style-type: none"> <li>Loss of resource and/or quality and integrity of source; severe damage to key characteristics, features or elements (adverse)</li> <li>Large scale of major improvement of resource quality; extensive restoration or enhancement of attribute quality (beneficial)</li> </ul>  |   |   |
| Moderate            | <ul style="list-style-type: none"> <li>Changes to many key archaeological materials, such that the resource is clearly modified</li> <li>Considerable changes to setting that affect the character of the asset</li> </ul>  | <ul style="list-style-type: none"> <li>Changes to many key historic building elements, such that the resource is significantly modified</li> <li>Changes to setting of an historic building such that it is significantly modified</li> </ul> | <p>Moderate change to historic landscape character resulting from:</p> <ul style="list-style-type: none"> <li>Changes to many key historic landscape elements, parcels or components</li> <li>Visual change to many key aspects of the historic landscape</li> <li>Noticeable differences in noise or sound quality</li> <li>Considerable changes to use or access</li> </ul> |
|                     | <p>OR*</p> <ul style="list-style-type: none"> <li>Loss of resource, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements (adverse)</li> <li>Benefit to, or addition of, key characteristics, features or elements; improvement or attribute quality (beneficial)</li> </ul>   |   |   |
| Minor               | <ul style="list-style-type: none"> <li>Changes to key archaeological materials, such that the asset is slightly altered</li> <li>Slight changes to setting</li> </ul>   | <ul style="list-style-type: none"> <li>Change to key historic building elements, such that the asset is slightly different</li> <li>Changes to setting of an historic building such that it is noticeably changed</li> </ul>                  | <p>Limited change to historic landscape character resulting from:</p> <ul style="list-style-type: none"> <li>Changes to few key historic landscape elements, parcels or components</li> <li>Slight visual changes to few key aspects of the historic landscape</li> <li>Limited changes to noise levels or sound quality</li> <li>Slight changes to use or access</li> </ul>  |
|                     | <p>OR*</p> <ul style="list-style-type: none"> <li>Some measurable change in attributes, qualities or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements (adverse)</li> <li>Minor benefit to, or addition of, one (maybe more) key characteristics, features or elements; some beneficial impact on attribute or a reduced risk of negative impact occurring (beneficial)</li> </ul> |   |   |
| Negligible          | <ul style="list-style-type: none"> <li>Very minor changes to archaeological materials</li> </ul>  | <ul style="list-style-type: none"> <li>Slight changes to historic buildings elements or setting that hardly affect it</li> </ul>  | <p>Very small change to historic landscape character resulting from:</p> <ul style="list-style-type: none"> <li>Very minor changes to key historic landscape elements, parcels or components</li> <li>Virtually unchanged visual effects</li> <li>Very slight changes to noise levels or sound quality</li> <li>Very slight changes to use or access</li> </ul>               |
|                     | <p>OR*</p> <ul style="list-style-type: none"> <li>Very minor loss or detrimental alteration to one or more characteristics, features or elements (adverse)</li> <li>Very minor benefit or positive addition to one or more characteristics, features or elements (beneficial)</li> </ul>  |   |   |
| No change           | No change   |   |   |

*Design Manual for Roads and Bridges, Volume II, Section 3, Part 2 (Highways Agency 2007) and \* Volume II, Section 2, Part 5 (Highways England 2008)*

Table 3: Establishing the significance of impact

|                            |                   |                   |                |                 |                     |                  |
|----------------------------|-------------------|-------------------|----------------|-----------------|---------------------|------------------|
| <b>IMPORTANCE</b>          | <b>Very High</b>  | Neutral           | Slight         | Moderate/large  | Large or very large | Very large       |
|                            | <b>High</b>       | Neutral           | Slight         | Moderate/slight | Moderate/large      | Large/very large |
|                            | <b>Medium</b>     | Neutral           | Neutral/slight | Slight          | Moderate            | Moderate/large   |
|                            | <b>Low</b>        | Neutral           | Neutral/slight | Neutral/slight  | Slight              | Slight/moderate  |
|                            | <b>Negligible</b> | Neutral           | Neutral        | Neutral/slight  | Neutral/slight      | Slight           |
|                            | <b>No change</b>  | <b>Negligible</b> | Minor          | Moderate        | Major               |                  |
| <b>MAGNITUDE OF IMPACT</b> |                   |                   |                |                 |                     |                  |

*Design Manual for Roads and Bridges, Volume II, Section 3, Part 2 (Highways Agency 2007)*

In some cases the significance of impact is shown as being one of two alternatives. In these cases a single description should be decided upon with reasoned judgement for that level of significance chosen.

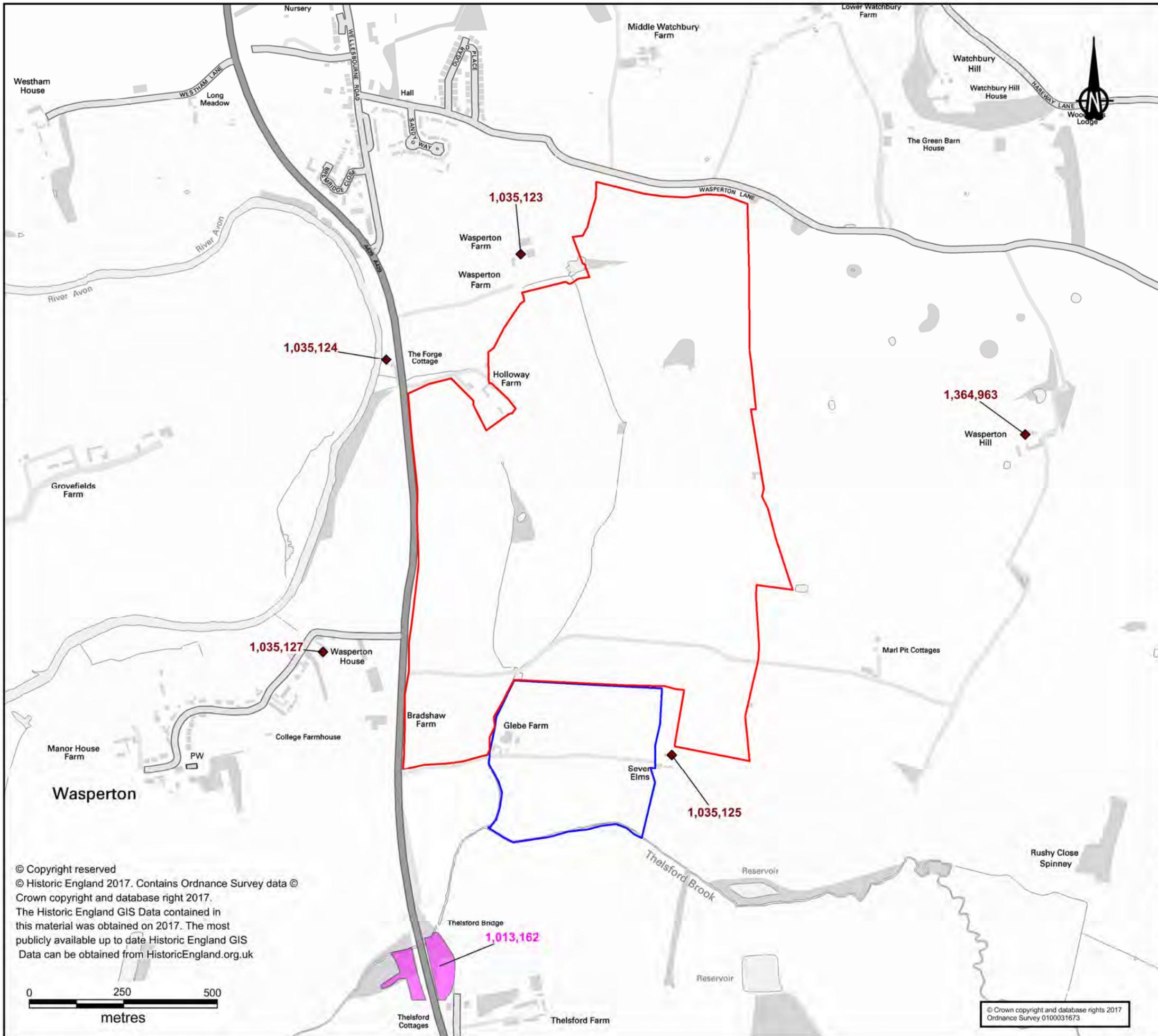
**Appendix 2**  
**Heritage Assets**

## Heritage Assets

**Table 1: Designated Heritage Assets (within vicinity)**

| Reference | Description          | Status                   | Distance from Site 4/5   |
|-----------|----------------------|--------------------------|--------------------------|
| 1013162   | Thelsford Priory     | Scheduled Monument       | 285m south of Site 5     |
| 1035125   | Seven Elms           | Grade II Listed Building | adjacent to Site 5       |
| 1035123   | Wasperton Farmhouse  | Grade II Listed Building | 70m north-west of Site 4 |
| 1364963   | Wasperton Hill House | Grade II Listed Building | 650m east of Site 4      |
| 1035124   | Forge Cottage        | Grade II Listed Building | 100m west of Site 4      |
| 1035127   | Wasperton House      | Grade II Listed Building |                          |

## **DRAWINGS**



- KEY**
- Site 4
  - Site 5
  - Scheduled Monument
  - Grade II Listed Building

|          |         |      |       |      |      |
|----------|---------|------|-------|------|------|
| REVISION | DETAILS | DATE | DRAWN | CHKD | APPD |
|----------|---------|------|-------|------|------|

CLIENT  
**Barford Residents Association**

PROJECT  
**Draft Warwickshire Minerals Local Plan -  
Assessment of Proposed Allocations,  
Sites 4 and 5**

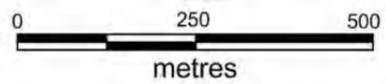
DRAWING TITLE  
**Drawing 1  
Location of Designated Heritage Assets**

|                               |                             |                           |
|-------------------------------|-----------------------------|---------------------------|
| DRG No:<br><b>ST15937-001</b> | SCALE:<br><b>1:9,000@A3</b> | DATE:<br><b>July 2017</b> |
|-------------------------------|-----------------------------|---------------------------|

|                         |                           |                            |
|-------------------------|---------------------------|----------------------------|
| DRAWN BY:<br><b>ACH</b> | CHECKED BY:<br><b>CLD</b> | APPROVED BY:<br><b>DFH</b> |
|-------------------------|---------------------------|----------------------------|

|  |  |
|--|--|
| <input checked="" type="checkbox"/> STONE-ON-TRENT (HEAD OFFICE) TEL 0845 111 7777 | <input type="checkbox"/> CARDIFF TEL 029 2030 2405   |
| <input type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 252 0943                     | <input type="checkbox"/> LEIGH TEL 01942 260101      |
| <input type="checkbox"/> WEST BROMWICH TEL 0121 540 0909                           | <input type="checkbox"/> SHEFFIELD TEL 0114 245 6244 |
| <input type="checkbox"/> LONDON TEL 020 7287 2872                                  | <input type="checkbox"/> EDINBURGH TEL 0131 565 3311 |
|  | <input type="checkbox"/> TALANTON TEL 01523 703400   |

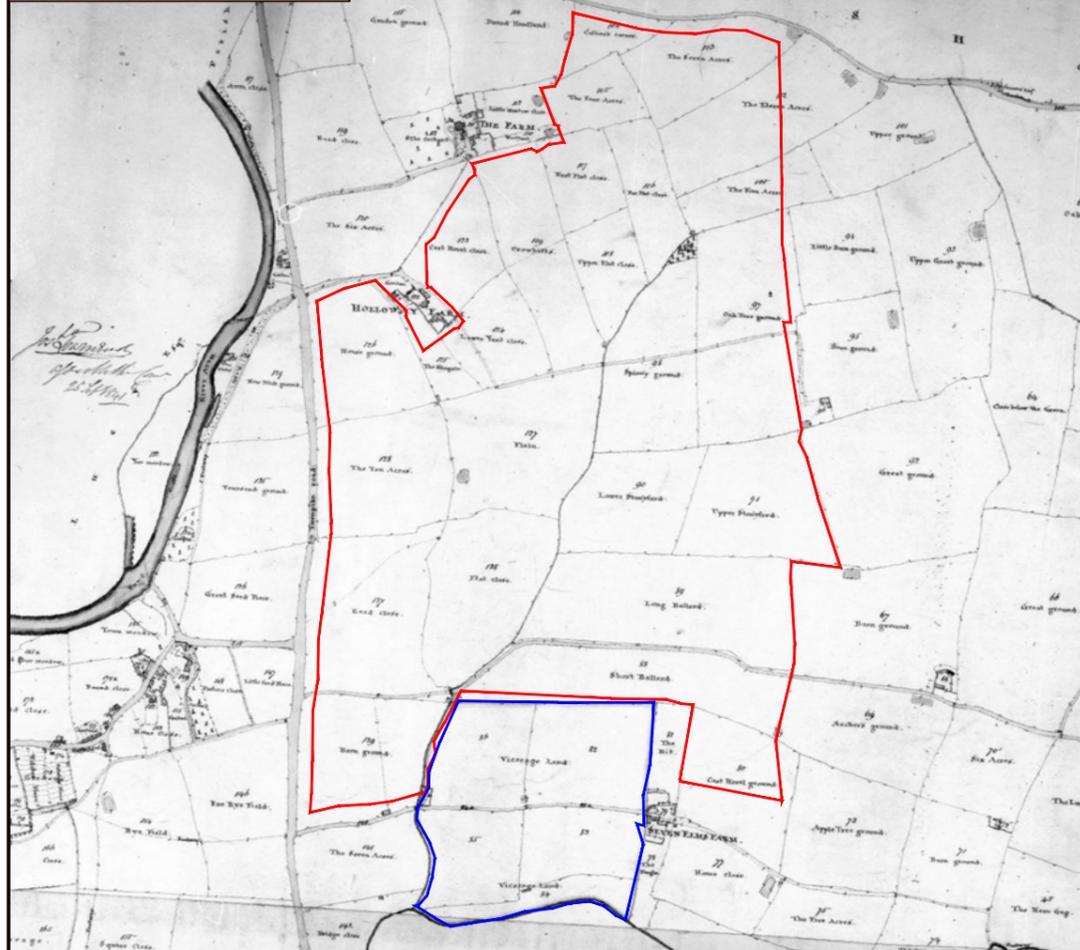
© Copyright reserved  
© Historic England 2017. Contains Ordnance Survey data © Crown copyright and database right 2017.  
The Historic England GIS Data contained in this material was obtained on 2017. The most publicly available up to date Historic England GIS Data can be obtained from [HistoricEngland.org.uk](http://HistoricEngland.org.uk)



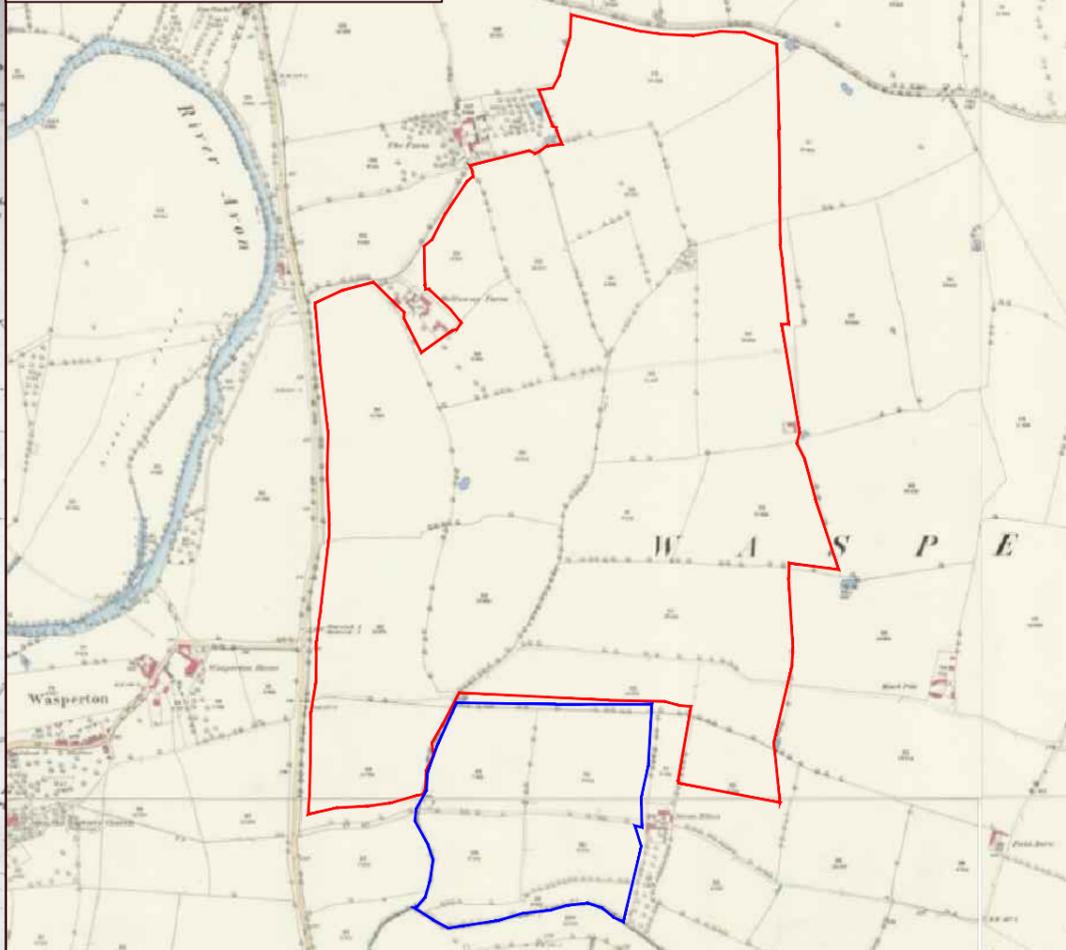
© Crown copyright and database rights 2017  
Ordnance Survey 0100031673



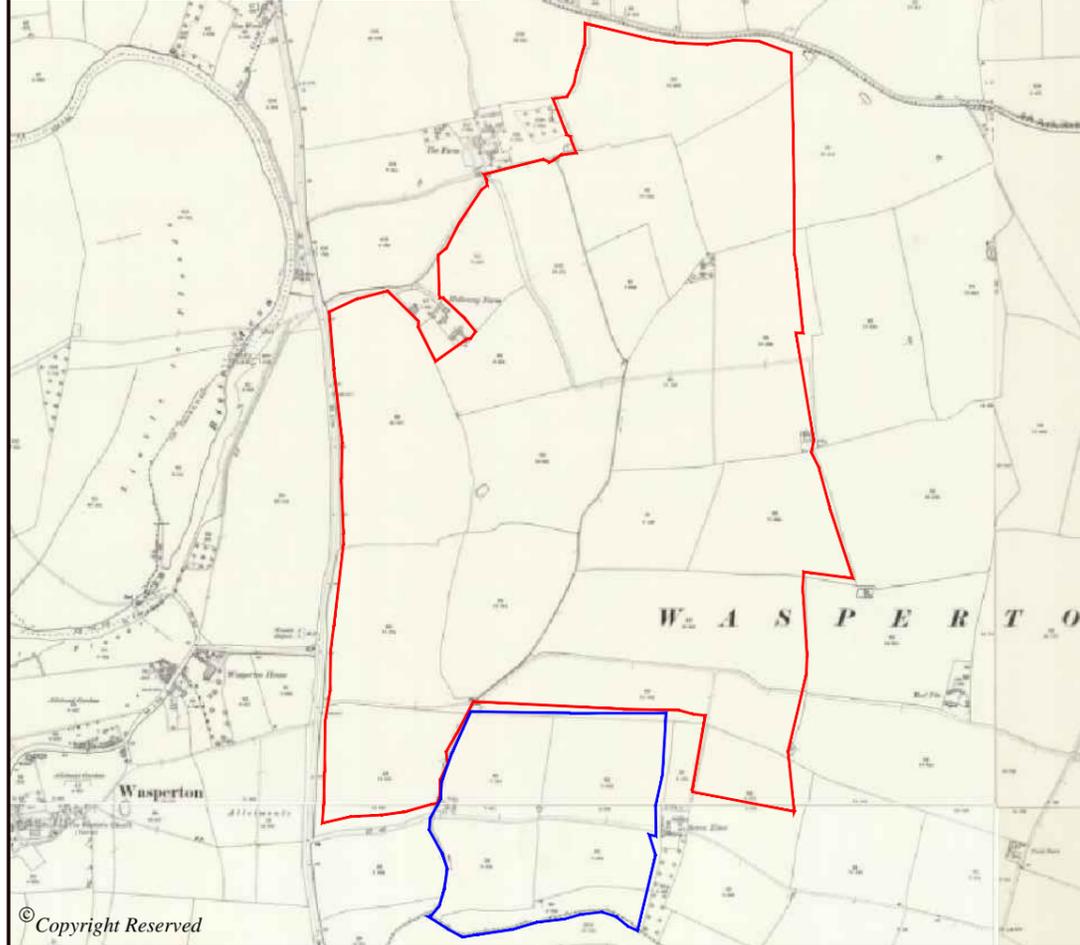
Wasperton Tithe map (1838)



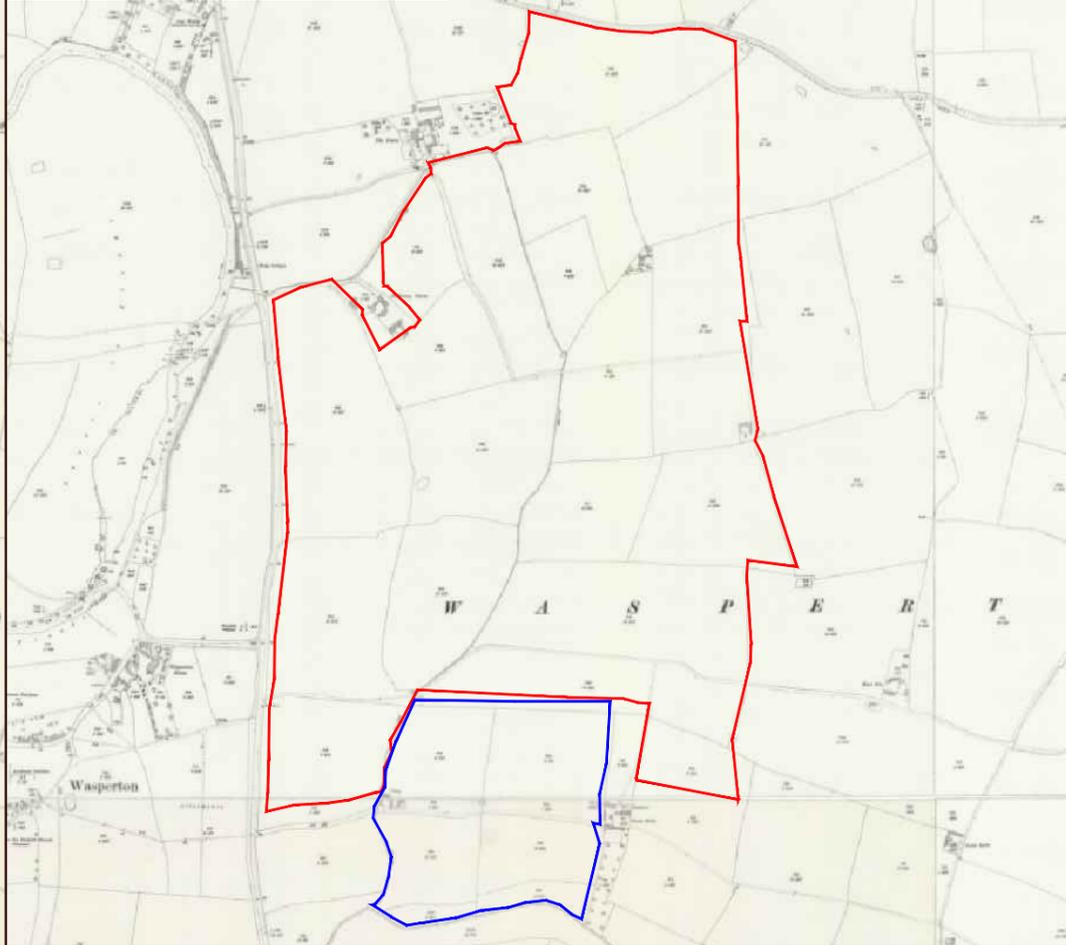
First Edition Ordnance Survey (1887)



Second Edition Ordnance Survey (1905)



Third Edition Ordnance Survey (1925)



DO NOT SCALE FROM THIS DRAWING

Key

- Site 4
- Site 5
- Listed Building
- Historic Landholding (shown on Tithe)

|          |         |      |      |       |       |
|----------|---------|------|------|-------|-------|
| REVISION | DETAILS | DATE | DR'N | CHK'D | APP'D |
|----------|---------|------|------|-------|-------|

CLIENT  
**Barford Residents Association**

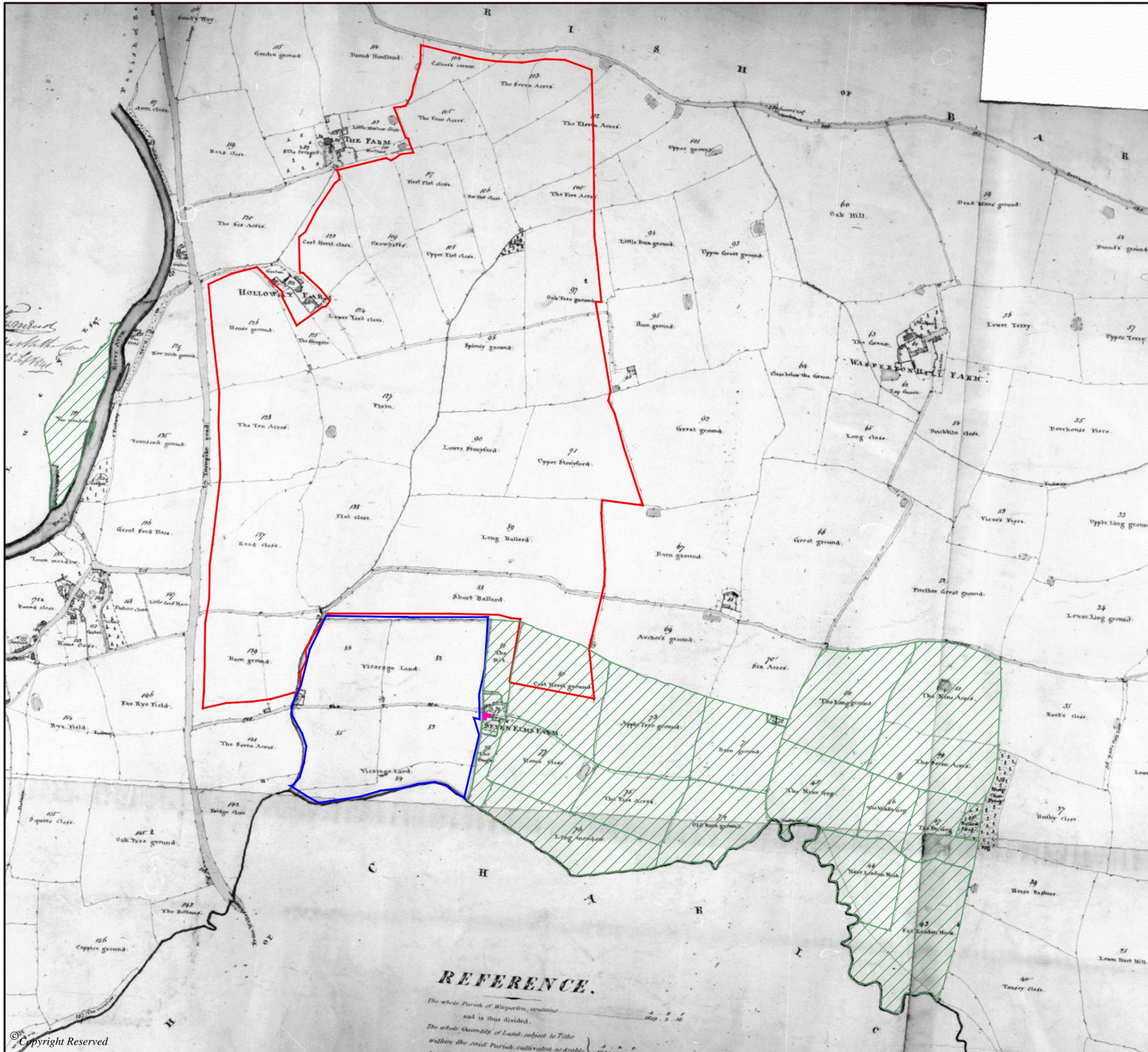
PROJECT  
**Draft Warwickshire Minerals Local Plan -  
Assessment of Proposed Allocations,  
Sites 4 and 5**

DRAWING TITLE  
**Drawing 2  
Historic Maps**

|          |             |             |              |
|----------|-------------|-------------|--------------|
| DRG No.  | ST15937-002 | REV         |              |
| DRG SIZE | A3          | SCALE       | Not to Scale |
|          |             | DATE        | July 2017    |
| DRAWN BY | ACH         | CHECKED BY  | CLD          |
|          |             | APPROVED BY | DFH          |

- CARDIFF    TEL 029 2072 9191    WEB: WWW.WARDELL-ARMSTRONG.COM  
 BIRMINGHAM     CARLISLE     CROYDON     EDINBURGH  
 GLASGOW     LEIGH     LONDON     MANCHESTER  
 NEWCASTLE UPON TYNE     SHEFFIELD     STOKE-ON-TRENT     TAUNTON





DO NOT SCALE FROM THIS DRAWING

**Key**

- Site 4
- Site 5
- Listed Building
- Historic Landholding (shown on Tithe)

|          |         |      |      |       |       |
|----------|---------|------|------|-------|-------|
| REVISION | DETAILS | DATE | DR'N | CHK'D | APP'D |
|----------|---------|------|------|-------|-------|

CLIENT  
**Barford Residents Association**

PROJECT  
**Draft Warwickshire Minerals Local Plan -  
Assessment of Proposed Allocations,  
Sites 4 and 5**

DRAWING TITLE  
**Drawing 3  
Seven Elms  
Historic Landholding**

|          |             |             |              |
|----------|-------------|-------------|--------------|
| DRG No.  | ST15937-003 | REV         |              |
| DRG SIZE | A3          | SCALE       | Not to Scale |
|          |             | DATE        | July 2017    |
| DRAWN BY | ACH         | CHECKED BY  | CLD          |
|          |             | APPROVED BY | DFH          |

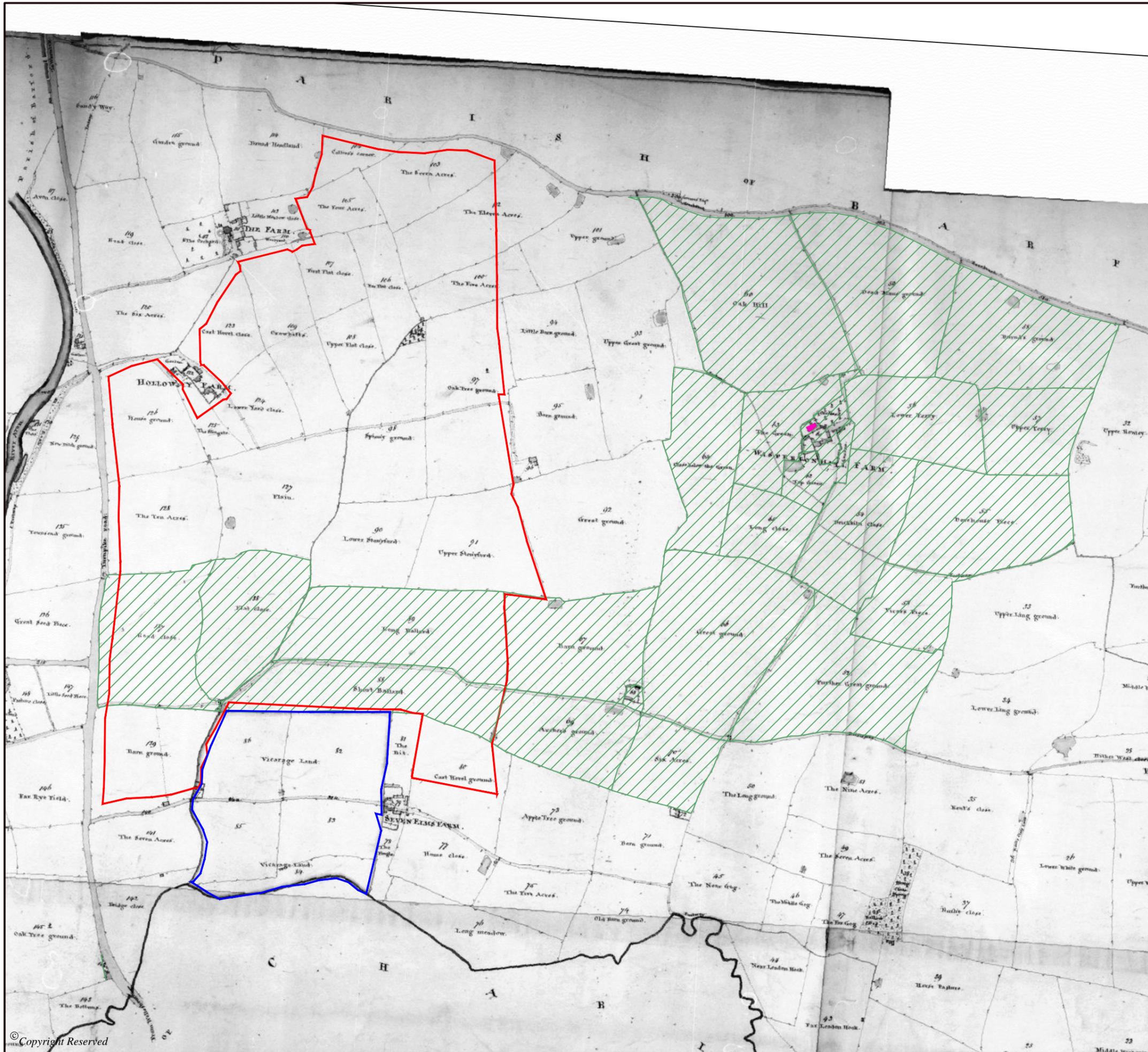
- CARDIFF      TEL 029 2072 9191      WEB: WWW.WARDELL-ARMSTRONG.COM  
 BIRMINGHAM     CARLISLE       CROYDON       EDINBURGH  
 GLASGOW         LEIGH          LONDON       MANCHESTER  
 NEWCASTLE UPON TYNE    SHEFFIELD     STOKE-ON-TRENT    TAUNTON



DO NOT SCALE FROM THIS DRAWING

Key

- Site 4
- Site 5
- Listed Building
- Historic Landholding (shown on Tithe)



| REVISION | DETAILS | DATE | DR'N | CHK'D | APP'D |
|----------|---------|------|------|-------|-------|
|----------|---------|------|------|-------|-------|

CLIENT  
**Barford Residents Association**

PROJECT  
**Draft Warwickshire Minerals Local Plan -  
Assessment of Proposed Allocations,  
Sites 4 and 5**

DRAWING TITLE  
**Drawing 4  
Wasperton Hill House  
Historic Landholding**

|          |             |             |              |
|----------|-------------|-------------|--------------|
| DRG No.  | ST15937-004 | REV         |              |
| DRG SIZE | A3          | SCALE       | Not to Scale |
|          |             | DATE        | July 2017    |
| DRAWN BY | ACH         | CHECKED BY  | CLD          |
|          |             | APPROVED BY | DFH          |

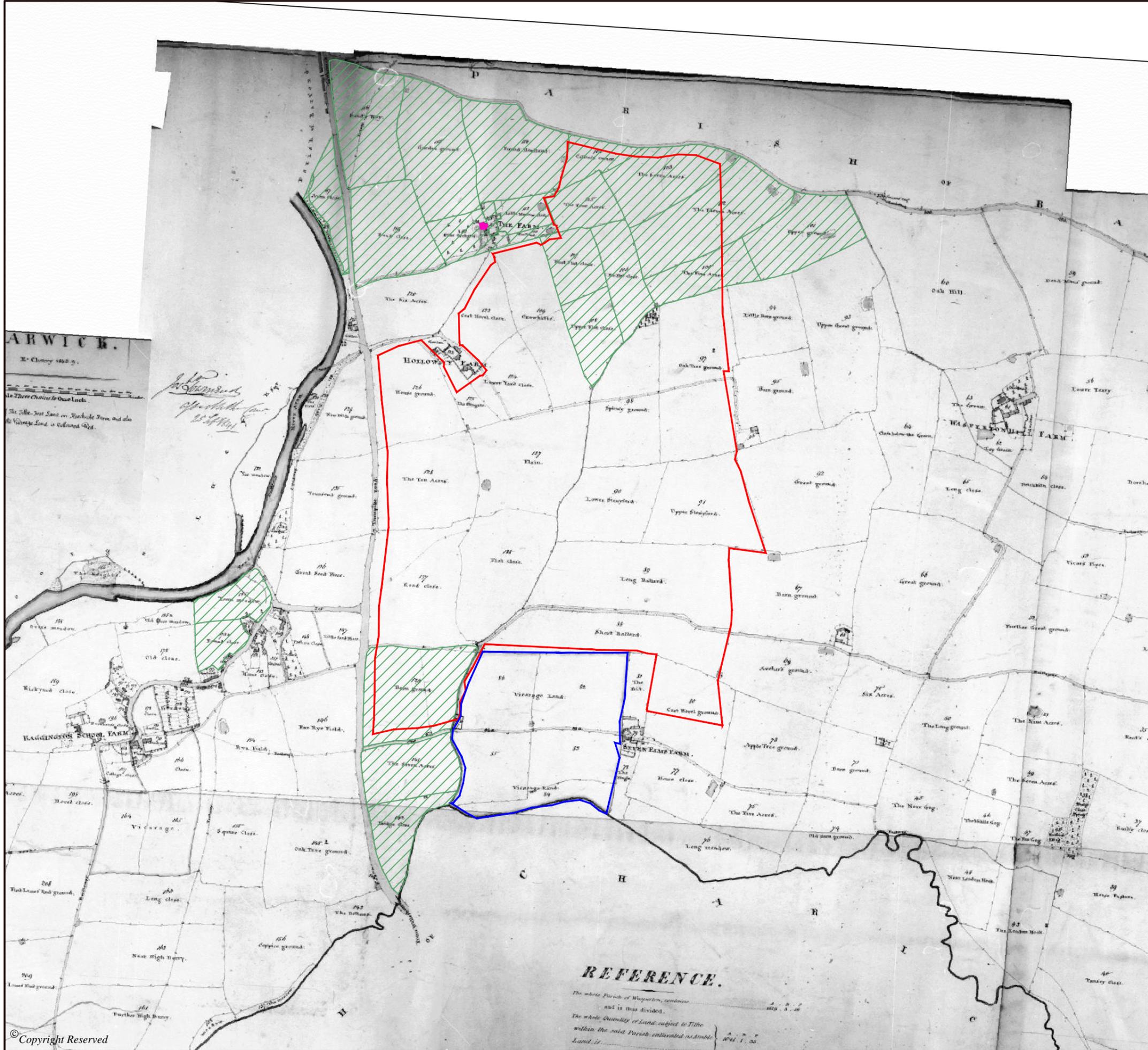
- CARDIFF    TEL 029 2072 9191    WEB: WWW.WARDELL-ARMSTRONG.COM  
 BIRMINGHAM     CARLISLE     CROYDON     EDINBURGH  
 GLASGOW     LEIGH     LONDON     MANCHESTER  
 NEWCASTLE UPON TYNE     SHEFFIELD     STOKE-ON-TRENT     TAUNTON



DO NOT SCALE FROM THIS DRAWING

Key

- Site 4
- Site 5
- Listed Building
- Historic Landholding (shown on Tithe)



|          |         |      |      |       |       |
|----------|---------|------|------|-------|-------|
| REVISION | DETAILS | DATE | DR'N | CHK'D | APP'D |
|----------|---------|------|------|-------|-------|

CLIENT  
**Barford Residents Association**

PROJECT  
**Draft Warwickshire Minerals Local Plan -  
Assessment of Proposed Allocations,  
Sites 4 and 5**

DRAWING TITLE  
**Drawing 5  
Wasperton Farmhouse  
Historic Landholding**

|          |             |             |              |
|----------|-------------|-------------|--------------|
| DRG No.  | ST15937-005 | REV         |              |
| DRG SIZE | A3          | SCALE       | Not to Scale |
|          |             | DATE        | July 2017    |
| DRAWN BY | ACH         | CHECKED BY  | CLD          |
|          |             | APPROVED BY | DFH          |

- CARDIFF      TEL 029 2072 9191      WEB: WWW.WARDELL-ARMSTRONG.COM  
 BIRMINGHAM     CARLISLE       CROYDON       EDINBURGH  
 GLASGOW         LEIGH          LONDON       MANCHESTER  
 NEWCASTLE UPON TYNE    SHEFFIELD     STOKE-ON-TRENT    TAUNTON



**REFERENCE.**  
The whole Parish of Wasperton, containing  
and is thus divided.  
The whole Quantity of Land subject to Tithe  
within the said Parish, calculated according to  
Laws in 1641, 1. 35

wardell-armstrong.com

STOKE-ON-TRENT  
Sir Henry Doulton House  
Forge Lane  
Etruria  
Stoke-on-Trent  
ST1 5BD  
Tel: +44 (0)178 227 6700

BIRMINGHAM  
Two Devon Way  
Longbridge Technology Park  
Longbridge  
Birmingham  
B31 2TS  
Tel: +44 (0)121 580 0909

CARDIFF  
22 Windsor Place  
Cardiff  
CF10 3BY  
Tel: +44 (0)292 072 9191

CUMBRIA  
Marconi Road  
Burgh Road Industrial Estate  
Carlisle  
Cumbria  
CA2 7NA  
Tel: +44 (0)122 856 4820

EDINBURGH  
Great Michael House  
14 Links Place  
Edinburgh  
EH6 7EZ  
Tel: +44 (0)131 555 3311

GLASGOW  
2 West Regent Street  
Glasgow  
G2 1RW  
Tel: +44 (0)141 433 7210

LONDON  
46 Chancery Lane  
London  
WC2A 1JE  
Tel: +44 (0)207 242 3243

MANCHESTER (City Centre)  
76 King Street  
Manchester  
M2 4NH  
Tel: +44 (0)161 817 5038

MANCHESTER (Greater)  
2 The Avenue  
Leigh  
Greater Manchester  
WN7 1ES  
Tel: +44 (0)194 226 0101

NEWCASTLE UPON TYNE  
City Quadrant  
11 Waterloo Square  
Newcastle Upon Tyne  
NE1 4DP  
Tel: +44 (0)191 232 0943

SHEFFIELD  
Unit 5  
Newton Business Centre  
Newton Chambers Road  
Thornccliffe Park  
Chapelton  
Sheffield  
S35 2PH  
Tel: +44 (0)114 245 6244

TRURO  
Baldhu House  
Wheal Jane Earth Science Park  
Baldhu  
Truro  
TR3 6EH  
Tel: +44 (0)187 256 0738

International offices:  
ALMATY  
29/6 Satpaev Avenue  
Regency Hotel Office Tower  
Almaty Kazakhstan  
050040  
Tel: +7(727) 334 1310

MOSCOW  
21/5 Kuznetskiy Most St.  
Moscow  
Russia  
Tel: +7(495) 626 07 67

*your earth our world*





**BARFORD RESIDENTS ASSOCIATION**

**DRAFT WARWICKSHIRE MINERALS LOCAL PLAN – ASSESSMENT OF PROPOSED  
ALLOCATIONS, SITES 4 AND 5**

**LANDSCAPE AND VISUAL CONSTRAINTS REPORT**

**JULY 2017**

**DATE ISSUED: JULY 2017**  
**JOB NUMBER: ST15937**  
**REPORT NUMBER: 002**

**BARFORD RESIDENTS ASSOCIATION**

**DRAFT WARWICKSHIRE MINERALS LOCAL PLAN – ASSESSMENT OF PROPOSED  
ALLOCATIONS, SITES 4 AND 5**

**LANDSCAPE AND VISUAL CONSTRAINTS REPORT**

**JULY 2017**

*This report has been prepared by Wardell Armstrong LLP with all reasonable skill, care and diligence, within the terms of the Contract with the Client. The report is confidential to the Client and Wardell Armstrong LLP accepts no responsibility of whatever nature to third parties to whom this report may be made known.*

*No part of this document may be reproduced without the prior written approval of Wardell Armstrong LLP.*



Wardell Armstrong is the trading name of Wardell Armstrong LLP, Registered in England No. OC307138.

Registered office: Sir Henry Doulton House, Forge Lane, Etruria, Stoke-on-Trent, ST1 5BD, United Kingdom

UK Offices: Stoke-on-Trent, Cardiff, Carlisle, Edinburgh, Greater Manchester, London, Newcastle upon Tyne, Shaftesbury, Sheffield, Taunton, Truro, West Bromwich. International Offices: Almaty, Moscow

ENERGY AND CLIMATE CHANGE  
ENVIRONMENT AND SUSTAINABILITY  
INFRASTRUCTURE AND UTILITIES  
LAND AND PROPERTY  
MINING AND MINERAL PROCESSING  
MINERAL ESTATES  
WASTE RESOURCE MANAGEMENT

## **CONTENTS**

|   |   |    |
|---|---|----|
| 1 | INTRODUCTION .....                        | 1  |
| 2 | BACKGROUND .....                          | 2  |
| 3 | SITE DESCRIPTION .....                    | 4  |
| 4 | KEY LANDSCAPE AND VISUAL CONSTRAINTS..... | 6  |
| 5 | CONCLUSION.....                           | 16 |

## **APPENDICES**

|            |   |
|------------|---|
| Appendix 1 | Extract from Warwickshire Minerals Plan Publication Draft (2016) – Boundaries<br>of Sites 4 and 5 |
|------------|---|

## **1 INTRODUCTION**

- 1.1.1 This report has been produced to outline the key landscape and visual constraints associated with Site 4 (Wasperton) and Site 5 (Glebe Farm, Wasperton) which are proposed site allocations for sand and gravel extraction within the Draft Warwickshire Minerals Local Plan (the 'Draft Plan').
- 1.1.2 The site boundaries are included at Appendix 1.
- 1.1.3 A site visit was undertaken on the 13<sup>th</sup> June 2017 during which the key landscape and visual constraints associated with the sites were identified. A number of photographs were taken during this site visit, which are included within this report where relevant.
- 1.1.4 Please note that this report does not at this stage comprise a full Landscape and Visual Impact Assessment (LVIA).

## **2 BACKGROUND**

### **2.1 Draft Warwickshire Minerals Plan**

- 2.1.1 Warwickshire County Council (WCC) are currently preparing their Mineral Plan. In response to comments received during the latest round of consultation (which concluded in February 2017), WCC are reassessing the Draft Plan and the policies within it.
- 2.1.2 Land to the south of Barford and east of Wasperton is proposed for sand and gravel extraction within the Draft Plan, as Site 4 (Wasperton) under Policy S4, and Site 5 (Glebe Farm, Wasperton) under Policy S5.
- 2.1.3 The sites are located approximately 4.5km south of Warwick, and 6.5km north-east of Stratford-upon-Avon.
- 2.1.4 Site 4 is approximately 85ha in size and located to the south-east of Barford and east of Wasperton. The boundary of Site 4 has been amended (reducing the site area from 110ha) to increase the distance between the site and Barford.
- 2.1.5 Site 5 is approximately 14ha in size and is located to the east of Wasperton, and adjoins the southern boundary of Site 4. The site can only be worked in conjunction with Site 4 and as such would not be a freestanding minerals site.
- 2.1.6 The evidence base for the Draft Plan does not include a landscape assessment. Consideration of landscape and visual impacts is limited to a question on landscape character within the site assessments undertaken as part of the Sustainability Appraisal (SA) produced for the Draft Plan. Both assessments state that there will be a negative outcome for landscape character.
- 2.1.7 Policies S4 and S5 require a 100m standoff between the working area within the sites, and nearby properties (including The Forge Cottage, Wasperton Farm, Holloway Farm, Glebe Farm and Seven Elms).
- 2.1.8 The wording of the policies suggest that the sites could be developed in phases allowing the protection of hedgerows, as well as advanced planting. However, it is considered that in order to create a working area of a size that is operationally viable a substantial amount of hedgerow will still need to be removed, due to the size and shape of the existing fields. In addition hedgerow removal will be required to create access roads between phases, and between Sites 4 and 5.

- 2.1.9 The SA states that due to the size of Site 4, it is considered likely that significant adverse landscape and visual effects will occur as a result of it being worked. In addition, although Site 5 is smaller in size, as it can only be worked in conjunction with Site 4 it is likely that there would be significant adverse cumulative landscape and visual effects. The SA also states that although the policies allow for restoration of the site back to agricultural land using imported inert fill and by lowering the level of the land, permanent negative changes to the landscape are likely to occur.
- 2.1.10 The SA states that the working of Sites 4 and 5 would be likely to have significant adverse landscape and visual effects, which would result in significant effects against SA Objective 5 (to conserve and enhance the quality of the landscapes and townscapes).

### **3 SITE DESCRIPTION**

#### **3.1 Site 4 (Wasperton)**

3.1.1 Site 4 is approximately 85ha in size and located to the south-east of Barford and east of Wasperton. The site is generally flat, with land beyond the site rising in the east and north towards Wasperton Hill and Watchbury Hill respectively.

3.1.2 Site 4 comprises irregular, large agricultural fields in a mixture of pasture and arable cultivation. The fields are divided by hedgerows, with scattered trees on field boundaries and small woodland blocks within the site. A track, designated as a public right of way (bridleway), crosses the southern extent of the site on an east to west orientation, providing access to Marl Pit Cottages to the east of the site.

3.1.3 Site 4 is bound by:

- The A429 to the west, with the River Avon and further agricultural land beyond, which rises steeply from the River Avon;
- Holloway Farm and Wasperton Farm (and associated access tracks) to the north-west, with further agricultural land and Barford beyond;
- Wasperton Lane to the north, with further agricultural land which rises above the site beyond;
- Further agricultural land to the east, which rises above the site; and
- Further agricultural land, Glebe Farm and Seven Elms (including Site 5) to the south.

#### **3.2 Site 5 (Glebe Farm, Wasperton)**

3.2.1 The site is approximately 14ha in size and is located to the east of Wasperton and adjoins the southern boundary of Site 4. The site can only be worked in conjunction with Site 4.

3.2.2 Site 5 is generally flat and comprises four agricultural fields, predominantly pasture, divided by hedgerows and scattered trees. Glebe Farm is located within the site adjacent to the western boundary, and Seven Elms is located immediately adjacent to the east of the site. Site 5 is divided east to west by a track which provides access to Seven Elms Farm and Seven Elms Barn, and is also designated as a Public Right of Way.

3.2.3 Site 5 is bound by Thelsford Brook and the adjacent tree belt to the south, and Seven Elms Farm and Seven Elms Barn to the east with further agricultural land beyond. To

the north and the west Site 5 is bound by further agricultural land (the land to the north is located within Site 4).

### 3.3 Landscape Character Assessments

3.3.1 The sites are located within National Character Area (NCA) 106: Severn and Avon Vales<sup>1</sup>, adjacent to the boundary with NCA 96: Dunsmore and Feldon<sup>2</sup>.

3.3.2 Natural England describes NCA 106 as follows: *“Woodland is sparse and it is a generally open landscape... On the eastern boundary the area flows more subtly into the Arden and Dunsmore and Feldon NCAs... the Warwickshire River Avon meanders over a wide flood plain...”* Natural England also highlight the important cultural associations of NCA 106, due to the *“sense of history which is internationally important due to its links with Shakespeare.”*

3.3.3 Natural England describes NCA 96 as a *“predominantly a rural, agricultural landscape, crossed by numerous small rivers and tributaries... open character in the Feldon area”*.

3.3.4 The Warwickshire Landscapes Guidelines (1993) identified Regional Character Areas within the county. The sites are located within the Avon Valley, described as *“a prosperous agricultural and market gardening region closely associated with the river Avon and characterised by historic market towns, nucleated villages and orchards.”*

3.3.5 The Guidelines also identify Local Landscape Types within each Regional Character Area. Site 5 and the majority of Site 4 are located within Terrace Farmlands, described as a *“flat, open, intensively farmed landscape, with market gardening, on fertile river terrace soils”*. The western edge of Site 4 is located within River Meadowlands, described as a *“narrow, meandering river corridors landscape, with flood meadows and steep, wooded river bluffs”*.

---

<sup>1</sup> <http://publications.naturalengland.org.uk/publication/1831421?category=587130>

<sup>2</sup> <http://publications.naturalengland.org.uk/publication/4878893332824064?category=587130>

## **4 KEY LANDSCAPE AND VISUAL CONSTRAINTS**

### **4.1 Landscape Constraints**

- 4.1.1 The sites are located within a rural landscape that is generally intact. Individual elements are in good condition, with mature trees located on field boundaries and the majority of land in productive agriculture. Development is generally limited to individual farmsteads and scattered villages, which are rural in character and generally unaffected by urban influences. Stratford-upon-Avon is located approximately 6.5km south-west of the sites. The M40 is located approximately 1.9km north-east of the sites, with more densely developed areas on the edge of Warwick beyond. However there is no inter-visibility between the M40, or the edge of Warwick, and the sites, and therefore the landscape character is not considered to be influenced by these urban features.
- 4.1.2 The landscape character of the sites is considered to be representative of the relevant national and local landscape character assessments, as the sites (particularly Site 4) occupy the majority of the River Avon valley between Barford and Thelsford Brook. The River Avon is located to the west of the sites, with land rising up steeply beyond, and land to the east of the sites rises up on the eastern side of the valley. There are some effects on the tranquillity of the landscape due to vehicle movements on the A429, however these are very localised. The landscape also has cultural associations. The landscape of NCA 106 has important historic links with Shakespeare. Shakespeare's Avon Way is a long-distance footpath located approximately 1.5km west of the sites, as it extends south-west from Warwick to Stratford-upon-Avon. The footpath is located on higher ground on the western side of the River Avon, with users of the footpath experiencing views of the sites.
- 4.1.3 It is considered that the local landscape is of good quality and high value. Inter-visibility between the sites and surrounding landscape is increased by the sites' location within the broad valley of the River Avon, with raised land to the north, east and west of the site. It is therefore considered that the susceptibility to change of the site to mineral extraction is high. Therefore, it is considered that the sensitivity of the landscape to mineral extraction is high.
- 4.1.4 It is suggested within the policies that phasing would be used to reduce the impact of extraction, and potentially retain hedgerows. However it is considered likely that a significant amount of hedgerows and trees would still be lost, in order to create

operational access between phases. Thus extraction within Sites 4 and 5 would lead to a substantial loss of elements that contribute to the landscape character of the area.

- 4.1.5 A large section of the River Avon valley would be converted from agriculture to a mineral extraction site. No existing extraction, or other large scale commercial or industrial operations, have been identified within the local area and the mineral working would be out of character with the existing landscape.
- 4.1.6 Although operations within the site would not be permanent, it is considered that extraction activities and the subsequent restoration would be of a long enough duration for the effects to be considered long term. In addition, as acknowledged within the SA, there would be permanent negative effects on the landscape following restoration of the site. The sites would be restored for agriculture, but the landscape would no longer be intact; the topography of the site will have been altered and key landscape features, such as mature hedgerows and trees, lost.
- 4.1.7 Phasing of the extraction could reduce the geographical extent of the effects experienced at any one time, however it is considered large areas would still be affected due to the inter-visibility across the site and surrounding area.
- 4.1.8 Therefore, it is considered that the magnitude of change to the landscape, as a result of mineral extraction with Sites 4 and 5, would be high, and as such there would be substantial significant adverse effects on the landscape character of the sites and surrounding area. This is in line with the conclusions of the SA produced in support of the Draft Plan.

## **4.2 Visual Constraints**

- 4.2.1 As the site visit was undertaken during summer, the visual effects described below may be higher in winter when screening provided by vegetation is reduced.
- 4.2.2 All views towards the sites are currently of open agricultural land, and therefore the majority of views would experience a high magnitude of adverse change if extraction was undertaken within the site.
- 4.2.3 Site 4 is a large, open site although views are filtered by the scattered trees on field boundaries and small woodland blocks. Site 5 has high visual prominence, as it is open and flat. Screening elements are generally limited to individual trees on field

boundaries, and the tree belt adjacent to Thelsford Brook on the southern site boundary.

- 4.2.4 Both sites are generally flat, located at the bottom of the River Avon valley. The surrounding land rises to the north and east, and to the west beyond the river, providing vantage points from which panoramic views of the site are available. As such there a large number of receptors that would experience adverse impacts as a result of extraction activities within the sites.
- 4.2.5 As stated within Section 4.1 above, Shakespeare’s Avon Way (a long-distance footpath) is located approximately 1.5km west of the site at the closest point. It is elevated above the site, on higher topography that slopes steeply up from the River Avon. Hedgerows adjacent to the footpath screen the majority of views, however views of the site within the valley are available from gaps in these hedgerows, as illustrated in Figures 1 and 2 below. Views of the site are partially screened by intervening vegetation, however plant and machinery would be visible above the existing vegetation. In addition the removal of vegetation within the site would adversely affect views, and reduce the amount of screening provided.



**Figure 1 View from Shakespeare's Avon Way across the River Avon valley. The River Avon is visible in the middle distance. The sites are located in the far distance, partially screened by intervening vegetation. The rising land on the opposite side of the valley, beyond the sites, is visible in the far distance.**



**Figure 2 View from Shakespeare's Avon Way across the valley. The River Avon is visible in the middle distance. The sites are located across the far distance, partially screened by intervening vegetation. The rising land on the opposite side of the valley, beyond the sites, is visible in the far distance.**

- 4.2.6 There is a bridleway located within the southern section of Site 4, and a footpath within the centre of Site 5, both of which extend east from the A429 through the sites. Open views of the sites are available from both of these PRoW (as illustrated on Figures 3 and 4 below), due to the flat topography. Limited screening is provided by hedgerows and trees on field boundaries within the site. It is assumed the ProWs would remain in situ throughout operation as they provide access to Marl Pit Cottages, Seven Elms Farm and Seven Elms Barn, and therefore users of these PRoW would experience significant adverse visual effects during extraction and restoration. If the PRoW are diverted, then it is anticipated views of the extraction would still be available due to the nature of the landscape. Bunds may well screen views of extraction activities, however these would adversely affect the long distance views of an open landscape that are currently available.



**Figure 3 View from bridleway within Site 4, looking towards eastern site boundary. Wasperton Hill Farm (beyond site) visible left of far distance.**



**Figure 4 View from the footpath in the centre of Site 5 looking north towards Site 4. The field boundary visible in the far distance is the boundary between Sites 4 and 5.**

- 4.2.7 There is also a footpath to the north-east of the sites, on Wasperton Hill. Open views across Site 4 towards Site 5 are available from this footpath (as illustrated in Figure 5 below). It is unlikely that views of extraction could be effectively screened from this location, due to its elevated location above the sites. Therefore, users of this footpath would experience significant adverse effects.



**Figure 5 View from footpath on Wasperton Hill, looking south-west across Site 4 towards Site 5.**

- 4.2.8 The A429 is adjacent to the west of Site 4. At the time of the survey views of the site from this road were generally screened by hedgerows adjacent to the road (see Figure 6), however views across the site are likely to be available when these hedgerows are cut and during the winter period. In addition, views of plant, vehicles and bunds may be available above the hedgerows. Therefore users of this road would be adversely affected by the extraction activities.
- 4.2.9 Wasperton Lane is a rural lane extending east from Barford, and is located adjacent to the northern boundary of Site 4. Screening is also provided by hedgerows adjacent to the road, although there are gaps through which open views are available. Due to the current tranquil nature of this lane, and its intact rural character, it is considered there would be substantial adverse effects on its character as well as the visual amenity of this lane.



**Figure 6 View from the A427 adjacent to The Forge Cottage looking south-east. The signs visible centre-right of the middle to far distance are located on the north-west corner of Site 4. Land beyond this is located within Site 4.**

- 4.2.10 There a number of residential properties adjacent to the sites, including Holloway Farm and Wasperton Farm, (adjacent to the north-west boundary of Site 4); Glebe Farm (located within Site 5, adjacent to the western boundary); and Seven Elms Farm and Barn (located adjacent to the eastern boundary of Site 5).
- 4.2.11 Open views across the sites are available from the majority of these properties (see Figures 7 and 8) particularly from upper floor windows. Views are also available from ground floor windows, which are considered to be of high sensitivity.
- 4.2.12 It is assumed bunds would be placed on the boundaries of the worked area, providing screening of extraction activities. However due to the proximity of these properties to the site, and the flat nature of the site, views would still be available from upper floor windows and an extensive stand-off from the properties would be required to reduce these visual effects. The policy approach is for a 100m buffer will be required between properties and the worked area, however views from the upper floor windows extend well beyond 100m (as illustrated by Figure 8). Therefore it is considered a 100m buffer would not be sufficient to screen views of extraction from adjacent properties, and properties adjacent to the site would experience significant adverse effects.



**Figure 7** View from access track between Holloway Farm and Wasperton Farm, on the north-west boundary of Site 4. Site 4 is visible across view, with the edge of Holloway Farm visible far right of view.



**Figure 8** View from upper floor of Seven Elms Farm looking north-west across Site 5 towards Site 4. Holloway Farm (located 900m from the viewpoint) is visible far right of the far distance.

- 4.2.13 The Forge Cottage is located on the A429, approximately 60m north-west of Site 4 (see Figure 6). Whilst the property is enclosed by vegetation, there is a gap in vegetation at the entrance, and views may be available from upper floor windows here towards the northern section of Site 4.
- 4.2.14 The village of Wasperton is located to the west of the sites, on the opposite side of the A429. It is considered that ground floor views from properties in this village would generally be screened by intervening vegetation, however views of the site from upper floor windows may be experienced. Therefore properties in Wasperton may be adversely affected.
- 4.2.15 Site 4 was previously revised within the Draft Plan, amending the boundary in order to increase the distance between the site and Barford. However it is likely that properties on the southern edge of Barford could still experience views due to the flat landscape, with only partial screening provided by intervening vegetation (see Figure 9). Therefore it is likely that properties in Barford could experience adverse effects.



**Figure 9 View from southern edge of Barford (south of properties located east of Wellesbourne Road) towards the north-west boundary of Site 4. Wasperton Farm and Holloway Farm are visible left and centre-right of far distance, with Site 4 located immediately beyond them.**

- 4.2.16 There are a number of individual properties on the rising land to the north of Site 4, including Middle Watchbury Farm and Lower Watchbury Farm. It is likely that views

of the site will be available from these properties due to their elevated location. Views of the site will also be available from Wasperton Hill Farm, located on elevated land to the north-east of Site 4, as illustrated by Figure 10 which shows that the property overlooks the site. Therefore these properties will also experience adverse effects.



**Figure 10 View from bridleway within Site 4. Wasperton Hill Farm is visible centre-right of far distance, overlooking the site.**

## 5 CONCLUSION

- 5.1.1 Sites 4 and 5 are located within the River Avon valley and are rural in character, comprising productive agricultural land divided by mature hedgerows with scattered hedgerow trees. The villages of Barford and Wasperton are located to the north and west of the sites respectively, and the A429 is located adjacent to the western boundary of Site 4. The settlement pattern is dispersed with scattered farmsteads and properties, a number of which are adjacent to the site boundaries. The sites are generally flat, with land rising to the west, north and east, increasing the inter-visibility of the sites with the surrounding area.
- 5.1.2 Due to the proposed major loss of key landscape features and the introduction of new, incongruous features that would affect the currently intact rural character of the area it is considered that mineral extraction within Sites 4 and 5 would have significant adverse effects on landscape character.
- 5.1.3 The sites have high visibility due to their size and flat topography. The sites are generally open, with limited screening provided by vegetation within the site. Therefore receptors in the surrounding area (often at a higher elevation) would experience significant adverse visual effects as a result of mineral extraction within Sites 4 and 5.
- 5.1.4 It is considered that measures recommended within Policies S4 and S5, including phasing of extraction and 100m buffers to nearby properties, would not be sufficient to prevent significant adverse effects on landscape character and visual amenity.
- 5.1.5 It is concluded that sand and gravel extraction within Sites 4 and 5 would have significant adverse effects on landscape character and visual amenity, which it would not be possible to mitigate, predominantly due to the sensitivity of the existing landscape character and the size and scale of the sites.
- 5.1.6 This conclusion is in line with the SA undertaken for the Draft Plan, which states that the working of Sites 4 and 5 would be likely to have significant adverse landscape and visual effects. Therefore the working of Sites 4 and 5 would result in significant adverse effects against SA Objective 5 (to conserve and enhance the quality of the landscapes and townscapes).

**Appendix 1**  
**Extract from Warwickshire Minerals Plan Publication Draft (2016)**  
**Boundaries of Sites 4 and 5**

wardell-armstrong.com

STOKE-ON-TRENT  
Sir Henry Doulton House  
Forge Lane  
Etruria  
Stoke-on-Trent  
ST1 5BD  
Tel: +44 (0)178 227 6700

BIRMINGHAM  
Two Devon Way  
Longbridge Technology Park  
Longbridge  
Birmingham  
B31 2TS  
Tel: +44 (0)121 580 0909

CARDIFF  
22 Windsor Place  
Cardiff  
CF10 3BY  
Tel: +44 (0)292 072 9191

CUMBRIA  
Marconi Road  
Burgh Road Industrial Estate  
Carlisle  
Cumbria  
CA2 7NA  
Tel: +44 (0)122 856 4820

EDINBURGH  
Great Michael House  
14 Links Place  
Edinburgh  
EH6 7EZ  
Tel: +44 (0)131 555 3311

GLASGOW  
2 West Regent Street  
Glasgow  
G2 1RW  
Tel: +44 (0)141 433 7210

LONDON  
46 Chancery Lane  
London  
WC2A 1JE  
Tel: +44 (0)207 242 3243

MANCHESTER (City Centre)  
76 King Street  
Manchester  
M2 4NH  
Tel: +44 (0)161 817 5038

MANCHESTER (Greater)  
2 The Avenue  
Leigh  
Greater Manchester  
WN7 1ES  
Tel: +44 (0)194 226 0101

NEWCASTLE UPON TYNE  
City Quadrant  
11 Waterloo Square  
Newcastle Upon Tyne  
NE1 4DP  
Tel: +44 (0)191 232 0943

SHEFFIELD  
Unit 5  
Newton Business Centre  
Newton Chambers Road  
Thornccliffe Park  
Chapeltown  
Sheffield  
S35 2PH  
Tel: +44 (0)114 245 6244

TRURO  
Baldhu House  
Wheal Jane Earth Science Park  
Baldhu  
Truro  
TR3 6EH  
Tel: +44 (0)187 256 0738

International offices:  
ALMATY  
29/6 Satpaev Avenue  
Regency Hotel Office Tower  
Almaty Kazakhstan  
050040  
Tel: +7(727) 334 1310

MOSCOW  
21/5 Kuznetskiy Most St.  
Moscow  
Russia  
Tel: +7(495) 626 07 67

*your earth our world*





# Department of the Environment

Room C16/01a  
2 Marsham St  
London SW1P 3EB

Direct Line 071 276 -0596  
Divisional Enquiries 071 276 -3948  
Fax Number 071 276 -3936  
GTN Code 276

Your ref

Messrs Dennis Faulkner & Alsop  
32 Market Square  
Northampton  
NN1 2DQ

Our ref

Date

21 December 1993

Dear Sir or Madam

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 78  
APPLICATION BY PIONEER AGGREGATES (UK) LTD  
LAND AT WASPERTON HILL FARM, WASPERTON, NEAR BARFORD, WARWICKSHIRE**

1. I am directed by the Secretary of State to refer to the judgment of the Court of Appeal of 16 October 1992, in the matter of Charles John Cadogan's application to quash the decision of the Secretary of State for the Environment contained in his letter dated 13 November 1989. The Court of Appeal ordered that the Secretary of State's decision be quashed on account of the interpretation of Policy G4 of the Warwickshire Structure Plan and the appeal therefore falls to be re-determined. In accordance with Rule 18 of the Town & Country Planning (Inquiries Procedures) Rules 1992 (S.I. 1992/2038) further representations were invited by the Secretary of State by his letters of 2 December 1992, 3 February 1993 and 5 July 1993 respectively.

2. In re-determining this appeal, the Secretary of State has considered all the representations he has received, and all material considerations. He has also considered afresh the report of the Inspector who conducted the Public Local Inquiry, Mr J L S Whalley CENG MICE.

3. The Secretary of State recognises that appropriate weight must be given to any relevant national policy, development plan policy and other planning guidance. In particular, as set out in Section 54A of the Town & Country Planning Act 1990, he is aware that the case must be re-determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.



4. The national policies he has had regard to are contained in Planning Policy Guidance Notes (PPGs) and Mineral Planning Guidance Notes (MPGs), in particular Mineral Planning Guidance Note 6 (MPG6). He has also had regard to the draft revision of MPG6 which was published for consultation on 4 January 1993, but he has accorded it little weight in view of its status, as a draft and subject to amendments. The existing MPG6 remains the policy until a new MPG6 is published.
5. He has also had regard to the judgment of the High Court in *Mid Essex Gravel Pits (Chelmsford) Ltd vs Secretary of State for the Environment and Essex County Council* on 6 February 1992 [1993] JPL 229.
6. The Secretary of State has considered the relevant development plan policies. He takes the view that the policies pertinent to this proposal are contained in the Warwickshire Structure Plan Alterations approved in September 1991: G4, IC23 and IC24.
7. Policy G4 of the Structure Plan states:

"Wherever possible, derelict land or land of no agricultural value will be used for development. Where agricultural land is used, the best and most versatile land, which in Warwickshire includes Grade 3A in addition to Grades 1 and 2 of the MAFF classification, should not be built upon unless there is no other site suitable for the particular purpose. Where agricultural land is used for development, consideration will be given to minimising the effect of the development on the viability of individual farms".
8. Policy IC23 states:

"Warwickshire's appropriate contribution to local, regional and national mineral needs will be maintained whilst minimising disturbance to the environment and the effect on agriculture. Proposals to extend, or create, new workings or processing areas will be considered in the light of these needs".
9. Policy IC24 states:

"The County Council will aim to maintain a landbank of permitted reserves of aggregates in accordance with the latest national and regional guidelines; for sand and gravel this will be equivalent to at least 10 years production. In calculating the landbank, regard will be paid to the average production level of the previous three years, to any estimated change in demand which has been agreed by the West Midlands Aggregates Working Party, and to total reserves with planning permission within the County. Encouragement will be given to the use of alternatives to excavated sand, gravel and rock".
10. The Secretary of State also takes the view that Policy M4 in the draft Warwickshire Minerals Local Plan, is also a material consideration (although not part of the development plan). Policy M4 of the draft Warwickshire Minerals Local Plan states:

"On the basis of known mineral reserves and environmental restraints, areas have been defined on the proposals map as 'Areas of Search' and 'Preferred Areas'. Permissions will normally only be given within these areas. It does not follow that all applications within these areas will be acceptable".

11. However, this policy is given less weight than the policies in the Structure Plan as the policy has not yet been adopted and there are objections. The public local inquiry into the draft local plan closed on 5 April 1993.

12. In relation to policy G4 the Secretary of State notes that about half of the site contains land of the best and most versatile quality and that the proposals would involve the permanent loss of some 19 ha of grade 3a land (IR.Para 67), and that, in accordance with policy G4, this land should not be built upon unless there is no other site suitable for the particular purpose. However the Secretary of State considers that if there are material considerations which indicate that the site should not be built upon, even if there is no other site suitable for the purpose, then it is unnecessary to consider whether there are other suitable sites. In considering this, the Secretary of State will look at a number of issues which he considers to be relevant - see para 16 below.

13. With regard to policy IC23, the Secretary of State takes the view that it is necessary to consider the need for the mineral from this site so as to ensure compliance with the development plan. He takes the view that in present circumstances there are permitted reserves of some 18 million tonnes of sand and gravel (See para 25) and that the sub regional apportionment for Warwickshire, apportioned from the regional guidelines outlined in Annex A of MPG6, is 19.14mt. He notes that this provision is for the period to 2006. In his view, the mineral supply that would be released by the proposed development would be useful but not critical for the fulfilment of policy IC23. In any event it is necessary to consider whether there are environmental objections raised by the proposal as the policy refers to the need to minimise disturbance to the environment. This matter is considered further at para 19.

14. In respect of policy IC24, the Secretary of State accepts that the landbank should be calculated on the basis set out by the policy. However, he notes that MPG 6 refers to the expected trend in demand not an estimated change in demand. But in the light of the judgement of the High Court in the Mid Essex Gravel Pits case referred to at para 5, a wider range of considerations has to be examined. These are discussed at para 20 et seq.

15. With regard to the draft Minerals Local Plan, the Secretary of State notes that the appeal site is shown on the "Distribution of Minerals Map 2" as being within the category "Minerals Planning Permissions within Warwickshire - Current and Approved". The plan does not identify the appeal site as an "Area of Search" but the Secretary of State feels that it would be unreasonable to disregard it on this count, in accordance with Policy M4, given that the appeal site was subject to consideration for development for mineral extraction at the time the plan was drawn up. He is also aware that the northern boundary of Area of Search SG15 is

contiguous with the southern boundary of the appeal site and that it would be likely that similar considerations would apply to both. The Secretary of State therefore regards the fact that the site could well have been included within an "Area of Search" as a material consideration. But he notes that not all applications within these areas would be acceptable.

16. Following this examination of the relevant development plan policies, the Secretary of State concludes that the policies provide a useful guide for the consideration of the appeal but do not clearly indicate whether permission should or should not be granted. It is necessary to consider whether there are other material considerations. The Secretary of State takes the view that it is necessary to consider first whether there are environmental objections to the proposed development and secondly if there are objections whether these are overridden by the need for the development. Finally, if there is a need for the development, whether that need can be met from another more suitable site (see para 42).

17. On the basis of figures dated 1 January 1989, the Inspector concluded that permitted reserves of sand and gravel were 5.12mt as against a requirement to the end of 1998 of 17.97mt. He concluded that there was no 10 year land bank, the minimum that Circular 21/82 advised should be maintained. (Circular 21/82 was replaced by MPG6 in 1989). In the light of this conclusion the Inspector set out his 'Overall View' on the issues before him (IR.Para 235).

"In my opinion, the accumulation of objections I have identified under the heading of visual intrusion, and to a lesser extent of agriculture, hydrology and others do not, if taken with the weight to be accorded to my assessment of the 10 year landbank situation, amount to sufficient reason to turn this appeal down".

18. And he recommended that the appeal be allowed. In his letter of 13 November 1989, the Secretary of State agreed with the Inspector that the appeal be allowed. It is now necessary to consider the balance of issues raised in the Inspectors Report afresh. As indicated in para 16, it is necessary to consider whether there are environmental objections and the need for the mineral in the light of the latest information relating to the permitted reserves of sand and gravel and the requirement for sand and gravel.

19. First on the issue of whether there are objections to your clients' proposed development, the Inspector examined a number of objections (IR.Paras 207-231). The Secretary of State concurs with these. He agrees in particular that visual intrusion would be created, and he agrees with the Inspector's view that the site makes a positive contribution to the pleasant countryside extending either side of the River Avon south of Barford. He also agrees that during the life time of the scheme, there would be some material harm to the appearance of the locality. The Secretary of State also notes that the site includes land of the best and most versatile quality, some of which would be permanently lost to agriculture, and that it is an objective of Policy G4 to minimise

the development of this land. The Secretary of State takes the view that these are significant objections and it is necessary in the light of these to consider the need to work the mineral.

20. In the light of the judgment of the High Court in respect of *Mid Essex Gravel Pits vs Secretary of State for the Environment and Essex County Council* [1993] JPL 229, the Secretary of State has considered further representations received from your clients, Warwickshire County Council and others on the following matters:

a. the reality of the present supply of aggregates in the County of Warwickshire over the next 10 years having regard to any physical constraints and any restrictions imposed by planning conditions.

b. Whether there is a real need for new supplies of sand and gravel at the present time.

21. With regard to the reality of the present supply over the next 10 years, the Secretary of State has noted the assessment of the County Council contained in their 'Information' which was made available to interested parties. This indicates that there are, in 1993, permitted reserves of approximately 18mt of sand and gravel (See para 25). They have indicated in their 'Information' a number of possible constraints to increased production such as hours of operation, and the rate of restoration. However, footnote 2 indicates that the County Council do not accept that these 'possible constraints' are actual constraints.

22. In addition, the County, in the table at para 5 of their 'Information' present data on the production achievable over the period 1994 - 2003 without exceeding the Industry's anticipated annual production levels. The Council concludes that a production figure in the region of 12mt is achievable over the 10 years.

23. The Secretary of State has noted that the 'Information' submitted by the County Council was followed by a letter dated August 20, 1993. This letter commented on the 'Information' but in the Secretary of State's view it did not provide any new material that it was necessary for him to take into account in reaching a decision on the matter before him. He has therefore relied on the 'Information' and his interpretation of it in reaching a decision in this case.

24. Your letter of August 13, 1993 enclosed the further representations of your clients, Pioneer Aggregates, to the 'Information' submitted by the County Council. These representations make a number of points. First that the figures for reserves set out in the County Council's further representations are those at the time of consent rather than at present. Secondly that a substantial proportion of these reserves will not be available over the next 10 years because of a number of constraints on output and thirdly that the reserves comprise material which is different from concreting sand and gravel and not interchangeable with it. Your clients conclude that the County Council's assessment does not show the 'reality of supply'. And they contend that a practical realistic assessment would have given figures closer to 0.77mt p.a. for most of the relevant period, that

is to say a total of 7.7mt over the period 1994-2003.

25. The first point to consider is the present level of permitted reserves. The Secretary of State notes that the sum of the reserves at the date of planning consent according to Column 2 of the table at paragraph 4 of the County Council's 'Information' is approximately 21.4 million tonnes. He also notes that by using the data contained in Column 2 of the table at paragraph 4 of the County Council's 'Information' and deducting recent assumed annual production (Col 3 of the table) a total supply in 1993 of approximately 18 million tonnes of sand and gravel can be established. In the light of the presented information, the Secretary of State takes the view this is a reasonable assessment of the present permitted reserve position in Warwickshire, that permitted reserves of sand and gravel are in the order of 18mt.

26. The Secretary of State also notes the County Council's view that without exceeding the Industry's anticipated annual production levels, some 12mt of sand and gravel could be produced over the next 10 years. He takes the view that the production levels which have been identified by the industry are not planning constraints.

27. The second matter to be addressed is the extent to which the consented reserves identified by the County Council are constrained and thus do not constitute a 'real' supply. In the light of the judgment of the High Court in respect of Mid Essex Gravel Pits vs the Secretary of State for the Environment and Essex County Council, the Secretary of State has considered carefully the reality of the present supply of aggregates and the factors that might constrain such a supply. In the Secretary of State's view once a planning consent has been granted, operators should be free to adjust output to respond to market conditions. Conditions controlling output should therefore only be imposed in exceptional circumstances. In the absence of an output condition, constraints on supply in any given period are only likely to arise in a limited number of circumstances. For example, where precise restrictions are imposed in planning conditions, such as the number of lorries leaving the site; or where physical characteristics limit the amount of material which can be extracted; or where production of material is limited by major infrastructure constraints; or where production is dominated by one outlet. In the Secretary of State's view, market conditions, or minor elements of plant infrastructure which could be changed are not reasons to exclude consented reserves from the reserves figures to be used in landbank calculations. The Secretary of State notes that of the 10 quarries listed in the 'Information' only 2 have lorry movement restrictions and that no one site has a dominant level of production. In the light of these views and the 'Information' received from the County Council and your clients, the Secretary of State takes the view that there are no significant physical or planning constraints which would materially inhibit output overall.

28. In the third place your clients argue that the reserves figure includes material which is different from concreting sand and gravel and not interchangeable with it. In this respect, your clients refer to the production of dry screened building sand and other material of poor quality. Your clients argue that this material should be excluded from any assessment of 'real' supply.

29. The Secretary of State does not dispute the fact that soft (building) sand and sharp (concreting) sand and gravel may have different end uses, and that poor quality material may need processing before it can be marketed for certain purposes, however, he does not believe it is necessary to separate them into different categories for the purpose of calculating landbanks. This is because in the Secretary of State's view in the present case the landbank consists of sand and gravel aggregates and not specifically concreting sand and gravel. The Secretary of State is therefore not persuaded of your clients' arguments on this point. He has however had some regard to this point when considering the weight that should be accorded to the landbank (para 39).

30. The Secretary of State takes the view therefore that there is at present a real supply of sand and gravel aggregates in Warwickshire of 18mt. He accepts the County Council's view that without exceeding the Industry's anticipated annual production levels, some 12mt of sand and gravel could be produced over the next 10 years. He concludes therefore that there is at present a real supply of sand and gravel aggregates in Warwickshire of between 12 mt and 18 mt.

31. It is now necessary to consider whether there is a real need for new supplies of sand and gravel at the present time. In the Secretary of State's view, the landbank policy as set out in MPG6 paras 33-40, provides the basis for assessing the need.

32. In their representations, the County Council have assessed the landbank requirement in accordance with para 36 of MPG6, and that on this basis, the minimum landbank requirement is 8.5mt, (Paragraph 2 of the 'Information').

33. Your clients representations draw attention to Structure Plan Policies IC23 and IC24 and they argue that the "appropriate contribution to local, regional and national mineral needs referred to in Policy IC23 is represented by the production requirement for Warwickshire as set out in paragraph 3 of the County Council's 'Information'". Paragraph 3 is the 'apportionment' made by the West Midlands Regional Aggregates Working Party (RAWP) of the guideline figures included in MPG6. Your clients argue that the approach adopted by the County Council is artificial and unrealistic and that this will lead to a landbank requirement which is depressed and to a wide divergence from the figures agreed by the West Midlands RAWP. It is also argued that the approach is contrary to the County Council's own policies namely Structure Plan Policy IC24 which specifically states that the County Council "will aim to maintain a landbank of permitted reserves of aggregates in accordance with the latest national and regional guidelines".

34. Your clients also draw attention to the statement by Mr Chope in 1989, to MPG1, and to the revised demand forecasts produced by consultants for the DOE in the connection with the revision of MPG6. All these matters lead your clients to conclude that at the very least the sub regional apportionment should be used as the basis for calculating the landbank requirement rather than the average of the last 3 years production.

35. In considering this matter, the Secretary of State takes the

view that a distinction needs to be made between the figures which are used for the preparation of development plans and those used to calculate the landbank. The guideline figures for the West Midlands Region derive from MPG6 Annex A. The sub regional apportionment is an indicative figure produced by the West Midlands RAWP essentially for use by planning authorities in the preparation of development plans. In the Secretary of State's view it would be inappropriate to use it as a basis for the landbank calculation because it has not been subject to scrutiny in the development plan process. The Secretary of State therefore rejects your clients' view on this point. He does however accept that the sub regional apportionment is a material consideration which should be examined in assessing the balance between need and supply.

36. The Secretary of State has noted your clients' point made about Structure Plan Policy IC24. He takes the view that the proper interpretation of IC24 is that the County Council will maintain a landbank of 10 years calculated in accordance with MPG6 and not that the landbank will be in accordance with the sub regional apportionment.

37. In the Secretary of State's view, landbanks should be calculated on the basis of the policy as set out in MPG6. In this regard, the Secretary of State accepts the view of the County Council that the landbank indicates a requirement of some 8.5mt over the next 10 years. In the light of the judgment of the High Court in respect of Mid Essex Gravel Pits vs the Secretary of State for the Environment and Essex County Council, the Secretary of State accepts that it is necessary to have regard to the reality of need.

38. In the view of the Secretary of State, the assessments of real need and real supply are inevitably an inexact science. It is not the intention that these assessments should be carried out with fine precision. They are no more than an aid to reaching sensible decisions on a planning proposal.

39. In this case, the Secretary of State believes that the evidence points to a present permitted reserve position of approximately 18mt of sand and gravel and that without exceeding the Industry's anticipated annual production levels, 12mt of sand and gravel could be produced over the next 10 years. And he has concluded at para 30 that a real supply of sand and gravel aggregates of between 18 mt and 12 mt exists in Warwickshire. Both figures he notes, are above the landbank requirement of some 8.5mt. The Secretary of State acknowledges your clients' view that the landbank requirement is probably artificially low at the present time, but he does not accept for the reasons given above that it should be based on the sub regional apportionment. However, the Secretary of State accepts that once a landbank has been calculated it is reasonable to weigh in the balance other factors - such as the sub regional apportionment, and the other matters your clients have mentioned.

40. This is essentially a judgmental process. But the Secretary of State concludes that even if allowance is made for the recent depressed market conditions and the sub regional apportionment, and your clients' views about quality of materials, present real supply

is significantly above what is in reality needed at the present time.

41. In the light of this conclusion it is necessary to address the requirements of Section 54A and the environmental objections. As far as the development plan is concerned, the Secretary of State concludes that the policies suggest that permission should not be granted if there are objections unless there is a clear need to work the mineral. As the development plan does not provide a clear guide on whether permission should be granted or refused, it is necessary to determine the case on its merits in the light of all material considerations, including the draft Minerals Local Plan to which the Secretary of State referred at para 15, (PPG1, para 25). It is essential therefore to consider the balance between the environmental objections and the reality of supply and the reality of need. The Secretary of State has concluded that the environmental objections to which he has referred at para 19 are significant. They would cause material harm to the environment in terms of visual intrusion and would involve the loss of high quality agricultural land. He has also concluded that the situation with regard to the supply of sand and gravel and the need for sand and gravel is different from what it was at the time of his Decision Letter of 13 November 1989. At that time the supply of sand and gravel did not enable a 10 year landbank to be maintained. At present as the Secretary of State has concluded at para 40 he is satisfied that present real supply is significantly above real need. In these changed circumstances the Secretary of State therefore concludes that planning permission should be refused.

42. In the light of this conclusion, it is not necessary for the Secretary of State to consider whether there are other sites that might be developed for this purpose that would not involve development on the best and most versatile land.

43. Accordingly for these reasons the Secretary of State rejects the Inspector's earlier recommendation (IR para 236), dismisses your clients' appeal and refuses planning permission for the extraction and processing of sand and gravel on land at Wasperton Hill Farm.

44. Your attention is drawn to the attached memorandum relating to the provisions of Section 288 of the Town and Country Planning Act 1990.

Yours faithfully

*D. McShane*

Denise McShane  
Authorised by the Secretary of State  
to sign in that behalf

## Comments

### Publication Consultation 2016 (09/12/16 to 03/02/17)

|                           |   |
|---------------------------|---|
| <b>Comment by</b>         | Barford Residents Association ( R A Scott - 996040)     |
| <b>Comment ID</b>         | MLPpub16169   |
| <b>Response Date</b>      | 02/02/17 16:00  |
| <b>Consultation Point</b> | Minerals Plan Publication 2016 ( <a href="#">View</a> ) |
| <b>Status</b>             | Processed   |
| <b>Submission Type</b>    | Email   |
| <b>Version</b>            | 0.3   |
| <b>Files</b>              | <a href="#">S5 RS_Redacted.pdf</a>                      |

**Please indicate your interest in the Minerals Local Plan**

- . Borough/District resident
- . Interest group
- . Neighbourhood Planning group

#### Future stages

**Do you wish to be notified of future stages in the Minerals Local Plan, including Submission, Examination and Adoption?** Yes

#### Paragraph:

7.23 – 7.25

#### Policy number:

S5

**2. Do you consider the Minerals Local Plan to be legally compliant?** No

**3. Do you consider the Publication Minerals Local Plan to be 'sound'? If No, please continue to** No

**Question 4, otherwise please continue to Question 5.**

- 4. Do you consider the Minerals Local Plan is 'unsound' because it is not:**
- . 1. Positively prepared
  - . 2. Justified
  - . 3. Effective
  - . 4. Consistent with national planning policy

**5. If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so. Please ensure you are as precise as possible. If you wish to support the legal compliance or 'soundness' of the Minerals Local Plan, please also use this box to provide your comments.**

Most of the reasons put forward to object to the allocation of Site 4 are equally applicable to site 5 I will repeat most of them below – but there are some differences

Firstly the plan is unsound because it is not consistent with the NPPF Paragraph 144 which states :-

*When determining planning applications, local planning authorities should:*

*ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*

*ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*

-----

Planning a large sand and gravel extraction plant close to the existing villages of Barford and Wasperton will inevitably cause adverse impacts on the health of the residents. The prevailing South Westerly wind will carry any dust or noise across the whole village of Barford including the School and newly developed sports facilities on King George's field. The village of Barford has a significant proportion of elderly residents some of whom have existing breathing problems . Recent new housing developments also mean there are more small children who are also sensitive to dust contamination – especially when exercising.

The response to this comment is to *separate the site from the houses by 350 metres.*

These dust particles will not settle within this distance and the smaller and more harmful particles can travel for several miles.

Fine particulate matter, 10 microns or less in diameter (PM 10) can be inhaled and is considered toxic. Smaller respirable particulate matter, (PM 2.5) with a diameter of 2.5 microns or less, is even more dangerous, lodging deep within the lungs and tissue.

There is no biological mechanism for clearing it from the body.

To propose a mineral extraction site close to a village or town is unacceptable.

**Historical Environment**

Seven Elms farm, Forge Cottage and Wasperton House are all Grade 2 listed buildings. Not only will the gravel extraction process affect them, but the countryside will not be returned to its present state so the settings of these historic buildings will be changed forever.

The response to this objection was *'The proposed mineral working is now 350m from properties in Barford village so there is unlikely to be any adverse impacts. Screening bunds can alleviate noise and dust emissions. The Cottage is located to the*

west of the A429 so it is not adjacent to the site and any risk of vibration will be from traffic along the A429.

This has not addressed the impact on the setting at all and seems to have ignored the fact that the traffic on the A429 will now be increased by many heavy lorries that cause the damaging vibration.

Secondly the plan is unsound because it is not consistent with the NPPF Paragraph 112 which states :-

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

-----

Site 5 is also Best and Most Versatile land – grade 2a which, according to the WCC plan on page 20, is only present in a few small pockets in the county. This land is high quality because it has good drainage and good topsoil, maintained over many years of careful cultivation.

**This classification of this land as Best and Most Versatile land will be lost forever.**

The gravel that gives it drainage will be removed, the inert material refill will be inferior and will not create the drainage necessary for BMV land.

The topsoil will be used to create the bunds and will deteriorate over the period of the working.

Local Farmers who are experienced in these matters confirm that the land cannot be returned to BMV

The Council Officials who came to make a presentation in 2015 when specifically asked this question would not guarantee that this land could be returned to Best and Most Versatile.

Sand and Gravel has been extracted from land at Charlecote and this is now unusable.

Light farm Machinery moving over this land has become ‘bogged down’ even in dry summer conditions

Best and Most Versatile land is needed to grow crops and poorer quality land must be found for mineral extraction sites.

The comment that no other sites are being offered is spurious - If greater incentives are offered then more sites will become available

Site 5 additionally affects the listed buildings of Seven Elms and Glebe Farm

The inclusion of this site results in the loss of Glebe Farm as a WCC agricultural holding. This is presently used by young farmers giving them an opportunity to start in business

WCC’s ownership of Glebe Farm results in a ‘conflict of interest’.

**Blight (Not Positively Prepared)**

The response to Blight is:

A properly operated and managed mineral site will not create blight. It is a temporary activity. The site will be

restored when working has been completed.

Blight has already occurred – who would buy a property which may be surrounded by mineral workings for at least 10 years. House Sales in Barford have already been affected as uncertainty about the future of the village is driving potential buyers to discount the village from their options.

Thirdly - The Plan is unsound because it is not positively prepared

Transportation of the sand and gravel is proposed via the A 429 – but have the effects of the increased volume of slow moving traffic been evaluated correctly?

According to the response to previous comments ‘ the A429 **should** be able to accommodate a high volume of traffic and larger vehicles (HGVs). According to the Highway Authority it provides an excellent link onto the A46 and M40, and then onto the wider highway network.

Traffic on the A429 is increasing as a result of the new developments South of the proposed site and increased traffic to the offices and factories in South Leamington and Gaydon. This already causes congestion and can only get worse. To add more heavy slow moving traffic to the road network at this point is unsafe.

Consider :-

The proposal is for 2 million tonnes to be removed.

If we assume this will take place over 8 years at 250 days a year this is 1,000 tonnes per day.

A 3-axle rigid tipping truck – probably best suited to sand and gravel movement – has a maximum weight of 26 tonnes – that will perhaps give a 15 tonne payload – equating to approximately 130 loaded trucks (and of course 130 empty trucks returning).

In an 8-hour day that is over 20 trucks per hour (1 every 3 minutes) added to a road system that already has a capacity problem.

At peak hours there are queues from the village to join the bypass and there have been several accidents at the two junctions, including a fatality. A significant increase in traffic will cause more congestion and more frustration for commuters attempting to leave the village. It is inevitable that more accidents and more fatalities will ensue.

These trucks will themselves cause noise and that will be carried on the prevailing South West wind across the village adding to the contamination caused by the mining operations.

**6. Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'. You will need to say why this change will make the Minerals Local Plan legally compliant or 'sound'. Where relevant, please include proposed revised wording of any policy or text.**

I do not intend to complete this section

## **7. Duty to Co-operate**

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters (Planning Policy Guidance).

*Please note that any non compliance with duty to co-operate is incapable of modification at examination.*

**7. Do you consider the Minerals Local Plan complies with the Duty to Co-operate?** No

### **Duty to Co-Operate Fail**

*Please be as precise as possible.*

**Please give details of why you consider the Minerals Local Plan fails to comply with the duty to co-operate.**

I have searched the Minerals Plan for the word 'co-operate' and no matches were found. In the absence of evidence to show co-operation has occurred I must assume it has not.

**8. If your representation is seeking to make a change to the Minerals Local Plan, do you consider it necessary to participate in the oral part of the examination?**

Yes, I do wish to participate at the oral examination

## Publication Consultation 2016

**Event Name** Publication Consultation 2016  
**Comment by** Andrew Steel (1005894)  
**Comment ID** MLPpub16226  
**Response Date** 03/02/17 16:00  
**Consultation Point** Minerals Plan Publication 2016 ([View](#))  
**Status** Processed  
**Submission Type** Email  
**Version** 0.5  
**Files** [Form AS s5\\_Redacted.pdf](#)

**Please indicate your interest in the Minerals Local Plan** . Borough/District resident

### Future stages

**Do you wish to be notified of future stages in the Minerals Local Plan, including Submission, Examination and Adoption?** Yes

**Policy number:**

S5

**3. Do you consider the Publication Minerals Local Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5.** No

**4. Do you consider the Minerals Local Plan is 'unsound' because it is not:**

- . 1. Positively prepared
- . 2. Justified
- . 3. Effective
- . 4. Consistent with national planning policy

**5. If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so. Please ensure you are as precise as possible. If you wish to support the legal compliance or 'soundness' of the Minerals Local Plan, please also use this box to provide your comments.**

The MLP is unsound on the basis that the publication document and the Sustainability Appraisal report are not positively prepared, justified as appropriate based on robust evidence, has flaws in terms of questionable viability and deliverability and is therefore not in accordance with the NPPF on matters of: Protecting Heritage Assets (Refer to Attached Representation, Site 5 Section 1) Visual Intrusion (Refer to Attached Representation, Site 5 Section 2) Access (Refer to Attached Representation, Site 5 Section 3) Site Viability (Refer to Attached Representation, Site 5 Section 4) BMV Agricultural Land (Refer to Attached Representation, Site 5 Section 5) Land Restoration (Refer to Attached Representation, Site 5 Sections 6&7) Environmental Effects (Refer to Attached Representation, Site 5 Section 8) The SA shows a flawed process for the following reasons: (Refer to Attached Representation, Site 5 Section 9) An inadequate SA Framework. The reasons for the selection and rejection of sites has not been outlined within the SA report contrary to the Regulations and Guidance.

The key findings of the consultations and how they have been taken into consideration, particularly the Statutory Consultees, have not been included within the SA report or NTS. The SA of the sites is not linked to any evidence base. It is assumed further studies at the planning application will identify the effects. There are discrepancies in the scoring and assessment of sites. The absence of any evidence means that the results cannot be verified. The likely significant effects of implementing the plan and the reasonable alternatives have not been identified, described or evaluated in accordance with the Regulations (Environmental Assessment of Plans and Programmes Regulations 2004) The viability and deliverability of the proposals have not been assessed contrary to the NPPF. The failures in the SA process mean that the Plan cannot be found sound.

See attached report

**6. Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'. You will need to say why this change will make the Minerals Local Plan legally compliant or 'sound'. Where relevant, please include proposed revised wording of any policy or text.**

Refer to Section 5. The Plan needs to robustly assess the matters outlined in a justified manner and demonstrate that sites 4 and 5 are appropriate in the context of significant environmental objections outlined by a Government Inspector in 1993

## **7. Duty to Co-operate**

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters (Planning Policy Guidance).

*Please note that any non compliance with duty to co-operate is incapable of modification at examination.*

**7. Do you consider the Minerals Local Plan complies with the Duty to Co-operate?**

**8. If your representation is seeking to make a change to the Minerals Local Plan, do you consider it necessary to participate in the oral part of the examination?**

Yes, I do wish to participate at the oral examination

**9. If you do wish to participate at the oral part of the examination, please outline why you consider this to be necessary.**

In order to assist the council and the Planning Inspector in appropriately considering the representation and any further investigation required in assessing its relation to testing the soundness of the plan