

# Mineral Plan Consultation Site 4 Representations

## 1 Protecting heritage assets

- 1.1 Wasperton Farmhouse and Seven Elms are Grade II listed, within its setting of flat, open, exposed landscape. This is located directly adjacent to the proposed allocation of site 4
- 1.2 Also the following Listed Buildings are within 1 mile of Proposed Mineral sites 4 and 5
  - Church of St John the Baptist, Wasperton
  - Old Manor House, Wasperton
  - Seven Elms, Wasperton
  - The Elms, Wasperton
  - The Forge Cottage, Wasperton
  - Wasperton Farmhouse, Wasperton
  - Wasperton Hill House, Wasperton
  - Wasperton House, Wasperton
  - 1, 3, 4 & 17 Bridge Street, Barford
  - 6 & 15 Wellesbourne Road, Barford
  - Granville Arms Public House, Barford
  - Barford House, Barford
  - Little Watchbury, Watchbury House, Barford
  - 36 other houses within Barford Village
- 1.3 Sustainability Appraisal Report, Sustainability Objective 06 is to: - Protect and enhance the setting of Conservation Areas, Listed Buildings, SAMs and other features of cultural, historical and archaeological value.
- 1.4 A listed building is a 'Designated Heritage Asset'. The NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to ... should be exceptional and LPAs should refuse development, unless it can be demonstrated that it is possible to achieve substantial public benefits that outweigh the harm.
- 1.5 As part of the assessment (Section 10.44) it stated that: - significant negative effects are predicted against SA Objective 6 (to preserve and enhance sites features and areas of historic, archaeological or architectural importance and their settings). However, the policy states that a minimum 100m landscape buffer could be provided to maintain the setting of listed buildings, reducing the effects allegedly to minor and not significant. This is unsubstantiated in terms of robust assessment.

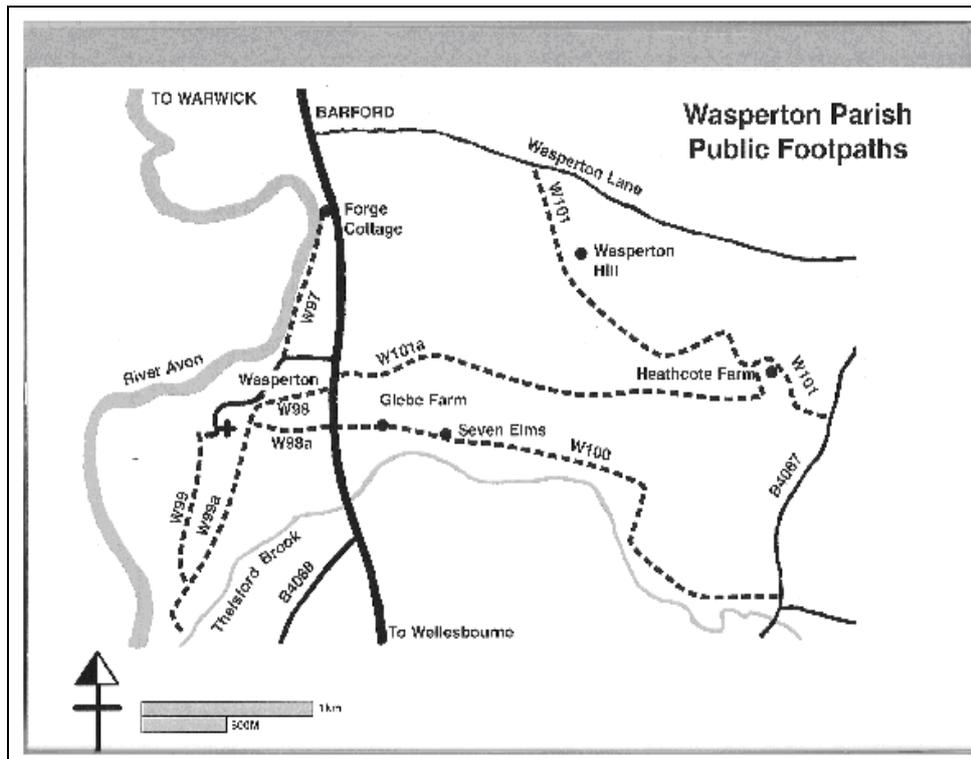
- 1.6 For example, the Sustainability Appraisal fails to assess impact of development in not properly appreciating the setting and curtilage of Seven Elms as a listed building. The promoter proposes that adverse impacts of development can be mitigated to an acceptable standard. This demonstrates a high degree of subjectivity and therefore a less than robust approach to appreciation of a highly significant aspect.
- 1.7 It is clearly obvious that by installing the notional 100m standoff and creating bunding is a flawed approach. It lacks robustness of a properly assessed sound proposition for development promotion. The revised minerals plan has added (Policy S5):- the need to maintain the setting and structural integrity of the listed building Seven Elms. However, there is no proper rigorous assessment of wider landscape setting, archaeology or heritage considerations of acknowledged importance. Heritage England made relevant comments in respect of the earlier plan to advise on safeguarding. Such matters have not been properly carried through at this stage, demonstrating a poorly informed and unsound approach to plan making.

## 2 Visual Intrusion

- 2.1 The proposed mineral plan states (Preferred Options and Policies Document - Development Management Policies states: - Proposals for mineral development should protect and where possible enhance the quality and character of the countryside and valued landscapes.
- 2.2 Sustainability Appraisal Report section 10.72 states: - As this site has to be developed in conjunction with Site 4, **the cumulative effect on local landscape is likely to result in significant effects due to the extent of both sites**, the loss of local landscape features and the visual impact on nearby residential receptors. **Whilst the policy allows for the restoration of the site back to agricultural land using imported inert fill and by lowering the level of the land, permanent changes to local landscape are likely to occur. Cumulatively, these sites are assessed as having significant negative effects** on SA Objective 5 (to conserve and enhance the quality of the landscapes and townscapes). The policy wording promotes a minimum landscape buffer of 100m from Glebe Farm and Seven Elms 'which should help to minimise the visual effects'.
- 2.3 **The Sustainability Appraisal Report clearly accepts that there will be 'Significant negative (permanent) effects'. As demonstrated in point 2.2 above it is clearly evident that simply installing a bund, a directly measured 100m from the Listed Seven Elms building extent (not curtilage), does not appropriately mitigate against these effects (which would remain after completion of gravel extraction).**

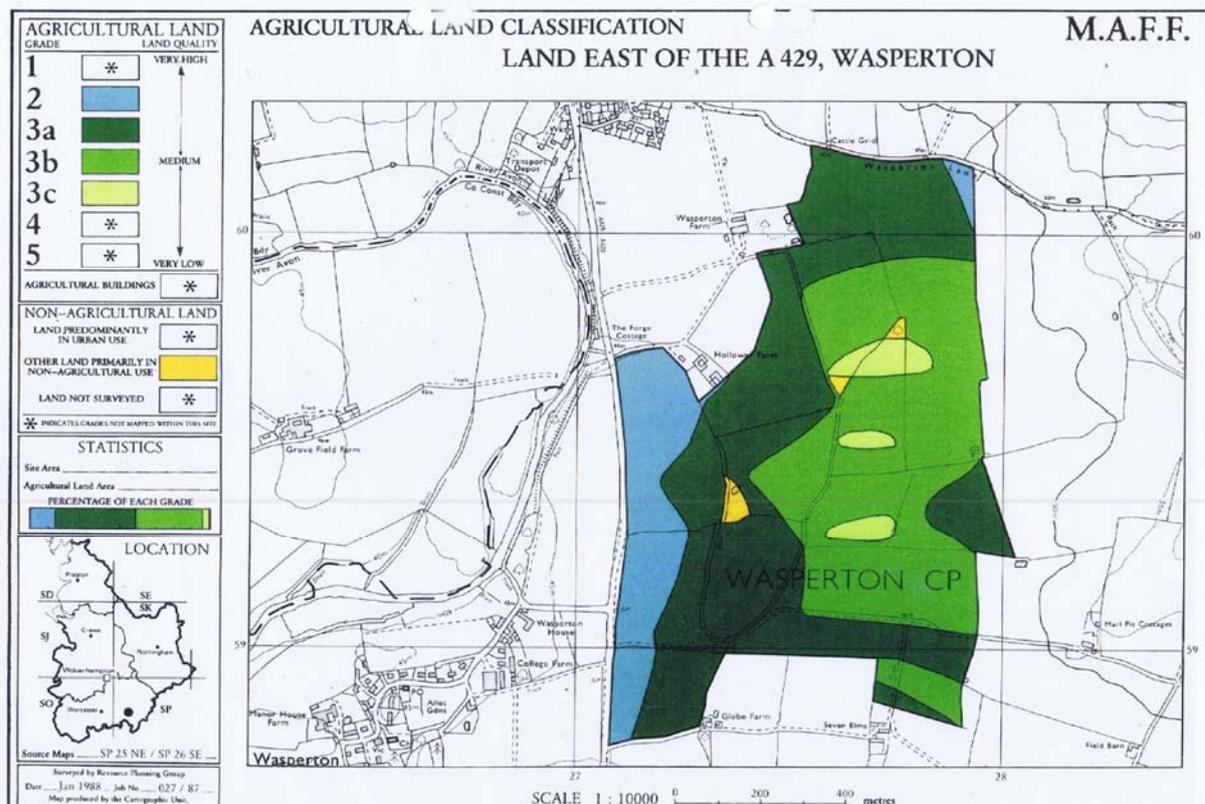
### 3 Access

- 3.1 If Sites 4 and 5 were both worked together it would cease to be viable to divert PROW W101A and W100 as all land from Forge Cottage south to Thelsford brook would be within the allocated area.
- 3.2 The 'temporary relocation' in the plan has not been appropriately assessed in a robust and sound manner.



## 4 BMV Agricultural Land

- 4.1 The best and most versatile agricultural land is defined as grades 1, 2 and 3a. Wasperton Farm Site is Grade 2 and 3a. There is only small percentage (12%) of agricultural land in Warwickshire that are grades 1 and 2). Government policy states (National Planning Policy Framework (NPPF) published in March 2012) *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 higher quality*



- 4.2 There are a number of other sites in the plan with lower grade land that have been rejected and no weighting has been applied to the assessment to determine preferred sites on basis of land quality.
- 4.3 The proposed Mineral Plan states (Site Assessment Methodology for Allocating Sand and Gravel Sites - Table 2 Decision making-questions and assessment scores) says: Would the proposed site result in the loss of best and most versatile agricultural land (1,2 and 3a and 3b)?
- 4.4 It goes on to say - If response is significant loss of the best and most versatile agricultural land and agricultural land cannot be restored to its original or enhanced state then: - Site may be inappropriate for minerals development

- 4.5 When planning permission to extract gravel on Wasperton Farm was rejected on Appeal in 1993 the Secretary of State conceded that a number of environmental objections were 'significant', including that 'visual intrusion would be created', that 'the site makes a positive contribution to the pleasant countryside extending either side of the River Avon', that 'there would be some material harm to the appearance of the locality', and that 'the site includes land of the best and most versatile quality, some of which would be **permanently lost** to agriculture'. **Nothing has materially changed from this position, and is a significant material consideration.**

## 5 Land Restoration 1 – Inert Waste

- 5.1 The proposed Mineral plan states (Site Assessment Methodology for Allocating Sand and Gravel Sites - Table 1 Agricultural Land): - *Loss of agricultural land can be avoided if the site can be restored to its previous grade through acceptable infilling and/or through lower land levels.*
- 5.2 The proposed Mineral Plan states: – (*preferred options and policies*) 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. If the economy improves that situation may change. Equally some operators have been able to access suitable resources whilst others have experienced problems. It may take longer for quarries to be restored back to agriculture if that is the proposed end use. This can be a problem for communities which may be left with an un-restored quarry for several years longer than had initially been proposed.
- 5.3 Based upon current and forecast inert waste material availability it may well not be possible (or cost effective) to transport inert material in the volume required to restore the ground to its original level and work toward the restoration of the 'Best and Most Versatile' principle and objective.

## 6 Land Restoration 2 – Lowering Levels

- 6.1 The proposed Mineral Plan also states (Site Assessment Methodology for Allocating Sand and Gravel Sites - Table 1 Agricultural Land): *One potential solution to this is to encourage the use of low level land restoration so that less fill material is needed to restore sites back to agriculture. Another solution is to focus on restoring part of the site to the best and more versatile agricultural land leaving the remainder to be used for nature conservation and recreational uses.*
- 6.2 Restoration by lowering land will result in ground that is waterlogged or submerged for extended periods. As such it cannot be feasibly returned to agriculture in an appropriate manner.
- 6.3 Fields to the west of the A429 had mineral extracted some thirty years ago. It has taken over twenty years with these fields barren before it has been possible to grow anything in them.
- 6.4 To summarise the land is classified as the best and most versatile (Grade 2/3a) and is currently intensively used for agriculture - growing salad crops. The achievement of appropriate restoration to BMV has not been properly assessed, rather it is currently ineffective and unjustified

## 7 Environmental Effects

- 7.1 DUST -Technical Guidance to the national planning policy framework (2012) makes it clear that unavoidable dust emissions are controlled, mitigated or removed at source. The relationship of the proposed activities on the site and the impact on nearby properties could be significant.
- 7.2 The guidance states (Section 27) - In line with research carried out by Arup Environmental/Ove Arup and Partners and the University of Newcastle upon Tyne in 1995 and 1999 respectively, additional measures to control PM10 might be necessary if, within a site, the actual source of emission (e.g. the haul roads, crushers, stockpiles etc.) is within 1,000m of any residential property.
- 7.3 Industry Standard dictates: "Smaller dust particles remain airborne for longer, dispersing widely and depositing more slowly over a wider area. Large dust particles (greater than 30  $\mu$  m), which make up the greatest proportion of dust emitted from mineral workings, will largely deposit within 100m of sources. Intermediate-sized particles (10–30  $\mu$  m) are likely to travel up to 200–500m. Smaller particles (less than 10  $\mu$  m) which make up a small proportion of the dust emitted from most mineral workings, are only deposited slowly but may travel 1000m or more"
- 7.4 Respirable particles, i.e. those less than 10 micrometres in diameter, have the potential to cause effects on human health, depending on exposure levels." Whilst dust suppression methods will significantly reduce the deposition of dust in the locality **they cannot eliminate it**.
- 7.5 From the 1995 Department of Environment (DOE) detailed technical report on buffer Zones: - The DOE study concluded that **severe or persistent** concerns about dust are most likely to be experienced near to significant dust sources, (generally within 100m). In practice, standoff distances are often incorporated into local planning policy, with distances of **250-500 metres** typically adopted.
- 7.6 British Geological Survey guideline - The use of buffer zones to isolate dust sources from surrounding communities, often incorporated into local planning policy, with distances of 250-500 metres typically adopted.
- 7.7 Planning4Minerals (P4M) stresses that "**Prevention of dust generation is critical**, once in the open air ...the operator will have little or no control over where [dust] settling occurs." P4M expects the "use of buffer zones to isolate dust sources from surrounding communities, often incorporated into local planning policy, with distances of **250-500 metres** typically adopted
- 7.8 The proposed 100m standoff is therefore completely insufficient and as a minimum a 250metre standoff should be specified from all properties

## 8 Sustainability Appraisal

The SA shows a flawed process for the following reasons:

- 8.1 The SA Framework is inadequate. Two of the sustainability objectives are not considered suitable by the County Council for use in the assessments. More appropriate objectives should have been identified. The objectives also do not address the viability or deliverability of the proposals.
- 8.2 “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.” **NPPG Paragraph: 018 Reference ID: 11-018-20140306**
- 8.3 The SA has not complied with the guidance above. The reasons for the selection and rejection of the sites have not been outlined in the SA report or Non-Technical Summary (NTS). The reader cannot determine why decisions have been made. The Appendix II referred to as the place where the information can be found only provides the site assessment forms. No explanation of why sites have been selected or rejected is given. This omission means that the SA has failed to comply with both the Regulations (Environmental Assessment of Plans and Programmes Regulations, 2004) and the NPPG.
- 8.4 The findings of the consultations have also not been explained within the SA report or NTS, particularly the responses from the Statutory Consultees. It is not clear how the responses have informed the Plan and it fails to show an integrated process.
- 8.5 There are several discrepancies and omissions in the scoring and assessment of the sites. For example, on the Site Assessment Form (Appendix II), the initial assessment states that there is no harm to heritage assets but the detailed site assessment provided below recognises that there would be a negative impact. The commentary demonstrates that further investigation of this issue has not been carried out to support the results. The absence of any evidence means that the results cannot be verified. The assessment fails to provide sufficient information to identify the likely significant effects.
- 8.6 “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.” **NPPG Paragraph: 019 Reference ID: 11-019-20140306 [emphasis added]**
- 8.7 The SA fails to link the results to any evidence base. It is assumed further studies at the planning application will identify the effects. The SA’s key purpose is to identify, describe and evaluate the likely significant effects of implementing the plan. The necessary studies and evidence to support the likely impacts are clearly absent. The SA has therefore failed in its key purpose.
- 8.8 It is not clear from the SA how the geographical scope of the Plan has been taken into consideration when considering the effects, contrary to the Regulations and Guidance.

- 8.9 The viability and deliverability of the proposals have not been assessed contrary to the NPPF. This failure is linked to the inadequate SA framework, which has not identified suitable sustainability objectives.
- 8.10 The serious failures in the SA process mean that the Plan does not comply with the Regulations and Guidance and can therefore not be found sound.

## 9 Conclusion

To summarise the development of the Wasperton site (Site 4) in association with Site 5 would result in:

- permanent and inappropriate damage to the setting of a listed building which fails to properly protect designated heritage assets
- Permanent adverse impact upon the visual appearance of the landscape
- Permanent Loss of BMV agricultural land, with no effective feasible restoration strategy
- Significant adverse environmental effects of working that have not been appropriately assessed

# Mineral Plan Consultation Site 5 Representations

## 10 Protecting Heritage Assets

- 10.1 Seven Elms is Grade II listed, within its undisturbed setting of flat, open, exposed landscape. This is located directly adjacent to the proposed allocation of site 5
- 10.2 Also the following Listed Buildings are within 1 mile of Proposed Mineral sites 4 and 5
- Church of St John the Baptist, Wasperton
  - Old Manor House, Wasperton
  - Seven Elms, Wasperton
  - The Elms, Wasperton
  - The Forge Cottage, Wasperton
  - Wasperton Farmhouse, Wasperton
  - Wasperton Hill House, Wasperton
  - Wasperton House, Wasperton
  - 1, 3, 4 & 17 Bridge Street, Barford
  - 6 & 15 Wellesbourne Road, Barford
  - Granville Arms Public House, Barford
  - Barford House, Barford
  - Little Watchbury, Watchbury House, Barford
  - 36 other houses within Barford Village
- 10.3 There is also an important Scheduled Ancient Monument of Thelsford Priory at Thelsford Bridge, within proximity (approximately 200 metres) of site 5. This is intrinsically important because it dates back to 1200 AD, the Church being concentrated in 1285 and was extended in the 14<sup>th</sup> Century. There is evidence of a watermill and associated water management system adjacent to Thelsford Brook
- 10.4 Sustainability Appraisal Report, Sustainability Objective 06 is to: - Protect and enhance the setting of Conservation Areas, Listed Buildings, SAMs and other features of cultural, historical and archaeological value.
- 10.5 A listed building is a 'Designated Heritage Asset'. The NPPF states:- when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional and LPAs should refuse development, unless it can be demonstrated that it is possible to achieve substantial public benefits that outweigh the harm.
- 10.6 The County Council's own in-house assessment report for Sites 4 and 5 concluded that it will not be possible to appropriately mitigate in landscape and heritage terms for mineral development in this location. Visibility, inherent rural character and heritage setting are key considerations and recommended that in landscape terms it should not be put forward
- 10.7 As part of the assessment (Section 10.44) it stated that: - significant negative effects are predicted against SA Objective 6 (to preserve and enhance sites features and areas of historic, archaeological or architectural importance and their settings). However, the policy states that a minimum 100m landscape buffer could be provided to maintain the setting of listed buildings, reducing the effects allegedly to minor and not significant. This is unsubstantiated in terms of robust assessment.

Site 5 Location – arrow shows extent of proposed standoff (100m) and hence position of bund



*View from Seven Elms onto proposed site (Southern Fields)*



*View from Seven Elms onto Northern Field*



*View from Seven Elms onto Southern Field*

- 10.8 For example, the Sustainability Appraisal fails to assess impact of development in not properly appreciating the setting and curtilage of Seven Elms as a listed building. The promoter proposes that adverse impacts of development can be mitigated to an acceptable standard. This demonstrates a high degree of subjectivity and therefore a less than robust approach to appreciation of a highly significant aspect.
- 10.9 In the aftermath of the Barnwell Manor and Forge Field decisions, it is now enshrined in law to have 'special regard' to the desirability of preserving the setting of designated heritage assets in accordance with the legislation. Where the case is that the adverse effects of development may be significant (as clearly is the case here) it is important for a form of environmental impact assessment and heritage assessment that a test is fully and correctly applied and this is transposed in decision making.
- 10.10 This has clearly not been the case here, with a complete lack of proper appreciation leading to an unsound approach of assessment.
- 10.11 It is clearly obvious that by installing the notional 100m standoff and creating bunding is a flawed approach. It lacks robustness of a properly assessed sound and objective proposition to support development promotion. The revised minerals plan has added (Policy S5):- the need to maintain the setting and structural integrity of the listed building Seven Elms. However, there is no proper rigorous assessment of wider landscape setting, archaeology or heritage considerations of acknowledged importance. Heritage England made relevant comments in respect of the previous plan to advise on safeguarding. Such matters have not been properly carried through at this stage, demonstrating a poorly informed and unsound approach to plan making.
- 10.12 The remains of the Ancient Scheduled Monument, Thelsford Priory on the east side of the A429 is at close proximity to site 5. There is national importance of this site and its setting, including hydrology considerations. **A Full Archaeological Assessment and analysis prior to inclusion in the mineral plan** should be a proper requirement.

## 11 Visual Intrusion

- 11.1 The proposed Mineral Plan states (Preferred Options and Policies Document - Development Management Policies): - Proposals for mineral development should protect and where possible enhance the quality and character of the countryside and valued landscapes.
- 11.2 Sustainability Appraisal Report section 10.72 states: - As this site has to be developed in conjunction with Site 4, **the cumulative effect on local landscape is likely to result in significant effects due to the extent of both sites**, the loss of local landscape features and the visual impact on nearby residential receptors. **Whilst the policy allows for the restoration of the site back to agricultural land using imported inert fill and by lowering the level of the land, permanent changes to local landscape are likely to occur. Cumulatively, these sites are assessed as having significant negative effects** on SA Objective 5 (to conserve and enhance the quality of the landscapes and townscape). The policy wording promotes a minimum landscape buffer of 100m from Glebe Farm and Seven Elms 'which should help to minimise the visual effects'.



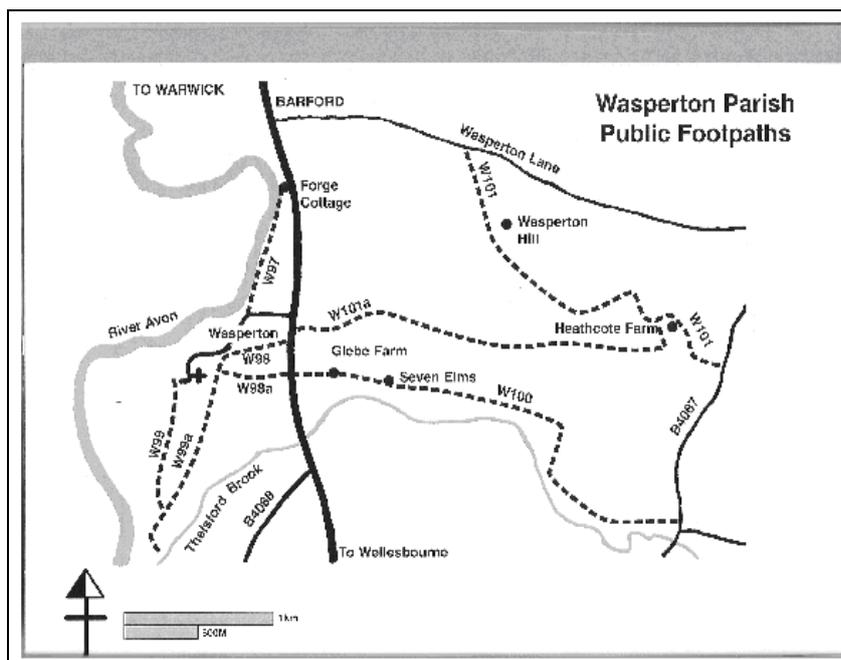
*View from Seven Elms onto proposed site (Northern Fields)*

- 11.3 The Sustainability Appraisal Report clearly accepts that there will be '*Significant negative (permanent) effects*'. As demonstrated in point 1 above it is clearly evident that simply installing a bund, at directly measured 100m from the Listed Seven Elms building extent (not curtilage), does not appropriately mitigate against these effects'.
- 11.4 In addition some 200m to the south west of proposed site 5 lies the scheduled ancient monument (SAM) of Thelsford Priory and part of its water management system
- 11.5 The County Council's own in-house assessment of Sites 4 and 5 concluded that it will not be possible to appropriately mitigate in landscape terms for quarrying in this location. Visibility and inherent rural character are key considerations and recommended that in landscape terms proposed development should not be promoted.

## 12 Access

- 12.1 A draft plan has been produced and provided by Mineral Authority's Estates Department showing imprecise detail of the extraction site. Access for Seven Elms Farmhouse and Seven Elms Barn has been removed. To retain the existing (and only) access for which the properties **have a legal right of access** (which also provides mains services to the properties) would sever the site and significantly reduces the possible working area and makes site working of practical constraint. Documentation submitted both as part of the consultation and those held by the mineral authority only makes reference to a footpath (PROW W100) – which it states would have to be temporarily diverted during the development of the site. **There is no reference to access to Seven Elms/Seven Elms Barn** – which we would assume is a major constraint which has not been properly assessed.
- 12.2 This access is used by children and is also an adopted footpath and public right of way serving the parish of Wasperton for recreation, green space with access implications. This is the Definitive Footpath W100 (Wasperton) which runs in to W98a to the west and Wasperton village and runs significantly to the east to join the B4087. Families living along this footpath and numerous other individuals regularly use this footpath and path W101a on a daily basis. If Sites 4 and 5 were both worked together it would cease to be viable to divert PROW W100 and W101A as all land from Forge Cottage south to Thelsford Brook would be within the proposed allocated area.

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## 13 Site Viability

- 13.1 Very Small Site. -Quoted in proposed Mineral Plan as 14Ha providing 0.3m Tonne. This area has **not taken into consideration** the statutory requirements for appropriate stand-off, the need to maintain appropriate access to Seven Elms and Seven Elms barn and retention of existing important hedgerows. Taking these into account (and the proposed notional stand-off of at least 100m from the LB curtilage) would leave four very small areas **with an area of no more than 8Ha - (almost half that promoted within the Plan).**
- 13.2 Of six proposed trial pits **only four were excavated** (all on one side of the site). Of these **four only one** could reach the base due to collapse therefore the mineral thickness of 2.0m is conjecture rather than as those shown in the plan. **These are not the actual proposed.**
1. The trial pits were not dug further than 1.5m (due to the presence of water) or dust and debris was not removed to say



Mineral Extraction Calculation			
Mineral Depth	2.0	m	Taken from Hanson Geology Summary
Recovery losses	0.3	m	150mm from top and bottom as per Hanson Data
Extraction Depth	1.7	m	
Extraction Area	6.48	Ha	
	64,800.00	m <sup>2</sup>	
Extraction Volume	110,160.00	m <sup>3</sup>	
conversion factor	1.85	t/m <sup>3</sup>	Taken from Hanson Geology Summary
Extraction tonnage	203,796.00		
Mineral Processing loss	10%		Taken from Hanson Geology Summary
Actual Tonnage	183,416.40	tonne	

Standoff	Extraction Area (Ha)	Extraction Tonnage (T)
100m	8.29	234,648.00
100m*	7.83	221,628.00
150m	6.48	183,416.00

\* From curtilage

13.4 Other sites that have been rejected on insufficient Area:

- Site 10 Barn Covert, Lea Marston (6.47Ha)
- Site 11 Marston Fields Farm, Lea Marston (15.3Ha)
- Site 17 Land at Baginton (50Ha) - **100m stand offs to existing individual properties, nursery, golf course and future housing would reduce working area making it possibly unviable**
- Site 19 Millers Bank, Dunnington (5Ha)

13.5 There is no reasoning why sites of certain sizes are supported or rejected. There is no reasoned justification to inform the transparency of plan making process and whether it is appropriately justified.

13.6 Spatial Strategy and Preferred Site Options Section 7.25 - this site can only be worked in conjunction with Site 4 and not as a freestanding mineral site. If site 4 has an area of 85Ha and proposed developer has only put forward a reduced area of 70Ha it is questionable whether an additional 8Ha (at maximum) extraction is feasible. This shows a lack of justified reasoning within the context of overall need and appropriate site selection. It suggests a pre-judgement of outcome rather than a soundness of process in plan making.

13.7 WCC are using data from 1987 (Drilling Survey Glebe Farm – DK Symes) for the proposed volume of 300,000 tonnes. This figure was based upon only having 30m standoffs for Seven Elms and Glebe Farm, however the Minerals Plan states a minimum requirement of 100m standoff. This demonstrates an unsound approach to Plan making.

13.8 Taking this into account:-

- Excluding Seven Elms listed Building Curtilage from standoff
- Providing only minimal 10m standoff for Thelsford Brook
- Ignoring hedgerows and trees that are likely to require retention

- 13.9 From the table above it can be seen that the available tonnage can be no more than 222,000 tonnes, and very likely less with justified mitigation.
- 13.10 It is therefore not justified or sound to pursue Site 5 both due to unfounded environmental assessment and effective viability considerations. *The Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence, and on this basis it is unsound.*

## 14 BMV Agricultural Land

- 14.1 As with Wasperton Hill Farm, Glebe Farm contains grade 2 and 3A agricultural land (Best and Most Versatile).



- 14.2 There are a number of other sites in the plan with lower grade land that have been rejected and no weighting has been applied to the assessment to determine preferred sites on basis of land quality.
- 14.3 The proposed Mineral Plan states (Site Assessment Methodology for Allocating Sand and Gravel Sites - Table 2 Decision making-questions and assessment scores says: Would the proposed site result in the loss of best and most versatile agricultural land (1,2 and 3a and 3b)?
- 14.4 It goes on to say - If response is significant loss of the best and most versatile agricultural land and agricultural land cannot be restored to its original or enhanced state then: - Site may be inappropriate for minerals development

- 14.5 When planning permission to extract gravel on adjacent Wasperton Hill Farm (Site 4) was rejected on Appeal in 1993 the Secretary of State conceded that a number of environmental objections were 'significant', including that 'visual intrusion would be created', that 'the site makes a positive contribution to the pleasant countryside extending either side of the River Avon', that 'there would be some material harm to the appearance of the locality', and that 'the site includes land of the best and most versatile quality, some of which would be **permanently lost** to agriculture'. **Nothing has materially changed from this position, and is as a significant material consideration.**

## 15 Land Restoration 1 – Inert Waste

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- 15.2 The proposed Mineral Plan states: – *(preferred options and policies)* 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. If the economy improves that situation may change. Equally some operators have been able to access suitable resources whilst others have experienced problems. It may take longer for quarries to be restored back to agriculture if that is the proposed end use. This can be a problem for communities which may be left with an un-restored quarry for several years longer than had initially been proposed.
- 15.3 Based upon current and forecast inert waste material availability it may well not be possible (or cost effective) to transport inert material in the volume required to restore the ground to its original level and work toward the restoration of the 'Best and Most Versatile' principle and objective.

## 16 Land Restoration 2 – Lowering Levels

- 16.1 The proposed Mineral Plan also states (Site Assessment Methodology for Allocating Sand and Gravel Sites - Table 1 Agricultural Land): *One potential solution to this is to encourage the use of low level land restoration so that less fill material is needed to restore sites back to agriculture. Another solution is to focus on restoring part of the site to the best and more versatile agricultural land leaving the remainder to be used for nature conservation and recreational uses.*
- 16.2 Land at Glebe Farm is **very low lying** and is already close to the water table for significant parts of the year.
- 16.3 Restoration by lowering land will result in ground that is waterlogged or submerged for extended periods and will have adverse unplanned hydrological effects on the adjacent Thelsford Brook. As such it cannot be feasibly returned to agriculture in an appropriate manner.
- 16.4 Fields to the west of the A429 had mineral extracted some thirty years ago. It has taken over twenty years with these fields barren before it has been possible to grow anything in them.
- 16.5 To summarise the land is classified as the best and most versatile (Grade 2/3a) and is currently intensively used for agriculture. The achievement of appropriate restoration to BMV has not been properly assessed, rather it is currently ineffective and unjustified

## 17 Environmental Effects

- 17.1 DUST -Technical Guidance to the national planning policy framework (2012) makes it clear that unavoidable dust emissions are controlled, mitigated or removed at source. The relationship of the proposed activities on the site and the impact on nearby properties could be significant.
- 17.2 The guidance states (Section 27) - In line with research carried out by Arup Environmental/Ove Arup and Partners and the University of Newcastle upon Tyne in 1995 and 1999 respectively, additional measures to control PM10 might be necessary if, within a site, the actual source of emission (e.g. the haul roads, crushers, stockpiles etc.) is within 1,000m of any residential property.
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- 17.5 From the 1995 Department of Environment (DOE) detailed technical report on buffer Zones: - The DOE study concluded that **severe or persistent** concerns about dust are most likely to be experienced near to significant dust sources, (generally within 100m). In practice, standoff distances are often incorporated into local planning policy, with distances of **250-500 metres** typically adopted.

- 17.6 British Geological Survey guideline - The use of buffer zones to isolate dust sources from surrounding communities, often incorporated into local planning policy, with distances of 250-500 metres typically adopted.
- 17.7 Planning4Minerals (P4M) stresses that "**Prevention of dust generation is critical**, once in the open air ...the operator will have little or no control over where [dust] settling occurs." P4M expects the "use of buffer zones to isolate dust sources from surrounding communities, often incorporated into local planning policy, with distances of **250-500 metres** typically adopted
- 17.8 Seven Elms and Seven Elms Barn lie due east of the proposed Glebe Farm site on flat land. Therefore the proposed notional 100m standoff is wholly inadequate for environmental protection against material adverse effects.

## 18 Sustainability Appraisal

The SA shows a flawed process for the following reasons:

- 18.1 The SA Framework is inadequate. Two of the sustainability objectives are not considered suitable by the County Council for use in the assessments. More appropriate objectives should have been identified. The objectives also do not address the viability or deliverability of the proposals.
- 18.2 "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." **NPPG Paragraph: 018 Reference ID: 11-018-20140306**
- 18.3 The SA has not complied with the guidance above. The reasons for the selection and rejection of the sites have not been outlined in the SA report or Non-Technical Summary (NTS). The reader cannot determine why decisions have been made. The Appendix II referred to as the place where the information can be found only provides the site assessment forms. No explanation of why sites have been selected or rejected is given. This omission means that the SA has failed to comply with both the Regulations (Environmental Assessment of Plans and Programmes Regulations, 2004) and the NPPG.
- 18.4 The findings of the consultations have also not been explained within the SA report or NTS, particularly the responses from the Statutory Consultees. It is not clear how the responses have informed the Plan and it fails to show an integrated process.
- 18.5 There are several discrepancies and omissions in the scoring and assessment of the sites. For example, on the Site Assessment Form (Appendix II), the initial assessment states that there is no harm to heritage assets but the detailed site assessment provided below recognises that there would be a negative impact. The commentary demonstrates that further investigation of this issue has not been carried out to support the results. The absence of any evidence means that the results cannot be verified. The assessment fails to provide sufficient information to identify the likely significant effects.

- 18.6 “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.” **NPPG Paragraph: 019 Reference ID: 11-019-20140306 [emphasis added]**
- 18.7 The SA fails to link the results to any evidence base. It is assumed further studies at the planning application will identify the effects. The SA’s key purpose is to identify, describe and evaluate the likely significant effects of implementing the plan. The necessary studies and evidence to support the likely impacts are clearly absent. The SA has therefore failed in its key purpose.
- 18.8 It is not clear from the SA how the geographical scope of the Plan has been taken into consideration when considering the effects, contrary to the Regulations and Guidance.
- 18.9 The viability and deliverability of the proposals have not been assessed contrary to the NPPF. This failure is linked to the inadequate SA framework, which has not identified suitable sustainability objectives.
- 18.10 The serious failures in the SA process mean that the Plan does not comply with the Regulations and Guidance and can therefore not be found sound.

## 19 Conclusion

To summarise the development of the Glebe Farm site (Site 5) in association with Site 4 would result in:

- permanent and inappropriate damage to the setting of a listed building which fails to properly protect designated heritage assets
- Permanent adverse impact upon the visual appearance of the landscape
- No proper provision for Access made for Seven Elms/Seven Elms Barn
- Extractable area significantly smaller than being promoted and therefore of questionable viability
- Permanent Loss of BMV agricultural land, with no effective feasible restoration strategy
- Loss of one of few tenanted viable agricultural small holdings
- Significant adverse environmental effects of working that have not been appropriately assessed