

JD 10

Good afternoon

There's not a lot more to add to what has already been said here today and in countless letters of objection about the proposal to build this quarry.

I'm not an expert in public speaking so please excuse me as I express my personal concerns. I am 65 years old and suffer with asthma and a heart condition. I have lived happily in Westhead Road Cookley and worked for many years at the village school. My children went to Cookley School and on my retirement I was so looking forward to spending my remaining years in the village that I love. However, the prospect of a quarry and the inevitable noise and dust pollution will make it very difficult for me and it is a genuine worry that I will have to leave the house that I love, the house where my children grew up. I cannot believe that siting a quarry so close to several schools and sheltered housing schemes has even been entertained. That fire in Kidderminster a few years ago resulted in the whole of the surrounding area covered with black debris, including the playground of our village school - you could taste it in the air and all windows had to be closed (not that it stopped the smell from entering the building). That was from Kidderminster - please don't put the health of our children at risk. Remember back in the day when the sugar beet factory was operational on the Stourport Road? You could often smell the love it or loath it distinctive processing smell which indicates to me that more often than not there was a prevailing wind coming from the general direction of Kidderminster, so it goes without saying that no matter how much the company says they will damp down the dust it's going to be coming in our direction, and when it isn't it will be blowing over an already polluted Kidderminster.

Another worry of mine is the additional traffic that will be caused by lorries moving backwards and forwards. The A449 is already a high risk road, the flowers on the roadside are a sad testament to this - pulling out onto that road is already risky - I can't imagine how dangerous it will be with that extra traffic.

Finally, please refuse this appeal for the sake of our already dwindling natural habitats. The area is so beautiful - it breaks my heart to think that we are having to defend this - please look elsewhere to site this quarry - somewhere closer to a better road network and well away from schools and so many dwellings. There has to be somewhere safer than this!

Jan Potter

**Town and Country Planning Act 1990 – Section 78 Town and County  
Planning (Development Management Procedure) (England) Order  
2015 Town and Country Planning (Inquiries Procedure) (England) Rules 2002**

**Statement on behalf of Andrew and Marilyn McDonald of The  
Bungalow, Lea Castle Equestrian Centre by Bill Houle FRICS**

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

**Application reference: 19/000053/CM**

**Appellant's name: NRS Aggregates Ltd**

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

The inspector has to decide the appeal on technical issues, barristers representations, the new minerals plan for Worcestershire and the application of the NPPF national planning policy framework set up to protect people from bad planning decisions. The fall of the application and appeal between the previous Worcestershire Minerals plan and the full application of the new plan and what H&S factors to consider. However, there's a human side to the consideration of the appeal. The intense level of opposition by 5000 local residents, schools, the local MP who arranged a "call in" if the original application was approved, the Wyre Forest District Council, the Parish council and neighbouring district councils as far away as Hagley. The human element is exemplified by the immediate neighbours at Lea Castle Equestrian Centre surrounded on 3 sides by the quarry proposal. The property is owned by Mal and Andrew McDonald who have asked me to speak for them.

My name is Bill Houle – I'm a Fellow of the Royal Institution of Chartered Surveyors working in Birmingham and have lived in Wolverley for 16 years.

In this statement I address three main issues on behalf of the McDonalds relevant to the appeal:

- 1 David and Goliath contest
- 2 Impact on the McDonalds and local children
- 3 So many reasons why if granted the application would have a much greater human impact than appellants suggest and over a much longer time period

We ask the inspector to reject the appeal



## 1 David and Goliath contest

The owner of Lea Castle Farm, Mr Strong, resides in the Channel Isles, having a number of properties in England.

NRS Aggregates has changed its name since the application was submitted to NRS SAREDON AGGREGATES LIMITED Company number 08516859 (Saredon is a quarry near Cannock that's been running for 60 years and recently gained planning consent for 3 million tonnes of further sand extraction!) Looking at Companies House there are 2 Kidderminster related NRS companies possibly set up for this site NRS KIDDERMINSTER AGGREGATES LIMITED (11365289) and NRS KIDDERMINSTER HOLDINGS LIMITED (11358472). All in all there are at least 12 different companies with similar ownerships making it difficult to see how any conditions controlling this site might be enforced. However, it appears that each of these companies whilst having the same 3 directors is links back to NATURAL RESOURCE SERVICES HOLDING COMPANY LTD Company number 12084506 actually controlled by a 50.1% shareholding owned by LAF Holdings Ltd.

LAF HOLDINGS LIMITED Company number 06195309 appears owned by its 8 directors. In the year to March 2022 it turned over £528 Million and after paying its directors up to £1.2M salary, it made an operating profit of around £47.6 Million. This level of surplus finance shows the close to limitless resources available to NRS to prosecute an untenable planning application. A David and Goliath scenario as we, the good guys with limited resources fight on. It explains the deluge of contradicting consultancy reports submitted to the County and the appellants continuation of an untenable and rejected application. Any losses it makes will be written off against tax.

## 2 Impact on the Mcdonalds and local children

The Mcdonalds own and live at Lea Castle Equestrian Centre, located within the planning application boundaries. They made representation against the application at committee through me and are concerned that they are not mentioned in the appeal documents .

They have lived at the Bungalow at Lea Castle Equestrian Centre for 45 years. Their business has wound down in recent years due to uncertainty as to their long term future and their health issues. These are vulnerable people. Mal suffers from Crohns Disease, has regular medical treatments at home (detailed in evidence at planning committee). Her health has been severely affected by stress brought on by the planning battle. Andrew suffered a major traffic accident at the junction of Wolverhampton Road and Wolverley Road some years ago. Their once successful international equestrian business has wound down to a livery yard producing income and even that will go if consent for the quarry were granted. The disruption to their right of way will prevent crucial medical access for Mal, the installation of a conveyor carrying rock (solid sand) and sand will frighten riders and horses as will the relocation of bridlepaths along roadways

Mal and Andrew want to live out their lives in their long term home and they don't want their lives shortened by the impact of a quarry all around them (not a lot to ask!). They are also particularly concerned about the impact on local children . Perhaps spending some time in the area as the schools come out will help the inspector in his decision. When the new Lea Castle Village school opens there will be approx. 1270 children going to school within 500 metres of the appeal site. Over 11 years that equates to around 6000 children being affected in the roads they cross and the air they breathe and the constant noise of earthworks and plant and machinery operating during the school day.

### 3 Human impact

There are serious transport issues. The roads around Kidderminster are dangerous and congested as country roads meet urban roads and vehicles look to avoid the congestion in Kidderminster using "rat runs" of which the Wolverley Road forms part. 154 vehicle movements a day where HGV's stop and turn across traffic will cause chaos.

There is major new development under way at Lea Castle Village comprising 1400 new homes, a school and 7 ha of business space. There are established housing and schools all around the appeal site. The WHO says sand quarries should not be located close to housing and schools due to the risks of sand particulates causing silicosis.

UK HSE says silicosis is deadly inside quarries and all employees must be protected but a metre outside the sites you are safe. This is dangerous nonsense that the Mcdonalds will have to experience first hand if consent were granted. We ask to inspector to flag up to Government the health and safety risks and to get them properly investigated. The health impacts of working sand quarries close to homes and schools could become the next Grenfell where research is ignored in favour of consultant reports paid for by the industry leading to long term health issues and death.

The new Minerals plan is now law. It is based on preferred sites but no sites have been selected and the test criteria for new sites has not been finalised. However, extensive tracts of land (corridors) have been identified offering thousands of acres better located than the subject site for non-contentious extraction.

Although selection criteria for new quarry sites aren't finalised, the County has received an SA submitted by consultants in May 2021 setting 14 parameters for site selection. The appellant site fails on nearly all of them. In addition, the WCC planning committee has already rejected this site, so we believe the County should be stating unequivocally that this site can NEVER be a preferred site.

There is a Human rights issue. Local, Regional and National Government has a particular duty to protect young and vulnerable people. Childrens' Human Rights must be addressed with so many schools located so close (a nursery just 17 metres away) The UN convention on Human Rights for Children tells us that the best interests of the child shall be a primary consideration. There are planning related UK legal judgements upholding this. (Stevens v. Secretary of State for Communities & Local Government, Hickinbottom J, 10 April 2013)

There is a resource and timing issue which implies that work will go on for many years longer than stated. The quarry plan for extraction of 3 million tonnes of sand together with progressive backfilling with 625,000 cu metres of "inert fill". The works will be completed with 11 years according to the application.

Worcestershire in 2021 had a landfill capacity of 875,000 cu metres (see Waste Management 2021 data tables). Also in 2021 total infill of inert material in Worcestershire was 133,000 tonnes and the trend is downwards. Building waste landfill conversion is approx. 1.1 to 1.2 tonnes per cu metre

In July 2022, NRS gained planning consent at Sandy Lane Quarry, Bromsgrove Worcestershire to extract 245,000 tonnes of sand and progressively infill over a period of 6 years with 975,000 tonnes of inert fill. The only conclusion one can reach is that there will not be inert fill material available in Worcestershire for NRS to achieve either timetable. This may not be so important for Sandy lane located in an established and ongoing quarry area except that apparently NRS only leases the site and

it could fall back to the owners Veolia. A consent in 2000 to extract and infill expired in 2017. The new consent to 2029 extends the life of the quarry to 29 years. NRS applied for the EA licence to work the quarry in November and the licence won't be granted for at least another 6 months adding a further year before work starts.

A quarry at Lea Castle Farm cannot be completed and restored in the proposed timescale.

There is no doubt, that should this appeal be granted, it will adversely affect the health and safety of not just the McDonalds but thousands of local children. The appellants proposals do not comply with previous or likely future policy on appropriate locations for a Sand and Gravel quarries in Worcestershire. The appellants are "working" the planning system in an attempt to achieve a totally inappropriate quarry extraction consent in a location totally unsuitable under any criteria. This is not one child being affected, it is thousands as well as many more in the wider community. These are disproportionate adverse effects with no measurable benefits, except to line the pockets of overseas owners and ridiculously wealthy speculators. Andrew McDonald was injured years ago at the traffic lights on the junction of the Wolverley and Wolverhampton Roads. Just last Thursday, 7 people were injured at the same place in an accident bad enough to reach BBC National radio (Radio 2 traffic reports). Two small cars collided as one turned right across the other. If an HGV had been involved, they will have died.

The McDonalds are David fighting Goliath, their lives and that of up to 6000 children will be badly affected and there are flaws in the proposal which demonstrate the human impact will be worse than described for a longer time.

Please use your skills and knowledge to refuse this appeal and ensure the appellants have no further opportunity on this land.

Please refuse this appeal.



## West Midlands: Landfill inputs 2021

All figures are provided in 000s tonnes

| Landfill Type                 | Sub-Region    |            |               |              |                             |                | WEST MIDLANDS |
|-------------------------------|---------------|------------|---------------|--------------|-----------------------------|----------------|---------------|
|                               | Herefordshire | Shropshire | Staffordshire | Warwickshire | West Midlands Met Districts | Worcestershire |               |
| Hazardous Merchant            | -             | -          | -             | -            | -                           | -              | -             |
| Hazardous Restricted          | -             | -          | -             | -            | -                           | -              | -             |
| Non Hazardous with SNRHW cell | -             | 164        | 370           | 502          | 156                         | 33             | 1,225         |
| Non Hazardous                 | -             | 14         | 814           | 139          | 588                         | 152            | 1,707         |
| Non Hazardous Restricted      | -             | -          | -             | -            | -                           | -              | -             |
| Inert                         | -             | 20         | 851           | 398          | 784                         | 133            | 2,186         |
| <b>Total</b>                  | -             | 198        | 2,035         | 1,039        | 1,528                       | 318            | 5,118         |

### Table Notes:

Data since 2005 has been reclassified into categories used under the PPC permitting of landfills and because of the ban on the co-disposal of waste in landfills in July 2004. From 16 July 2004, hazardous landfills have only been able to accept wastes classified as hazardous under the Hazardous Waste Directive. Some non-hazardous sites can accept some Stable Non Reactive Hazardous Wastes (SNRHW) into a dedicated cell, but this is usually a small part of the overall capacity of the site. The above data do not include waste received by closed landfills for restoration purposes.

## West Midlands: Landfill capacity 2021

All figures are provided in 000s cubic metres

| Landfill Type                  | Sub-Region    |            |               |              |                             |                | WEST MIDLANDS |
|--------------------------------|---------------|------------|---------------|--------------|-----------------------------|----------------|---------------|
|                                | Herefordshire | Shropshire | Staffordshire | Warwickshire | West Midlands Met Districts | Worcestershire |               |
| Hazardous Merchant             | -             | -          | -             | -            | -                           | -              | -             |
| Hazardous Restricted           | -             | -          | -             | 340          | 195                         | -              | 535           |
| Non Hazardous with SNRHW cell* | -             | 242        | 1,513         | 3,202        | 259                         | 170            | 5,386         |
| Non Hazardous                  | -             | 847        | 7,816         | 5,428        | 7,628                       | 4,172          | 25,891        |
| Non Hazardous Restricted       | -             | -          | -             | -            | -                           | -              | -             |
| Inert                          | -             | 306        | 3,317         | 2,596        | 783                         | 875            | 7,877         |
| <b>Total</b>                   | -             | 1,395      | 12,646        | 11,566       | 8,865                       | 5,217          | 39,689        |

\*Some non-hazardous sites can accept some Stable Non Reactive Hazardous Wastes (SNRHW) into a dedicated cell, but this is usually a small part of the overall capacity of the site.

### Table Notes:

Data for 2021 is classified into Landfill Directive categories.

2021 landfill capacity data was obtained from environmental monitoring reports required by permits or directly from the operator.

**Stevens v. Secretary of State for Communities & Local Government, Hickinbottom J, 10 April 2013**

**Planning policy versus the UN rights of the child**

There is a human rights issue here. Childrens Human Rights come to the fore with so many schools located so close ( a nursery just 17 metres away). There's huge concern publicly at present over children dying due to public sector fault on air quality including air pollution in London and recent death through mould in council residential property. No inspector would want to approve planning at appeal that went against Childrens Human Rights

A look online at "Human Rights and Planning" leads to:

**Planning policy versus the UN rights of the child**

11 April 2013 by David Hart KC

Stevens v. Secretary of State for Communities & Local Government, Hickinbottom J, 10 April 2013

As the judge explicitly recognised, this case raised the clash of two principles – how to resolve the policy-driven field of planning with the rights of family under Article 8 ECHR and of the child under Article 3 of the UN Convention on the Rights of the Child (UNCRC).

Article 3(1) of the UNCRC:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Furthermore,.....the House of Lords have held that, where the proportionality of the impact of a decision on human rights is at issue, that is a substantive question to be objectively determined by the court, and not a procedural one that requires the court to investigate the decision-making process (R (SB) v Governors of Denbigh High School [2006] UKHL 15: ("SB") and Miss Behavin' Ltd v Belfast City Council [2007] UKHL 19; ("Miss Behavin'"))

So in summary

UN Convention on Human Rights for Children tells us that the best interests of the child shall be a primary consideration.

See

<https://ukhumanrightsblog.com/2013/04/11/planning-policy-versus-the-un-rights-of-the-child/>