

Town and Country Planning Act 1990 – Section 78 Town and County Planning
(Development Management Procedure) (England) Order 2015 Town and
Country Planning (Inquiries Procedure) (England) Rules 2002

Appeal by NRS Aggregates Ltd

Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster,
Worcestershire

Against the refusal of planning permission by Worcestershire County Council for
application 19/000053/CM

“Proposed sand and gravel quarry with progressive restoration using site
derived and imported inert material to agricultural parkland, public access and
nature enhancement”

Appeal Ref. APP/E1855/W/22/3310099

Statement of Common Ground (SoCG)

October 2024



1 Introduction

- 1.1 This document is in response to the request for a *“Biodiversity SoCG setting out the effect on biodiversity at each phase of the operation and post-restoration, updating any BNG assessment to the latest metric, and setting out respective positions on how biodiversity considerations should be taken into account here in applying planning policy and the planning balance.”* This document sets out the information contained within the ecology addendum (Heatons, 2024) and the BNG Statutory Calculations carried out by Heatons in 2024.
- 1.2 The current proposals for the application form a phased approach to works splitting the site into 5 phases with initial and final works proposed. The works in each phase are detailed within the relevant plans in Appendix A.

2 Baseline Conditions

2.1 Habitats

- 2.1.1 A walkover Survey was conducted on the 6th September 2024, by Director of Ecology Rhia McBain (BSc Hons). The updated habitats recorded are mapped and referenced within this report. The walkover was focused on assessing the habitats on site and following the UKHabs survey techniques to allow the BNG metrics to be updated for the site.
- 2.1.2 The site primarily comprised of arable fields. At the time of the survey, the fields were a mix of fallowed areas and crops not yet harvested with one area of the northeastern field appearing to be under a temporary grass ley rotation.
- 2.1.3 Predevelopment, the baseline habitat units under the Statutory Metric is **110.96**.
- 2.1.4 The habitats present across the site are summarized below.
- Arable – cereal crops
 - Modified grassland
 - Other neutral grassland – tall forbs
 - Grassland – bracken
 - Sparsely vegetated land – ruderal/ephemeral
 - Other neutral grassland – tall forbs
 - Bramble scrub
 - Native hedgerow
 - Developed land sealed surface
 - Bare ground

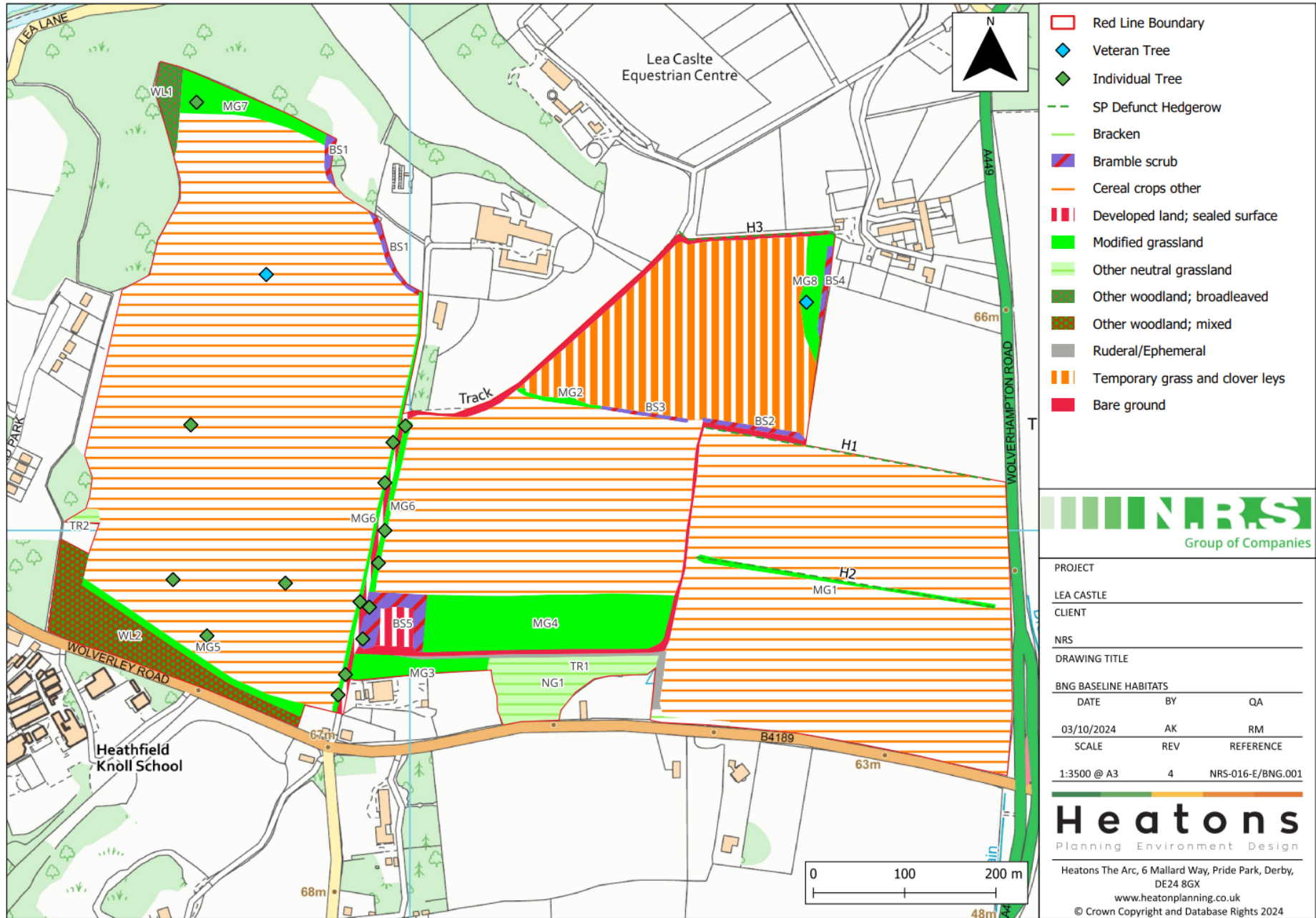
- Individual trees - rural trees
- Individual trees - veteran
- Other woodland; broadleaved
- Other woodland; mixed

2.1.5 Hedgerows on site are all defunct with large amounts of small dead wood and large gaps present throughout the hedges. As part of the restoration new hedgerows are proposed to help create ecological corridors connecting with the wider landscape. The predevelopment assessment in line with the Statutory metric is 1.72 hedgerow units.

2.2 **Species**

2.2.1 The species present were those typically associated with intensive farmland. As per the previous ecology data and the data from 2024, the site does offer suitability for some protected species but overall has limited ecological value and one Invasive Non-Native Species present.

Figure 2-1 Baseline Habitats - UK Habs 2024 survey (Drawing not to scale on this page)



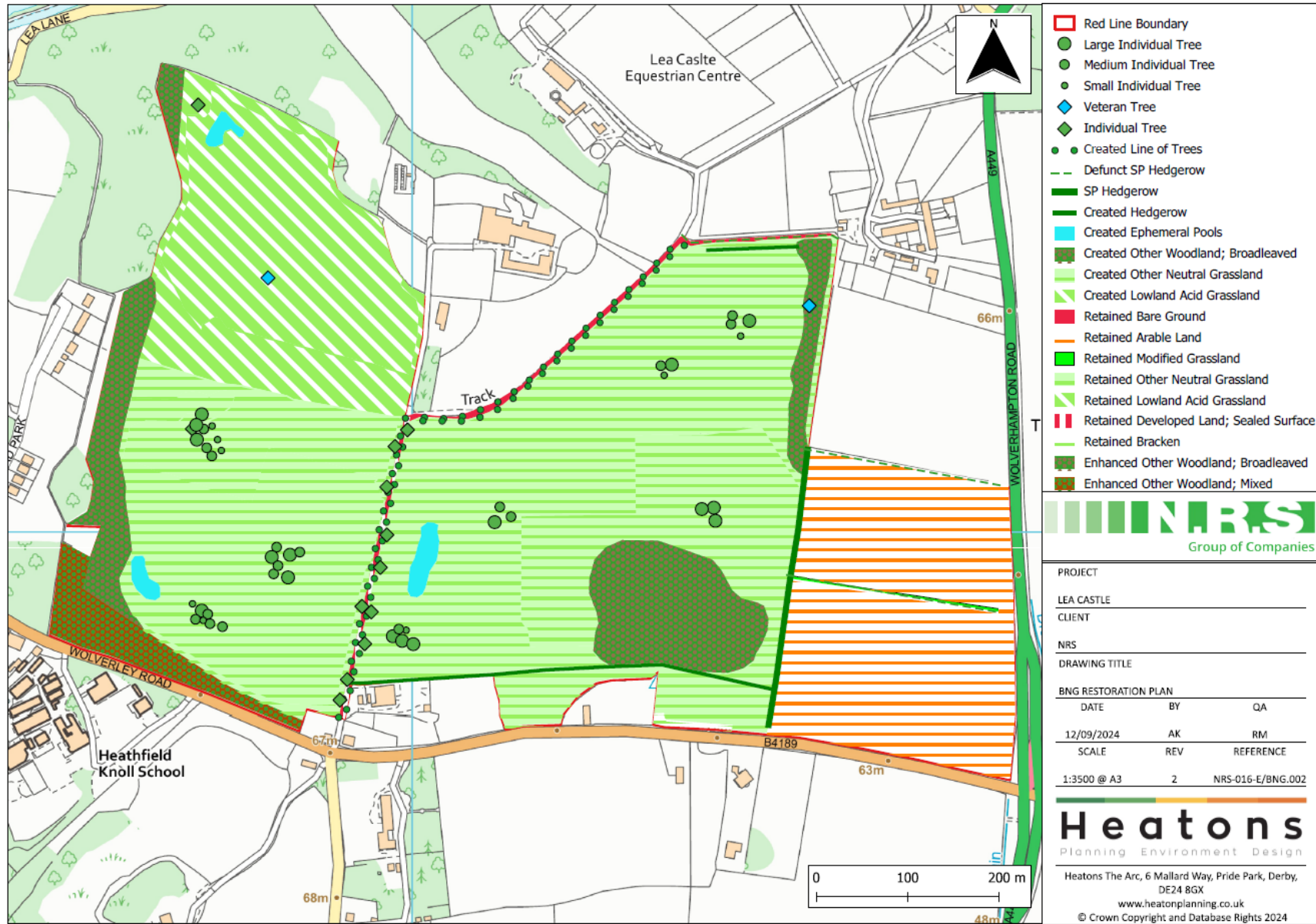
3 Post Restoration Net Gain Assessments

3.1 Habitats

- 3.1.1 Post restoration, the area will be brought into a parkland/agricultural setting to include arable land along with ecologically high value grasslands including dry, acid grassland to the northwest of the site. Overall, the landscape will become more open with a mosaic of habitats to support a wider range of species than the site does now.
- 3.1.2 As can be seen by the results of the metric, the gains are based on a worst case, where conditions have been applied with caution to habitats created on site as part of the final restoration. The final post development habitat unit is 193.24 which is an increase of **82.28 units**, the trading rules are also met. This is a significant gain for both habitats and species at this site. This is a **74.16% net gain** for habitats on site.
- 3.1.3 Hedgerows on site are all defunct with large amounts of small dead wood and large gaps present throughout the hedges. As part of the restoration new hedgerows are proposed to help create ecological corridors connecting with the wider landscape. The predevelopment assessment in line with the Statutory metric is 1.72 hedgerow units. The planting is partially implemented 2 years in advance as part of initial works on site including the avenue of trees. There is a gain of **300.93%**.

FINAL RESULTS		
Total net unit change <small>(Including all on-site & off-site habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	82.28
	<i>Hedgerow units</i>	5.16
	<i>Watercourse units</i>	0.00
Total net % change <small>(Including all on-site & off-site habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	74.16%
	<i>Hedgerow units</i>	300.93%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	Yes ✓	

Figure 3-1 Post restoration habitat plan (UK Habs) not to scale.



4 Biodiversity Impacts Phased Approach

4.1 Likely Significant Effects (Species)

- 4.1.1 The assessment, as per the EclA, remains valid based on the assessment in 2024. Post licencing and mitigation as appropriate, the impact is assessed as negligible and not significant for all species assessed as potentially being impacted by this development.
- 4.1.2 The removal of Himalayan balsam will increase the biodiversity on the site and avoid INNS spreading further within the site.
- 4.1.3 Using a phased approach allows for areas of the site to be retained during the development and ensures restoration works begin at a much earlier date.
- 4.1.4 The phasing moving anticlockwise around the site allows for species to continue using the connectivity through the site with each phase. Without a phased approach the development would still achieve a high net gain overall but the ability for species to utilise the site throughout the development is removed.

5 Biodiversity Net Gain Assessments for Differing Working Patterns.

5.1 With no phasing

- 5.1.1 The below figure shows the net gains if the development did not involve a phased approach, assuming all habitats have a 10-year delay bar the hedgerows and trees established as part of the advanced planting.

FINAL RESULTS		
Total net unit change <small>(Including all on-site & off-site habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	74.89
	<i>Hedgerow units</i>	5.16
	<i>Watercourse units</i>	0.00
Total net % change <small>(Including all on-site & off-site habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	67.49%
	<i>Hedgerow units</i>	300.93%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	Yes ✓	

5.2 Non-cumulative assessment of BNG for each phase.

- 5.2.1 The below shows the effects of each phase of the development. This assessment of each phase uses the updated plans from the client as the post development assessment and also for the baseline of the next phase. For example, for Phase 1, the baseline is taken as the habitats as mapped on the initial plan (ref: 01-LEACF-INQ_004) from the client and the post development is taken as the phase 1 habitat plan (ref: 01-LEACF-INQ_005) from the client which means that each phase post

development currently assumes the area of quarry on the plan for that phase is still active and not yet restored post development to give a worst-case scenario.

Initial works

- 5.2.2 The initial phase of the development includes advanced planting and creation of an initial working area with associated bunding which will be hydroseeded to achieve a grassland community at the earliest possible opportunity. This initial works results in a **6.26% net gain in habitat units and a 284.41% net gain in hedgerow units** due to the planting of hedgerows and lines of trees to create a new avenue along the access track/bridleway through the centre of the site.
- 5.2.3 Whilst the trading rules are -0.19 due to the loss of bramble scrub and some other neutral grassland for an access road, the net gain is significantly above applicable policy (although the requirement is not applicable on a phase by phase basis) and there are clear ecological improvements in this phase. The connectivity of the site north to south is increased with the planting of the avenue of trees along the central track and further gains through hedgerow planting to the east of the site.
- 5.2.4 Taking into account the requirement to balance gains versus potential harm, the ecological gains from the initial works suggest the proposals of this application show substantial gains offsetting any potential harm.

Phase 1

- 5.2.5 Phase 1 opens the northeast area of the site for extraction with associated grassland bunds also created which will be hydroseeded for early habitat establishment. This phase results in a **5.82% net gain in habitat units and no change in hedgerow units**.
- 5.2.6 Again, the net gain is above the planning policy requirement (although not applicable on a phase by phase basis) and the site maintains the improved ecological connectivity created by the initial works and creates additional grassland where there is currently intensive arable. The phase includes mitigation for protected and notable species that are present on or nearby the site as identified within the relevant ecological reports.

Phase 2

- 5.2.7 Phase 2 of the proposal includes the beginning of restoration of the Phase 1 area and opening up the centre of the western field for extraction. This results in a temporary **loss of 0.54%**. This loss is due to the active quarry of phase 2 still being assumed operational post development until this phase is completed and phase 3 opens and restoration then begins of the phase 2 area.

5.2.8 This phase opens the main area of the western field for extraction with associated grassland bunds also created which will be hydroseeded to allow early habitat creation. It also includes the start of restoration with the area of extraction gained in Phase 1 worked to create lowland acid grassland which is a Local Biodiversity Action Plan (LBAP) habitat. This will increase the ecological value of the site measurably from the arable fields especially with regard to invertebrate species. Whilst the short-term effects of this phase are a net loss with regard to BNG, taking into account the final restoration, which is where the proposal should be assessed against biodiversity planning policies, there is a significant environmental gain from this proposal.

Phase 3

5.2.9 Phase 3 of the proposal includes the beginning of restoration of the Phase 2 extraction area and opening up the south end of the western field for extraction. This phase results in a **0.26% net gain in habitat units and no change in hedgerow units.**

5.2.10 This phase opens the western area of the site for extractions with associated grassland bunds also created which will be hydroseeded to allow early habitat creation. The area of extraction from Phase 2 becomes an area for other neutral grassland and acid grassland habitat creation, these habitats are both LBAP habitats, which, once established, will be subject to haymaking and/or grazing practices to create a high value grassland for a wide range of floral and faunal species.

5.2.11 The aim of the restoration of the Phase 2 area during Phase 3 is to create an open landscape with high value habitats to support as broad a range of species as possible including invertebrates, barn owl, breeding birds and amphibians and reptiles.

5.2.12 There is a significant gain for biodiversity within this phase. Taking into account the final restoration, which is where the proposal should be assessed against biodiversity planning policies, there is a significant environmental gain from this proposal.

Phase 4

5.2.13 Phase 4 includes the beginning of restoration of the Phase 3 extraction area and opening up the eastern field for extraction. This phase results in a **9.16% net gain in habitat units and a loss of 8.04% in hedgerow units.**

5.2.14 This phase opens the central area of the western field for extractions with associated grassland bunds created which will be hydroseeded to allow early habitat creation. The area of extraction from Phase 3 becomes an area for other neutral grassland LBAP habitat creation. Again, this habitat once established will be subject to haymaking

and/or grazing practices to create a high value grassland for a wide range of floral and faunal species.

- 5.2.15 The aim of the restoration of the Phase 3 working area during Phase 4 is to create an open landscape with high value habitats to support as broad a range of species as possible.

Phase 5

- 5.2.16 Phase 5 of includes the beginning of restoration of the Phase 4 extraction area and opening up the eastern field for extraction. This phase results in a **13.44% net gain in habitat units and 0% change in hedgerow units.**

- 5.2.17 This phase opens the central area of the western field for extractions with associated grassland bunds created which will be hydroseeded to allow early habitat creation. The area of extraction from Phase 4 becomes an area for other neutral grassland LBAP habitat creation. Again, this habitat once established will be subject to haymaking and / or grazing to ensure a species rich sward and LBAP quality habitat is achieved.

Final restoration – full metric, current on-site baseline to post development restoration


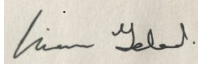
- 5.2.18 The full BNG calculation for the site from the existing baseline to the final restoration results in the **final gain of 74.16%** with a substantial ecological gain in habitats of high value for wildlife, shifting from arable to a mix of arable, other neutral and acid grassland and broadleaved woodland.

- 5.2.19 The restoration also creates lengths of high-quality hedgerows increasing connectivity and habitat availability on site and within the surrounding landscape. **It forms a 300.93% gain on hedgerows** due in large part to the creation of several hedgerows but also the creation of two lines of trees that re-establish the avenue of trees along the central access track.

6 Conclusion

- 6.1.1 The restoration scheme has been designed in a sensitive manner, taking into account the social and heritage aspects of the area, the policy statements in Worcestershire Minerals Local Plan (adopted July 2022) but also focussing on creating good quality habitats for the local residents to enjoy and also to encourage the use of the site by a broad range of native species, it also allows for the removal of invasive, non-native species from the site.

- 6.1.2 In addition to the large gains shown in the metric, the habitats established post restoration, bring a large area of LBAP acid and neutral grassland habitats into use. These habitats alone are a significant increase in ecological value from the current arable, however they are also critical in encouraging a diverse range of species to inhabit, forage and commute through the site, especially given the increase in linear habitats throughout the site.
- 6.1.3 The restoration that forms the cornerstone of the development will create high value habitats, suitable for species such as barn owls, breeding birds, amphibians and reptiles, bats and other mammals.
- 6.1.4 The significant net gains in biodiversity both with regard to hedgerows, habitats and the species they support greatly exceed the applicable policy requirement (which is merely that there should be positive net gains of no specified degree – para 180(d) , NPPF 2023). They also greatly exceed the legal minimum of 10% net gain that is now required for current planning applications by the Environment Act 2021, even though that requirement does not apply to this planning application.
- 6.1.5 In light of this, the Appellant and LPA agree that the very significant biodiversity net gains that will be achieved by the proposed development should attract significant positive weight in the planning balance.

Signed on behalf of Minerals Planning Authority		Signed on behalf of Appellant	
Organisation	Worcestershire County Council	Organisation	Liam Toland Planning
Signature		Signature	
Name	Rachel Hill	Name	Liam Toland
Qualification	BEng (Hons)	Qualification	BA (Hons), MSc, MRTPI
Date	04/10/2024	Date	04/10/2024