

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

Summary Proof of Evidence of Liam Toland BA

(Hons) MSc, MRTPI – Planning

January 2023

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.
2. The Appeal is in respect to the refusal by Worcestershire County Council to grant planning permission for a proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement at Lea Castle Farm. A total of 3 million saleable tonnes (comprising c.1.57 million tonnes of sand and gravel and c.1.43 million tonnes of solid sand) will be extracted over the course of approximately 10 years. To aid the restoration process c. 60,000 m<sup>3</sup> of inert material is to be imported onto site per annum, c.600,000 m<sup>3</sup> in total, to help create restoration formation levels onto which the original site soil profile will be placed.
3. In my evidence, I have covered planning policy relating to minerals, whether or not the development constitutes appropriate development in the Green Belt, mineral and waste need, impact on residential amenity and local schools, the potential for cumulative impacts, consideration of issues raised by Rule 6 Party and other interested parties, the very special circumstances (VSC) relating to the Green Belt and the planning balance.
4. The analysis of planning policy has been set out in several documents, notably the Planning Statement, the Environmental Statement and the Officer's report to committee. I have considered the Officer's report in relation to relevant planning policies and the planning balance reached. I agree with the officer's balanced consideration and that planning permission should be granted.
5. In relation to the Green Belt, which I consider to be the main issue for the Appeal in terms of planning policy, the first question I have to answer is whether the Appeal Scheme is appropriate or inappropriate development in the Green Belt.
6. The starting point is that the Government clearly envisages mineral development to be a form of development that has the potential to qualify as appropriate development in 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.

7. In view of the above, I consider that the Proposed Development constitutes appropriate 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.
8. 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.
9. A number of environmental matters have been raised by members of the planning committee in the reasons for refusal, in the Council's Statement of Case and by the Rule 6 party. These have been fully addressed in the ES and the Officer's report. The specialist evidence provided in this appeal also makes clear that there are no adverse effects in terms of noise, dust, landscape and visual and highways which could not be appropriately controlled and mitigated.
10. In considering cumulative impacts, I have concluded that the cumulative impacts of the scheme are not such as to justify refusal of permission based on cumulative effects. In reaching this view particular regard has been given to the relatively low level impacts of the scheme on various aspects of amenity (when those levels are compared to what relevant guidance considers to be unacceptable levels of impact), the temporary nature of the development and the short, medium and long term benefits that would arise.
11. 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.
12. 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.
13. Whilst I have concluded that the Appeal Scheme is appropriate development in the Green Belt, if the Inspector comes to a different conclusion on this point, it is clear to me that there are a number of substantial benefits that the scheme offers that can be considered

to be VSC. These very same benefits also weigh in favour of the Appeal Scheme when considering the planning balance.

14. 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.
15. 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.
16. I have 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.
17. In summary therefore, I conclude the following:
  1. In relation to Green Belt the Appeal Scheme would have limited impact upon openness and can be considered to be appropriate development in line with paragraph 150 of the NPPF;
  2. Any 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, significant VSC exist which would clearly outweigh the harm to the Green Belt.

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