

IN THE MATTER OF

**LEA CASTLE FARM, WOLVERLEY ROAD,
BROADWATERS, KIDDERMINSTER, WORCESTERSHIRE**

PLANNING APPEAL REF: APP/E1855/W/22/3310099

**OPENING STATEMENT
ON BEHALF OF THE R6 PARTY**

Introduction

1. The Rule 6 Party, Stop the Quarry Campaign (“STQC”) comprise of several thousand individuals. Each and every one is deeply concerned about the development of this Appeal Site – and they have every right to be.
2. This is an appeal for the removal of some 3 million tonnes of Sand and Gravel over 26 ha, on land that is a virgin, unallocated Site, sat within the rolling hills, in landscaped parkland, forming the grounds of Lea Castle, an 18th Century mansion. It is nestled between the historical towns of Wolverley and Cookley, both historically defined by their association to the iron workings, Broadwaters and proximity to the town of Kidderminster.
3. The Appeal Site is an area of land which local people cherish. It is peppered with footpaths and bridleways,¹ and an area enjoyed for recreation, by people from both the immediately adjacent settlements, and by those from further afield.² The importance of this area of land to the people who live here is perhaps best summed up in the 2030 letters of representations received during the application period,³ the words of those you will hear later today, as well as the evidence put forward by STQC.

¹ 3 PRoW across the Site.

² As will be explained by Mr Mike Lord on behalf of STQC.

³ §2.19 of the SoCG CD13.25.

4. The proposals will drastically affect the lives of local people. There are several schools in the vicinity – Heathfield Knoll primary school, and nursery being just 15m from the boundary of the Site. Several residents have properties which are enveloped by – or immediately adjacent to the Appeal Scheme. The environmental impacts on all of those students, parents, teachers and residents, as well as the wider communities are very serious material considerations indeed.
5. Before we start with what will be said by those speaking for the STQC, we start with the policy context. It is not lost on STQC that national policy requires Mineral Planning Authorities (“MPA”) to plan for a landbank of sand and gravel to be maintained (§213 (f)) of the NPPF of 7 years. In that regard, Worcestershire County Council (“WCC”) are to be commended: they have a very recently adopted minerals plan in the form of the Worcestershire Minerals Local Plan 2018-2036 (“MLP”) which sets the policy framework – including the environmental parameters - within which application for the winning and working of minerals must be determined.
6. What is yet to be determined is **where** those workings will take place. WCC are deep into the preparation of the Site Allocations Development Plan Document (“DPD”). That is a process which specifically grapples with the question of where planning permission would be suitably granted for the winning and working to take place, particularly when assessed against the objectives set out in the MLP. Importantly, it will balance the need for the supply of minerals with the protection of the environment and with amenity considerations⁴. That is an important function of the plan-making process - so that all the needs and the constraints can be properly taken into account, with sites judged against each other.
7. STQC respectfully submit that that is not in an appropriate location for this type of activity.
8. **First**, the Appeal Site lies in an extensive area of search, covering a large area of land east of Kidderminster.⁵ But it also lies in the Green Belt (“GB”) – an area afforded the highest degree of protection in national planning policy. Wyre Forest District Council undertook a recent Green Belt Review to inform the production of its recently adopted

⁴ Chapter 7 of the STQC Evidence, relating to Planning matters. §3.8.

⁵ Ibid. §4.1

local plan (2022).⁶ STQC consider that this will detrimentally impact the important characteristics of the Green Belt therein identified. In summary:

- a. On spatial impacts, the STQC consider that it will not preserve the spatial openness of the Green Belt. It will no longer fulfil its purpose of protecting against the continued sprawl of Kidderminster. It is sited in the backdrop to two historical towns of Wolverley and Cookley and would, undoubtedly result in encroachment into the countryside.
 - b. On visual impact, the excavation will not preserve the openness during operational or restoration phases. During operation, the bunds will be an alien feature of the landscape, and on restoration, it will become a ‘featureless crater’⁷ resulting in a clear change in the topography. The open character is depicted in the photographs featured as part of WCC’s evidence.⁸
 - c. There would be clear conflict with purposes (a)-(d) of Green belt Policy as set out in detail in the evidence of Mr Partridge to this appeal.⁹
9. It will be said that minerals can only be worked where they are found – and on that basis, the NPPF affords mineral working a degree of latitude in harm to the GB. However, it is only where openness is preserved and there is no conflict with GB purposes where the Appeal Scheme could be found not to constitute ‘inappropriate development’. In due course, the Inspector will be invited to conclude that such findings cannot be made in this case.
10. **Second**, Mr Tim Partridge, an experienced planner, sets out why, against the Objectives of the Sustainability Appraisal of the DPD, the Appeal Scheme hopelessly fails. The Appeal Site lies in Area of Search SSSG17, an extensive area of search covering a large area of land east of Kidderminster. Against the objective evidence base of the SA, SSSG17 is ranked 17th out of 29 areas of search, and the appeal scheme on its own would rank far lower.¹⁰

⁶ CD12.01

⁷Chapter 7 of the STQC Evidence, relating to Planning matters. §8.28.

⁸ CD13.16, Appendix WCC 15.

⁹ Chapter 7, of the STQC Evidence, relating to Planning matters. §8.11-8.14.

¹⁰ Chapter 7, of the STQC Evidence, relating to Planning matters. §3.59

11. That too points to why the Appeal Scheme is a development which is in the wrong place, particularly when assessed against other areas being considered for the winning and working of sand and gravel.

12. **Third**, the proximity of the Appeal Site and the impacts on local people are likely to be profound. Their concerns are coupled with grave concerns with the value of the Environmental Statement, particularly in terms of its objectivity. It does not equip the decision-maker with a robust information, or with full and fair facts against which this Inspector can safely make a decision on this scheme. These concerns are encapsulated in a series of important Chapters to the STQC evidence base *inter alia*:
 - a. On Air Quality and noise, Mr Adrian Carloss¹¹ will explain how the Appellant's evidence on dust air quality and noise, fails to properly grapple with the impacts on sensitive receptors and weather conditions; his evidence will also be supported by that of Mr Dave Langton, who urges you to consider the impact of Silicosis.
 - b. On bridleways, Ms. Rebecca Hatch,¹² will discuss first-hand, the impacts of the changes to the footpaths, bridleways and other local amenities. She will discuss the profound impact that this will have on the local equestrian centre. She will show how the options for changes to PRoW network put forward by the Appellant are utterly ill-conceived and poorly thought through.
 - c. Mr Bill Houle, an experienced development surveyor, will give evidence on the impacts on transport and highway matters – he raises sensible, and well-founded concerns about the conditions to be imposed on HGV vehicle movements into and out of the site, the likely impact that this will have on traffic through Wolverely and on the B-road network, the impact on local road users and pedestrians as well as the impacts upon Kidderminster and its Air Quality Management Area.
 - d. On restoration, Mr Matt Harthill¹³ grapples with the issue of restoration; he will show that there are major question marks over the sufficiency of material for

¹¹ Chapter 1 and Chapter 3 of the STQC evidence relating the impacts of dust on the local community and surrounding area and noise impacts, respectively.

¹² Chapter 4 of the STQC Evidence, relating to bridleways, footpaths and local amenities.

¹³ Chapter 8 of the STQC Evidence, relating to Restoration.

infilling and how the restored Appeal Site will be uncharacteristic of the local landscape.

- e. Mr Mike Lord,¹⁴ a very successful and experienced local businessman will probe the evidence relating to the purported economic impacts arising from this development and whether they can really be relied upon in the manner suggested. He will show that critical impacts on local employment have not even been addressed or adequately taken into account.
- f. Finally, Mr Partridge will show how the heritage impacts from quarrying within the historic parkland, and through opening the historical wall will have a significant effect in heritage terms– including to the historical towns, the impacts of the gatehouses which are key defining features of both Cookley and Wolverley.

13. There are a litany of other concerns that the R6 party will ventilate during the course of this Appeal – these relate to the sustainability of the location, the alternatives, the perceived sterilisation of the Site, the issues of need and landbank and cumulative impact.

Conclusion

14. The supply of minerals cannot be at any cost – and whilst need is an important part of the planning balance, the need for minerals has no special weighting.¹⁵ We urge the Inspector to grapple properly with the case on amenity impacts and the issues concerning the harm to the Green Belt.
15. Fundamentally, this is a scheme of development in the wrong place; its impacts will be unacceptable for a multitude of reasons. Accordingly, in due course, the Inspector will be invited to dismiss the appeal.

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No5 Barristers Chambers

27 February 2023

¹⁴ Chapter 9 of the STQC Evidence, relating to economic impacts.

¹⁵ Like for example, the need for housing, which may engage the ‘tilted balance’.