

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

Proof of Evidence of Liam Toland BA

(Hons) MSc, MRTPI – Planning

January 2023

Contents

1	Introduction and Background to Appeal	1
1.1	Personal Details	1
1.2	The Appeal Site and Surroundings	1
1.3	Planning History Relevant to the Appeal	1
1.4	Timeline of Application Determination	2
1.5	Planning Policies relevant to the Appeal	2
1.6	Reasons for Refusal	2
1.7	Declaration	3
2	Planning Policy and the Committee Report	4
2.1	Introduction	4
2.2	Planning Policy	4
2.3	Committee Report	4
3	Scope of my evidence	6
4	Green Belt	7
4.1	Introduction	7
4.2	Planning Policy Context	7
4.3	Council’s Reason for Refusal 2: Green Belt	10
4.4	Whether or not the development constitutes appropriate development in the Green Belt	10
4.5	Conclusion	16
5	The need for Sand and Gravel	18
5.1	Introduction	18
5.2	Landbank/Productive Capacity Position in Worcestershire	18
5.3	Lea Castle Farm Mineral Qualities	22
5.4	Conclusions	23
6	The Need for Inert Waste Disposal	25
6.1	Introduction	25
6.2	Policy Context	25
6.3	Restoration Scheme	26
6.4	Locational and Sustainability Benefits	26
6.5	Conclusions	27
7	Impact on Residential Amenity and Local Schools	29
7.1	Introduction	29

7.2	Dust and Air Quality	30
7.3	Noise	32
7.4	Landscape and Visual	33
8	Cumulative Impact	35
9	Comments On Issues Raised By the Rule 6 Party and Other Interested Parties	39
10	Very Special Circumstances	45
10.1	Introduction	45
10.2	Mineral Need	46
10.3	Environmental and Sustainability Benefits	46
10.4	Development, Growth and Economic Considerations	47
10.5	Restoration and Biodiversity Benefits	50
10.6	Conclusion	51
11	Planning Balance and Conclusions	52

APPENDICES

Appendix 1 – Summary of Officer’s Findings

Appendix 2 – Cumulative Impact Assessment

Appendix 3 – Evidence of Mr J Hurlstone

Appendix 4 – Updated Ecological Walkover Survey and Biodiversity Net Gain Assessment

1 Introduction and Background to Appeal

1.1 Personal Details

1.1.1 My name is Liam Toland. I hold a Bachelor of Arts degree in History and Geography having graduated in 2003 and a MSc in Regional and Urban Planning having graduated in 2006. I am a Member of the Royal Town Planning Institute (MRTPI) since 2008. I have over sixteen years' experience in planning obtained through employment in the private consultancy sector.

1.1.2 From June 2013 to September 2022, I was employed by Heatons, being promoted to Planning Director in 2021. My work with Heatons has predominantly been in connection with the minerals and waste sectors, preparing planning applications and project managing EIAs for a range of developments including new and extensions to quarries covering a wide range of mineral types.

1.1.3 Since October 2022, I have set up my own company Liam Toland Planning, predominantly providing planning services to the minerals and waste sector. As such, I have good experience in the issues that are relevant to this Inquiry.

1.1.4 I have been involved in the application prior to its submission to WCC on 14 January 2020. I prepared the planning application and Environmental Statement and was involved through the determination period. I have visited the Appeal Site and the surroundings on several occasions and have examined the relevant plans and documents for the purpose of this Inquiry. I shall be giving general planning evidence covering various issues relating to National and local planning policy, and in particular the Green Belt and need considerations of the Appeal.

1.2 The Appeal Site and Surroundings

1.2.1 This is described in section 3 of the Statement of Common Ground (SoCG).

1.3 Planning History Relevant to the Appeal

1.3.1 The planning history of the appeal site is described in section 6 of the SoCG.

1.4 Timeline of Application Determination

1.4.1 I set out below a chronology of the Appeal proposal from submission through to determination of the planning application:

- Scoping Opinion Request – 30 April 2018
 - Scoping Opinion – 29th June 2018
- Registration of Application – 14th January 2020
- 1st Regulation 25 Request – 5th June 2020
 - Regulation 25 Response – 26th October 2020
- 2nd Regulation 25 Request – 14th June 2021
 - Regulation 25 Submission – 16 July 2021
- 3rd Regulation 25 Request – 27 January 2022
 - Regulation 25 Submission – 2nd March 2022
- Committee Meeting – 24th May 2022
- Decision – 27th May 2022
- Appeal Submission – 31st October 2022
- Appeal Start – 7th November 2022
- Regulation 25 Request (PINS) – 27 January 2022

1.5 Planning Policies relevant to the Appeal

1.5.1 The relevant development plan policies can be found within the SoCG in Section 5.

1.6 Reasons for Refusal

1.6.1 The decision notice issued by WCC on 27th May 2022 (CD10.02) 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.”*

1.6.2 As set out in section 9 of the SoCG, in the period since the decision notice was issued by the Council, in narrowing down the matters for consideration at Appeal, the Council have confirmed that they will be only be defending / providing evidence on the following refusal reasons at the inquiry:

- Unacceptable impact on openness of the Green Belt; and
- 3. Unacceptable impact on residential amenity and local schools.

1.6.3 The full reasoning for discarding each of the other 7 reasons is set out in section 9 of the SoCG.

1.7 Declaration

1.7.1 I can confirm that the evidence which I have prepared and provide for this appeal reference APP/E1855/W/22/3310099 in this Proof of Evidence to be true, and that the opinions I have expressed represent my true and complete professional opinion, and complies with the RTPI Code of Professional Conduct.

2 Planning Policy and the Committee Report

2.1 Introduction

2.1.1 In this Section I consider the Officer's Report (**CD10.01**) to the Planning and Regulatory Committee in relation to relevant planning policies and the planning balance reached.

2.2 Planning Policy

2.2.1 To avoid unnecessary duplication, I assume that the reader has read the committee report (**CD10.01**). I also assume that the reader has read the Planning Statement (**CD1.02**) submitted with the planning application, particularly sections 4 and 5 on Planning Policy, Need and Green Belt Considerations. Together, the officer's report and the Planning Statement comprise a detailed evaluation of relevant planning policy at the national and local level along with setting out the factors that contribute towards the planning balance.

2.3 Committee Report

2.3.1 In arriving at the recommendation for approval, the Planning Officer identified 16 key issues to be considered in determining whether the application is acceptable, namely:

- Worcestershire's landbank of sand and gravel reserves;
- Whether the proposal meets the site selection criteria set out in the adopted County of Hereford and Worcester Minerals Local Plan (Sieve Test / Methodology);
- Best and Most Versatile (BMV) agricultural land;
- Alternatives;
- Green Belt;
- Traffic, highway safety and impact upon public rights of way;
- Residential amenity (including noise, odour, dust, air quality, vibration, lighting and health impacts);
- Landscape character and appearance of the local area;

-
- Historic environment;
 - Ecology, biodiversity and geodiversity,
 - Water environment;
 - Restoration and aftercare of the site;
 - Economic impact;
 - Climate Change;
 - Cumulative effects; and
 - Prematurity.

2.3.2 The report set out a detailed consideration of each aspect, which led to a balanced consideration and recommendation for approval. A summary of officers' findings relating to the key planning issues is set out in **Appendix 1**.

2.3.3 I do not believe that the issues in this case are novel or difficult. They are standard, straightforward issues that are capable of being easily understood by both planning officers and elected members. Indeed, as set out in **Appendix 1**, WCC's professional officers showed commendable understanding of these basic elements of the planning system and advised members correctly. If that advice had been followed, then this appeal would have been unnecessary.

3 Scope of my evidence

3.1.1 My Proof of Evidence covers planning policy relating to minerals, whether or not the development constitutes appropriate development in the Green Belt, mineral and waste need and the very special circumstances (VSC) relating to the Green Belt.

3.1.2 The following elements are considered:

- Green Belt Considerations (Section 4);
- The need for Sand and Gravel (Section 5);
- The need for inert waste disposal (section 6);
- Impact on Residential Amenity and Local Schools (Section 7);
- Cumulative Impact Assessment (Section 8);
- Comments on Issues Raised by Rule 6 Parties and Other Interested Parties (Section 9);
- Very Special Circumstances Considerations (Section 10) to include the following;
 - The need for the proposed development with particular regard to the landbank position for sand and gravel;
 - Environmental and sustainability benefits;
 - Development, Growth and Economic Considerations; and
 - Restoration and biodiversity benefits.
- Planning Balance and Conclusions (Section 11).

3.1.3 In preparing my evidence I have also had regard to the evidence provided by:

- Mr Neil Furber on landscape and visual matters;
- Ms Katrina Hawkins on dust and air quality;
- Ms Rachel Canham on noise;
- Mr Jeremy Hurlstone on highways; and
- Ms Justine Walsh on ecology.

4 Green Belt

4.1 Introduction

- 4.1.1 From both the Development Plan and from the NPPF, I consider that Green Belt policy is an important policy for the determination of the appeal. In the Minerals Local Plan, the Waste Core Strategy and the NPPF, minerals extraction is cited as not inappropriate development in the Green Belt. Paragraph 150 of the NPPF qualifies the exception by reference to openness and purposes. It is also clear in policy MLP 27 of the Minerals Local Plan and policy WCS13: Green Belt of the Worcestershire Waste Core Strategy mineral extraction is only appropriate development if it preserves openness and does not undermine Green Belt purposes. I therefore consider that the policy starting point is that minerals extraction is appropriate development in the Green Belt.
- 4.1.2 It is however necessary to consider (because of the terms of paragraph 150 NPPF) whether the effects of the proposal on openness and Green Belt purposes are such as to make the whole development inappropriate development.
- 4.1.3 If, as result of these considerations (effects on purposes and/or openness), the proposal is found to be inappropriate development, then consideration must be given to the Very Special Circumstances (VSC) test in paragraph 148 NPPF.

4.2 Planning Policy Context

- 4.2.1 The Appeal Site is located wholly within the West Midlands Green Belt. NPPF paragraph 137 declares that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*.
- 4.2.2 Paragraph 138 refers to the *"five purposes"* served by the Green Belt:
- i. first, *"to check the unrestricted sprawl of large built-up areas"*;
 - ii. second, *"to prevent neighbouring towns merging into one another"*;
 - iii. third, *"to assist in safeguarding the countryside from encroachment"*;
 - iv. fourth, *"to preserve the setting and special character of historic towns"*: and

- v. fifth, *"to assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*.
- 4.2.3 The Appellant accepts that great importance is attached to the Green Belt, noting the fundamental aim is to prevent urban sprawl by keeping land permanently open. It is also accepted that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in VSC, where the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Notwithstanding this, the NPPF does indicate that both mineral extraction and engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it (Paragraph 150).
- 4.2.4 In terms of development plan policy, policy MLP 27 of the Minerals Local Plan states at part a) that proposals within Green Belt should demonstrate through an appropriate level of technical assessment that they will preserve the openness of Green Belt, and not conflict with the purpose of including land within Green Belt. At part b), it states that *"Where any aspect of the proposed development is inappropriate in the Green Belt - including mineral extraction and/or engineering operations that cannot satisfy the tests in part (a) above - it will only be supported where a level of technical assessment demonstrates that very special circumstances exist that mean the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*
- 4.2.5 Policy WCS13: Green Belt of the Worcestershire Waste Core Strategy states that in Green Belt, waste management facilities will be permitted where the proposal does not constitute inappropriate development, or where VSC exist.
- 4.2.6 Policy DM.22 of the Wyre Forest District Council Local Plan states that development will not be permitted, except in VSC, or unless one of the specified circumstances applies which are listed in the policy. This includes *"other operations...which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*.
- 4.2.7 It is also worth noting that the site is located within a strategic corridor and within an area of search as set out in the adopted Minerals Local Plan. Policy MLP 3: 'Strategic

Location of development – Areas of Search and Windfall Sites within the Strategic Corridors’ states that:

“a) planning permission will be granted for new mineral developments and extensions to extant sites within allocated areas of search where there is a shortfall in supply as demonstrated by Part c)”.

- 4.2.8 Part c) of the draft policy states: *“a shortfall in supply for a broad mineral type will be considered to exist where: i) there is a shortfall in extant sites and allocated specific sites and / or preferred areas to meet the scale of provision required over the life of the plan...”*.
- 4.2.9 The need for the development is discussed section 5 of this Proof, which demonstrates that the landbank is below the minimum of 7 years for sand and gravel, which demonstrates that there is a shortfall in supply.
- 4.2.10 It is considered that the proposal is in line with any typical mineral development in the Green Belt, and it is considered that this site should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a temporary duration, and relatively short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 150, and this proposal should benefit from those exemptions as it comes within the intended scope.
- 4.2.11 The assessment of WCC’s Planning Team set out in the Committee Report (**CD10.01**) is that this is a proposal that would preserve the openness of the Green Belt and not conflict with the purposes of Green Belt. NPPF paragraph 150 is written on the premise that mineral extraction is an appropriate use in the Green Belt, and there is nothing unusual about this proposed quarry operation that is different from any other such use that it should be deemed to have an unacceptable impact on openness.
- 4.2.12 The Appellant’s case is therefore that the proposed development, including restoration to a lower level, access, haul road, bunds, mineral processing plant, ancillary facilities and activity associated with the proposed mineral extraction when considered in isolation and in combination with other developments would not affect the openness of the Green Belt to an extent that would ‘tip the balance’ to make it inappropriate development.

4.3 Council's Reason for Refusal 2: Green Belt

- 4.3.1 With regards the Council's reason for refusal 2: Green Belt, it appears that the concern is in relation to *"an unacceptable impact on openness of the Green Belt"* as this is the only justification for the reason set out in the information section of the Decision Notice. In noting that only openness is cited in the reason, it was presumed that the Council were not claiming that the proposals conflict with the purposes of including land within the Green Belt (i.e. points (a) to (e) of NPPF Paragraph 138).
- 4.3.2 However, in its Statement of Case the Council now expresses the view that the Appeal development would be in conflict with the 5 purposes, in particular points a, b and c. The Council's case reiterates matters raised by Wyre Forest District Council and the CPRE. Wyre Forest District Council considered the proposal would result in coalescence between the villages of Cookley and Wolverley, whereas the CPRE also objected on these grounds but consider that the proposal would result in the coalescence between Cookley and Kidderminster. The Council's case appears to suggest that there would be potential of merging on both fronts.
- 4.3.3 The Council also make the case that the Appeal Development has a detrimental spatial and visual impact on the openness of the Green Belt across the lifespan of the development, heightened by the cumulative impact of adjacent Green Belt development in that period.
- 4.3.4 The Council considers that VSC do not exist to overcome this harm.
- 4.3.5 All of the above is contrary to the conclusions of Worcestershire County Council's Head of Strategic Infrastructure and Economy as set out in the Committee Report (CD10.01).

4.4 Whether or not the development constitutes appropriate development in the Green Belt

- 4.4.1 As discussed above, mineral development within the Green Belt can be considered to be acceptable (i.e. not inappropriate) where it is consistent with the purposes of the Green Belt and protects openness. In the following paragraphs I consider the Appeal Development in relation to Green Belt purposes and look firstly at the effect on openness before considering the scheme in the context of points a, b and c of NPPF paragraph 138.

Effect on Openness

4.4.2 As set out in paragraphs 447 of the committee report (**CD10.01**), there has been significant argument around the concept of openness and the extent to which it encompasses visual effects as opposed to just the physical / volumetric effect of new development. This was largely resolved by the Court of Appeal in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 (**CD12.05**), where Sales LJ said:

“The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”.

Subsequently, in February 2020, the Supreme Court in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3 generally supported the Turner decision but provided further analysis of openness: “The concept of “openness” in paragraph 90 of the NPPF [2012 version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”, and: “[Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector”.

-
- 4.4.3 Therefore, in terms of openness, consideration is given to the physical characteristics of the site, its surroundings and the development proposed on it together with the duration of the development.
- 4.4.4 The Landscape and Visual Impact Assessment submitted with the application (LVIA – **CD1.04**) shows that the proposed development’s physical geographical influence is contained within an area of land, which is physically constrained by either vegetation structure, access roads, field boundaries or landform. Its visual geographical influence given its height, scale and mass combined with its location within an undulating landform morphology is therefore limited.
- 4.4.5 As set out in the LVIA (**CD1.04**), the site contains two distinct landscape characteristics. Firstly, the enclosed Western Area and the majority of the Eastern Area is contained by a combination of landform, topography, woodland blocks and in parts a stone/brick wall. These morphological and structural elements combine to create a screened periphery surrounding a degraded inner parkland landscape and new agricultural land use and setting. The form of the character is mainly geometric with large agricultural fields bounded by straight sections of woodland and an inner linear track adjoining which are the remnants of a formal tree lined avenue.
- 4.4.6 The Eastern Area of the site, which due to a combination of an easterly sloping landform and reducing topography combined with a limited amount of vegetation make this area a part of a wider visual envelope with potentially a greater number of visual receptors including residents of Castle Barns, Four Winds, Broadwaters and properties off the Stourbridge Road as well as users of the local road and PROW networks located to the east of the site.
- 4.4.7 The majority of the outer eastern facing fields within the Appeal Site will not be disturbed. The eastern extent of Phase 4/5 would be screened behind the existing higher ground of the undisturbed part of the Appeal Site further reduced by temporary screen bunds and tree and shrub planting. The Environmental Statement (**CD1.03**) concluded that the maximum overall effect on visual amenity from these locations would be Slight to Minimal Adverse during the operational phase.
- 4.4.8 With reference to the Disturbed Land Plan (**CD1.21**), the area of land where mineral is being extracted at any one time within the operational phase would be less than 10

hectares. The western half of the Site (comprising Phases 1-3) and over half of the extraction footprint, would be extracted and fully restored within 5 years.

- 4.4.9 The plant site area for the operation would be about 3.87ha and, as such, the footprint combined with the proposed access track and surrounding bunds would be relatively small in the context of the much wider agricultural landscapes that surround it. Furthermore, the plant site is located on lower ground within the Appeal Site and is set 7m below existing levels. The Plant Site would be surrounded by temporary screen bunds up to 5m high that would be grass seeded with 1:3 outer slopes (**CD1.22**). The temporary plant site buildings comprising three portacabins, the mineral processing plant and ancillary development would not be visible from publicly accessible locations as they would be set down at a lower level and surrounded by screen bunds. In terms of the amount of development to be introduced, the proposal would have 6 stages, lasting 10 years in total. The largest area of disturbance of land at any one time period will be approximately 10 Ha (within Phase 4).
- 4.4.10 Visual mitigation and enhancement measures integrated into the development proposals include, only extracting mineral from the identified more enclosed and contained visual landscape in the eastern and central/ eastern areas of the site, placing the plant site a minimum of 7m below adjacent ground level, use of temporary soil storage/screening bund (seeded and maintained) to block potential views of quarrying activities along with agricultural straw bales, distance standoffs from residential property including the Bungalow and Castle Barns, tree and shrub planting to help both screen and integrate proposals. It is also proposed to limit the actual area of disturbed land /quarrying activities (access, extraction, plant site and restoration) through phased progressive extraction and restoration.
- 4.4.11 The proposed development is clearly not a large built-up area. Even if elements within the Site were to be considered temporary built development e.g. the plant site, this has a modest footprint, is largely contained below existing ground levels and is a temporary feature that would be fully restored to agricultural land. There is no physical connection between the Lea Castle mixed use development and the plant site that could be perceived by the public as there would be no physical access to the Appeal Site.
- 4.4.12 In terms of the duration of the development, the Appellant estimates that extraction and restoration works would be completed in 11 years, which is relatively modest in the context of mineral operations (for example Wildmoor Quarry has been operating

since the 1930s). On completion of the infilling, the ancillary site infrastructure would be uplifted and removed, with the site being restored. As set out in paragraph 455 of the committee report (CD10.01), *“there would be no permanent spatial or visual impact on the Green Belt”*.

4.4.13 Therefore, the Appellant is in agreement with that set out at paragraph 458 of the committee report (CD10.01), *“the proposed development, including restoration to a lower level, access, haul road, bunds, mineral processing plant, ancillary facilities and activity associated with the proposed mineral extraction when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would be visible, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bunds, existing historic boundary walls and proposed planting, with any views being contained to relatively few receptors. It is considered that the visual impact on openness does not make this development “inappropriate”*”.

To check the unrestricted sprawl of large built-up areas

4.4.14 The Appellant considers that the proposals would not hinder the objective of preventing unrestricted sprawl of large built-up areas. Firstly, the site is not connected to any large built up area. Secondly, the proposed use is temporary and whilst the proposal would be located between Kidderminster, Cookley, Wolverley and the development of the former Lea Castle Hospital site (Lea Castle Village), this would be largely contained to a discrete area of the overall site and would be relatively small in the context of the much wider agricultural landscapes that surround it.

4.4.15 As set out in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] (CD12.06), Carnwath LJ considered that *“as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”*.

4.4.16 The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be progressively returned to an open state following completion of extraction and would be no more built up on completion of the development as it is now, as a result of the proposal.

4.4.17 The proposed development would thus not appear as an extension to Kidderminster, Cookley or Wolverley. I therefore do not consider that mineral extraction with restoration to parkland / agricultural uses constitutes unrestricted sprawl of large built-up areas.

To prevent neighbouring towns merging into one another

4.4.18 The Council state in the Statement of Case that *“The site sits at its narrowest within a 1.3km gap between the settlements of Kidderminster and Cookley, and the Council will demonstrate that the site provides protection against merging between the settlements, whilst also protecting against sprawl from viewpoints into Kidderminster from the A449 into the north of town. The Council will demonstrate in evidence that the development would also cause unavoidable visual coalescence between the two villages of Cookley and Wolverley”*.

4.4.19 The proposals would not lead to neighbouring towns merging into one another. The site does not directly adjoin any town and is adequately detached from the built up area of the nearest town, Kidderminster. With regards Cookley and Wolverley, both of these are classified under *“villages, rural settlements and other rural hamlets”* in the adopted Wyre Forest Local Plan 2016 – 2036, therefore, technically are not towns.

4.4.20 As stated previously, the proposed use is temporary and whilst the proposal would be located between Kidderminster, Cookley, Wolverley and the development of the former Lea Castle Hospital site (Lea Castle Village), this would be largely contained to a discrete area of the overall site and would be relatively small in the context of the much wider agricultural landscapes that surround it. The largest area of disturbance of land at any one time period will be approximately 10 Ha (within Phase 4). Extraction and restoration works would be completed in 11 years, which is relatively modest in the context of mineral operations. On completion of the infilling, the ancillary site infrastructure would be uplifted and removed, with the site being restored.

To assist in safeguarding the countryside from encroachment

4.4.21 As discussed above, the quarry scheme is temporary and there would be phased working and restoration so the area of disturbance would be much smaller than the total site area at any one time. The changes which the proposed development will result in are reversible. Whilst there will be a permanent change to the landform

following restoration with a variation in topography, the landform has been designed to be similar to that of the local area, and it will remain open countryside.

4.4.22 Overall therefore, I consider that the Appeal Scheme proposals would not lead to any permanent encroachment of the countryside.

4.5 Conclusion

4.5.1 As set out in paragraph 461 of the committee report (**CD10.01**), *“it is considered that the proposal is in line with any typical mineral development in the Green Belt, and it is assessed that this site should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a temporary duration, and relatively short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 150, and this proposal should benefit from those exemptions as it comes within the intended scope”*.

4.5.2 The proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be progressively returned to an open state following completion of extraction and would be no more built up on completion of the development as a result of the proposal as it is now. In this respect, it is noted that in *Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government* [2013] EWHC 2643 (Admin) (**CD12.07**), Ouseley J noted the special status of mineral extraction under Green Belt policy. As he said:

“67. One factor which affects appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects. Those are of particular importance to the thinking which makes mineral extraction potentially appropriate in the Green Belt. Another is the fact that extraction, including exploration, can only take place where those operations achieve what is required in relation to the minerals. Minerals can only be extracted where they are found...

68. Green Belt is not harmed by such a development because the fact that the use has to take place there, and its duration and reversibility are relevant to its appropriateness and to the effect on the Green Belt ...”

- 4.5.3 The Appellant considers that the Proposed Development does not constitute inappropriate development in the Green Belt as upon restoration the openness would be preserved and would not conflict with the purposes of including land within the designation.
- 4.5.4 In view of above, I consider that the exceptions for mineral extraction and engineering operations at paragraph 150 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.

5 The need for Sand and Gravel

5.1 Introduction

5.1.1 NPPF paragraph 209, states *“It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long term conservation”*. Paragraph 211 of the NPPF goes on to state, *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”*. The NPPF at paragraph 211 indicates that great weight is to be afforded to mineral extraction, noting the contribution that the minerals sector makes to the UK economy. This is of significant note given how the NPPF describes sustainable development in paragraph 8 whereby the economic objective is to help *“build a strong, responsive and competitive economy”* and a social objective seeking to *“support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations”*. Without an adequate supply of minerals, the “homes”(as referred to under paragraph 8 of the NPPF under sustainable development) cannot be built.

5.1.2 The NPPF at paragraph 213 indicates that “minerals planning authorities should plan for a steady and adequate supply of aggregates”. A key tool for doing this is the maintenance of landbanks, which for sand and gravel is 7 years.

5.1.3 There are two important points that flow from paragraph 209:

1. Minerals can only be worked where they are found as set out above in relation to the site’s location in the Green Belt; and
2. A sufficient supply is essential.

5.2 Landbank/Productive Capacity Position in Worcestershire

5.2.1 The NPPF at paragraph 213 requires Mineral Planning Authorities to maintain a landbank of at least 7 years for sand and gravel.

5.2.2 With regard to sand and gravel production, as set out in the SoCG, Worcestershire currently does not hold a landbank of minimum seven years as required by paragraph

213 of the NPPF. The SoCG also states the following:

“7.2 It is agreed that Worcestershire currently does not hold a sufficient landbank of minimum seven years as required by paragraph 213 of the NPPF (CD 11.01). At the time of preparation of the Committee Report, the planning officer consulted the LAA published in June 2020, covering up to the period of 31st December 2017. The Planning Officer then used annual sales figures to estimate what the landbank would be at the end of December 2020, achieving a figure of 3.06 years.

7.3 The Local Aggregate Assessment (LAA) (published January 2023) covers the period up to 31 December 2021. The annual production guideline for sand gravel identified by the LAA (January 2023) is calculated as 0.827 million tonnes. Based on this production guideline and the stock of permitted reserves of approximately 3.42 million tonnes of sand and gravel, Worcestershire had a landbank of approximately 4.14 years on 31 December 2021.

7.4 Since 31 December 2021, the MPA granted planning permission the following sites:

- Western portion of the former) Sandy Lane Quarry, Wildmoor - Proposed importation of inert restoration material and extraction of approximately 245,000 tonnes of sand to enable engineering operations for stability purposes and completion of site restoration. Granted planning permission on 8 July 2022 (MPA Ref: 21/000029/CM, Minute No. 1102 refers). This increased the landbank by approximately 0.3 years*
- Ryall North Quarry, Land off Ryall’s Court Lane, Ryall, Upton-upon-Severn – Proposed extraction of approximately 475,000 tonnes of aggregates with restoration to agriculture and lake suitable for water sports. Granted planning permission on 27 October 2022 (MPA Refs: 20/000009/CM and 20/000015/CM, Minute Nos. 1107 and 1108 refers). This increased the landbank by approximately 0.57 years*
- Bow Farm Quarry, Bow Lane, Ripple – Proposed extraction of approximately 1.44 million tonnes of sand and gravel with restoration using site derived and imported inert material to wetland, nature conservation and agriculture. Granted planning permission on 8 November 2022 (MPA Ref: 19/000048/CM, Minute No. 1115 refers). This increased the landbank by approximately 1.74 years.*

7.5 Taking the above planning permissions into account and assuming production

guideline for sand and gravel set out in the LAA (0.827 million tonnes) continued in 2022, then the landbank of permitted reserves on 31 December 2022 would be approximately 4.75 million tonnes of sand and gravel, equating to about 5.74 years.”

5.2.3 The Appellant accepts that the landbank position has improved since the preparation of the committee report (**CD10.01**), due to the granting of a number of planning permissions but is still below the required 7 years.

5.2.4 I set out below my understanding of the sites contributing to the landbank:

- Chadwich Lane Quarry
 - Planning Permission granted on 26 March 2021 (Ref: 18/000036/CM) for the extraction of 1.35 million tonnes of sand to be extracted at 100,000 tonnes per annum.
- Wildmoor Quarry
 - Site currently operates under ROMP Permission Ref: 107104 approved on 20 July 1999; and
 - Remaining in-situ mineral equates to approximately 294,250 tonnes with mineral production from Wildmoor Quarry being approximately 150,000 tonnes (Scoping Request Ref: 21/000043/SCO).
- Clifton
 - Most recent planning permission (Ref: 15/000006/CM) was granted 12 July 2016, consolidating the existing quarry and new extensions into one permission; and
 - 2.2 million saleable tonnes of sand and gravel was to be extracted over a course of about 11 years with an end date of 31 December 2030 (stated on planning permission).
- Ryall North
 - The most recent planning permission was approved on 27 October 2022 (Ref: 20/000009/CM) for a northern extension to extract 475,000 tonnes of sand and gravel;
 - The Committee report for the application sets out that mineral extraction would be likely to commence in early 2023, with mineral

extraction within the current quarry likely exhausted by the end of 2022;
and

- Extraction is at a rate of approximately 300,000 tonnes per annum, therefore taking less than 2 years to complete.

- Bow Farm

- Application reference 19/000048/CM was approved on 8 November 2022 to extract 1.44 million tonnes of sand and gravel (This site is contingent on planning permission being granted for site access and processing plant within Gloucestershire which is due to be considered by Gloucestershire County Council's planning committee on 26th January 2023); and
- Extraction is proposed to be at a rate of 250,000 tonnes per annum, giving the site an estimated lifespan of under 6 years.

- Sandy Lane

- Application reference 21/000029/CM, for the extraction of sand (245,000 tonnes) to enable engineering operations for stability purposes and completion of site restoration was approved on 08 July 2022; and
- It is estimated that the 245,000 of sand will be extracted over a 3 year period.

5.2.5 As set out in the SoCG, *"the landbank of permitted reserves on 31 December 2022 would be approximately 4.75 million tonnes of sand and gravel, equating to about 5.74 years"*. The Appeal development would add 3.6 years to the landbank, making it compliant with paragraph 213 of the NPPF.

5.2.6 It is also worth noting that there is less than 2 years remaining within Ryall North and Wildmoor quarries, which equate for around 25% of the County's annual productive capacity. Lea Castle Farm would also help plug this loss of productive capacity.

5.2.7 It should also be noted that 3 further mineral planning applications are pending determination:

- Wilden Lane

- Application reference 21/000036/CM, to extract 250,000 tonnes of sand was registered on 05 August 2022.
 - Pinches 4
 - Application reference 19/000056/CM, to extract 850,000 tonnes of sand and gravel was registered on 07 January 2020
 - Ripple East
 - Planning application reference 22/000015/CM was registered on 22 March 2022 to extract 475,000 tonnes of sand and gravel
- 5.2.8 If these planning applications are permitted, they would increase the landbank by 1.9, which would be above the required landbank of at least 7 years for sand and gravel at 7.64 years. However, it should be noted that sales of sand and gravel would continue until the above are potentially permitted and become operational (which could be over 2 years away), so the landbank would be likely to be less than the required landbank of at least 7 years.
- 5.2.9 In terms of allocations, the emerging Mineral Site Allocations Development Plan Document is at a very early stage. Therefore, given the lead in time for the adoption of the Site Allocations Plan together with the length of time for any allocation to get planning permission will mean that the landbank will not be able to be compliant with the NPPF for a number of years if this Appeal is dismissed.
- 5.2.10 In summary therefore based on the evidence that I have presented above, I conclude the following:
1. There is a shortfall in sand and gravel supply in Worcestershire; and
 2. This appeal proposal meets that immediate need.
- 5.2.11 These factors combine to show a compelling case on need for the appeal site now.

5.3 Lea Castle Farm Mineral Qualities

- 5.3.1 Detailed geological investigations were carried out in October 2015 and January 2016. An overview of the geological conditions found following detailed investigations is provided in the ES (CD1.03).
- 5.3.2 The results from the investigations have confirmed that workable deposits of sand and

gravel are present across the site, together with substantial reserves of weathered bedrock sandstone (Solid Sand), which could be worked on the site.

- 5.3.3 Laboratory testing of the sand and gravel samples collected during the borehole drilling investigations confirms that the sand and gravel would be suitable for a range of construction and ready mix concrete products. Laboratory testing of Solid Sand confirms that the material is mainly fine to medium grained and would be suitable for a range of mortar, concrete and building sand end uses.
- 5.3.4 In 2008, the British Geological Survey in their report *“the need for indigenous aggregates production”*, estimate that each new home built in England including an associated proportion of roads and utilities requires as much as 400 tonnes of aggregates. Given the relative proximity of the proposed quarry site to the nearby Lea Castle Village housing and mixed-use development/allocation, the quarry could offer significant sustainability benefits in transportation/ highway limiting distance of journeys and time and flexibility with construction.

5.4 Conclusions

- 5.4.1 The Government's Planning Practice Guidance (PPG) (Paragraph Reference ID: 27-082-20140306) states *“for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates”*. Notwithstanding this, as indicated by the PPG (Paragraph Reference ID: 27-084-20140306) *“there is no maximum landbank level and each application for mineral extraction must be considered on their own merits regardless of length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need”*.
- 5.4.2 It is agreed with the Council that Worcestershire currently does not hold a sufficient landbank of a minimum seven years as required by paragraph 213 of the NPPF. As set out above, even with recent planning permissions, the County does not have a 7 year landbank for sand and gravel. The Lea Castle Quarry proposals will add a further 3 million tonnes of sand and gravel to the County landbank, equating to just over 3.5 years. Lea Castle Farm Quarry could ensure continuity of sand and gravel supply whilst Worcestershire County Council progress with the site allocations document, securing the long term supply of sand and gravel for the County.

-
- 5.4.3 The site is located within a strategic corridor and within an area of search as set out in the adopted Minerals Local Plan. Policy MLP 3: ‘Strategic Location of development – Areas of Search and Windfall Sites within the Strategic Corridors’ states that:
- “a) planning permission will be granted for new mineral developments and extensions to extant sites within allocated areas of search where there is a shortfall in supply as demonstrated by Part c)”.*
- 5.4.4 Part c) of the draft policy states: *“a shortfall in supply for a broad mineral type will be considered to exist where: i) there is a shortfall in extant sites and allocated specific sites and / or preferred areas to meet the scale of provision required over the life of the plan...”.*
- 5.4.5 This section demonstrates that the landbank is below the minimum of 7 years for sand and gravel, which demonstrates that there is a shortfall in supply.
- 5.4.6 Further to the above, the nature of the geology of the quarry with a variety of sand and gravel and solid sand, offers a wide product range for construction including building sand, concrete, mortar and drainage material from a sustainable location for supplying the site.
- 5.4.7 Given all of the above, I consider that there is a clear need for the development and that the provision of sand and gravel to the Worcestershire landbank carries very significant weight in favour of the scheme and is a VSC.

6 The Need for Inert Waste Disposal

6.1 Introduction

- 6.1.1 To restore the site and help create restoration formation levels, the Appellant is proposing to import approximately 600,000 cubic metres of inert material (circa 1,020,000 tonnes) at a rate of approximately 60,000 cubic metre (circa 102,000 tonnes per annum) per annum. The imported inert material would consist of clean excavated materials consisting of clays, overburden and soil making material.
- 6.1.2 The Appellant, NRS group of companies are one of the largest independent suppliers of aggregates and waste management operators within the Midlands. Following the applicant's formation in 2005, NRS group now operate across the Midlands with over 70 people employed by the business in the haulage, road sweeper, waste management and quarrying facets of the business. The applicant supplies over 1 million tonnes of aggregates per annum to customers and runs a large fleet of vehicles ranging from tippers to concrete mixers, and also runs some of the largest inert tipping facilities, quarrying and recycling aggregate production operations in the Midlands.

6.2 Policy Context

- 6.2.1 Policy MLP 26: 'Efficient Use of Resources' of the adopted Minerals Local Plan states that *"mineral development will be permitted where it is demonstrated that the proposed development will make efficient use of natural resources. A level of technical assessment appropriate to the proposed development will be required to demonstrate that, throughout its lifetime, the proposed development will... c) balance the benefits of maximising extraction with any benefits of allowing sterilisation of some of the resource, taking account of:... v) the appropriateness of importing fill materials on to site, and the likely availability of suitable fill materials"*.
- 6.2.2 Policy WCS 5 of the adopted Worcestershire Waste Core Strategy identifies that no capacity gap has been identified for the landfill or disposal of waste. The Policy then states that planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated it meets one of the 3 listed criteria. In this instance, it is considered that Part iii) is relevant, which states *"the proposal is essential for operational or safety reasons or is the most appropriate option"*. Paragraph 4.45 of the

explanatory text states *“landfill or disposal may also be necessary for a variety of operational or safety reasons. Landfill is often an essential component in the restoration of mineral workings”*.

6.3 Restoration Scheme

6.3.1 In order to achieve the restored landform depicted on the proposed ‘Concept Restoration Plan’, the importation of restoration materials is required as there is insufficient quarry material to achieve this and provide a preferred final landform. To achieve a satisfactory standard of reclamation, it is necessary to import a quantity of suitable material. In addition to being the minimum necessary to achieve the restoration objectives, the volumes proposed for importation are considered to be available and are based on discussions and interest shown from earthworks contractors operating within the surrounding area.

6.3.2 The restoration scheme proposed returns land to a high agricultural land quality and would provide a well-draining and visually congruous landform, with a mix of end uses appropriate for its location. The benefits of providing additional, albeit limited, capacity for inert waste materials at an environmentally acceptable site with purpose-built access are considered to add weight to the benefits of the proposed development. The utilisation of the exposed extraction areas for the deposit of restoration materials to create beneficial final profiles are considered logical and beneficial and would provide a permanent sustainable legacy for public enjoyment and wellbeing.

6.4 Locational and Sustainability Benefits

6.4.1 A further key consideration is the number of proposed and permitted large-scale residential schemes in close proximity to the Appeal Site. Large quantities of inert waste would arise from these large-scale schemes and the potential transport to and use of this material in the restoration scheme, aligns with the ethos of achieving sustainable development. The site is ideally suited to help support growth in respect of the provision of minerals and the importation of inert waste associated with the Lea Castle village development. Large quantities of inert waste will arise from this large scale scheme.

6.4.2 Furthermore, the site is ideally geographically located to support growth/development

in north Worcestershire and the West Midlands. 20 different construction projects have been planned for the West Midlands region of the UK, costing a total of approximately £10bn and will require the deposition of significant volumes of inert waste. Notwithstanding HS2, some of the construction works include the redevelopment of land across new stations created for HS2. The prospectus also includes office, retail, and residential buildings – to be located near the new Birmingham International and Birmingham city centre train stations. There are also plans for Wolverhampton’s city centre, with the canal side to be redeveloped and a manufacturing park that houses Jaguar Land Rover is to be extending.

6.4.3 The Appellant is confident that market demand, growth projects in the area, increased housing demand would support the need for inert void at Lea Castle Farm over and above that permitted for the life of the site. Given the above, the deliverability of the restoration scheme at Lea Castle Farm with the importation of 60,000 cubic metres per annum is considered achievable.

6.4.4 If there were any questions regarding the achievability of the importation levels, the Appellant operates Meriden Quarry, which is the only Environment Agency permitted landfill accepting inert waste in West Midlands Metropolitan Districts. The total inert waste received at Meriden Quarry in 2021 was 783,452 tonnes. Therefore, if required, 60,000m³ per annum could be redirected from Meriden Quarry to Lea Castle Farm to enable restoration.

6.5 Conclusions

6.5.1 The importation of inert materials as part of the restoration of the site will create a high-quality estate parkland setting which provides opportunities for living, leisure, recreation and enjoyment for local communities. The restoration scheme would also contribute to tackling climate change through the planting of approximately 9,750 woodland trees, 50 parkland trees, 120 avenue trees, and the planting and strengthening of existing hedgerows, measuring approximately 1,018 metres long, and the creation of approximately 7.5 hectares of acid grassland, resulting in a significant net gain for biodiversity.

6.5.2 Further to the above, there is an anticipated increase in inert waste likely to be generated from large infrastructure projects in north Worcestershire and the West Midlands over the next 10 years including the Lea Castle Village development.

6.5.3 The Appellant is confident that market demand, growth projects in the area, increased housing demand will support the need for inert void at Lea Castle Farm over and above that proposed for the life of the Appeal Site. Given the above, the deliverability of the restoration scheme at Lea Castle Farm with the importation of 60,000m³ per annum is achievable and that the proposal is in accordance with Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

7 Impact on Residential Amenity and Local Schools

7.1 Introduction

- 7.1.1 There are no objections, from specialist consultees, to the proposal on the basis of landscape and visual impact, ecology, ground water and surface water nor the historic environment. In the field of minerals planning, each of those assessments is important and it is commonplace at other sites there are well founded objections on each and every one of those topic areas from specialist, expert consultees. Here, there are none. Further, in respect of air quality, noise, dust, highways there is no objection from any specialist consultee. All conclude that the effects are acceptable, subject to appropriate conditions. Hence, in terms of environmental effects, during the determination of the application, there was complete and full agreement from all professional consultees that each and every environmental effect of the scheme is acceptable.
- 7.1.2 In the Council's reasoning for Reason for Refusal 3: Unacceptable impact on residential amenity and local schools, set out in the information section of the Decision Notice (CD10.02), it states that *"The site is located within the vicinity of several residential and commercial properties"* and *"There are also a number of schools within the context of the application site and the wider area including Heathfield Knoll School and First Steps Day Nursery located approximately 15 metres south of the application site, and approximately 80 metres at its closest point to the proposed mineral extraction. Due to the close proximity of the proposal to these receptors, it is considered it would have an unacceptable impact on residential amenity and local schools, particularly in terms of dust emissions"*.
- 7.1.3 WCC in their Statement of Case have set out that there has not been satisfactory consideration of cumulative impacts with other developments in the area and makes reference to dust and air quality and noise.
- 7.1.4 The Council in their Statement of Case have also set out the potential for a detrimental impact on the visual outlook of impacted properties.
- 7.1.5 It was confirmed by WCC's Counsel during the case management conference that no expert witness for noise or air quality would give evidence at Inquiry. Therefore, it appears that the Council's position is a negative one stating that the requisite

assessment has not been provided. This goes to the cumulative impacts of the case. With the support of technical experts an assessment of cumulative impact has been undertaken and is summarised in section 8 and presented in Appendix 2.

7.1.6 Cumulative impacts are addressed in section 8 of my Proof.

7.1.7 The NPPF recognises that minerals can only be worked where they are found, and by virtue of the nature of mineral extraction operations, there will always be some impact on the environment and amenity. The imperative is not to provide for mineral developments which take place with no impact, but to ensure that the effects are regulated to within ‘appropriate limits’ and that restoration is carried out at the earliest opportunity to high environmental standards. It is therefore not credible to suggest that mineral development can take place with no adverse effects on any interest, and it is not part of the Appellant’s case, or my evidence, to suggest that the development will not cause any environmental or amenity effects.

7.1.8 It is worth noting though that the Council have decided not to defend their original Reason for Refusal 9 – Unacceptable impact on health of local population. environment and wildlife. Therefore, in deciding not to defend that reason for refusal, it can be inferred that the Council are not suggesting that the impacts on residential amenity and local schools will be such that there would be an impact on human health.

7.1.9 In order to address the potential for impact on noise, dust & air quality and landscape and visual, I rely on the technical expertise of my colleagues and this is set out below:

7.2 Dust and Air Quality

7.2.1 In terms of Dust and Air Quality and Reason for Refusal 3 with regards to *unacceptable impact on residential amenity and local schools*, WCC in their Statement of Case have set out that there has not been satisfactory consideration of cumulative impacts with other developments in the area and makes reference to dust and air quality.

7.2.2 With regards the above, I rely on the evidence of Ms Katrina Hawkins with the findings of the evidence discussed below.

7.2.3 The Vibrock Dust Impact Assessment submitted with the planning application (**CD1.08**) considered the potential impacts from fugitive dust on local receptors, both with regards to dis-amenity dust and PM₁₀. The assessment also included recommended outline mitigation measures that would be incorporated within any future consented

operations. The assessment was reviewed by Worcestershire Regulatory Services who did not request any further information or raise any objections to the proposals with regards to dust and air quality.

- 7.2.4 Ms Hawkins has carried out further assessment of the potential cumulative impacts of the proposed developments with other consented / allocated development in the area. This specifically considers the core and wider Lea Castle Village development to the east. This has considered both the potential impacts of any dust generated by the proposed development on any new sensitive receptors to be introduced by the Lea Castle Village, and the potential cumulative impacts on any existing receptors that may be affected by these developments should they occur concurrently.
- 7.2.5 In undertaking this assessment the proposed mitigation measures and the recommended planning condition that would require the operation of the facility in accordance with an agreed DMP, as in standard best practice, and other relevant proposed conditions has been considered. Further regulatory control would be provided through the Environmental Permit that would be applicable to the material import aspects of the development.
- 7.2.6 Ms Hawkins concludes that the Appeal proposals would not result in significant adverse impacts or unacceptable impacts on local amenity either alone or in-combination with the Lea Castle Village development.
- 7.2.7 Other potential aerial emissions associated with the proposals such as on-road vehicle exhaust emissions are also not predicted to result in significant adverse impacts.
- 7.2.8 Overall, from a review of the information and results of the assessment, Ms Hawkins concludes that, with the incorporation of appropriate mitigation as already employed at the site, the proposed development complies with the relevant national and local planning policies in relation to dust and air quality.
- 7.2.9 Therefore, based on the evidence of Ms Hawkins along with the advice of Worcestershire Regulatory Services, the Environment Agency, the County Public Health Practitioner, the Head of Planning and Transport Planning, I consider that subject to the imposition of appropriate conditions, there would be no adverse air pollution or dust impacts either singularly or cumulatively on residential amenity or that of local schools.

7.3 Noise

- 7.3.1 The evidence of Ms R Canham addresses Reason for Refusal 3: Unacceptable impact on residential amenity and local schools relating to noise along with addressing potential cumulative impacts relating to noise. The findings of the evidence discussed below.
- 7.3.2 The baseline noise results, suggested site noise limits and calculated site noise levels from the previous noise assessment undertaken by WBM in 2019 include the noise levels at the nearest noise sensitive receptors to the proposed quarry site. As set out in the Statement of Common Ground, WCC confirmed that WRS were satisfied that the previous calculated noise levels in the report prepared by WBM were robust, albeit in isolation.
- 7.3.3 In response to comments from WCC, the results of calculations for additional noise sensitive receptors, specifically either permitted or allocated developments, have been included in evidence of Ms Canham. The same calculation model as used for the quarry noise assessment undertaken by WBM in 2019 has been used for these additional receptors. All of the calculated site noise levels comply with the suggested site noise limits for normal and temporary quarry operations for these additional receptors. Operations at the proposed quarry at the Appeal site would not cause any significant impact at these the permitted and proposed residential developments.
- 7.3.4 Cumulative impact has been addressed, with noise from construction activities at the Lea Castle Village site considered to be the most significant noise source associated with other developments that may have an impact on the noise sensitive receptors.
- 7.3.5 If construction noise was at the possible maximum limit at a noise sensitive receptor, noise from the quarry would be insignificant compared to the potential construction noise from the housing development. As such, the addition of site noise from the quarry would not change the cumulative noise impact at this receptor, as the noise environment would be controlled by construction noise.
- 7.3.6 Construction noise will be variable and temporary, and only likely to be in close proximity to any noise sensitive receptors for relatively short durations. In addition, the calculated site noise levels due to the quarry are worst cases, assuming simultaneous extraction and infilling operations occurring at the nearest parts of the quarry to the receptor, which would not happen in practice. Taking this into account, the cumulative

impact from both normal site activities from the quarry and construction operations is unlikely to be significant at any receptor.

- 7.3.7 As such, the consideration of cumulative impact does not alter the outcome of the original noise assessment of the site.
- 7.3.8 With regard to cumulative impact on Heathfield Knoll School and Nursery, these are located approximately 1 kilometre from the Lea Castle Village site. At this distance, any construction noise from the Lea Castle site would be insignificant and is likely to be inaudible at the school and nursery, and as such would not change the impact assessment of quarry noise affecting this receptor.
- 7.3.9 Therefore, based on the evidence of Ms Canham along with the advice of Worcestershire Regulatory Services, the Environment Agency, the County Public Health Practitioner, the Head of Planning and Transport Planning, I consider that subject to the imposition of appropriate conditions, there would be no adverse noise impacts on residential amenity or that of local schools.

7.4 Landscape and Visual

- 7.4.1 A review of residential visual amenity in respect of Reason for Refusal 3 has been carried out in the evidence of Mr Neil Furber and the findings are discussed below.
- 7.4.2 Screen bunds are employed as an embedded mitigation measure in most quarry developments, to address potentially unacceptable environmental impacts, notably noise and outlook, from the operational phase. The screen bunds are a temporary soil store (grass seeded) and form an important part of the restoration material, located close to the phase being restored. The precise height and separation distance are frequently dictated by noise mitigation requirements. No concerns regarding the inclusion of screen bunds close to dwellings at the Appeal Site were raised by the County Landscape Officer, Head of Planning and Transport, or any other statutory consultee.
- 7.4.3 The effects of the closest screen bunds upon residential visual outlook, first appeared at paragraph 5.7 in WCC's Statement of Case, which states the following: *"The identified noise impact is proposed to be mitigated by use of bunds. The Council will demonstrate in evidence that in siting bunds adjacent to residential properties, some up to 6m high, a detrimental impact to the visual outlook of impacted properties occurs as a result"*.

-
- 7.4.4 It is not unusual for temporary screen bunds to be employed as part of quarry schemes at the heights and separation distances from dwellings that are proposed at the Appeal Site.
- 7.4.5 With reference to best practice guidance (TGN 2/19 published by the Landscape Institute), it is an established planning principle that no one 'has a right to a view'. This includes where outlook / visual amenity is judged to be 'significantly' affected by a proposed development, as confirmed in a number of appeal / public inquiry decisions. It is not uncommon for development to have a significant effect on visual amenity and in itself this does not necessarily cause planning concern.
- 7.4.6 Consideration of acceptable separation distances between built form/engineered structures and nearby residents can be informed by the approach commonly adopted in housing developments. Typical separation distances between back-to-back housing is 20-23m. This separation is adopted to ensure that adequate daylight, sunlight, outlook, and privacy is achieved for all residents.
- 7.4.7 Mr Furber considers that screen bunds of equivalent height and separation distance to permanent buildings e.g. a row of terraced houses, would have a reduced effect upon visual amenity of nearby dwellings because they are temporary structures, and they do not have windows that impact privacy.
- 7.4.8 In terms of this Appeal, the separation distances between the closest dwellings and the screen bunds have been designed to be over three times greater than the minimum separation distances typically adopted for back-to-back housing.
- 7.4.9 Mr Furber has considered the views of the Appeal Development, including the screen bunds, that would be experienced by residents close to the Site comprising the Equestrian Centre Bungalow, Keeper's Cottage, North Lodges, Castle Barns/White House, Four Winds, Broom Cottage, South Lodges and Brown Westhead Park. In evidence it is described how effects upon visual amenity would typically range from Slight to Moderate adverse and would not be Significant. It is therefore concluded that there would be no potential for the Residential Visual Amenity Threshold to be breached at any dwelling.
- 7.4.10 In conclusion, Mr Furber assesses that there would be no unacceptable impact on the outlook experienced by residents living close to the Appeal Site.

8 Cumulative Impact

- 8.1.1 A Cumulative Impact Assessment was carried out as part of the original application and formed part of the Environmental Statement at Chapter 22 (CD1.03). The Environmental Statement concluded that there are no cumulative impacts that would arise from the scheme in combination either within itself or with other existing / proposed developments that would render the proposed quarry extension unacceptable.
- 8.1.2 These findings were accepted by Worcestershire County Council's Head of Strategic Infrastructure and Economy, with paragraph 871 of the Committee Report (CD10.01) setting out the following:
- "On balance, the Head of Planning and Transport Planning does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application".*
- 8.1.3 Cumulative Impact was not set out by members of the Planning and Regulatory Committee as a reason for refusal.
- 8.1.4 However, despite the above, as part of the Council's Statement of Case, they have raised issues in terms of the Appeal development having a detrimental spatial and visual impact on the openness of the Green Belt across the lifespan of the development, heightened by the cumulative impact of adjacent Green Belt development in that period, with the development at Lea Castle village, to the east of the Appeal site being directly highlighted. It should be noted that the development of Lea Castle Village was discussed within the Committee Report (CD1.03) and cumulative impacts did not form a part of any of the reasons for refusal.
- 8.1.5 Further to the above, in relation to reason for refusal 3. Unacceptable impact on residential amenity and local schools, in the Council's Statement of Case, they have raised the following in terms of noise and dust:

Noise

The Council will demonstrate in evidence that irrespective of the proposed mitigation measures, the noise impact of development offers cumulative harm to the amenity of receptors within the locality of the site, and that the additional mitigation

recommended to be implemented by Worcestershire Regulatory Services, including a restriction to working hours, is effective only in isolation. The noise environment concluded to provide “the occasional identifiable noise being heard from use of machinery associated with the extraction” in combination with other environmental impacts, will be demonstrated as offering cumulative harm to amenity.

The Council will demonstrate in evidence that the existing review of noise impacts have failed to satisfactorily consider either the impact on an allocated development, secured within the Wyre Forest District Local Plan, or the combined impact of such developments being located within 250m of each other on the area as a whole.

Air Quality and Dust

Cumulative Impact was considered within the appellants Environmental Statement, and within an updated Non-Technical Summary during the application. The appellants conclude that the proposed minerals works could satisfactorily co-exist with the permitted and allocated development at Lea Castle Village without offering any cumulative harm. However, no further technical or cumulative assessment on dust or air quality was undertaken to draw this conclusion; the appellants remain reliant on their Vibrook Air Quality Assessment of 2019 and it does not consider cumulative impact. Furthermore, no revised cumulative assessment on the impacts of combined noise effects with the Lea Castle Village allocation has been undertaken to draw this conclusion.

The Council will demonstrate in evidence therefore that the existing review of air quality and dust impact therefore has failed to satisfactorily consider either the impact on an allocated development, secured within the Wyre Forest District Local Plan, or the combined impact of such developments being located within 250m of each other on the area as a whole.

- 8.1.6 WCC are not offering technical expert evidence on matters of visual, noise or air quality impact. The evidence they are providing is in terms of planning and their assertion that insufficient consideration has been given to the cumulative impact of the proposed development. We consider that the further technical work provided on landscape, noise and air quality now meets the concerns raised with WCC's statement of case.
- 8.1.7 With regards the Lea Castle Village allocation, it should be noted that this was formally allocated with the adoption of the Wyre Forest District Local Plan on 26 April 2022,

which was under 1 month prior to the Planning Committee meeting on the 24th May 2022 to determine the appeal proposal.

- 8.1.8 Therefore, in order to address the points raised by the Council in their Statement of Case a revised Cumulative Impact Assessment has been prepared with input from the evidence of Mr Furber Ms Hawkins and Ms Canham and is attached at **Appendix 2** to this Proof, with a summary of the findings set out below.

Cumulative Impact Assessment Summary

- 8.1.9 The approach to assessing cumulative impact has followed the advice of Mr Justice Burton (in the Long Moor case - *The Queen (on the application of Leicestershire County Council) v. the Secretary of State for Communities and Local Government and UK Coal Mining Ltd (2007) EWHC Admin 1427*) by considering the three categories of potential cumulative effects: successive effects; simultaneous effects from concurrent developments; and combined effects from the same development and then sets out reasoning behind the judgements reached.
- 8.1.10 The assessment of cumulative impact has had regard to positive and negative effects to ensure that an overall balanced judgement is reached. The potential positive impacts are particularly relevant when considering the combined effects from the same development. Care has been taken to ensure that any positive effects have not been double counted in the assessment work.
- 8.1.11 The assessment of successive effects has concluded that no significant adverse cumulative impact would occur from the proposed extension to the Lea Castle Farm site.
- 8.1.12 In terms of the assessment of simultaneous effects, the potential combined effect of the development of the planning application to the east of the site (application ref: 22/0404/OUT) being constructed at the same time as the proposed extension area is only likely to marginally increase the degree of overall impact. No objectionable concurrent effects are therefore likely to arise.
- 8.1.13 In terms of the combined effects, the only individual negative environmental impact that is considered to come close to the thresholds of being objectionable is the potential temporary landscape and visual impact of the scheme. The other environmental features are not considered to make a substantial contribution to cumulative harm. Given that only one feature is close to the thresholds of

objectionability, and having regard to the fact that none of the environmental features have a synergistic effect, their combined impact is not objectionable. This conclusion has been reached having regard to the four tests recommended by Mr Justice Burton.

8.1.14 The proposal would have a number of positive effects which act as a counter weight to offset the identified negative impacts. The main points in relation to the benefits are that the proposal would meet a need for sand and gravel and bring about economic benefits and biodiversity gains.

8.1.15 In the light of the above it is concluded that the cumulative impact of the scheme does not weigh against the scheme to a degree that the Planning Inspector should form a cumulative reason to object to the proposal. In reaching this view particular regard has been given to the temporary nature of the development and the short, medium and long term benefits that would arise.

9 Comments On Issues Raised By the Rule 6 Party and Other Interested Parties

9.1.1 I recognise that the planning application and this appeal has generated objections from local residents and other interested parties, and these concerns will be articulated at the inquiry by the Rule 6 party.

9.1.2 I set out below the general issues that have been raised and where they have been addressed.

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

9.1.3 Reason for Refusal 1 related 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. As set out in WCC's Statement of Case, *"No policy within the adopted Minerals Local Plan provides consistency with Policy 2, and as such reason for refusal 1 is not defended by the Council within the appeal."*

9.1.4 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.

Green Belt

9.1.5 With regards to Green Belt, I have addressed this specific issues in section 4 of this Proof and it has also been addressed in the evidence of Mr Neil Furber.

Impact on residential amenity and local schools

- 9.1.6 Evidence has been produced by Mr Neil Furber on the potential for visual impacts, by Ms Karina Hawkins with regards Dust and Air Quality and by Ms Rachel Canham on noise. Issues regarding the impact on residential amenity and local schools has also been set out in section 7 of this Proof.

Impact on the Local Economy

- 9.1.7 Having regard to the local economy, development, growth and economic considerations are set out in section 10.4 of this Proof. It is noted that the Appeal development will employ 11 direct employees. In addition, the quarry will be a significant contributor to the local economy, with the contribution estimated to be over £6 million per annum.

Public Rights of Way Concerns

- 9.1.8 The Appeal Scheme proposes to create a new public right of way (bridleway) measuring approximately 2.3 kilometres in length around the perimeter of the site. In addition, permissive routes (bridleway standard) measuring approximately 0.4 kilometres in length (combined) are proposed as part of the final restoration of the site, equating to 2.7 kilometres of proposed public bridleways and permissive bridleways.

Traffic and Transport Concerns

- 9.1.9 The evidence of Mr J Hurlstone (attached at **Appendix 3** to this Proof) reviews the concerns raised by the Rule 6 Party STQC in its Statement of Case insofar as they relate to highway matters. Mr Hurlstone's evidence sets out the following:

"Having completed the review I have concluded that the technical assessment of the proposed access and traffic impact of the quarry traffic on the local road network is robust and underpinned by relevant guidance.

Claims made by STQC regarding deficiencies in the assessment are demonstrably incorrect by cross-referencing the technical information considered at the planning application.

Whilst STQC may have general concerns regarding the local Highway Authority's transport policies and performance of its road network, these concerns are more appropriately directed to the Council outside the forum of the appeal for this particular development.

Notwithstanding those concerns, it has been demonstrated that the quantum of development traffic associated with the site would not result in an unacceptable impact on the local road network.

Insofar as highway and transport matters are concerned, I trust the Inspector agrees with my own conclusion, and that of the Council, that planning permission should not be refused on highway grounds, as the access design is demonstrably acceptable in the context of recognised design guidance and the cumulative residual impact on the road network would not be severe”.

9.1.10 Overall therefore, the Appellant considers it has demonstrated that the proposed operations would not lead to an unacceptable impact on highways.

Impact on Ecology and Wildlife

9.1.11 The Appellant considers that the proposed development would not have an unacceptable impact on the ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site’s value for biodiversity and geodiversity. An updated walkover survey (attached at **Appendix 4** to this Proof) has been carried out by Ms Justine Walsh, which confirms the current baseline data remains representative of that submitted with the original application.

9.1.12 As set out in the Committee Report (**CD10.01**), the proposals were carefully considered by Natural England, Worcestershire Wildlife Trust, the District Council’s Countryside and Parks Officer, the County Ecologist, the Woodland Trust, the Forestry Commission and the Earth Heritage Trust, none of whom objected.

9.1.13 As discussed in section 10.5 of this Proof, the benefits resulting from this proposed development are substantial and wide reaching and it has been agreed with the Council at paragraph 7.19 of the SoCG “*that the submitted Restoration Plan and scheme outlined within the Environmental Statement (**CD1.03**) provide a Biodiversity Net Gain of approximately 87.21% (**CD5.28**). The County Ecologist welcomed the net gain”.*

9.1.14 As part of this Appeal, an updated quantitative assessment of biodiversity impacts was undertaken using Biodiversity Metric 3.1 Calculation (**See Appendix 4**). Metric 3.1 allows for delay factors relating to the commencement of future habitat creation/restoration/enhancement to be inputted as variables within the metric as these can also have a material effect on predicted future net-biodiversity values on site.

This is particularly relevant for this scheme, as the phasing plans allow for significant temporal variation in the likely commencement date of different areas of proposed habitat creation/restoration/enhancement.

9.1.15 The previous Biodiversity Metric 2.0 did not allow for the accounting for any delay factors, and less precautionary in the timescale that it deemed habitat creation and enhancement could be delivered. As such Metric 3.1 is significantly more conservative in the scale of its measurable gains, and as such can be viewed as more robust as it is more representative of a 'worst case scenario' as regards the scheme's biodiversity impacts.

9.1.16 The outputs of the updated Biodiversity Metric 3.1. are summarised below:

HABITATS:

- Existing Baseline = 115.93 Biodiversity Units;
- On-site Post-Intervention= 161.51 Biodiversity Units; and
- Total Net Unit Change (B-A) = +45.58 Gain of Biodiversity Units.

HEDGEROWS:

- Existing Baseline= 2.74 Hedgerow units;
- On-site Post-Intervention= 5.68 Hedgerow Units; and
- Total Net Unit Change (B-A) = +2.94 Gain of Hedgerow Units.

9.1.17 The Biodiversity Metric 3.1 demonstrates the proposed scheme will deliver a likely substantial net gain for biodiversity of **+39.31% BU** for habitats, and **+107.51% HU** for hedgerows.

9.1.18 This significant 'likely' net gain is due to areas of low distinctiveness arable land, improved grassland, scrub and tall ruderal vegetation being replaced by high distinctiveness acid grassland, woodland, parkland, waterbodies and the planting of scattered trees.

9.1.19 Existing Ecological functionality will be maintained at the site via the retention of the hedgerow and woodland networks and further enhanced through new hedgerow planting and the creation of additional woodland areas and scattered trees.

9.1.20 These measures will ensure that there is wider landscape habitat connectivity and that suitable habitat resources are available for protected species (bats, birds, small mammals, invertebrates, herpetofauna, etc.).

9.1.21 The phased nature of the development will limit the total duration of works/disturbance within each section of the site allowing for the restoration habitats (in one location or another) to occur continuously after the completion of the first phase. Meaning that the combined adverse impacts upon mobile site fauna is likely to be reduced as areas of refuge are always available.

Impact on the Health of the Local Population

9.1.22 All the usual 'pathways' through which health could be adversely impacted (noise, odour, dust, air quality, vibration, lighting etc) have been considered through technical evidence, and the proposal has not been shown as breaching any of the relevant guidelines.

9.1.23 Therefore, based on the advice of Worcestershire Regulatory Services, the Environment Agency, and the County Public Health Practitioner, the Head of Planning and Transport Planning considered that, subject to the imposition of appropriate conditions, there would be no adverse air pollution, noise, dust, vibration, odour or lighting impacts on residential amenity or that of human health.

9.1.24 Furthermore, as set out in section 7 of this Proof, it is worth noting though that the Council have decided not to defend their original Reason for Refusal 9 – Unacceptable impact on the health of the local population. Therefore, in deciding not to defend that reason for refusal, it can be inferred that the Council aren't suggesting that the impacts on residential amenity and local schools will be such that there would be an impact on human health.

9.1.25 The NPPF recognises that minerals can only be worked where they are found, and by virtue of the nature of mineral extraction operations, there will always be some impact on the environment and amenity. The imperative is not to provide for mineral developments which take place with no impact, but to ensure that the effects are regulated to within 'appropriate limits' and that restoration is carried out at the earliest opportunity to high environmental standards. It is therefore not credible to suggest that mineral development can take place with no adverse effects on any interest, and

it is not part of the Appellant's case, or my evidence, to suggest that the development will not cause any environmental or amenity effects.

10 Very Special Circumstances

10.1 Introduction

10.1.1 It is my view the Appeal Proposal is not inappropriate development in the Green Belt. If that is accepted, the principle of the proposal is in full accord with the Development Plan. In light of my evidence above that addresses the potential specific impacts of the proposals, the development as a whole is in accordance with the Development Plan. There are no material considerations that indicate that the decision should be taken otherwise than in accordance with the Development Plan. Accordingly this development should be approved 'without delay' (NPPF para. 11(c)).

10.1.2 However, should the Inspector conclude that the proposals constitute inappropriate development, I set out below that VSC exist to overcome the 'great weight' attached to protecting Green Belts.

10.1.3 It is noted that VSC also need to outweigh any 'other harms' that the proposal may cause. As has been demonstrated through the Environmental Statement, noted in the Committee Report and set out in the evidence of Mr Neil Furber, Ms Rachel Canham, Ms Katrina Hawkins, Mr Jeremy Hurlstone and Ms Justine Walsh, other harms, after mitigation, or through regulatory control imposed by planning conditions, are minor (not significant) and would not run contrary to the Development Plan policies. As such I conclude that the Appeal Scheme does not give rise to 'any other harm' (NPPF, 148).

10.1.4 It is noteworthy that in review of the Minutes of the Committee Meeting (CD10.03) and despite the Council considering that the proposal is inappropriate development in the Green Belt, they appear to have given no consideration to VSC to overcome this harm.

10.1.5 In this section, I set out what I consider constitutes VSC:

- The need for the proposed development with particular regard to the landbank position for sand and gravel;
- Environmental and Sustainability benefits;
- Development, Growth and Economic Considerations; and
- Restoration and biodiversity benefits.

10.2 Mineral Need

10.2.1 As has been clearly set out in Section 5 of my evidence, there is a demonstrable and urgent need for the release of new mineral reserves in Worcestershire to ensure that there is a “steady and adequate supply of aggregates” and “maintenance of the landbank”. It is agreed with the Council that the landbank is below 7 years. As noted in paragraph 084 (Reference ID: 27-084-20140306) of the Planning Practice Guidance, *“There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need”*.

10.2.2 The Lea Castle Quarry proposals will add a further 3 million tonnes of sand and gravel to the County landbank, over a period of 10 years. Lea Castle Farm Quarry could ensure continuity of sand and gravel supply whilst Worcestershire County Council progress with the site allocations document, contributing to the security of the long term supply of sand and gravel for the County.

10.2.3 Given the above, I consider that there is a clear need for the development and that the provision of sand and gravel to the Worcestershire landbank is a VSC. Para. 211 of the NPPF is unequivocal: ‘great weight should be given to the benefits of mineral extraction, including to the economy’.

10.3 Environmental and Sustainability Benefits

10.3.1 There are many environmental and sustainability benefits to the proposed development at Lea Castle Farm, namely:

- Unique logistical position in the marketplace, as Worcestershire has a clear divide in available resource. The northern half of the County in which the Appeal Site is located contains the solid sands (building and mortar markets) with the concreting sand and gravels from the terrace and glacial deposits in the south of the county. However, this site is unique in that there is resource of concreting sand and gravels from the western half of the site with the solid sands to be extracted from the eastern half of the site. The two different resources serve different and distinct markets. Their location within the county would affect the distance they need to travel to market as well as the demand

/ pull on resources from outside the county to meet demand. The number of active and permitted sites (but non-operational) sites are also small in number which may affect the distance the reserves travel to market;

- When looking at the supply of mineral within a county a balanced spread of geographical location supply sources is very important in promoting sustainable development. Aggregates being bulky in nature, costly to transport / typically only transported about 30 miles from source. The closest county sand and gravel quarry to Kidderminster is Clifton Quarry, located circa. 24 miles away. The Appeal Proposal would help provide a balanced geographical spread of mineral supply sources; and
- A further key consideration is the number of proposed and permitted large-scale residential schemes in close proximity to the Appeal Site. Given the relative proximity of the proposed quarry site to the nearby Lea Castle Village housing and mixed-use development/allocation, the quarry could offer significant sustainability benefits in transportation/ highway limiting distance of journeys and time and flexibility with construction. Furthermore, large quantities of inert waste would arise from these large-scale schemes and the potential transport to and use of this material in the restoration scheme, aligns with the ethos of achieving sustainable development.

10.3.2 On the basis of the above, I consider the environmental and sustainability benefits of the scheme to represent VSC.

10.4 Development, Growth and Economic Considerations

National Sales Trends for Aggregates

10.4.1 The minerals products industry is a vital enabling sector of the UK economy, which has a broad impact on overall economic activity. As the largest element of the construction supply chain, a supplier of key materials to many other industries, and the largest material flow in the UK economy, a healthy domestic mineral products industry is essential for the UK.

10.4.2 The NPPF (para. 81) is unambiguous that the planning system should support sustainable economic growth and that this should attract significant weight in planning decisions.

Development and Growth

10.4.3 At the national level, Government statements and policy have outlined the need for investment to provide the engine for growth and recovery of the economy in these exceptional times. The government has been absolutely consistent through the Brexit transition period and the pandemic about the scale of investment that it is proposing in infrastructure and the publication, in November 2020, of the National Infrastructure Strategy confirms that £27 billion will be invested in economic infrastructure in 2021/22 alone, with the clear aims of achieving the following:

- To boost growth and productivity – this will require minerals to build the infrastructure proposed so now is not the time for Worcestershire to have a shortfall in supply;
- Putting the UK on the path to achieving its net zero emissions target – so now is not the time to be increasing the mileage that mineral such as that at Lea Castle Farm has to travel;
- Supporting private investment in the UK – so now is the time to support a local industry; and
- Accelerate and improve delivery of infrastructure projects – so again now is not the time for Worcestershire to have a shortfall in supply.

10.4.4 Therefore, the Government is committed to investing in infrastructure, which will require minerals and as a company, NRS are already seeing evidence of a commitment to building and infrastructure spend.

The Appellant and economic considerations

10.4.5 The appeal proposal at Lea Castle Farm would create 11 jobs for approximately 10 years. Furthermore, and notwithstanding the identified need for sand and gravel (as set out in section 5), the proposed quarry would provide a significant contribution to the local economy. Based on costs associated with 2 of the Appellant's quarries at Sarendon and Woodcote, local expenditure in year 1 would be in the realms of 5 – 7 million pounds for items such as purchase of plant, purchase of offices, weighbridge and maintenance, construction costs, payments to land owners, highway access, security installation.

10.4.6 Further to this and in terms of yearly/ongoing costs, again based on Sarendon and

Woodcote quarries, it is estimated that this contribution would equate to between 6 – 7 million per annum on items such as aggregates levy, business rates, direct labour, equipment hire/haulage costs, maintenance, security, Plant/transport repairs & running costs, sales and administration costs and restoration costs.

10.4.7 This would represent a significant boost to the local economy.

10.4.8 Also, the extractive industries (i.e. mining and quarrying) are much more capital intensive than other sectors of the British economy and have very high levels of labour productivity (measured by Gross Value added per employee). Gross value added (GVA) is defined by the Office for National Statistics (ONS) AS “the contribution to the economy of each individual producer, industry or sector.”

10.4.9 Whilst directly employing 81,000 people and supporting 3.5 million jobs through its supply chain in 2018, the mineral products industry is also a highly productive industry: each worker produced over £71,000 in gross value added in 2018, equivalent to 1.2 times the national average (**C12.01**). The mineral products industry represents very good value to the economy and contributes positively to economic growth.

10.4.10 In addition to high GVA, **CD12.01** sets out that the Mineral Products Industry directly contributed to the UK economy by generating over £5.8bn in gross value added in 2018 (figure 2.2a). The industry had a turnover of £16.3bn in 2018, and enabled a further £596.7bn turnover in industries downstream of the supply chain.

10.4.11 The above considerations are important as they provide an indication of the wider/ indirect effects of quarrying, including how the expenditure generated from this activity is likely to be distributed across other parts of the local economy, and hence whether jobs could be retained or generated in these sectors.

10.4.12 Quarrying depends on its suppliers to provide critical goods and services to act as inputs to maintain the production process. The absolute level of expenditure can be very variable, reflecting the ad hoc nature of capital investment in what is one of the most capital intensive industries. However, the proposed extension will largely rely on existing site infrastructure for its operations. This equipment will require maintenance and/ or replacement over the course of the additional life of the quarry.

10.4.13 Some of the major suppliers provide a blend of equipment and services, from a range of local and non-local premises. These considerations, taken in combination with the year-on-year variations reported above, mean that accurate cost data is difficult to

predict and should not be over-interpreted, particularly as regards the level of stimulus that is being provided to the very local economy. This is partly due to the fact that the economic effects arising from the site also affect remote locations such as the company/ suppliers regional and head offices where a number of employees might be based to provide the support services. Identifying the exact economic benefit is therefore somewhat difficult. However, what is clear is that without the site there will be a significant deficit in the local economy based on annual costs incurred at present.

10.4.14 Having regard to the employment of 11 direct employees along with the significant contribution to the local economy, I consider that this constitutes VSC.

10.5 Restoration and Biodiversity Benefits

10.5.1 The proposed restoration scheme from phased restoration through to final restoration will bring significant biodiversity benefits, through increasing and enhancing local ecological networks and ecological functionality.

10.5.2 The aim of the progressive restoration scheme is the creation of a High Quality Agricultural Parkland, reflecting that of the lost/demolished Lea Castle parkland grounds.

10.5.3 The restoration proposals have been developed in consultation with the development team, the landowner and parties interested in wildlife, amenity, wellbeing and farming. This ensures that the scheme works within its physical, social and environmental parameters to best achieve a holistic green infrastructure approach. The scheme will create a landscape which can be sustainably managed for the benefit of both the landowner and the local community.

10.5.4 The progressive nature of the phasing scheme ensures that disturbed land is kept to a minimum and each phase of extraction is only temporarily disturbed before work commences to restore the land to the proposed uses within the final restoration scheme.

10.5.5 The restoration scheme will deliver approximately 9,750 trees to be planted to create woodland blocks (approximately 3.42 hectares in area); approximately 50 parkland trees to be planted in agricultural grassland / cropping and approximately 120 trees to be planted along the parkland avenue to reflect the former parkland setting; approximately 7.5 hectares of acid grassland creation; and approximately 1,018 metres

of linear hedgerow planting and strengths (approximately 439 metres of existing strengthened hedgerows and approximately 579 metres proposed new hedgerows).

10.5.6 It has been agreed with the Council at paragraph 7.19 of the SoCG *“that the submitted Restoration Plan and scheme outlined within the Environmental Statement (CD1.03) provide a Biodiversity Net Gain of approximately 87.21% (CD5.28). The County Ecologist welcomed the net gain”*.

10.5.7 As discussed in section 9 of this Proof, as part of this Appeal, an updated quantitative assessment of biodiversity impacts was undertaken using Biodiversity Metric 3.1 Calculation (**See Appendix 4**). Metric 3.1 is significantly more conservative in the scale of its measurable gains than Metric 2.0 (used to calculate the 87.21% figure), and as such can be viewed as more robust as its more representative of a ‘worst case scenario’ as regards the scheme’s biodiversity impacts.

10.5.8 The Biodiversity Metric 3.1 demonstrates the proposed scheme will deliver a likely substantial net gain for biodiversity of **+39.31% BU** for habitats, and **+107.51% HU** for hedgerows.

10.5.9 Although lower than the Metric 2.0 figure, the 39.31% net gain is nearly 4 times that required by legislation contained in the forthcoming Environmental Bill.

10.5.10 It can be concluded that the benefits resulting from this proposed development are substantial and wide reaching. From an ecological / biodiversity perspective it is clear that this development, provides betterment.

10.5.11 It is considered that the appeal proposal when factoring in final restoration, would conserve and enhance the landscape.

10.5.12 I consider the restoration and biodiversity benefits of the scheme contribute to VSC and a major benefit of the appeal proposal.

10.6 Conclusion

10.6.1 Based on the above, even if the Appeal Scheme is found to be inappropriate development in the Green Belt, there are significant factors that weigh in favour of the scheme which I consider taken as a whole constitute VSC (i.e. the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF para.148)).

11 Planning Balance and Conclusions

11.1.1 In this Section I set out my consideration of the planning balance and in so doing, I pose the following questions:

1. Do the proposals constitute appropriate development in the Green Belt?
2. Do the proposals conflict with the purposes of Green Belt?
3. Is there any detrimental effect on residential amenity and local schools?
4. Is there a need for the proposed development with particular regard to the landbank position for sand and gravel and the need for inert waste disposal in the County?
5. If considered inappropriate development in the Green Belt, does the Appeal Proposal demonstrate VSC?

11.1.2 In terms of the Green Belt, there would be impacts, however, the proposed development would, notwithstanding its duration, be a temporary activity and whilst the proposal would disturb the site for a period of time, it would be progressively returned to an open state following completion of extraction and would be no more built up on completion of the development as a result of the proposal as it is now.

11.1.3 In view of the above, I consider that the Proposed Development does not constitute inappropriate development in the Green Belt when regard is had to all matters, including the level of impact during the operational phase, the duration of that phase, and the fact that following restoration there would be no impact on openness and no conflict with the purposes of including land within the designation.

11.1.4 Furthermore, the Appeal Scheme does not significantly affect the purposes of the Green Belt. The effects are temporary, and so would be reversible on completion of restoration. The restoration scheme allows for a combination of creating habitats focussed on delivering biodiversity along with the provision of areas for amenity use and public access, including a network of formal and informal paths. These are consistent with Green Belt aims, and in particular paragraph 145.

11.1.5 In terms of potential harms to residential amenity and local schools, as set out in section 7 of this Proof, based on the findings of the ES, coupled with the evidence of Mr Neil Furber, Ms Katrina Hawkins and Ms Rachel Canham, there are no significant

effects on the amenity of local residents and local schools as a result of visual impacts and dust or noise emissions. Either cumulatively or in isolation, these are limited and are considered to be within acceptable limits, noting that some degree of impact from mineral development is inevitable (and indeed accepted in policy – see NPPF paragraph 211). I therefore give slight weight to the potential harms.

11.1.6 It has been agreed with the Council that the Appeal Scheme would not give rise to any significant effects to ecology, archaeology and cultural heritage, soils and agricultural land and the water environment. This is corroborated by the findings of the ES.

11.1.7 Similarly, based on the findings of the ES, coupled with the evidence of Mr Jeremy Hurlstone, there are no significant effects arising through the movement of HGVs associated with the development.

11.1.8 Overall therefore, whilst the proposals would result in some harm, I consider the harm to be minor and so acceptable and within “appropriate limits”. Accordingly, policies in the Development Plan aimed at protecting the environment are complied with.

11.1.9 With this in mind, the Appeal Scheme benefits from the presumption in favour of sustainable development, whereby paragraph 11 of the NPPF indicates that development proposals that accord with an up-to-date development plan should be approved without delay.

11.1.10 Finally, there are other factors weighing in favour of the Appeal Scheme; these are the same eight points I have identified above in my consideration of VSC.

11.1.11 Turning to the positive side of the balance, there is “great weight” to be attached to mineral developments. I also attach substantial weight to the need to release new reserves as the landbank is below the minimum of 7 years for sand and gravel, which demonstrates that there is a shortfall in supply. I consider that there is a clear mineral need for the development which carries significant weight in favour of the scheme and is considered a VSC.

11.1.12 Therefore, in terms of need I consider there is:

- An established need;
- Which is not being met to the full extent required by the landbank;
- Which need would be still further under-supplied if the appeal was dismissed;

- Which can be substantially met if the appeal is allowed; and
- And which it has been shown, can be met well within environmental limits.

11.1.13 In terms of the need for inert waste disposal, the importation of inert materials as part of the restoration of the site will create a high-quality estate parkland setting which provides opportunities for living, leisure, recreation and enjoyment for local communities. Furthermore, there is an anticipated increase in inert waste likely to be generated from large infrastructure projects in north Worcestershire and the West Midlands over the next 10 years including the Lea Castle Village development. It has been agreed with the Council that the potential transport to and use of this material in the restoration scheme, aligns with the ethos of achieving sustainable development.

11.1.14 Having regard to the employment of 11 direct employees along with the significant contribution to the local economy, I consider that this constitutes a moderate benefit.

11.1.15 The restored quarry offers considerably enhanced habitat diversity with generally noticeable and significant local biodiversity benefits. It should also be noted that minerals extraction is a temporary land-use and that restoration of the extension together with the existing quarry area provides an opportunity to create a more diverse landscape feature.

11.1.16 It can be concluded that the benefits resulting from this proposed development are substantial and wide reaching. From an ecological / biodiversity perspective it is clear that this extension, as with the previous working areas, provides betterment. There is an expectation to restore to high standards, but the scheme has sought to offer biodiversity benefits and enhanced access, the latter would be phased in line with the workings. I consider the restoration and biodiversity benefits of the scheme to be a major benefit of the appeal proposal.

11.1.17 I consider that each of these factors add significant weight in favour of the Appeal Scheme.

11.1.18 Accordingly, it is my conclusion that the planning balance weighs heavily in favour of the Appeal Scheme.

11.1.19 In summary therefore and based on the evidence that I have presented, I conclude the following:

-
1. In relation to Green Belt the Appeal Scheme would preserve the openness of the GB and would not conflict with the purposes of including land within it, can be therefore be considered to be appropriate development in line with paragraph 150 of the NPPF;
 2. This is partly so because impacts to the Green Belt are temporary and reversible and so are not permanent, with a high quality restoration scheme coming forward during the development;
 3. Great weight is to be given to mineral development;
 4. There is an urgent need for the release of mineral reserves in Worcestershire which the Appeal Scheme would provide;
 5. The site is in a sustainable location to serve mineral and waste needs;
 6. Even if the Appeal Scheme were found to be inappropriate, other considerations exist which would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, so as to constitute VSC.

11.1.20 On this basis, I respectfully invite the Inspector to allow the appeal.

Appendix 1 - Summary of Officers Findings Relating to Key Planning Issues

Topic	Comment	Para Ref.
Worcestershire's Landbank or sand and gravel reserves	<p>On 31 December 2017, the total permitted sand and gravel reserves for Worcestershire was about 3.465 million tonnes, which is equivalent to a landbank of approximately 6.06 years. Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued, then the landbank of permitted reserves at 31 December 2020 would have been approximately 1.749 million tonnes of sand and gravel, equating to about 3.06 years. Consequently, on 31 December 2020 the County Council did not have sufficient reserves of sand and gravel available with planning permissions to meet its annual provision requirements based on sales in accordance with national planning policy and guidance.</p> <p>Since 31 December 2020, the MPA granted planning permission on 25 March 2021 (MPA Ref: 18/000036/CM, Minute No. 1069 refers) for a proposed sand quarry, infilling void using inert materials only with restoration to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire. Based on the proposed extraction of approximately 1.35 million tonnes, this has increased the landbank by approximately 2.36 years, equating to a landbank of approximately 5.42 years in total, which is still below the minimum landbank for at least 7 years for sand and gravel.</p> <p>Assuming annual sales figures of 0.572 million tonnes, based on the rolling 10 years' average continued in 2021, then the landbank of permitted reserves at 31 December 2021 would be approximately 2.527 million tonnes of sand and gravel, equating to about 4.42 years.</p> <p>Should this planning application be granted permission, it would increase the landbank by approximately 5.24 years, equating to a landbank of approximately 9.66 years, albeit it should be noted that sales of sand and gravel would have continued in 2022, so the landbank would be likely to be less than 9.66 years.</p> <p>The latest Aggregate Minerals Survey for England and Wales (dated 2021)... covers the period of 2019. The survey sets out that Worcestershire's sales of sand and gravel was approximately 648,000 tonnes in 2019. This demonstrates that sales in 2019 were above the 10-year average of sales from 2008 to 2017 and indicates there is likely to be an even lower landbank of sand and gravel in Worcestershire than that stated above.</p> <p>The proposal is considered to be consistent with paragraph 213 f) of the NPPF as it would contribute towards the MPA's landbank for sand and gravel.</p>	370 371 372 373 374 380

Sieve test / methodology for BMV land	<p>The Environmental Statement states that “the final restoration scheme would provide for approximately 32.26 hectares of BMV agricultural land, which would, therefore, be a loss of BMV agricultural land of approximately 8.94 hectares, where it would be restored with an alternative land use (acidic grassland, woodland planting and pocket parks). Therefore, the loss of BMV would be offset with a restoration scheme that provides for measurable net gains in biodiversity...however, all of the existing BMV soil profile comprising topsoil, subsoil and overburden would be placed for restoration. This in effect replicates the BMV agricultural land characteristics”.</p> <p>Natural England originally commented that whilst some of the restoration proposals on part of the BMV agricultural land are for non-agricultural purposes (woodland), they considers the proposed reclamation to a biodiversity and amenity after use is acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high quality resource for the future.</p> <p>...Therefore, there would be no permanent loss of BMV agricultural land. Furthermore, Natural England have been consulted and have raised no objections on agricultural land / soil handling grounds. Consequently, the Head of Planning and Transport Planning considers that refusal of planning permission on these grounds could not be justified.</p> <p>The development is located upon a Ground Source Protection Zone (Zone 3 – total catchment). This is considered in more detail in the ‘Water Environment’ section of this report, but it is noted that the Environment Agency have raised no objections, subject to appropriate conditions. Consequently, the Head of Planning and Transport Planning considers that refusal of planning permission on these grounds could not be justified.</p> <p>Whilst the Head of Planning and Transport Planning considers that the proposal would result in significant development of agricultural land, it is noted that if the soils are managed in accordance with the submitted Environmental Statement and accompanying appendix (Agricultural Land Classification and Soils) then the proposal would result in no adverse effects in terms of land conditions on the site, with the soil resource being conserved and the area of BMV agricultural land being reinstated as part of the final restoration of the site.</p> <p>As set out above Natural England have been consulted in respect of soils and BMV agricultural land and raises no objections.</p> <p>Based on this advice, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions</p>	389 390 391 392 403 404 405
---------------------------------------	---	---

	<p>relating to soil handling and placement including requiring the development being carried out in accordance with the 'Agricultural Land Classification and Soils Resource Report' and Defra's 'Good Practice Guide for Soil Handling', and requiring a detailed aftercare scheme then the objectives of the NPPF in respect of soils and their use in the restoration of BMV agricultural land would be met.</p>	
<p>Alternatives</p>	<p>...the applicant discounted the alternatives to extend the footprint and depth of the quarry.</p> <p>The applicant also considered an alternative method of conveying minerals from the proposed western extraction area across the site's internal track / bridleway WC-626 was considered. The alternative being a conveyor bridge. This was discounted by the applicant on visual and landscape grounds. Instead, the submitted scheme proposes a section of conveyor tunnel below ground, beneath bridleway WC-626.</p> <p>In relation to 'alternative restoration options' option, the applicant states that "the preparation of the proposed development scheme, including the restoration proposals, has been an iterative process. The company has given careful consideration to findings of the EIA work and the Development Plan.</p> <p>433Two alternative restoration schemes were considered. Firstly, a sch434eme to restore the site back to original ground levels through the use435 of large volumes of imported inert materials. This was discounted436 on the grounds of both high numbers of vehicle movements and the slower delivery of progressive restoration.</p> <p>Secondly, a pure agricultural restoration scheme alternative was considered, with all land being restored back to commercial agricultural land uses with no additional public access. This alternative was discounted based upon the opportunity of diversifying the site land uses for amenity and wildlife enhancement". Instead, the proposal seeks to restore the site to an estate parkland setting which provides opportunities for living, leisure, recreation and enjoyment for local communities. A landscape to include a matrix of wildlife habitat and biodiversity enhancement and public connectivity via footpaths, bridleways and cycleways and pocket parks to enhance physical activity and wellbeing.</p> <p>In relation to 'alternative means of transport' option, the applicant states that "in terms of alternatives to road transport, the potential to transport the sand and gravel extracted at Lea Castle Farm by other alternatives is limited given the site's distance to both the existing rail network and the navigable waterway network - both of which would necessitate delivering aggregate by vehicle to the railhead / wharf. In this regard, the use of such transport methods is not considered to be feasible nor financially viable".</p>	<p>432 433 434 435 436 437 438 439</p>

	<p>In terms of accessing the site, the applicant had considered alternative access points to the site, but the proposed access was selected as part of an iterative design process.</p> <p>In view of the above, the Head of Planning and Transport Planning considers that the applicant's approach to the consideration of alternatives is acceptable in this instance.</p>	
Green Belt	<p>Minerals can only be worked where they are found, and mineral working is a temporary use of land. Paragraph 150 of the NPPF identifies certain forms of development as not inappropriate development within the Green Belt, this includes mineral extraction and engineering operations, “provided they preserve its openness and do not conflict with the purposes of including land within it”.</p> <p>...Subsequently, in February 2020, the Supreme Court in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3 generally supported the Turner decision but provided further analysis of openness: <i>“The concept of “openness” in paragraph 90 of the NPPF [2012 version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land”, and: “[Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector”.</i></p> <p>The applicant is proposing a number of visual mitigation and enhancement measures, which include only extracting mineral from the identified more enclosed and contained visual landscape in the eastern and central / eastern areas of the site, use of temporary soil storage / screening bunds (seeded and maintained) to screen potential views of quarrying activities together with agricultural straw bales, distance standoffs from residential properties including the Bungalow and Castle Barns, and tree and shrub planting to help both visually screen and integrate the proposed development. It is also proposed to limit the actual area of disturbed land / quarrying activities through phased progressive extraction and restoration,</p>	<p>446 448 453 455 458 459 461 462</p>

	<p>ensuring that the area of land required for the processing plant site and mineral extraction land would be contained to below 10 hectares during any one phase.</p> <p>In terms of the duration of the development, the applicant estimates that extraction and restoration works would only take approximately 11 years to complete, which is relatively modest in the context of mineral operations. On completion of the infilling, the ancillary site infrastructure would be uplifted and removed, with the site being restored. As such, the Head of Planning and Transport Planning considers that there would be no permanent spatial or visual impact on the Green Belt.</p> <p>In view of the above, on balance, the Head of Planning and Transport Planning considers that the proposed development, including restoration to a lower level, access, haul road, bunds, mineral processing plant, ancillary facilities and activity associated with the proposed mineral extraction when considered in isolation and in combination with other developments would preserve the openness of the Green Belt. It is also considered that the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would be visible, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bunds, existing historic boundary walls and proposed planting, with any views being contained to relatively few receptors. It is considered that the visual impact on openness does not make this development “inappropriate”.</p> <p>Neither would the development result in urban sprawl...</p> <p>It is considered that the proposal is in line with any typical mineral development in the Green Belt, and it is assessed that this site should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. There would be impacts, but only of a temporary duration, and relatively short for mineral extraction, with an appropriate restoration programme, back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 150, and this proposal should benefit from those exemptions as it comes within the intended scope.</p> <p>In view of above, the Head of Planning and Transport Planning considers that the exceptions for mineral extraction and engineering operations at paragraph 150 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.</p>	
Traffic, highway safety and impact upon	The County Highways Officer has been consulted and raised no objections subject to appropriate conditions regarding implementation of submitted details relating to access, parking and	496 497 498

public rights of way	<p data-bbox="432 192 1273 371">turning facilitates; provision and maintenance of visibility splays; surfacing of first 5 metres of access from the public highway; provision of electric vehicle charging space, sheltered and secure cycle parking, and accessible car parking spaces; and a HGV Management Plan.</p> <p data-bbox="432 405 1273 651">The County Highways Officer states that they have undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, the County Highways Officer concludes that there would not be a severe impact and, therefore, there are no justifiable grounds on which an objection could be maintained, subject to imposition of appropriate conditions.</p> <p data-bbox="432 685 1273 864">With regard to highway safety, the County Highways Officer states that access visibility is acceptable. The access has been subject to a Stage 1 Road Safety Audit. The access layout has been accepted as being suitable, however the layout would still be subject to further review at the detailed design stage prior to full technical approval.</p> <p data-bbox="432 898 1273 1111">With regard to the review of accident data, the County Highways Officer states that they accept that there is no common factor or patterns to the collisions recorded, and they occurred in both dry and wet conditions and at different times of the day, with causation factors that varied from poor due care and attention, driver error and poor judgement at the traffic signal junction.</p> <p data-bbox="432 1144 1273 2007">The Head of Planning and Transport Planning notes that the District Council highlight the Transport Statement has not taken account of the mixed-use development at the former Lea Castle Hospital site. However, as indicated above, the Transport Statement has taken into account the cumulative impact from nearby developments, including the mixed-use development at the former Lea Castle Hospital site. It is also noted that the County Highways Officer has considered the proposal taking into account development traffic associated with committed developments in the local area. The County Highways Officer states an improvement scheme at the A449 traffic signals junction has been identified as part of the Lea Castle Hospital planning application. The Transport Assessment for that development indicates that the development will open in phases with 45 dwellings constructed each year until 2031. As such the planned development may not be generating full traffic flows until 2031 for which the improvement scheme has been identified. The improvement scheme will only provide additional capacity in this location. Given that the peak hour trips associated with the proposed quarry generate low volumes and are temporary, in another words generate traffic over a 10-year development cycle, it is considered that proposals would not have a material impact on the local or wider highway network. The County Highways Officer is, therefore, satisfied the development traffic can be accommodated within the existing highway infrastructure.</p>	499 501 509 514 515 521 522
----------------------	---	---

During the Initial Works Phase of the proposal, a new bridleway would be provided. It would connect bridleway WC-625 in the north-eastern area of the site on a new route along the north-eastern, eastern, southern and south-western boundaries of the site, connecting to proposed upgraded bridleway WC-624, creating a circular route. The proposed new bridleway route would measure approximately 2.3 kilometres in length. The applicant states that this new section of bridleway would cross the proposed site entrance. At this point, traffic and footpath management measures would be in place. The new bridleway would be in place throughout the duration of the phased working and restoration of the site. A kissing gate (foot access only) would be provided adjoining Wolverhampton Road (A449).

The Ramblers Association and Malvern Hills District Footpath Society raise no objections to the proposal stating they are content with the revised public rights of way proposals. The Open Space Society have made no comments, and Sustrans comments that the proposal does not interact with the National Cycle Network, but the canal to the west of the site could be improved to form an extension to National Cycle Network Route 54 from Kidderminster. Any development funds from this site to fund the canal towpath improvements would be a benefit to the community.

The Head of Planning and Transport Planning considers that as the proposal would not directly impact National Cycle Network Route 54 as noted by Sustrans, and the proposal is not considered to have an unacceptable impact upon the Canal and its associated Conservation Area as set out in the 'Historic Environment' section of this report. In view of this, it is considered that the request from Sustrans would not pass the tests of Planning Obligations (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development).

...The Head of Planning and Transport Planning acknowledges the request of the British Horse Society to upgrade footpath WC-623 but considers that there are considerable site constraints and practicalities of upgrading this route to bridleway status, as highlighted by the County Footpath Officer. The Head of Planning and Transport Planning considers that the development as proposed would protect and enhance the public rights of way network and the requested upgrade is not necessary to make the development acceptable in planning terms. Furthermore, the requested upgrade would likely have environmental impacts which have not been assessed as part of the application, including impacts upon the retained boundary woodlands.

In view of the above, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact

	upon traffic, highway safety or public rights of way, in accordance with...	
Residential amenity	<p>With regard to noise impacts, Worcestershire Regulatory Services raise no objections commenting that the submitted Noise Assessment Report conforms with national guidance in relation to noise and mineral extraction and that the measured noise levels and calculated predictions are robust...Notwithstanding this, Worcestershire Regulatory Services do raise concerns with regard to the overall amenity in the area and, therefore, recommend the imposition of a condition restricting operating hours to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours Saturdays with no working on Sunday, Bank or Public Holidays. A condition is recommended to this effect.</p> <p>In view of the above, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions that the proposal would not have an unacceptable noise impact.</p> <p>The Environment Agency have made no adverse comments in respect to noise, dust and air quality impacts, and have confirmed that applicant would be required to operate the infilling element of the scheme under an Environment Agency Environmental Permit, which would likely include requirements to undertake monitoring to assess any potential impact on the environment and local receptors. The Head of Planning and Transport Planning notes that an Environmental Permit would regulate and control matters such as waste acceptance, including quantity; emissions, including noise, dust and vibration; and monitoring, records and reporting in relation to the infilling operations. The Environment Agency state that in relation to pollution issues arising from the extraction phase, they recommend that the MPA consults Worcestershire Regulatory Services.</p> <p>Worcestershire Regulatory Services have raised no objections in respect to air quality and dust impacts, stating that they are satisfied with the submitted Dust Impact Assessment's methodology and conclusions, and recommended that the mitigation measures set out in the Dust Impact Assessment are conditioned...</p> <p>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. They have also confirmed they have no objections to the Dust Management Plan to include dust monitoring.</p>	<p>540</p> <p>541</p> <p>562</p> <p>563</p> <p>565</p> <p>571</p> <p>573</p> <p>578</p> <p>579</p>

	<p>...With regard to omitting housing, Worcestershire Regulatory Services are satisfied that the distance between the proposed quarry and the new developments at Lea Castle, Sion Hill and Cookley are such that the impact of dust on these developments would not be significant,...</p> <p>In response to comments from local residents, Worcestershire Regulatory Services re-confirmed that they are satisfied that the impact of HGV movements would not have a significant impact on air quality in the area on the basis that all HGV traffic would enter and exit the site from the A449 junction and away from Wolverley and Sion Hill.</p> <p>Based on the above advice, the Head of Planning and Transport considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable dust and air quality impact.</p> <p>The Head of Planning and Transport Planning also considers that, due to the nature of the proposal, it would not give rise to adverse odour impacts or pests.</p> <p>The County Public Health Practitioner has been consulted and has no objections stating that a full HIA was submitted addressing their recommendations. The UK Health Security Agency (formerly Public Health England) refer the MPA to Worcestershire Regulatory Services to comment in relation to public health from local air quality, noise and contaminated land as they are only a statutory consultee on Environmental Permits from the Environment Agency, and will, therefore comment at that stage.</p> <p>The Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, the proposal would not have an unacceptable impact upon human health or wellbeing of the local population.</p>	
Landscape character and appearance of the local area	<p>In response to the original comments from the County Landscape Officer and Hereford and Worcester Gardens Trust requesting the protection measures for the avenue of trees, in particular the proximity of proposed bunds, the applicant submitted a detailed drawing demonstrating the proposed bund would be set back from the root protection zone of the trees within the avenue. The applicant also confirmed that the avenue of trees would be protected in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction'.</p> <p>The County Landscape Officer has been consulted and raises no objections to the proposal, subject to the imposition of conditions requiring the implementation of a CEMP, LEMP and longer-term aftercare scheme.</p>	620 621 624 625 628 629

	<p>The Hereford & Worcester Gardens Trust raise no objections to the proposal stating that they are satisfied that their previous concerns (which included clarification regarding the timing of planting, visual impact of restored landform, consider the avenue should be planted with a single tree species, oak added to the planting specification for hedgerows, beating up of hedgerows (replacing trees which have died) and planting of additional parkland trees) have now been addressed.</p> <p>The Head of Planning and Transport Planning notes the concerns of local residents, Wyre Forest District Council and the CPRE regarding the visual impact of the proposal, particularly the eastern section of the site; and the CPRE's comment that extraction from the slope above A449 would have a considerable landscape impact. However, the Head of Planning and Transport Planning concurs with the conclusions of the LVIA, noting the proposed mineral extraction would be effectively screened from views from the former Lea Castle Hospital site and Wolverhampton Road (A449) by a combination of the existing topography, proposed visual screening bund, which would measure approximately 4 to 5 metres high (and would be farmed) and the advance planting. It is also noted that the field immediately adjacent to Wolverhampton Road (A449) although contained within the redline boundary, no mineral extraction or development is proposed within this area.</p> <p>The Head of Planning and Transport Planning considers that should planning permission be granted, conditions should be imposed requiring a long-term aftercare period; restoration scheme; phasing; detailed design of plant, structures and buildings; limiting height of stockpiles; details of boundary treatments; details of soil screening bunds and hay bales; lighting scheme; annual topographical survey; CEMP for biodiversity; BEMMP; LEMP; and interpretation scheme for landscape.</p> <p>In view of the above and based on the advice of the County Landscape Officer and Hereford and Worcester Gardens Trust, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, including views from public rights of way, in accordance with Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.22, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.</p>	
Historic environment	<p>...Wyre Forest District Council Conservation Officer has subsequently raised no objections to the proposal, stating that the assessments have identified and described the significance of the various heritage assets and is thus in accordance with the NPPF. The Conservation Officer states that he has no issues with the assessment criteria or the conclusions of the assessment in general. However, with regard</p>	651 652 655 660 663 668

	<p>to noise and dust and other environmental impacts upon the Conservation Area, the Conservation Officer raises no objections subject to the relevant technical consultees also raising no objections to the proposal. The Head of Planning and Transport Planning notes that the Environment Agency and Worcestershire Regulatory Services both raise no objections to the proposal, subject to the imposition of appropriate conditions. Based on this advice, the Head of Planning and Transport Planning considers that the proposal would not harm the significance of the designated heritage of the Staffordshire and Worcestershire Canal Conservation Area.</p> <p>In view of the above matters, the Head of Planning and Transport Planning considers that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage asset of North Lodges and Gateway to Lea Castle. Notwithstanding this harm is less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of the designated heritage asset. Consequently, the fact of harm to a designated heritage asset is still to be given more weight than if it was simply a factor to be taken into account along with all other material considerations.</p> <p>Having given special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66), and paragraph 202 of the NPPF, it is considered that subject to the imposition of a number of appropriate conditions including a progressive phasing scheme; restoration schemes; long-term aftercare period; LEMP; restricting the working hours; requiring the permission to be restored within a set timescale; lighting details; noise and dust management plans; and interpretation scheme for historic environment, that on balance, in view of the public benefits of the proposal, namely the creation of a small number of direct employment opportunities (approximately 11 employees), as well as contributing to the wider growth aspirations for the County through the supply of local aggregates to the construction market, that this outweighs the temporary and less than substantial harm to the designated heritage asset.</p> <p>In respect to archaeological impacts, the County Archaeologist has no objections to the proposal, subject to the imposition of appropriate conditions including a programme of archaeological work.</p> <p>In response to Wolverley and Cookley Parish Council's comments regarding the historic boundary wall, the applicant has confirmed that the wall's structural integrity has been assessed and is considered safe. There are sections of the wall where upper brick courses have been removed. The landowner has confirmed that these sections would be repaired, separate to this application. Based</p>	670
--	--	-----

	<p>on the advice of the County Archaeologist, a condition is recommended to be imposed requiring a scheme for the removal, protection and reinstatement of the historic boundary wall.</p> <p>The Hereford and Worcester Garden Trust have no objections to the proposal stating that they are satisfied that their previous concerns (which included clarification regarding the timing of planting, visual impact of restored landform, consider the avenue should be planted with a single tree species, oak added to the planting specification for hedgerows, beating up of hedgerows (replacing trees which have died) and planting of additional parkland trees) have now been addressed.</p> <p>In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon heritage assets, in accordance with Section 16 of the NPPF, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policies SP.20, SP.21, DM.23 and DM.28 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.</p>	
Ecology, biodiversity and geodiversity	<p>In view of the above, the Environment Agency and Natural England raised no objections subject to the imposition of appropriate conditions, which include a groundwater, surface water and quality monitoring scheme, and maintenance of the proposed soakaways in perpetuity. The Head of Planning and Transport Planning also recommends the imposition of a condition requiring details of pollution control measures and pollution intendent response procedures.</p> <p>...The County Ecologist concludes by raising no objections, stating that impacts from mineral working which may potentially adversely impact dormice (if present here), could be reasonably controlled through an appropriate avoidance or mitigation strategy. Conditions are recommended to this effect. The Head of Planning and Transport Planning also notes that neither Worcestershire Wildlife Trust nor Natural England have raised objections regarding dormice.</p> <p>Worcestershire Wildlife Trust have no objections to the proposal, welcoming the submitted restoration strategy, and wish to defer to the opinions of the County Ecologist for all other on-site biodiversity issues. They recommended the imposition of conditions regarding a CEMP, LEMP, lighting scheme, SuDS, and noise and vibration management plans.</p> <p>The County Ecologist has no objections to the proposal, subject to the imposition of conditions requiring a CEMP, LEMP, monitoring and control of groundwater and surface water, lighting strategy, Dust Mitigation Strategy, BEMMP, and long-term aftercare scheme.</p>	693 700 724 737 738 739 740 742 761 762 763 764

Wyre Forest District Council Tree Officer also objects to the proposal from an arboricultural and landscape perspective, as the proposal would require a number of mature trees to be removed. The Tree Officer acknowledges that tree T22, is now proposed to be retained but does not consider that this is a workable solution. Should planning permission be granted the Tree Officer recommends the imposition of a condition requiring an Arboricultural Method Statement and an Arboricultural consultant retained for Phases 1 to 3 to prevent unnecessary damage to retained trees.

The County Landscape Officer noted the comments from the District Council's Tree Officer in respect of tree T22 but is reassured that the proposed stand-off would provide a satisfactory buffer and, therefore, has no further concerns regarding the protection of this tree. The County Landscape Officer also welcomes measures aimed at ensuring the retention and protection of trees T4 T5, T19, T22 and T25, and recommends the imposition of appropriate conditions to adequate root protection zones.

It is noted that Worcestershire Wildlife Trust have no objections to the principle of the proposal and are pleased to note that tree T22 is now proposed to be retained with an appropriate buffer. They are now content that the tree can be retained and protected in line with current guidance.

The Woodland Trust comment that they welcome the retention of the veteran tree T22, and the root protection zone and protection measures proposed in line with Natural England's Standing Advice. As such they consider their original concerns regarding the protection of tree T22 have been addressed.

In view of the above, the Head of Planning and Transport Planning is satisfied that, subject to the imposition of appropriate conditions, the trees proposed to be retained, including veteran trees would be protected for the life of the development, with appropriate tree root protection zones, in accordance with Natural England's standing advice.

...In view of the above, the Head of Planning and Transport Planning considers that no likely significant effects, including cross-boundary effects upon European sites are anticipated either alone or in combination.

With regard to geology, the Hereford and Worcester Earth Heritage Trust has no objections to the proposal, but requests that the applicant be required to provide access to the site for geologists to support investigation and recording of the geological features, vigilance on the part of the operator to identify fossils and fossiliferous material, and an information board in relation to the geology of the site be provided

	<p>In view of the above, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon ecology, biodiversity and geodiversity at the site or in the surrounding area, including European sites, and would protect, conserve and enhance the application site's value for biodiversity and geodiversity.</p> <p>The Head of Planning and Transport Planning considers that the proposed development accords with Policies WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.22, SP.23, SP.24, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.</p>	
Water environment	<p>The Environment Agency recommend that the MPA consult the Lead Local Flood Authority in respect of surface water management and matters associated with ordinary watercourses / ditches / groundwater flooding during the operation and post restoration of the site.</p> <p>Natural England have no objections, subject to the imposition of conditions regarding groundwater monitoring scheme and maintenance of the proposed soakaways in perpetuity.</p> <p>North Worcestershire Water Management (on behalf of the Lead Local Flood Authority) have raised no objections to the proposal, subject to the imposition of conditions requiring a detailed surface water drainage scheme and associated maintenance scheme.</p> <p>North Worcestershire Water Management conclude that their previous comments have been sufficiently addressed and that in their opinion there are no reasons to withhold approval of this application on flood risk or water management grounds, subject to the imposition of appropriate conditions.</p> <p>Severn Trent Water Limited has raised no objections to the proposal, as the proposal would have minimal impact on the public sewerage system. In respect of groundwater and impacts upon active Severn Trent Water Limited's sources, they recommended the imposition of a condition requiring groundwater monitoring, as recommended by the Environment Agency.</p> <p>Based on the advice of the Environment Agency, Natural England, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Planning and Transport Planning considers that the proposal would have no adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, and Policies SP.29, SP.30,</p>	798 799 800 801 802 803

	SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.	
Restoration and aftercare of the site	<p>The Head of Planning and Transport Planning considers that given the nature of the proposed working, which would extract minerals to a maximum depth of 18 metres, in principle the restoration of the site by the importation of inert materials is acceptable in this instance, and the risk of a lack of availability of suitable fill materials can be satisfactorily addressed by the imposition of appropriate conditions relating to progressive working and restoration schemes, annual topographical survey, and long-term aftercare scheme. This would ensure that there was limited disturbed land at any one time, and the site is restored at the earliest opportunity and to high environmental standards. A condition is also recommended requiring the site to be restored within 11 years of commencement of the development. Worcestershire Wildlife Trust, the County Landscape Officer, Hereford and Worcester Gardens Trust and the County Ecologist have both requested a longer-term aftercare and maintenance. In particular the County Ecologist has requested a 30-year aftercare scheme, stating a number of proposed habitats have been identified with 'high' or 'very high' difficulty for creation, with a time to target condition of 30 plus years. The applicant has agreed to this longer-term aftercare scheme. The Head of Planning and Transport Planning recommends the imposition of a condition requiring a 30-year aftercare period, should planning permission be granted.</p> <p>In view of the above matters, the Head of Planning and Transport Planning considers that the proposal is in accordance with Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.</p> <p>The application proposes progressive restoration over a total of 6 phases, and it is not considered that 11 years to restore the site is very long-term in the context of mineral extraction and restoration. The development does not propose a novel approach or technique to mineral extraction or restoration, and the Head of Planning and Transport Planning has no reason to believe that there is a likelihood of financial or technical failure. Therefore, it is not necessary for the MPA to seek a financial guarantee in this instance.</p>	821 822 821
Economic impact	<p>The Head of Planning and Transport Planning acknowledges that the NPPF affords significant weight to the need to support economic growth and notes that paragraph 209 of the NPPF states that "it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs". Paragraph 216 of the NPPF also states that "when determining planning applications, great weight should be given to the benefits of the mineral extraction, including to the economy". It is considered that the proposal would provide a small number (up to 11 full-time equivalent jobs) of direct employment opportunities, together with indirect employment opportunities, as well as contributing to the</p>	840

	wider growth aspirations for the county through the supply of local aggregates to the construction market. Therefore, it is considered that the proposal would provide substantial sustainable economic growth benefits to the local economy in accordance with the NPPF and this weighs in its favour.	
Climate Change	<p>It is acknowledged that Wyre Forest District Council declared a climate emergency in May 2019 and also that Worcestershire County Council declared a climate emergency in July 2021 and a commitment to tackle its own impacts on climate change through the Worcestershire County Council Net Zero Plan (2020).</p> <p>The Head of Planning and Transport Planning notes the restoration scheme would contribute to tackling climate change through the planting of approximately 9,750 woodland trees, 50 parkland trees, 120 avenue trees, and the planting and strengthening of existing hedgerows, measuring approximately 1,018 metres long, and the creation of approximately 7.5 hectares of acid grassland, resulting in plus 87.21% net gain for biodiversity. SuDS features would be provided on site, which are designed to take into account the impacts of climate change, ensuring no surface water discharges form the site. Public access would be enhanced, improving access between Wolverley, Cookley and the former Lea Castle Hospital mixed-use development site.</p> <p>Given that it is considered the proposal is well located close to the potential markets it would serve; located close to the primary road network; the applicant would seek to utilise backloading of vehicles to reduce vehicle movements where possible; the proposal would upgrade existing and create new public rights of way; the restoration scheme would make provision for SuDS and extensive tree, woodland and habitat creation, the Head of Planning and Transport Planning considers that overall, the proposal would contribute to mitigating and adapting to climate change, in accordance with Policy WCS 11 of the adopted Worcestershire Waste Core Strategy and Policy SP.37 of the of the adopted Wyre Forest District Local Plan.</p>	844 849 855
Cumulative effects	...It is also noted that the County Highways Officer has considered the proposal taking into account development traffic associated with committed developments in the local area. The County Highways Officer states an improvement scheme at the A449 traffic signals junction has been identified as part of the Lea Castle Hospital planning application. The Transport Assessment for that development indicates that the development will open in phases with 45 dwellings constructed each year until 2031. As such the planned development may not be generating full traffic flows until 2031 for which the improvement scheme has been identified. Given that the peak hour trips associated with the proposed quarry generate low volumes and are temporary (over 10 years), it is considered that proposals would not have a material impact on the local or wider highway network. The County Highways Officer is,	868 869 872

	<p>therefore, satisfied the development traffic can be accommodated within the existing highway infrastructure.</p> <p>In terms of potential air quality impacts from traffic movements on the local road network, an Air Quality Impact Assessment accompanied the application and demonstrates that the Air Quality Objectives would not expect to be exceeded. In view of this, the Environmental Statement concludes that the potential for simultaneous cumulative effects is considered negligible.</p> <p>On balance, the Head of Planning and Transport Planning does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.</p>	
Prematurity	<p>Letters of representation have been received objecting to the proposal on the grounds of prematurity, in particular the proposal coming forward before the adoption of the emerging Minerals Local Plan and emerging Mineral Site Allocations DPD.</p> <p>As set out earlier, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraphs 48 to 50 of the NPPF sets out how weight may be given to policies in emerging plans, and the limited circumstances in which it may be justified to refuse an application on the basis that it is premature...</p> <p>The NPPF goes onto state that “refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process” (paragraph 50). This is reiterated within the PPG Paragraph Reference ID: 21b-014-20190315.</p> <p>In view of the above, it is the Head of Planning and Transport Planning’s view that from the date of the Inspectors’ Report until adoption by resolution of full Council the emerging Minerals Local Plan should be given substantial weight in development management terms in the determination of planning applications, including this application.</p> <p>The Head of Planning and Transport Planning considers that on the whole, the proposal is broadly in accordance with the emerging Worcestershire Minerals Local Plan.</p> <p>It is considered that as the emerging Mineral Site Allocations DPD is at an early stage of preparation, and has not been subject to</p>	<p>873 874 876 880 881 882 883</p>

	<p>consultation, tested at examination or adopted by the County Council, that it should be given very limited weight in the determination of this application.</p> <p>In view of the above, the Head of Planning and Transport Planning considers that refusal of planning permission on the grounds of prematurity could not be justified in this instance.</p>	
--	--	--

Appendix 2 – Cumulative Impact Assessment

Appendix 3 – Evidence of Mr J Hurlstone

Appendix 4 – Updated Ecological Walkover Survey and Biodiversity Net Gain Assessment