

**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**

**Statement of Case
for Stop The Quarry Campaign – Rule 6 Party**

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

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

Application reference: 19/000053/CM

Appellant's name: NRS Aggregates Ltd

Appeal reference: APP/E1855/W/22/331009

05 January 2023

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1.0 Introduction

1.1 This Statement of Case is prepared on behalf of the local community by the Stop The Quarry Campaign (STQC) against the appeal of the planning application refused by Worcestershire County Council (WCC):

- Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement (Planning Application Reference: 19/000053/CM).

1.2 In light of WCC's decision to refuse planning permission and NRS launching an appeal, the purpose of this Statement and supporting documents is to demonstrate that the proposed development remains unacceptable in both planning terms and by the local community who live in close proximity to the site. This appeal should be rejected.

1.3 The STQC is firmly of the view that a Public Inquiry, whilst unnecessary, can resolve this issue to the good of the community with finality and has obtained Rule 6 status with this in mind.

1.4 This Statement of Case builds upon the objections submitted by STQC and its members submitted to the planning application and now forming part of the evidence base to the appeal. This document does not seek to repeat all of the points made in those objections which will form the basis of evidence presented to the inquiry.

1.5 This Statement of Case is supported by a draft Core Documents list which currently comprises the original basis for objections raised during the planning process to highlight both the inappropriate nature of the application but also the may inadequacies of the planning application documents and the large impacts that would be suffered by the local people by having a sand and gravel quarry at the centre of 3 local communities of Cookley, Wolverley and Broadwaters. It is noted that these were not included in the Statement of Case by the appellant who have failed to engage with the local community at every stage of this process. STQC will seek to agree a final Core Documents list with the Appellant and the Council.

1.6 No Statement of Common Ground has been offered or agreed by STQC.

- 1.7 STQC encourages the Inspector to consider this planning application anew but it is important to examine reasons for the initial refusal. Whilst STQC agrees with the grounds for refusal, as stated above, STQC believe there are additional reasons to refuse this appeal. Below we set out the reasons why STQC do not agree with the grounds for appeal and add additional reasons why the Secretary of State should not grant the appeal.

2.0 Stop The Quarry Campaign (STQC)

2.1 STQC was formed with the following aims;

- To oppose the planned Quarry at Lea Castle
- To establish an organisation of like-minded individuals for the express purpose of furthering the social, economic and environmental interests with regard to the use of the site at Lea Castle
- To support our community by taking action when needs are identified
- Ensure all funds raised are used to benefit and enhance the community

2.2 The campaign has an adopted constitution and runs a public general meeting in line with the constitution. The committee is an elected body and meets on a monthly basis to enact the aims of the local community.

2.3 STQC has over 5,000 members made up from the local community.

2.4 STQC is not publicly funded and relies on minimal donations from members and supporters. STQC has no funds to retain consultants and legal representation, this is a grass roots, local community campaign, representing the views of the local community.

3.0 Planning History

- 3.1 Historically, the site formed a part of the c.220ha grounds of Lea Castle, which was built around 1762 and demolished in 1945.
- 3.2 Planning permission was granted at Lea Castle Farm in May 1997 (WFDC ref.WF/0648/96) for the conversion of barns into eight dwellings, the erection of garages, construction of driveways, parking areas and new sewage treatment plant along with alterations to the existing access. In July 2001 planning permission was granted (WFDC ref. WF/0437/01) for the change of use of barns to 11 dwellings with the associated erection of garages, construction of hardstandings and new access drive.
- 3.3 A planning application for the construction of two golf courses at Lea Castle Farm was first submitted to WFDC in March 1999. The application included the proposed construction of one 18-hole and one 9-hole golf courses, the erection of a clubhouse with ancillary facilities, the construction of a new vehicular access onto Castle Road, new driveways and parking facilities, a golf practice area, and the diversion of a public footpath. The application (WFDC ref. WF/0260/99) was refused at Planning Committee on 14th March 2000 and a subsequent appeal was withdrawn. However, an application (WFDC ref. WF/0211/01) was permitted by Committee on 17th July 2001 for ‘construction of two new golf courses (18 hole and 9 hole), new clubhouse and ancillary facilities, new access to Castle Road, Cookley, new driveways and parking facilities, golf practice area and diversion of public footpaths’.
- 3.4 The planning permission for the construction of golf courses at the application site was not implemented. Similarly, neither permission for the conversion of barns to residential uses at the site were implemented. The July 2001 permission (WF/0437/01) remains the most recent significant permission issued for the application site.

4.0 Appeal Site and Surrounding Context

- 4.1 STQC will describe the appeal site and surroundings in respect of its local context and importance, sitting in historic grounds, lying between the two settlements and housing estate that makes up the parish, adjacent to a conservation area and tourist attraction and providing valuable open space and recreation value.

5.0 The Appeal Proposal

- 5.1 This section of the Statement of Case sets out the case made by the Appellant and the reasons STQC reject this appeal.
- 5.2 The proposed development is for sand and gravel extraction together with progressive “restoration” over approximately 26 hectares of land at Lea Castle Farm from two areas – western and eastern areas. The western area measures approximately 12.5 hectares and the eastern area measures approximately 13.5 hectares, although the full extent of the red line application boundary is about 46 hectares.
- 5.3 Vehicular access to the application site would be via a proposed new access and internal haul road onto the Wolverley Road (B4189) in the south-eastern area of the site. This access would provide access to Wolverhampton Road (A449) towards Kidderminster and Stourbridge. It is understood site vehicle movements to and from Wolverley Village will be prohibited a suitable, lawful condition or S106 Agreement is required to ensure this as traffic impact on roads and the village have not been assessed.
- 5.4 The Appeal Proposal makes provision for the initial work to establish a new temporary access onto the B4189 Wolverley Road and Plant Site and subsequent extraction of sand and gravel and solid sand and its distribution. Extraction is said to be concurrent with restoration of extracted areas utilising both in situ site soils and overburden and imported inert materials.
- 5.5 A total of circa 3 million saleable tonnes of sand and gravel will be extracted across an initial works period and five subsequent phases over the course of approximately 10 years. The mineral comprising circa 1.57 million tonnes of sand and gravel and 1.43 million tonnes of solid sand. The mineral will be transported to the plant site for processing utilising both dump trucks and a conveyor system. This scheme is said to have been designed based on an annual processed tonnage of 300,000 saleable tonnes. This is said to provide a source of mineral to supply the building and construction industries with aggregates for products such as building sand, mortar sand, drainage materials and concreting sand and gravel supplying local and Midland markets.
- 5.6 The plant site is proposed to comprise the following:
- The processing plant;

- Office and weighbridge and wheel wash;
- Stocks of product;
- 2 cylinders for a silt management/water cleansing system; and
- Staff and visitor car parking.

5.7 The footprint of the operational processing plant site area would measure approximately 3.8 hectares and would be located about 7 metres below existing ground levels (plant site located at approximately 63.5 metres Above Ordnance Datum (AOD) and existing ground level at approximately 70.5 metres AOD, and surrounded by a soil storage / visual screening bund, which would measure approximately 3 metres high to the south and north and between 4 to 5 metres to the west, with higher ground to the east (up to approximately 80 metres AOD). An overburden bund (overburden is unsaleable materials such as clay or un-saleable silty sand that lies above the mineral) would be located within the north of the processing plant site area measuring approximately 6 metres high.

5.8 The actual planning application is impossible to appreciate. It covers many dozens of documents, which have been amended a number of times. STQC will seek to describe what it understands is being proposed and what can be controlled by development management powers. Similarly, the ES has been amended and updated forming several separate documents which cannot be read as a single document.

6.0 Planning Policy

The Development Plan

6.1 The relevant statutory Development Plan for the appeal comprises:

- The Worcestershire Minerals Local Plan (adopted July 2022) (CD11.03);
- Worcestershire Waste Core Strategy Development Plan Document 2012 – 2027 (Adopted November 2012) (CD11.04); and
- Wyre Forest District Local Plan 2016 – 2036 (Adopted April 2022) (CD11.05).

6.2 It is noted that Reason for Refusal 1 relates to Policy 2 of the County of Hereford and Worcester Minerals Local Plan (Adopted April 1997),

6.3 STQC will assess the relevant provisions of the Development Plan, including its consistency with current national policy, in evidence.

National Planning Policy Framework (NPPF)

6.4 STQC will refer to the NPPF and in particular policies in respect of Green Belt and minerals development.

National Planning Practice Guidance (PPG)

6.5 STQC will refer to relevant elements of the PPG as required within evidence. The above documents will be included within the Core Documents list with the Council's agreement.

6.6 STQC may refer to other planning applications, appeal decisions and case law where relevant to the Appeal Proposal. These will be agreed with all parties and copies will be provided as Core Documents.

7.0 STQC Case Against Proposal

7.1 This section sets out the objections STQC have to the proposal which should lead to dismissal of this appeal. STQC believe that the Local Planning Authority were correct to refuse on the ground they used. Further, STQC believe that there were other significant factors that should have also led the Council to refuse planning permission and which should lead the Secretary of State to dismiss this appeal.

7.2 Planning application (ref: 19/000053/CM) was considered at the Planning and Regulatory Committee of Worcestershire County Council Local Planning Authority on 24th May 2022 and was refused. In any event the Secretary of State had flagged the case of interest showing his concern that the application should not proceed without his input as noted in the officer's report:

“However, this Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call in the application for his own determination.”

7.3 The Officer's Report to Committee identified 15 key issues to be considered in determining the application. STQC's case is that all of these should have formed the basis of refusal and should weigh against the proposal in this appeal. STQC support the nine reasons for refusal and will bring their own evidence on these matters. In respect of the other matters, STQC will also bring their own evidence on why these matters make the proposal unacceptable and should lead to dismissal of this appeal.

7.4 STQC would further add that the case officer should also have reported upon the in-force Mineral Local Plan (MLP) and the recently adopted (just prior to the planning committee meeting) Wyre Forrest District Plan. We also refer to our Appendix 1 which shows the timeline of events both before and subsequent to the planning decision which are key to this inquiry.

7.5 The MLP at the time of decision included a primary directive that “there should be a 200m gap between quarrying and any local housing”. The planning application completely ignored this prime directive whilst the Planning Officer sought to mitigate this due to a new plan that could be adopted in the following few weeks. In fact, he

determined to apply a low weight to this public health item. He then determined to apply more weight to the new, as then unadopted, MLP.

7.6 It is the view of STQC that this presented departure from what he should have done and created a dilemma for acceptance. This dilemma is that the new MLP requires that sites be adopted from a “preferred site list” which did not exist at the time and as yet still does not exist. The planning officer therefore ignores requirements of, what at the time were, both the existing and proposed MLP. Whichever in the mind of the officer should have been relied upon, both precluded the advancement of this planning application.

7.7 The decision notice issued by WCC on 27th May 2022 refused the application for the following reasons:

1. *“Contrary to Policy 2 (Other Sand and Gravel Deposits) of the County of Hereford and Worcester Minerals Local Plan (Adopted April 1997) (Saved Policies);*
2. *Unacceptable impact on openness of the Green Belt;*
3. *Unacceptable impact on residential amenity and local schools;*
4. *Unacceptable impact on the local economy;*
5. *Loss of 2 Tree Preservation Order (TPO) trees;*
6. *Unsuitable bridleway next to the Wolverhampton Road (A449);* 7. *Unacceptable impact on highways;*
8. *Unacceptable general impact on environment and wildlife; and*
9. *Unacceptable impact on health of local population.”.*

7.8 STQC agrees with the reasons for refusal and sets out the arguments for this below. For the Inquiry we will deliver proofs of these points and in some cases expert witnesses to these proofs.

7.9 STQC believe that the expert reports and technical work carried out for this planning application were generally flawed, a light touch and biased. Further, STQC believe there was a lack of diligence and short sightedness on behalf of the some of the statutory consultees. STQC believes that these experts did not give proper consideration to matters and did not use the techniques available to them in reaching their conclusions.

Their representations at the planning meeting did not stand up to scrutiny and they had not shown the diligence their jobs demand. We will provide proofs of this for the Inquiry focusing particularly on air quality, landscape impact, economic impact, health impact, transport, other approved local developments and community considerations including the proximity to local schools which are ignored.

Reason for Refusal 1 – Contrary to Policy 2 (Other Sand and Gravel Deposits) of the County of Hereford and Worcester Minerals Local Plan (Adopted April 1997) (Saved Policies)

7.10 The Appellant states,

“It is noted that Reason for Refusal 1 relates to Policy 2 of the County of Hereford and Worcester Minerals Local Plan (Adopted April 1997), however, since the adoption of the Minerals Local Plan in July 2022, this Policy is now superseded and no longer part of the Development Plan. Furthermore, Policy 2 is not in accordance with the NPPF which does not operate a sieve test, or impose a blanket ban on all development within primary constraints, for example within AONBs, SSSIs or within a buffer strip of 200 metres from the boundary of a potential working area to the nearest main walls of the nearest property, Therefore, it is considered that reason for refusal 1 is no longer of relevance to the Appeal.”

7.11 Here the Appellant seems to accept that this would have been grounds for refusal at the time of the original determination and it seems perverse to rely on a change since refusal as a grounds for appeal. We do not accept this as a proper grounds for appeal as clearly the application was in breach of this very sensible policy at the time the application was refused.

7.12 The Appellant goes onto to state,

“Notwithstanding the above, WCC’s professional officers have set out quite clearly in the Committee Report (CD10.01) that the policy is met (through its internal ‘exceptional circumstances’ test). Therefore, even if Policy 2 did apply, the Appeal is capable of demonstrating exceptional circumstances, which along with the fact that there would be no adverse air pollution, noise, dust, vibration, odour or lighting impacts on

residential amenity or that of human health, would justify departure from the strict outcome of the sieve test in Policy 2.”

- 7.13 It is the view of STQC that exceptional circumstances did not exist and could not have existed for there to be special circumstances.
- 7.14 In addition STQC will refer to the development plan documents and other emerging local plan documents.

Reason for Refusal 2 – Unacceptable impact on openness of the Green Belt

- 7.15 STQC cannot accept and will demonstrate that the reasons set out in Section 138 of NPPF are not met. The proposed quarry and associated development will have an unacceptable impact on the openness of the Green Belt. The final scheme, were it ever to be achieved as proposed, will have a significant and unacceptable impact on the openness of the Green Belt.
- 7.16 STQC will demonstrate that other material considerations do not outweigh the significant harm to the Green Belt such that special circumstance clearly do not exist.
- 7.17 STQC does not accept that there is no significant impact on what is an historic park land landscape, and does not accept that this would not be a temporary impact. The removal of circa 3M tonnes of materials being replaced with only circa 1M tonnes can only mean that the landscape is changed, to the detriment of the area, permanently, with a resulting basin rather than rolling hillside. STQC believes that there is limited chance of full restoration being achieved and that the overall landscape if it were, is unacceptable to the local area. This make the development clearly harmful.
- 7.18 STQC consider that the proposal is atypical of mineral development in the Green Belt given that it is not simply open countryside but is a walled historic parkland exceptionally close to 7,000 plus local residents, within 15 meters of the closest local school with 4 schools in total in the immediate vicinity in addition to local amenities including travel and tourism within 200m. There would be impacts both during and after quarrying on the local area.
- 7.19 STQC believe that no special circumstances exist. STQC will demonstrate the landbank need is not so great as to outweigh the harm to the Green Belt and other harm so as to provide special circumstances on these grounds. In addition STQC will show that there

are large amounts of sand and gravel available in true open countryside to the north of Kidderminster which are far more appropriate for quarrying which will provide sustainable supplies for developments in the area.

Reason for Refusal 3 – Unacceptable impact on residential amenity and local schools

- 7.20 Whilst the Appellant is dismissive of the case made on residential, amenity and school impacts the local community is gravely concerned about this. STQC will clearly demonstrate how a quarry would result in negative impacts and why the local community is so concerned.
- 7.21 In terms of residential amenity, STQC believes that the applicant has failed to properly assess the impacts, seeking to find little or no adverse impacts throughout it's reporting. There are significant amenities which will be affected by noise and dust. Local schools are very close and whilst reports anticipate noise levels within guidelines STQC is still concerned given just how close local schools and with the same daytime hours as the quarry.
- 7.22 STQC will provide significant evidence about the harmful effects of silica sand on populations particularly those within 1000m of a quarry. This has been outlawed in other countries and the UK Government is behind with it's thinking. This is particularly poignant in this case given the proximity of local schools. It is also more significant given the already high levels of air particulates to the northern end of Kidderminster. The risk to local public health is high. Dust prevention measure can only go so far which is demonstrated by the need for high level of respiratory protection for quarry workers. The Appellant has failed to even mention silicosis or to assess the various studies and comment upon their risk level in any of its reporting. STQC will clearly demonstrate the risk to public health of dust particulates, particularly silica sand.
- 7.23 The Applicant states,
- “In response to letters of representation raising concerns regarding adverse dust and health impacts, Worcestershire Regulatory Services reviewed the comments and reiterated that they are satisfied with the development's onsite dust and noise impact strategy, and as long as Worcestershire Regulatory Services' recommendations are*

appropriately conditioned, they consider that the strategy should be strong and flexible enough to deal with any subsequent issues.”

- 7.24 At the planning committee the officers failed to demonstrate to the councillors’ satisfaction that they had examined carefully enough the effects of silica sand stating at the committee meeting that only daytime measures were in place and admitting that there was therefore risk of more significant amounts of sand being disturbed during dry weather during non operational hours. STQC believe that even daytime measure cannot prevent silica sand from being inhaled by local school children and residents.
- 7.25 The Appellant has failed to provide any contrary indications at all in its reporting. It takes lack of evidence found as proof of its case and failed to do further studies on the above matters despite concern from the local community. STQC believe that the reporting is inadequate and that the Appellant has failed to examine further issues raised by STQC. It has not at any stage made direct contact to understand STQC concerns and does not appear to take the above risks at all seriously. STQC believe that there are significant under investigated risks to local public health, wellbeing, amenities and economy.
- 7.26 The adjacent school and predatory school is a fee paying school in competition with other similar schools. STQC believe parents will be dissuaded from paying for children to attend a school adjacent to a sand and gravel quarry with all the perceived health and amenity issues.
- 7.27 The appeal site is also adjacent to a popular Caravan and Camping Club site, it is impossible to believe the site will continue to attract holiday makers with concerns over perceived health and amenity issues.

Reason for Refusal 4 – Unacceptable impact on the local economy

- 7.28 STQC agrees with the findings of the Council that there is unacceptable risk to the local economy. STQC have provided it’s own expert findings on this matter which have been ignored by the Appellant. The Appellant has failed to even examine the local economy beyond its own enterprise, not providing any expert consideration of this matter. STQC will provide its findings to the Inquiry.
- 7.29 The Appellant cites testimony from the head of Head of Planning and Transport on economic impact. One supposes that the Appellant may have actually found an expert

of their own rather than relying on a Transport and Planning professional to make economic claims. STQC will show the proof of risk to the local economy of manyfold the case for positive impact made by the Appellant.

- 7.30 Any jobs on site will transfer or replace similar jobs elsewhere with no net increase in employment and will be temporary.
- 7.31 A large number of jobs are supported in the local area in the tourist and service industry. These are based on the quality of the of the local environment.

Reason for Refusal 5 – Loss of 2 Tree Preservation Order (TPO) trees

- 7.32 The loss of 2 trees is part of an overall cumulative effect on the landscape that will lead to a large effect on not only greenbelt land but an historic parkland area that creates an open space between the villages of Cookley and Wolverley and has done so for hundreds of years.

Reason for Refusal 6 – Unsuitable bridleway next to the Wolverhampton Road (A449)

- 7.33 Refusal 6 states;

“A new public right of way (bridleway) measuring approximately 2.3 kilometres in length is proposed to be created around the perimeter of the site, going from the north-eastern corner of the site, along the western boundary of Wolverhampton Road (A449) located to the east of the site, along the northern boundary of Wolverley Road (B4189), which is located to the south of the site, and finishing in the south-western corner of the site, connecting to footpath WC-622. The section of the bridleway next to the Wolverhampton Road (A449) is considered to be unsuitable for horses”.

- 7.34 This reasoning was founded upon the significant experience of Cllr Chris Rodgers at the planning hearing. In addition STQC will provide proof that this is indeed the case

Reason for Refusal 7 – Unacceptable impact on highways

Congestion

- 7.35 STQC will show Worcestershire County Council has issues with its highways policy. Major roads are severely congested at peak times. There is no North South bypass and there are no plans for one. The main road for North South traffic is the A449 – a standard A

road known as the Wolverhampton Road at its closest point to the appeal site and becoming the Chester Road at its junction with the Birmingham Road east of Kidderminster town centre. All major junctions whether lights or roundabouts are overcapacity at peak times

- 7.36 Traffic from Kidderminster travelling East to Birmingham and the West Midlands conurbation is generally by the A456 Birmingham Road. This is constricted at Hagley at its junction with A491 Stourbridge Road.
- 7.37 Worcester CC operates a traffic model (the Jacobs Ch2m Wyre Forest Local Plan Review 2016 - 2036 – Transport Model). This has not been applied to the traffic movements associated with the subject site, since 154 vehicle movements per day is not seen as high enough to warrant a model assessment. The model already shows that the highway system is over capacity. The cumulative impact from the addition of 1400 new homes plus 7 acres of commercial development at Lea Castle Hospital and addition HGV and other traffic from the quarry will cause severe congestion.
- 7.38 (NRS para 6.42) 13 HGV movements per hour is NOT a worst case scenario. Vehicle movements will peak when the site opens in the morning and finishes operating in the evening.
- 7.39 Highway congestion is a major issue in and around Kidderminster. The situation will inevitably be exacerbated by immediate housing development and future strategic allocations. It is evident that the suitability, in highway capacity and safety terms, of the wider local highway network has not been considered

Amenity

- 7.40 The movement figures fail to take into account behaviour of HGV drivers. The traffic solution seeks to prevent access and egress by HGV's from and to the West. Drivers travelling from and to the West will simply drive past and turn through the loop formed by B4189 Parkgate Road, A451 Stourbridge Road and A449 Wolverhampton Road. At planning committee, the NRS representative made a comment about difficulty in controlling drivers and their propensity to "park up" near quarry access points. There is no allowance for this in any report submitted by the appellants.

7.41 NRS representative raised doubt about the efficacy of the implementation of submitted details relating to access, parking and turning facilities, in his verbal evidence to the planning committee.

Safety

7.42 The appellant submitted a technical argument as to why gradient should be ignored. The gradient up from Wolverhampton Road ends less than 100 metres from the proposed access. In old fashioned terms this means the “brow” of the hill is located very close to the proposed right hand turn entrance. This produces a “blind spot” as vehicles travelling East at speed (national speed limit) will suddenly see stationary HGV’s in the road in front of them 77 times a day sometimes with a queue of stationary vehicles behind.

7.43 It is apparent that the vertical alignment of Wolverley Road has not been considered in respect of junction visibility; evidence of both vertical and horizontal visibility should be demonstrated.

7.44 The safety audit should be read carefully. There is a divergence of opinion as to the suitability of a right hand turn for access into the site between Hurlestone and Royal Haskoning.

7.45 The safety audit also provided significant additional information on the number of road traffic accidents in the area. This is significantly more than contained in the main Highways submission and indicates that there are significant local highway safety issues.

Air Quality

7.46 An AQMA was declared by Wyre Forest District Council on the Kidderminster Ring Road, an area encompassing part of Kidderminster Ring Road in the vicinity of Horsefair and Coventry Street in 2009, and is still extant. The distribution of vehicle movements requiring HGV’s travelling West not to travel along the B4198 Wolverley Road effectively diverts them via the AQMA. This is in direct conflict with Worcestershire Minerals Site Allocation Plan Sustainability Appraisal Report dated May 2021. Here, SA Objective 6: Air Quality page 219 states that a site which included or was adjacent to sensitive receptors (schools, residential areas, hospitals, faith centres, outdoor leisure and recreation facilities) and generate traffic likely to pass through an AQMA provided a negative impact on preferred site assessment

Reason for Refusal 8 – Unacceptable general impact on environment and wildlife

- 7.47 STQC will consider the impact on different aspects of the environment and wildlife and show this is unacceptable.

Reason for Refusal 9 – Unacceptable impact on health of local population

- 7.48 There was significant discussion about silicosis and the base high level of dust particulates to the north of Kidderminster at the planning hearing. STQC are adamant that this subject has not been dealt with at all adequately by the Appellant with little reference to the risks of silicosis in any reporting. There has to date been no expert evidence to the contrary of the risk case put consistently by STQC during all stages of this Application. This has been supported by questions in the House of Commons by Mark Garnier MP the local constituent MP. STQC will present proof of the risks at the Inquiry. There is significant risk to the local population.
- 7.49 The Appellant states *“All the usual ‘pathways’ through which health could be adversely impacted.....have been considered”* STQC believe that this is an unusual site for quarrying given it’s close proximity to so many local residents and local amenities. STQC therefore assert that the Applicant should have taken more time and effort to examine these risks than it has. There has been a failure to assess the deadly nature of silicosis for the local population.
- 7.50 In addition to the above STQC believe that the application should also have been refused on the following grounds. These matters are not agreed as being accepted or uncontested by STQC;

Need and Landbank

- 7.51 STQC will address the need for and supply of sand and gravel and the weight to be attached to this in the planning balance.

Sterilisation

- 7.52 There is no evidence that dismissal of this appeal on a site in the Green Belt, part of a strategic gap between communities, will be sterilised by future development.

Sustainability

7.53 This is not a sustainable location for minerals extraction and land fill and the proposal fails to meet the three strands of sustainable development. STQC will consider the Sustainability Appraisal supporting the MLP in respect of matters which inform sustainable locations.

Ecology

7.54 STQC have very serious concerns in respect of the evidence presented and accepted by WCC in respect of ecological harm.

Noise

7.55 STQC have very serious concerns in respect of the evidence presented and accepted by WCC in respect of noise and the impact of noise.

Landscape and Visual

7.56 STQC have very serious concerns in respect of the evidence presented and accepted by WCC in respect of landscape and visual impact.

Loss of Public Rights of Way (PRoW)

7.57 STQC will describe the unacceptable inconvenience to the public from the closure of PRoW, and from the use of PRoW during the operation of the quarry.

Soils and Agricultural Land

7.58 The development would sterilise a very valuable agricultural resource at a time of national food security. The farm supports a local labour force and is economically productive. The proposal would result in the loss of employment and sterilise a natural resource used for food production.

Archaeology and Cultural Heritage

7.59 Lea Castle Farm and the Lea Castle parkland estate are a very valuable local heritage asset. The estate was created from the wealth of the iron forges located on the adjacent River Stour and which lead to the evolution of Wolverley and Cookley. The parkland estate contains designated heritage assets and undesignated assets whose value will be destroyed by the proposal.

Restoration

- 7.60 The supposed restoration of the site is totally unacceptable and can not be assured. The proposal does not 'restore' the parkland to its original condition. STQC has experience, very nearby of what this 'restoration' will amount to; a featureless moon scape, crater, replacing naturally landscaped, rolling hills. STQC will describe their impression of the existing landscape, the visual impact of the proposal and the impact of the 'restoration' scheme.

Net Gain for Biodiversity

- 7.61 The appeal site is entirely open countryside with an extremely high biodiversity quotient. The proposal will not result in a meaningful, if any, net gain.

Alternatives

- 7.62 The consideration of alternatives is part of the site allocations local plan. In addition, there is a balance required between the provision of alternatives and the harm to the Green belt and other matters.

Cumulative Impacts

- 7.63 Cumulative impact of the above harm has not been considered correctly nor has impact in cumulation with other development nearby been addressed.

8.0 Proposed Draft Planning Conditions and S106 Requirements

8.1 Should the Appeal be upheld, the STQC would require that conditions and S106 Agreements aimed at controlling development and mitigating impact are attached to ensure the development proceeds as approved and that assurances and guarantees offered are secured and are enforceable so as to be material considerations.

8.2 The following are offered as the types of conditions which would be required if planning permission is granted, these are not exhaustive.

- No traffic movements of any kind to or from Wolverley,
- Phases of excavation to only proceed once previous phase fully restored.
- No obstruction of or disturbance of main drive.
- Air quality monitoring reports to be available to public. Operations to cease if prescribed levels of dust exceeded.
- No working on weekends and public holidays.
- No working outside 08.00 - 08.00.
- All staff to be employed from local area.
- Public highways to be monitored for dirt and sand accumulation and regularly cleaned.
- No burning of any materials on site.
- Establishment of local residents and operators/ landowner liaison committee.
- Restoration of historic wall.

8.3 A S106 Agreement should include provision to dedicate all roads and footpaths and other community spaces to the public.

