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Date: 18th January 2024

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017
SCOPING OPINION**

Dear Raj Bains

LOCATION: Tytherington Quarry Tytherington Road Thornbury Wotton
Under Edge South Gloucestershire
DESCRIPTION: EIA scoping opinion for an additional 6 million tonnes of
aggregate extraction from Tytherington Quarry.
REFERENCE NO: P23/031/SCO

I refer to your request for a formal opinion from the Council on the information to be supplied in the Environmental Statement (ES) in respect of the above, request received by the Council on 30th October 2023. In the authority's opinion the proposal is a Schedule 1 development under the above Regulations and in the opinion of the local planning authority an EIA is required. The scoping consideration is provided below:

The proposal is for an additional 6 million tonnes of aggregate extraction from Tytherington Quarry.

I hereby give notice of the authority's adoption of the scoping opinion incorporating the following documents: EIA Scoping Report (Oct 2023) which was received by the Council on the 30th October 2023.

This adoption is subject to the following additional information and considerations regarding information and methodology which should be addressed and provided with any planning application made.

Proposed Scope:

The Scoping Report proposes to scope in the following matters: - Revised restoration scheme; - Landscape and visual; - Noise; - Vibration; - Water environment; - Biodiversity; - Socio-economics; - Climate Change Resilience; - Greenhouse Gas Emissions; and - Cumulative effects -

The Scoping Report proposes to scope out the following matters: - Transport and Traffic, Air Quality, Cultural Heritage, Land and Soils (inc. agriculture), Major Accidents and Disasters

Scoping Considerations:

Given the nature and scope of the proposals and the nature and scope of the Highways England considerations, below, it is considered that Transportation and Traffic should be scoped into the EIA.

Officer and external agency comments on the scope of the EIA and advice on accompanying details are set out below:

**Environment Agency Considerations and Flood Risk, Water Management
Groundwater Protection, Biodiversity, Environmental Management and Waste:**



- Surface Water Drainage Flood Risk
- Water Supply (Resources) and Water Efficiency.
- Wastewater
- Groundwater Protection
- Impact on protected species and habitat
- Construction Environment Management Plan, included pollution prevention measures, and
- Waste management

Surface Water Drainage / Flood Risk

If the site is greater than 1 hectare under National Planning Policy Framework a Flood Risk Assessment (FRA) will be required to deal with surface water runoff from the site. The surface water drainage strategy should also have consideration to pollution control measures. Further advice on the production of a FRA can be found on the .gov.uk website at: <https://www.gov.uk/flood-risk-assessment-for-planning-applications>

The consideration of surface water matters now falls to the Lead Local Flood Authority and they should be consulted on surface water issues.

The site may be at risk from other sources of flooding (e.g. groundwater and overland runoff), which are not considered in the mapping of Flood Zones. Therefore the views of the Lead Local Flood Authority regarding this matter have been sought and details are provide in the relevant section below.

Whilst the site is outside of the EA flood risk area shown in their flood maps for planning, this may be because the Environment Agency maps are indicative in nature and do not show flood zones (2 & 3) associated with watercourses where the catchment size is smaller than 3 square kilometres. You may also wish to refer to the EA flood map for surface water for additional information on potential sources of flooding. This information would be available from the EA Communications team via wessexenquiries@environment-agency.gov.uk, please note that there may be a charge for any flood information that the EA hold.

Water Supply and Wastewater

Adequate water and wastewater infrastructure is needed to support sustainable development. National Planning Policy Guidance identifies that a healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change.

The [EU Water Framework Directive](#) applies to surface waters (and groundwater). It requires member states, among other things, to prevent deterioration of aquatic ecosystems and protect, enhance and restore water bodies to 'good' status.

The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

Where a connection to a public foul sewer is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the required Environment Agency Environmental Permit



A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed during the life of the plant.

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

Biodiversity

The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

Information on biodiversity impacts and opportunities should inform all stages of development including, for instance, site selection and design including any pre-application consultation as well as the application itself.

Groundwater Protection / Contaminated Land

If historic use of the site may have caused contamination, then National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

Further guidance on what should be contained in the assessment and issues associated with groundwater protection can be found in our The Environment Agency's Approach to Groundwater Protection which can be found at:

[The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/the-environment-agency-s-approach-to-groundwater-protection)

This is intended to be used by anyone interested in groundwater and in particular those wanting to undertake activities which have the potential to impact on groundwater.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Waste

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, the EA would wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If you require more specific guidance it is available on our website www.environment-agency.gov.uk/subjects/waste/.



Lead Local Flood Authority

In addition to the above consideration in respect of FRA, drainage, surface water and groundwater it is considered that to support any future planning applications and satisfy our requirements as Lead Local Flood Authority (LLFA) a Flood Risk Assessment (FRA) and 'comprehensive' Surface Water Drainage Strategy will need to be submitted, these will need to include information which clearly describes pre and post development conditions including flood risk appraisal at the site and its vicinity and any existing drainage arrangements.

The FRA should also provide an assessment on how flood risk from a range of potential sources may or may not affect the development proposals, provide details on how surface water from the development will drain based on sustainable principles and without increasing flood risk elsewhere.

It should be noted that any existing hydrological and land drainage features will need to be retained on site and incorporated where applicable.

General comments/observations regarding the proposal and any future applications are as follows;

- Groundwater testing and borehole data must be included within any future FRA and Drainage Strategy submissions.
- Detailed information describing the existing hydrological and surface water discharge provisions which include, but are not limited to, current discharge restriction limits (in litre per second *l/s*), types and/or methods of flow control systems, natural gravity fed and/or pumped flow and overflow arrangements (including information related to pumping regimes, with normal, extreme, and emergency scenarios).

Formal surface water network provisions and components of the current onsite settlement lagoon/lake to include pipe sizes, headwalls, and pollution control units.

- Information related to the nature of the downstream receptors of any such positive surface water discharge outfalls and/or connections, such as localised watercourses/ditches, land drains and sewer systems (public / private).
- Current and proposed methods of pollution and flood risk prevention and control techniques.
- Details of any proposed increased dewatering, and/or surface water disposal, to facilitate mineral extraction, including, but not limited to 'Groundwater dewatering'.

Environmental Protection

There is a comprehensive report to the proposals and information to be provided for excavation and extension.

The detailed parameters are noted and concurred with, particularly Noise and Vibration; Waste Management and Dust management, as set out in the detailed report to assist the scope prior to a formal EIA.

Note the anticipated CEMP Plan also requested by the EA detailed response, should be noted.



The Environmental Protection Team (Noise and Pollution) ,notes and concurs with the detailed scope of the report in anticipation of the full EIA any further pre application discussions and a subsequent full planning application.

Environmental Protection - Contaminated Land

Consideration for the potential of contaminated land should be included within the planning application and will also be covered by relevant environmental permits.

National Highways/Transportation matters

The Site is located in Tytherington which is located approximately 5.3km to the southwest of M5 J14, and approximately 7.4km to the northeast of M5 J16. The main vehicle access is via Tytherington Road from the A38 which forms part of the local road network. The quarry is located adjacent to the M5, which forms the eastern site boundary. Highways Agency comments relate to matters arising from their responsibilities to manage and maintain the safe operation of the strategic road network (SRN), in this case the M5.

The existing 42ha quarry site comprises an active limestone quarry (extant planning consent NA/IDO/002/A dated 7 February 2006). Tytherington Quarry is being worked at a capacity of approximately 2 million tonnes per annum with 14 full-time employees at the quarry, plus many more in their supply chain of contractors and support staff.

The EIA Scoping Report sets out that the permitted extraction techniques and output rates would remain unchanged as per the principal consent NA/IDO/002/A and mineral would continue to be processed at the site's mobile / fixed processing plant located within the quarry. Existing access arrangements into and out of the site and operating hours are proposed to remain unchanged.

The proposal is for the deepening of the Woodleaze area of the existing quarry to release an additional 3 million tonnes of mineral reserves as well as enable the extraction of a further 3 million tonnes of mineral reserves from the southern part of the quarry, beneath the existing soil storage area.

The proposed scheme does not seek to increase output rates from the quarry from that which already exists, but rather the proposed scheme seeks to access an extra 3 years of reserves. As the proposed scheme does not seek to increase the peak traffic generation it will be in line with the extant planning permission and therefore the EIA Scoping Report submitted indicates that no detailed assessment of traffic and transport effects is proposed in the EIA and it is proposed that traffic and transport is scoped out of the EIA.

However, it should be noted that M5 J14 currently operates under constraint during network peak hours and is sensitive to additional vehicle movements. Whilst noting that the extent permission NA/IDO/002/A does not appear to restrict vehicle movements, the Highways Agency will expect the application to be supported by evidence to demonstrate that the proposals will not result in an increase over and above existing vehicle movements. If the proposals do result in an uplift in vehicle movements, it is likely that we will expect the applicant to prepare a full transport assessment to enable us to understand the impact on the SRN given the operational sensitivity of M5 J14.

Set out below are both the general and specific areas of concern that National Highways would expect to see considered as part of any Environmental Assessment and application submission.



General aspects to be addressed:

- An appropriate assessment of transport related impacts of the proposal should be carried out and reported as described in the Department for Levelling Up, Housing and Communities Planning Practice Guidance on 'Travel Plans, Transport Assessments and Statements in decision-taking';
- Environmental impacts arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported, along with the environmental impact of the road network upon the development itself in a Construction Environmental Management Plan (CEMP);
- Adverse changes to noise, vibration and air quality should be particularly considered, including in relation to compliance with the European air quality Limit Values and/or Local Authority designated Air Quality Management Areas (AQMAs) and World Health Organisation (WHO) criteria;
- Development must not lead to any surface water flooding on the SRN carriageway; and • No new connections are permitted to National Highways' drainage network. In the case of an existing 'permitted' connection, this can only be retained if there is no land use change.

Location specific considerations:

- The assessment of traffic impacts accompanying any application should consider the operation of the strategic road network in line with national planning practice guidance and DfT Circular 01/2022 The Strategic Road Network and the Delivery of Sustainable Development. Where proposals result in a severe congestion or unacceptable safety impact, mitigation will be required in line with current policy.
- Any potential impact on the National Highways assets (including earthworks) or soft estate should be considered, assessed and reported as appropriate to ensure there is no adverse impact on the National Highways estate or its assets.

It is important to ensure that safe access to this development is provided for all modes of travel and this can be achieved without jeopardising the operation of the existing transport networks. To this end, the Council would wish to see any forthcoming proposals supported by a Transport Assessment including, but not limited to, the following information:

- An assessment of access to the site by all modes of transport to demonstrate that this is both practical and safe.
- A forecast of the number of vehicular movements associated with the site together with an examination of the potential impact on the local highway network.

Network Rail

We are informed that the Network Rail Mining Team have attempted to contact the quarry operators in recent months to arrange a site visit to understand current and planned operations at this development.

Network Rail would urge the owners to contact the NR Mining Team via NR asset protection (assetprotectionwestern@networkrail.co.uk) so that arrangements can be made to schedule in routine visits at the site. Until they are in contact with the operators and there is engagement between the quarry operators and Network Rail, we are informed that Network



Rail are likely to object to any future planning applications for expansion/additional extraction at this location.

Landscape

Landscape and visual elements are scoped in reference Table 5.1 of the Scoping Report.

The proposed development will need to demonstrate how it accords with the objectives set out in the above SPD documents and how it will fit in with the character of its landscape surroundings.

The following will be required to be submitted to support a detailed planning application:

- LVIA to GLVIA 3 supported by analysis plans and photographs showing the baseline views from assessment viewpoints. Wireframe images may be helpful to show the change in view from more sensitive or open viewpoints (visual receptors) including where there may be a change in the vegetated skyline around the quarry.
- Current tree survey, together with tree protection plan to BS5837:2012.
- Landscape mitigation and planting strategy, supported by planting schedule and details of any new screen bunding (the gradients of which should be designed to support the establishment of mitigation planting, and to fit in with the character of the surrounding landscape).
- Detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting, can be agreed as a condition of any planning consent.
- Details of all proposed boundary treatments, and proposed levels for structural bunding and working platforms.
- Restoration strategy and long-term landscape management plan.

Ecology

The Scoping Report states that ecological features will be scoped in. The EIA will include an Extended Phase 1 Habitat Survey, which is required to support the application. A CEMP or Ecology Method Statement will also be required to ensure adequate mitigation for habitats and protected species, along with a Biodiversity Enhancement Plan and sensitive lighting scheme designed for the site.

Nationally designated sites have not been included within the Baseline Conditions of the Scoping Report. There are four SSSI's located within 5km of the site, including Tytherington Quarry SSSI. These need to be considered. I also note that there are more ponds within 500m of the site than the two mentioned within the report, and these should also be considered.

Trees

The sites for the proposed additional reserves will require some loss of vegetation from the Inner part of the site. The Woodland belts to the edge of the site are proposed for retention to continue to act as a visual and sound buffer. The full planning proposal will need to be accompanied by an Arboricultural report in accordance with BS:5837:2012 for the protection



of the trees proposed for retention. A scheme of landscaping for the boundaries of the site that will require additional planting will also be required this will also then include replacement planting to mitigate for any tree/vegetation loss. In principal the scheme does not have a significant impact on existing trees and the scheme can potentially be acceptable in arboricultural terms going forward provided that the required documents are submitted.

Archaeology

The details of scoping report prepared in respect of archaeology are concurred with and the Council are in agreement with the report that the potential impacts are likely to be low and that archaeology can be scoped out of the ES.

These comments are provided on the basis of the information available to us at this time, and without prejudice to future advice and/or recommendations which would be made on receipt of a formal planning application.

The applicant should seek their own expert advice in relation to technical matters relevant to any planning application before submission.

Yours sincerely

Simon Ford
Senior Planning Officer
(Minerals and Waste)