

From: Paul Round <Paul.Round@wyreforestdc.gov.uk>
Sent: 26 February 2021 10:54
To: Aldridge, Steven
Subject: LPA Response Lea Castle Quarry
Attachments: LPA Response Lea Castle Quarry.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Steve

Sorry for the delay please find attached the Districts response. This has been issued under delegated Authority and agreed with Ward Members and relevant Cabinet Member.

Happy to discuss if you wish

Paul;

Paul Round PGDipTP MRTPI
Development Manager
Wyre Forest District Council
01562 732516 / 07872 423016
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
Paul.Round@wyreforestdc.gov.uk

Have you seen our free online magazine for residents, WyredIn? [Sign-up to receive it.](#)

Keep up to date with the latest news, jobs and events



Visit the Wyre Forest District Council [website](#)



Find Wyre Forest District Council on [Facebook](#)



Follow Wyre Forest District Council on [Twitter](#)



Please don't print this email unless you need to.

Confidentiality Notice

These details do not constitute an electronic signature. Wyre Forest District Council does not accept service of documents by email. This communication and any attachment may contain confidential and privileged information. If the email has been sent to you in error you may not disclose its content to anyone else or copy or forward it in any form. Please notify the sender about this error and delete this email. No employee or agent is authorised to conclude any binding agreement on behalf of Wyre Forest District Council with another party by email.

Disclaimer

Although this email and attachments have been scanned for viruses and malware, Wyre Forest District Council accepts no liability for any loss or damage arising from the receipt or use of this communication.

Monitoring of Email

Wyre Forest District Council may monitor traffic data and the content of email for lawful business purposes.



case officer: Paul Round

tel: 01562 732516

fax: 01562 732556

email: Paul.Round@wyreforestdc.gov.uk

my ref:

your ref: 19/000053/CM

date: 26 February 2021

Application Ref: 19/000053/CM **Grid Ref:** (E) 383959, (N) 278992

Applicant: NRS Aggregates Ltd

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

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

Having considered the above application, the District Council **OBJECTS** to the proposal.

Whilst it is appreciated that in line with paragraph 205 of the Framework, great weight should be given to the benefits of mineral extraction, 205 b) requires that Mineral Planning Authorities should "...ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety..."

It is also accepted that Mineral extraction can be development that is not inappropriate provided the development preserves its openness and does not conflict with the purposes of including land within it (para 146 a) of the framework). The District Council has taken account of the judgement at *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3, appreciating that there is a wide consideration for a planning judgement to be made. It is considered that the impact of the area of working along with the associated equipment and vehicular movements connected with the site will have a significant impact on the visual amenities of the Green Belt, the immediate landscape and will cause significant loss of openness.

Cont...

Economic Prosperity and Place

Wyre Forest House

Finepoint Way

Kidderminster

DY11 7WF

Mike Parker, Director of Economic Prosperity & Place

In particular, Phases 4 & 5 along with the 'site for initial works' will have an unquestionable adverse impact on this highly visual part of the landscape. This provides a significant landscape quality and vista to the approach to the Town of Kidderminster, this quality landscape would be significantly impacted by this proposal. The development would also cause unavoidable visual coalescence between the two villages of Cookley and Wolverley, which would conflict with the purposes of including land within the Green Belt. Para 134 of the Framework states that the Green Belt serves five purposes, it is considered that the development would fail in the following aspects.

- a) to check the unrestricted sprawl of large built-up areas;
- b) to assist in safeguarding the countryside from encroachment;

The County Council are well aware of the District's aspirations for housing delivery across the District in 2036. In particular, the Lea Castle Village site has been selected and examined for large scale housing development to support the Council's aims of providing a sustainable settlement in this location. This is a large strategic allocation, which is fundamental to delivering the aims of the emerging plan, along with critical infrastructure in this area. The development of a quarry in this location would undoubtedly undermine the delivery of this allocation, leading to loss of critical infrastructure and putting pressure on the Green Belt for unallocated sites site due to under delivery. The Housing Delivery Test 2020 measurement identifies that the District have delivered at 84% and therefore it is critical that we ensure we can deliver housing in line with our trajectory to regain a healthy five year housing land supply and maintain our plan-led approach to housing development.

The County Council will acknowledge, that there a number of residential properties in close proximity to the site. These will be directly adversely impacted by noise, vibrations and dust to the point that the development will significantly harm the amenity that they enjoy. It is considered that such harm cannot be adequately mitigated. In addition, the communities of Cookley and Broadwaters, although to a lesser degree, will feel this impact of the development. Finally, full consideration will need to be taken of the 1,400 new properties on the Lea Castle site, 600 of which have already commenced. These new properties will be directly impacted by noise, dusts and vibration to an unacceptable level, it is felt that this has been overlooked and not fully considered as part of these proposals. At a time when outdoor space is of greater importance than ever before, the need to allow existing and future residents to enjoy the amenity of garden areas and recreational routes is absolutely essential.

Cont...

Economic Prosperity and Place
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF

The County Council will note the bridleway running through the site along with other footpath routes. In addition, the comments of the District Council's Conservation Officer highlight the following;

"I am concerned [however] that the nature of the proposed development may create noise, dust or other environmental conditions which have a harmful impact on the intrinsic character of the [Staffordshire and Worcestershire] Canal Conservation Area as experienced by those within it. At this location the Area runs through a particularly tranquil setting, quite different from the industrial and urban landscapes of Stourport and Kidderminster and this is noted in the Conservation Area Appraisal. The impact of potential noise, dust or other environmental conditions affecting species or flora and fauna within the Conservation Area should be considered..."

This proposal takes no account of this factor and appears to provide a reduction of the ability of residents and the community to enjoy these resources. Levels of traffic whilst they have been assessed, do not appear to have fully taken into account the County Council's highway modelling work around the Local Plan allocations and have not taken into account planned increase of traffic movements associated with the Lea Castle Village development. The quantity and type of vehicle movements have not been adequately assessed to a point that it is considered will result in an adverse impact on highway safety on the surrounding highway network.

The District's Arboricultural Officer still maintains his objection to the application commenting as follows;

1. *I share the concern of the Woodland Trust with regards to T22. A veteran Sweet Chestnut, which should be retained in line with NPPF Para. 175. This tree is earmarked for removal as it is in the centre of phase 1 extraction.*
2. *TPOed trees T9 & 10 (in the survey) are also down for removal.*
3. *The extraction phase 2 boundary is within the RPA of T19. There is a note that this will be changed to be outside the RPA, but I need to highlight this to ensure it is changed if permission is granted.*
4. *The boundary of phase 2 is around 50% of T23. Granted it is outside the RPA, but it's right on the edge and I have serious concerns about the protection of the tree during the extraction process.*

Cont...

Economic Prosperity and Place
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF

5. *I also have concerns about the protection of the trees T12 to 21 (most of which have a TPO) during the works. If permission is granted there will need to be a watertight AMS and an Arb Consultant retained for the phases 1 to 3 to prevent unnecessary damage to the trees.*
6. *The RPA calculation is only the minimum distance to protect the roots of the retained trees. Given the nature of the proposals I feel the RPA should be calculated at 15 x the DBH and not 12 x for trees on the edge of the extraction areas.*

The removal of veteran and significant trees add to the ecological and landscape harm, that cannot be easily replaced. There is a high degree of concern that even trees shown to be retained are likely to be lost during the extraction phases. These matters individually and collectively hold significant weight and outweigh any of the benefits and 'great weight' of mineral extraction.

In summary the District Council considers that permission should be **REFUSED** for the following reasons;


1. It would constitute inappropriate Development in the Green Belt, the proposed development results in significant loss of openness, visual amenity and character to the Green Belt, failing to maintain the purposes.
2. The development, in particular the initial phase and phases 4 & 5 will interrupt and cause significant harm to the character of the landscape in this location. Even taking into account the proposed restoration, there will be a lasting adverse impact to the quality and appearance of this important visual setting.
3. The development will dramatically undermine the District's Strategic Housing Allocation at Lea Castle Village resulting increased uncontrolled speculative development. The strategic allocation is especially chosen to provide a sustainable community providing much needed education, healthcare and highway infrastructure, along with other key community facilities.
4. The proposal will directly adversely impact on existing and future residential dwellings both in close proximity and further from the site; impacting on their amenity, through adverse noise, dust, and vibrations. It will also impact on the wider community reducing the ability to enjoy recreational routes and outdoor space.

Cont...

Economic Prosperity and Place
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF

5. The proposal will result in significant vehicular movements and although the impact of which has been assessed, does not appear to have taken into account the growth of the Lea Castle Village development. Given the timescales of the proposal, there will be a direct correlation with the new residential development being completed in the Council's housing trajectory. As such it is considered that the quantity and type of the proposed vehicular traffic will have an adverse impact highway safety on the surrounding network.

6. The development will result in the loss of mature trees, including a significantly important veteran tree. Those trees shown to be retained, are close to the development and will be under immense pressure to be felled or have works carried out to the detriment of the visual amenity of the locality. The loss or potential of these trees adversely impacts on the visual amenity of the area, the character of the landscape and the ecological



Paul Round
Development Manager

Economic Prosperity and Place
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF