

**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**

**Proof of Evidence of Matt Harthill
for Stop The Quarry Campaign – Rule 6 Party
Concept Restoration**

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

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

Application reference: 19/000053/CM

Appellant's name: NRS Aggregates Ltd

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

31 January 2023

Concept Restoration – Proof of Evidence of Matt Hartill

Documents referred to;

- Planning statement December 2019
- Non-Technical summary Dec 2019
- Environmental Statement 4.6.4
- Reg 25 Response Appendix H
- Phase 1 Working & Restoration KD.LCF.004
- Phase 2 Working & Restoration KD.LCF.005
- Phase 3 Working & Restoration KD.LCF.006
- Phase 4 Working & Restoration KD.LCF.007
- Phase 5 Working & Restoration KD.LCF.008
- Concept Restoration KD.LCF.010
- Restoration Sections KD.LCF.028

1. Qualification

1.1 My name is Matt Hartill

1.2 I have lived in the village of Cookley for 33 years and I have worked in the refractory industry for the past 25 years as a procurement manager and I have considerable experience in mineral & aggregate sourcing for the manufacture of granular & monolithic refractory products which are used extensively in the steel industry,, these materials typically are clays, chamottes, sand, bauxite and reclaimed products. I have responsibility for sourcing these products, which involves visiting the processing and extraction sites in this country and abroad(including some quarries in the uk).i am also Secretary of the Stop The Quarry Committee.

1.3 From my own personal experience the site of the proposed quarry is extremely important to me and my family, it is a unique area of land situated near the communities of Cookley, Wolverley, Broadwaters and the new emerging Lea Castle Village. I am the parent of a young man who suffers with autism and ADHD, people with autism are highly sensitive to external stimulus, traffic, loud noises, vibration etc. During my sons early years when he was particularly sensitive to outside stimulus, we used to specifically seek out tranquil spaces and environments that enabled him to cope in his highly sensitised world.Lea Castle was one of those places from the moment he walked through the castle gate at the top of Castle Road and along the bridleway an air of calmness came over him, the openness of the landscape, crops growing in the fields, the occasional sound of a horse,the farmers tractor trundling across the fields it was an idyllic place for him, safe, calm and at one with nature and the world.

1.4 This experience is not unique to people with autism and many people from our community enjoy the amenity that this landscape has to offer, dog walkers, Ramblers, cyclists, runners, people in powered wheelchairs and so on.

1.5 During the recent covid pandemic and lockdowns many of our local communities made use of this open space and found it to a source of calmness and joy, it played a key role in their mental well being during those difficult times.

1.6 It is a vital link with nature and the benefits are now being scientifically recognised “being in nature makes us feel good, whether that is reason or not, the past few years have seen an explosion of research finding concrete links between increased exposure to nature and not just improved physical health, but better mental health, too.”(New Scientist 24th March,2021)

1.7 If the quarry came into being then these qualities would be lost for evermore.

2. Introduction

2.1 STQC evidence at this time is concerned with the concept restoration proposal

2.2 STQC will also refer to Policy MLP 26 Efficient use of Resources : Worcestershire Minerals Local Plan 2018 – 2036

A level of technical assessment appropriate to the proposed development will be required to demonstrate that, throughout its lifetime, the proposed development will:

- a) minimise use of water and energy in buildings, plant and transport;
- b) optimise on-site energy generation from renewable and low-carbon sources; and
- c) balance the benefits of maximising extraction with any benefits of allowing sterilisation of some of the resource, taking account of:
 - i. the need for the mineral resource;
 - ii. the ability to deliver the relevant strategic corridor priorities;
 - iii. the ability to provide a stable and appropriate landform for beneficial after-use;
 - iv. the ability to deliver high-quality restoration at the earliest opportunity;
 - v. the appropriateness of importing fill materials on to site, and the likely availability of suitable fill materials;
 - vi. the need to protect and enhance inherent landscape character; and
 - vii. the need to manage or mitigate impacts on the built, historic, natural and water environment and amenity.

3. Current Position

3.1 The proposed quarry site is currently farmland and open countryside accessed by public footpaths and bridleways, these are all well used by the local community and visitors to the area, the site is contained within the wall boundary of the former Lea Castle.

3.2 The area slopes down from the northern boundary of Cookley and gradually flattens out to an open plain at the southern end of the site, a tranquil and open vista unique to the local area. Broom Covert hill is a notable feature. The topography has remained virtually undisturbed for thousands of years.

4. Proposed

4.1 The landowner and NRS Aggregates plan to extract the sand and gravel in 5 distinct stages with a final decommissioning stage over a 10 year period.

4.2 The restoration plan is proposed to be carried out chronologically as each extraction phase is completed, this involves land filling the site with 600,000 cubic metres of inert waste to replace what has been extracted and the creation of pocket parks, and additional rights of way.

MLP 26 Efficient use of Resources : Worcestershire Minerals Local Plan 2018 – 2036
iii. The ability to provide a stable and appropriate landform for beneficial after-use

- 4.3 Drawing KD.LCF.010 details the final concept restoration and drawing KD.LCF.028 shows the final restoration section.
- 4.4 Section A-A (Phase 4 & 5) shows a massive height decrease in the level of the land from 85m at the highest point to 65m at the lowest point, this is between distance markers 825m and 425m.
- 4.5 This results in a height variation of 20m(60ft).
- 4.6 This completely changes the topography of the existing land and leaves what essentially is a massive crater, which will be of no benefit for the landowner, it will be virtually impossible to farm.
- 4.7 The additional PROWS that the applicant is proposing simply skirt around the edge of this crater.
- 4.8 Section C-C also shows a height variation 85m to 60m between distance markers 100m and 425m , so in both directions a height loss of 20m(60ft)
- 4.9 This will completely alter the nature and amenity of the site, This is not an appropriate landform.
- 4.10 NRS promote the operation as a phased restoration implying that the local communities will still be able to access the land whilst the quarrying is in operation, in reality, who will use the site when you have a massive quarrying operation in progress, the noise, dust, vehicle movements, conveyors and processing plant. Surrounded by mountainous bunds of spoil.
- 4.11 It is proposed that each phase is planted and restored after extraction, this is also a misconception fed to the community at public meetings. Restoration takes years if not decades to reach a level of maturity and benefit.
- 4.12 This means that the area will be completely lost to the community for the entire duration of the quarrying operation.
- 4.13 It is very difficult for a general member of the public to grasp the enormity of the quarry project, given that there are 358 documents to look at, please refer to the excerpt from the planning statement below, as far as STQ are aware, we have never been shown any 3D visualisation of the plan by the applicants, at the public meetings there were only 2D drawings on display

05D- Planning Statement (CPA. County Planning Authority)

Landscape and Visual Impact

166. The CPA agrees that landscape and visual matters should be included in the ES.

167. In addition, the CPA recommends that the applicant includes annotated 3D visualisations of the application site in its existing form, the proposed quarry form (including phasing), and the proposed restoration form. Such visualisations would be in line with industry best practice as demonstrated at the 2018 Mineral Products Association/Royal Town Planning Institute Mineral Planning Conference 2018. 3D visualisations would also be invaluable for communicating the above surface impacts of the proposed development to the public and other interested parties.

- 4.14 The restoration plan is a concept, there is no guarantee within the planning application that will be implemented in accordance with the plans and maintained by the landowner

KD.LCF.004 Phase 1 Working & Restoration Drawing. (Also stated in planning Statement(

- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme land uses. All restored land will be placed in aftercare and managed by the operator and landowner for 5 years under the monitoring of Worcestershire County Council and other statutory bodies and a proposed quarry Liaison Group. Post 5 years, the land will be managed by the landowner, under a long term management contract.

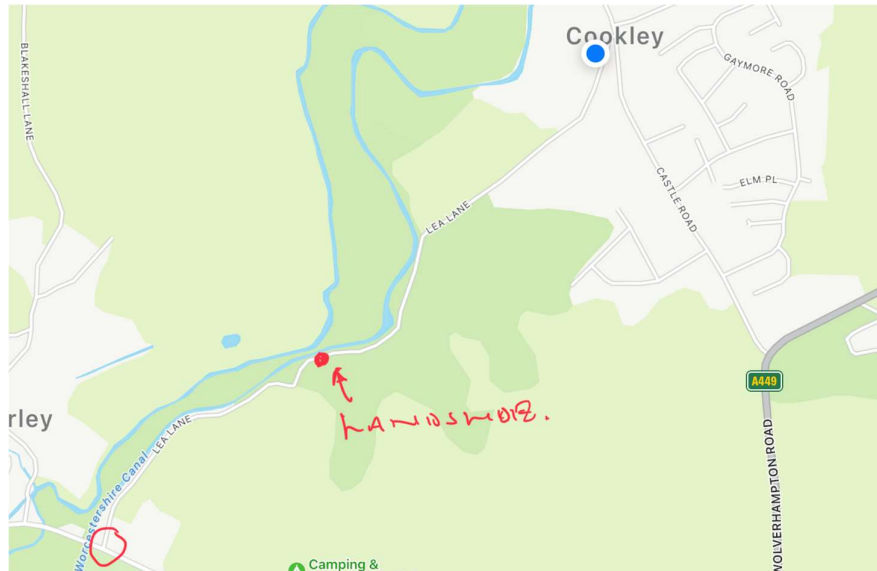
- 4.15 The planning application states that NRS and the Landowner will be responsible for the first 5 years of aftercare and after that it is solely the responsibility of the landowner.
- 4.16 This is cause for grave concern, The landowner(Resident in Jersey)and his son who lives at Keepers Cottage next to the proposed quarry appears to have some history of not complying with planning regulation or indeed acting with the interests of the local community in mind.
- 4.17 Evidence of this includes;

Lea Lane Landslide

- 4.18 In February 2021 a section of Lea Lane was subject to a landslide caused by recent heavy rains, Lea Lane is an essential road from the centre of Cookley travelling parallel to the Worcestershire canal at the lower end and exiting on to the Wolverley Road(B4189) adjacent to The Lock Pub. The Lane has been closed for 3 years
- 4.19 This vital artery for our village, it has remained closed since 2021 and means that the only easy vehicle access to Wolverley is by exiting Castle Road, Cookley, travelling along the A449 and turning right at the Wolverley lights to access the B4189 Wolverley Road. Lea Lane connects the two communities of Wolverley and Cookley.
- 4.20 This forces everyone leave Cookley through the Castle Road/A449 junction, extremely dangerous during commuting times, there have been many accidents and at least one death in the past 3 years.
- 4.21 Lea Lane is also the main route children from Cookley take when they walk/cycle to Wolverley CE Secondary School & Sixth Form. The headmaster and Worcestershire County Council have been concerned about safe walking routes and have issued the following letter:

5. Previous Land Owner Planning History

- 5.1 The reason the Lane remains closed is because agreement cannot be reached between the three parties involved, Worcestershire County Council, British Waterways and the landowner who owns the small tract of land where the landslide has occurred.
- 5.2 WCC and British Waterways cannot move forward with the restoration of the embankment and repair of the road because the landowner will not communicate with them, permission cannot be obtained to access his land and the repair cannot be carried out.
- 5.3 It has now got to the stage, whereby the WCC are considering the issuing a compulsory purchase order against the landowner to rest ownership from him(Stated by Mr Ian Hardiman, Cookley & Wolverley Parish (Chairman of Planning and Regulatory Committee, Worcestershire County Council) at Wolverley & Cookley Parish Council meeting on 3rd January 2023 , they will then eventually be able carry out the repair and open Lea Lane, which will be a great relief to many residents in Cookley and Wolverley. See email confirmation in Appendix.







Court Farm Quarry

- 5.4 The Landowner is also the owner of the now defunct Court Farm Quarry on the opposite side of the B4189 only a few hundred metres from the proposed site.
- 5.5 When this quarrying operation ended, it was just left to the forces of nature by the owner and now its only purpose is to function as a Motocross Track which is rented out to motorcycle clubs from outside the area, the noise from the motorbikes is very loud and can even be heard in Cookley.
- 5.6 There have been many complaints over the years on social media, and to the local authority about the motorbike and other events

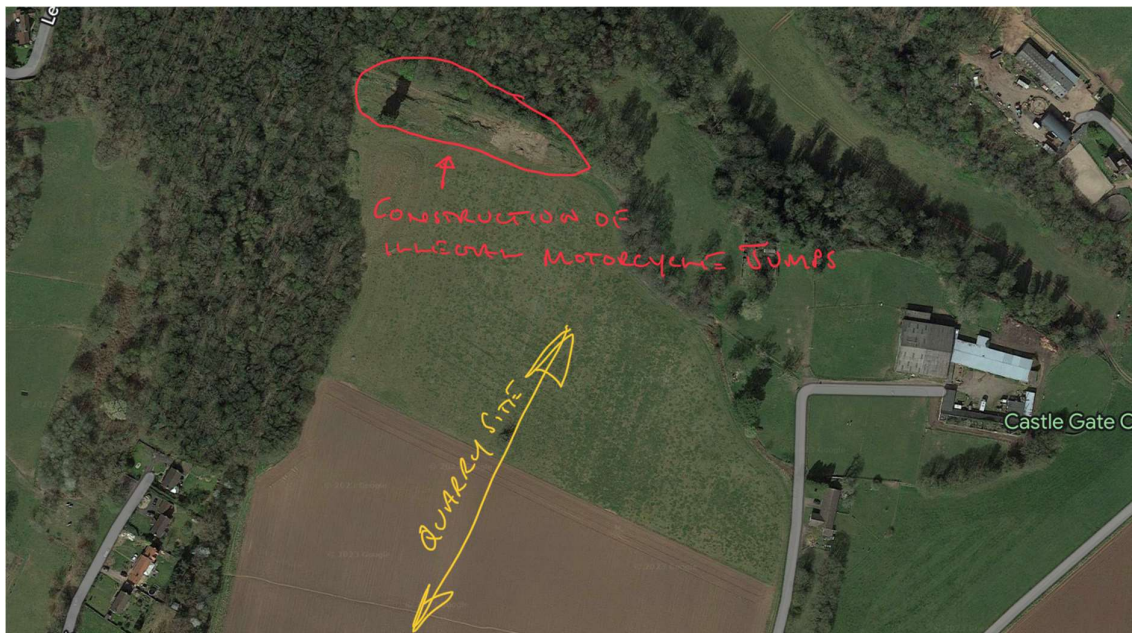




Kidderminster Shuttle October 2012

Construction of motorcycle jumps and holding all day motorcycle meetings.

- 5.7 The landowner was subject to instruction from the local council to remove these jumps from the proposed new quarry site, he has demolished some but a few remain. No formal planning matters were initiated.
- 5.8 The photograph below shows the motorcycle jumps, this phase one of the quarry.



Upgrading of Public footpath to Bridleway

- 5.9 In October 2000, a member of the public made an application for the public footpath through the quarry site to be added to the definitive rights of way map as a bridleway.
- 5.10 These were public footpaths WC25 and WC626.
6. The landowner objected to this, despite there being overwhelming case evidence to support this dating back to 1890 and the present day. The paths had always been used as a bridleway.

The landowner employed a barrister and other experts to represent his case, however he was unsuccessful in preventing the upgrading of the public footpath to a bridleway. This is the main PROW through the current site. This as Definitive Map Modification Order M222.

- 6.1 All of these actions bring into question the character and responsibility of the applicant, how can you trust the applicant to follow through and deliver a "High Quality Parkland" and maintain it going forward when he has clearly shown a disregard for his responsibility as a landowner and contempt for our community in which the Landowner does not live himself,
- 6.2 The danger here is that once all the minerals have been extracted from the site and NRS Aggregates and the Landowner have made all their money, this quarry will become another Court Farm and a barren piece of green belt land gone forever.
- 6.3 The inspector should question whether the applicant has the responsibility, funds and inclination to sustain the restoration after the initial 5 year joint management.
- 6.4 STQC fear that once the 5 year joint. Management plan has expired the landowner will wash his hand of any responsibility and any amenity will be lost for future generations. The will become so dilapidated and will leave it open to other development options,

7. MLP26 V. The appropriateness of importing fill materials on to the site, and the likely availability of suitable infill.

- 7.1 NRS Aggregates propose to replace the 1.7million cubic metres of sand and Gravel extracted with 0.6million cubic metres of inert waste.
- 7.2 It is highly questionable whether NRS Aggregates will be able to find this amount of inert landfill, usually by definition this is construction and demolition waste.
- 7.3 The world has moved on and the key to sustainability is to stop stripping the earth of virgin materials and recycle/reprocess what we already have, inert materials are highly prized in most industries these days as key raw materials.
- 7.4 In the refractory industry that I work in, material that would previously have gone to landfill is almost entirely recycled, it is inert because it has already been fired or calcined and is also cheaper to process and can be crushed and graded repeatedly, minimal quantities now go to landfill.
- 7.5 The amount of inert material available for landfill is reducing exponentially both for commercial/Industrial waste and building and construction waste, year on year.
- 7.6 Document : Reg 25 Response Appendix H : Information in Respect of the Availability of Suitable Fill materials and Likely Sources of Inert Material for the Site's Restoration.

- 7.7 In this document sections 1.2.2 to 1.2.7 NRS try to justify the need for landfill and imply that there is a capacity gap for inert landfill until at least the end of 2026. Notwithstanding that this assumption was made in 2019 and it is all subjective and not based on factual current information.
- 7.8 According to Waste Indicator W23b, copied from WCC Waste Indicators web page
 “There was no capacity gap and there is enough capacity for the lifetime of the plan, until 2027, the gap will last longer than this because the amount of unrecyclable waste is reducing year on year.”
- 7.9 Government policy on waste is changing

“Waste Indicator W23b. Maintain equivalent self-sufficiency in disposal and landfill capacity for inert waste

- Target: No capacity gap for disposal and landfill
 2020 Performance: No capacity gap for disposal and landfill
 Trend:
- 2019: No capacity gap for disposal and landfill
- 2018: No capacity gap for disposal and landfill

Explanation: The amount of inert waste landfilled in Worcestershire was 197,256 tonnes in 2018, 236,308 tonnes in 2019, and 180,951 tonnes in 2020, leading to a cumulative 1,660,191 tonnes of non-inert waste landfilled in the county since 2009. This is 38% above the projections made in the Waste Core Strategy. However, with a current void space of 1,966,292 tonnes across the county, this is believed to be sufficient to meet this extra demand over the lifetime of the Waste Core Strategy. This means that there is sufficient inert landfill capacity remaining at this stage in the Waste Core Strategy. Therefore, there is no capacity gap for disposal and landfill for inert waste.

Recovery Rate from non hazardous construction waste, England 2022
 Low availability from construction of inert wast

Year	Generation	Recovery	
		Recovery	rate
2010	54	49	92.20%
2011	55	51	92.50%
2012	50	46	92.00%
2013	52	48	92.00%
2014	56	52	92.40%
2015	58	53	92.30%
2016	60	55	92.10%
2017	62	58	93.10%
2018	61	58	93.80%
2019	62	58	93.60%
2020	54	50	93.20%

Million tonnes and percentage rate

Sandy Lane Quarry, Wildmoor, Worcestershire July 21

This is sand quarrying operation approved by WWC.

This is an NRS Aggregates site with 6 year operation for the extraction of 245,000 tonnes of sand to fully restore the site by importing 975, 000 cubic metres of inert waste.

Contrast this to the proposed Lea Castle quarry 3,000,000 tonnes of sand and only 600,000 cubic metres of imported waste. (39% less than Wildmoor)

The Lea Castle quarry is proposed to generate 2,755,000 tonnes more Sand and gravel than Wildmoor quarry (1125% more) but NRS are only importing 600,000 cubic metres of waste.

The difference is staggering.

Is the reason for this incredible difference in levels of imported waste for restoration because of the lack of availability of suitable waste material.

This only serves to highlight the massive void that will be left after the extraction has finished at Lea Castle.

With this restoration plan the landowner and NRS Aggregates are only window dressing the destruction and devastation left after they have had their revenue.

7.10 There is clearly not sufficient inert waste available to fully restore the site

7.11 Detailed in the Planning Statement and in this document 1.2.9 NRS state:

Major Projects

1.2.9 As set out in the submitted Planning Statement, 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 permitted 600 houses at the old Lea Castle Hospital Site within the Lea Castle village, with proposals for the number to rise to 1400. Wyre Forest District Council Local Plan Review (2016-2036) also proposes preferred residential and support schools and commercial growth at the site's boundary to the east of Kidderminster including Lea Castle Village, Lea Castle Hospital Extension and the Kidderminster Eastern Extension. Large quantities of inert waste will arise from these large scale schemes and the potential transport to and use of this material in the Lea Castle development restoration scheme, aligns with the ethos of achieving sustainable development.

7.12 This Statement is completely out of date and untrue.

7.13 The Lea Castle Village site has already been stripped of all non-hazardous waste and the first phase of housing construction is well underway with a large number of the houses already occupied.

7.14 Phase 2 of Lea Castle Village will be built entirely on green belt agricultural land and will not generate any inert waste.

7.15 So the statement,

7.16 "Large quantities of inert waste will arise from these large scale schemes and the potential for transport to use this material in the Lea Castle development restoration scheme, aligns with the ethos of achieving a sustainable development.

7.17 Is completely untrue and has not based on factual information.

1.2.10 Notwithstanding the above, 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, a new manufacturing facility will be built in Nuneaton and a manufacturing park that houses Jaguar Land Rover is to be extending.

7.18 This statement again is completely untrue and out of date, they are making unfounded assumptions that construction projects will use product from Lea Castle quarry.

7.19 It is hardly sustainable to have large lorries full of sand travelling back and forth along the heavily congested A449 to Wolverhampton City centre, HS2 has will have finished construction of the west midland section by the time any quarrying would have started, all these construction projects mentioned have sand & gravel sources nearer to the construction site than Lea Castle.

Conclusions

1.2.11 For the reasons set out above, there is an inert waste capacity gap in Worcestershire, placing ever increasing need for sites, such as Lea Caste Farm, which would be appropriately engineered, deliverable and accessed sustainably, to meet this increasing need. 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.

1.2.12 The applicant 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 permitted for the life of the site. Given the above, the deliverability of the restoration scheme at Lea castle Farm with the importation of 60,000m³ per annum is considered achievable.

7.20 The conclusion statement as previously stated is not factually evidenced and is merely an out of date subjective assumption by NRS Aggregates Ltd

7.21 There is no inert waste capacity gap in Worcestershire, so the applicant cannot use this statement as justification for quarry application to be approved

- 7.22 They cannot say that there is an anticipated increase in inert waste LIKELY to be generated from large infrastructure projects over the next 10 years. The indications are that the arisings of inert waste are reducing every year, all new construction sites have to be sustainable and be accountable for their waste generation, the majority of this waste will be recycled.
- 7.23 1.7m cube out, 0.6m cube in.
- 7.24 NRS cannot prove a case for depositing large volumes of inert waste in what was a green field site, global warming, international and national environmental policy all promote sustainability, recycling and preservation of our open spaces.

This restoration scheme is catastrophically flawed, the proposed levels of imported materials are no where near the the levels to restore the landscape to anything like the original topography

There is a real concern that once the quarrying operation ceased quarrying, the landowner will have no interest in maintaining the site and will not act in the interest of the local communities. There are no conditions, bond, securities or penalties attached to this restoration plan. If there were any enforcement issues, the landowner would only communicate through his legal representatives, which has proven to be difficult(Lea Lane landslip).

The qualities of the the site that have drawn our communities to use the site will be lost once the quarrying has commenced and will never return even after the inadequate resoration

Appendix

From: Ian Hardiman <Ian.Hardiman@wyreforestdc.gov.uk>
Sent: Friday, January 27, 2023 8:09 pm
To: Matt Hartill <mattwh14@outlook.com>; Adrian Carloss <cookleyagainstthequarry@gmail.com>; Lisa Jones <Lisa.Jones@wyreforestdc.gov.uk>
Cc: Marcus Hart <Marcus.Hart@wyreforestdc.gov.uk>
Subject: RE: Landslip Lane

Dear Mr Hartill,

Thank you for your email.

You are correct in believing that the landowner of the bank between the highway and the canal is choosing not to engage with the other parties who want to see this matter resolved; and correct in your thoughts that he is the applicant for the Quarry.

A new supporting wall and reconstruction of the roadway is required to allow re-opening to traffic of this lane. As the Parish Council are aware, I have frequently been chasing WCC for resolution and have in fact asked WCC's legal officers to consider Compulsorily Purchasing the area of land in question which they are presently doing.

This subject has been delayed unreasonably for the villages of Cookley and Wolverley; I assure you I will persist in my efforts to achieve resolution. I do agree with your points made in the latter section of your email.

Kind regards,

Ian H County Cllr.

Cllr. Ian Hardiman

Wyre Forest District Council,

Wyre Forest Rural Ward./

County Cllr. Cookley, Wolverley, Wribbenhall Division

01562 631139 / 07804 915327



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

From: Matt Hartill <mattwh14@outlook.com>

Sent: 26 January 2023 11:09

To: Ian Hardiman <Ian.Hardiman@wyreforestdc.gov.uk>; Adrian Carloss

<cookleyagainstthequarry@gmail.com>; Lisa Jones <Lisa.Jones@wyreforestdc.gov.uk>

Subject: External Email : Landslip Lane

This email originated from outside of the organisation

STOP : Were you expecting this email? Does it look genuine?

THINK : Before you **CLICK** on any links or **OPEN** any attachments.

Dear Mr Hardiman,

As resident of Lea Lane, please can you let me know the current progress of the repair.

My understanding is that the repair is being held up by the failure of the landowner to engage with the other parties involved.

Is the landowner the same landowner who is the applicant for Lea Castle quarry?

As you are aware Cookley Surgery is currently being extended, the pressure from traffic and parking will only increase.

The opening of Lea Lane make life a lot easier for all users concerned.

Regards

Matt Hartill

Sent from [Outlook for iOS](#)