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

Re-Determined Appeal by NRS Aggregates Limited

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

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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.

STATEMENT OF COMMON GROUND between:
NRS Aggregates Limited & Worcestershire County Council

In respect of Sand and Gravel Mineral Need & Need for Inert Waste Capacity

Planning Inspectorate Reference: APP/E1855/W/22/3310099

September 2024

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1. Introduction

1.1 This is a Statement of Common Ground (SoCG) made between the following parties:

- NRS Aggregates Limited ("the Appellant"); and
- Worcestershire County Council ("the Council").

1.2 This SoCG has been jointly prepared by the Appellant and Council, and sets out the position of Worcestershire's Sand and Gravel Landbank, and Worcestershire's Inert Waste Capacity Gap.

1.3 This SoCG should be read in conjunction with the main Revised SoCG.

2. Mineral Matters on which parties agree

Local Aggregate Assessment

2.1 The most recent published data with regard to sand and gravel reserves is within the 'Worcestershire Local Aggregate Assessment: Data covering the period up to 31/12/2022' herein referred to as the LAA. The annual production guideline for sand and gravel identified by the LAA is 0.667 million tonnes per annum (mtpa), derived for the 10-year sales average +20%.

2.2 This is lower than both the sub-regional apportionment derived from the 'National and regional guidelines for aggregate provision in England' of 0.871 million tonnes per annum[1], and the previous approach undertaken by Worcestershire County Council which was to use the 10-year sales average +50%.

2.3 The LAA states at paragraph 1.8 that *"Based on this production guideline and the stock of permitted reserves of 5.06 million tonnes, Worcestershire had a landbank of 7.59 years at 31st December 2022. This is slightly above the minimum 7-year landbank required by national policy".*

2.4 The landbank of 7.59 years stated by Worcestershire County Council is an increase on the landbank agreed at the previous inquiry (SoCG 15 February 2023 – 5.74 years: **CD13.27**).

2.5 The increase in the landbank has not come about due to the Council approving mineral applications. Rather, the improved landbank has been achieved by utilising the updated apportionment of 10 years + 20%.

2.6 This LAA is the most recent published, which is the period up to 31/12/2022.

Planning Permissions following publication of most recent LAA data

2.7 A review of planning permissions since 31st December 2022 has been undertaken and included below:

- Wilden Lane (21/000036/CM) –
    - The application was for the extraction of ~250,000t of sand and importation of ~21,000m^3 of inert material for restoration. A previous application

[1] Derived from the National and regional guidelines for aggregates provision in England: National and regional guidelines for aggregates provision in England 2005 to 2020 - GOV.UK (www.gov.uk). These guidelines were produced to cover the period 2001-2016 and updated for the period 2005-2020 and set out the level of provision which should be made by each Region. No sub-regional apportionment based on the 2005-2020 Guidelines was agreed, and no further National and Sub National Guidelines have been published by government.

(20/000042/CM) was refused in 2021, with this application being a resubmission to address reasons for refusal. In February 2024, the applicant confirmed that mineral extraction and inert waste importation and placement had been completed and only restoration operations remained; and

- Permission was granted on 14th March 2024 for completion of restoration works. As set out in Condition 6 of Planning Permission 21/000036/CM *"This permission does not authorise any further mineral extraction or importation of waste or soils to the site from the date of this permission"*. As a result, the permission does not increase the level of permitted reserves or landbank.

Permitted Mineral Reserve

2.8 The following mineral sites constitute the permitted mineral reserve within Worcestershire.

- Chadwich Lane Quarry
  - Planning Permission granted on 26 March 2021 (Ref: 18/000036/CM) for the extraction of approximately 1.35 million tonnes of sand to be extracted at a rate of approximately 100,000 tonnes per annum; and
  - Currently undetermined planning application (Ref: 23/000045/CM) principally seeks to permit an updated drainage strategy to enable works to commence in phase 2. The application does not propose an amended output or quantity of mineral resource from the quarry, however, extraction operations have been delayed.
- 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 Opinion Request Ref: 21/000043/SCO).
- Clifton Quarry
  - Most recent planning permission (Ref: 15/000006/CM) was granted 12 July 2016, consolidating the existing quarry and new extensions into one permission; and
  - Approximately 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 Quarry (Ryall Court)
    - The most recent planning permission was approved on 27 October 2022 (Ref: 20/000009/CM) for a northern extension to extract approximately 475,000 tonnes of sand and gravel;
    - Extraction commenced 2023, anticipated to be undertaken at a rate of approximately 300,000tpa. All mineral extraction and site restoration is required to be completed within 3 years of the commencement of the development (stated on planning permission).
- Bow Farm Quarry
    - Application reference 19/000048/CM was approved on 8 November 2022 to extract approximately 1.44 million tonnes of sand and gravel. This was contingent on the approval of Gloucestershire County Council as the site access and processing plant lie within their authority. Planning permission was refused at Planning Committee of January 2023, however subsequently Planning Appeal Ref: APP/T1600/W/23/3324695 was allowed on 19th January 2024; and
    - Extraction is proposed to be at a rate of approximately 250,000 tonnes per annum, giving the site an estimated lifespan of approximately 6 years.
- Sandy Lane Quarry
    - Application reference 21/000029/CM, for the extraction of sand (approximately 245,000 tonnes) to enable engineering operations for stability purposes and completion of site restoration was approved on 8 July 2022; and
    - The quality of the fine sand permitted is found to not be suitable for either mortar or concrete manufacturing. As a result, the operator (Appellant) has an intention to operate the site solely for infilling without the extraction.

<u>Calculated landbank as of 31 December 2023</u>

2.9 As no further mineral extraction permissions have been granted which would add to the sand and gravel landbank since the publishing of the latest LAA, Table 1 below provides the calculations for the current landbank of 31/12/2023.

Table 1 – Calculation of Worcestershire Sand and Gravel Landbank as of 31 December 2023

Permitted mineral reserves as of 31st December 2022 (as stated within the LAA)	5.06mt
Extraction for 2023 – Utilising Annual Apportionment	- 0.667mt
Total permitted mineral reserves as of 31 December 2023	**4.393mt**
Landbank as of 31 December 2023	**6.59 years**

2.10 As of the 31st December 2023, the calculated sand and gravel landbank for Worcestershire is 6.59 years. Worcestershire therefore cannot demonstrate a 7 year landbank of sand and gravel.

Permitted Mineral Productive Capacity and Lifespan

2.11 Table 2 below provides a summary of the permitted mineral reserve site's cessation dates.

Table 2 – Permitted Sand and Gravel Quarry Cessation Dates

Quarry	Approximate Annual Output Tonnes Per Annum	Cessation Date	Notes
Chadwich Lane Quarry	100,000	2037	Conditioned to cease 31 December 2037
Wildmoor Quarry	150,000	2042	No cessation date stipulated by planning permission, therefore 2042
Clifton Quarry	200,000	2030	Conditioned to cease 31 December 2030
Ryall North Quarry (Ryall Court)	300,000	~2026 (likely to be exhausted in 2025)	Conditioned to cease within 3 years of commencement. Planning Statement submitted with Application Ref: 23/000049/CM

			states operations commenced in March 2023 and will likely be completed by January 2025.
Bow Farm	250,000	~2033	Assumed cessation date is based on commencement in 2024
Sandy Lane	82,000 (extraction of approx. 245,000 over 3 years)	-	Condition 3 of the extant planning permission requires mineral extraction to cease, and the site restored within 6 years of commencement of the development. Development not yet commenced.
Wilden Lane Quarry	-	-	Not considered as although it was permitted in 2024 the mineral was already exhausted

2.12 The productive capacity of the sites in Table 2 is 1,082,000 tonnes per annum. However, there is less than 2 years remaining within Ryall North and Wildmoor quarries, which equate for around 42% of the County's annual productive capacity.

Undetermined Planning Applications

2.13 Further to the planning permissions and permitted mineral above, the following applications are pending determination:

- Pinches 4 Quarry – (19/000056/CM)
    - Application reference 19/000056/CM, to extract approximately 850,000 tonnes of sand and gravel was registered on 07 January 2020. Should this planning application be granted, it would increase the landbank by approximately 1.27 years.
- Ripple East Quarry – (22/000015/CM)
    - Planning application reference 22/000015/CM was registered on 22 March 2022 to extract approximately 475,000 tonnes of sand and gravel. Should this planning application be granted permission, it would increase the landbank by

approximately 0.71 years.

- Uckinghall Quarry– (23/000049/CM)
    - Planning application reference 23/000049/CM was registered on 01 February 2024 to extract approximately 755,000 tonnes of sand and gravel at a rate of between 270,000tpa and 300,000tpa. The mineral would be transported via conveyor to the existing Ryall Quarry Plant Site. Should this planning application be granted permission, it would increase the landbank by approximately 1.13 years.
    - It is proposed that the mineral included within the 23/000049/CM permission would be extracted following cessation at Ryall North Quarry and completion of Ripple East mineral (subject to planning permission) - paragraph 6.1 of submitted Planning Statement.

2.14 If these planning applications are permitted, they would release ~2,080,000t of sand and gravel and increase the landbank by approximately 3.1 years. Combined with the calculated landbank of 6.59 years, this would result in a landbank above that required of 7 years (approximately 9.69 years). However, it should be noted that sales of sand and gravel would continue until the above are potentially permitted and become operational.

2.15 Whilst there is demonstrable *potential* for an additional 3.1 years of landbank supply within currently undetermined planning applications, it is agreed that there is no guarantee that these applications will be permitted and therefore form part of the permitted reserves.

2.16 The Appeal site would contribute to a *"balanced geographical spread of mineral reserves and provide an additional mineral site, contributing to a steady and adequate supply of mineral (sand and gravel) and adding to resilience to the mineral (sand and gravel) supply in Worcestershire, which is currently provided by a limited number of active sites"* (Paragraph 379 of Committee Report) (CD10.01).

2.17 As stated at paragraph 380 of the Committee Report, it is accepted that the Appeal Proposal is consistent with paragraph 219 (f) of the NPPF as it would contribute to the Mineral Planning Authorities landbank for sand and gravel.

3. Waste Matters on which parties agree

Context

3.1 To restore the site, the Appellant is proposing to import approximately 600,000 m^3 of inert material (equating to about 1,020,000 tonnes), importing approximately 60,000 m^3 of inert material per annum (equating to about 102,000 tonnes per annum). Inert materials will not undergo any physical, chemical or biological transformations of significance and will not give rise to environmental pollution or risk harm to human health as a result of coming into contact with other matter.

Environment Agency Waste Data Interrogator 2022

3.2 In order to assess the availability of inert waste to enable restoration at Lea Castle Farm, a review of the Environment Agency's (EA) Waste Data Interrogator (WDI) 2022 has been carried out for data for inert waste accepted and removed from sites with environmental permits for waste management activities within Worcestershire and the surrounding West Midland Metropolitan Districts. A review of major projects and the need for the deposition of inert waste is also considered below.

Worcestershire

3.3 In terms of Worcestershire, as set out in the WDI 2022, there are currently only 3 EA permitted landfill sites accepting inert waste. These are:

- Summerway Landfill (Wyre Forest District) - accepted 110,376 tonnes of inert waste;
- Weights Farm Landfill (Redditch Borough) – accepted 5,940 tonnes of inert waste and 5,490 tonnes of inert municipal waste; and
- Pinches 3 Landfill (Bromsgrove District) - accepted 18,255 tonnes of inert waste.

3.4 The total inert waste received at these sites in 2022 was 134,571 tonnes

3.5 According to the latest EA data on "Remaining Landfill Capacity" (Published 13 January 2023) the remaining void at these sites (as of the end of 2022) was as follows:

- Summerway Landfill (Wyre Forest District) – 732,940 cubic metres (m3)
- Weights Farm Landfill (Redditch Borough) – 668,676m3
- Pinches 3 Landfill (Bromsgrove District) – 12,000m3

Total capacity: 1,413,616m3

3.6 It should be noted that the tipping of inert waste at Pinches 3 Quarry (County Planning Authority (CPA) Ref: 08/000055/CM) is complete, and the land restored.

3.7 In terms of inert landfill capacity in Worcestershire, the EA WDI sets out that as of 2022, Worcestershire has 1,414,000m^3 of inert capacity. This is an increase to the 875,000m^3 capacity reported in the EA WDI 2021 data. It is understood that this is as a result of re-evaluating the void at Summerway landfill site / previous under reporting the void space, noting the previous void space at Summerway Landfill site in 2019 was given as 732,940m^3 and in 2018 as 724,940 $m^{3.}$ and noting that no new additional inert waste capacity is recorded in the Environment Agency's Permit Register to the three listed above. Prior to this increase, inert waste capacity was 2,894,000 in 2016, 2,525,000 in 2017, 1,591,000 in 2018, 1,466,000 in 2019 and 1,966,000 in 2020.

3.8 Furthermore, for completeness, it should be noted that Chadwich Lane Quarry (Mineral Planning Authority (MPA) Ref: 18/000036/CM) has planning permission for:

> *"Proposed sand quarry, infilling the void using inert materials only, restoration of the land to agricultural use together with new access, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Bromsgrove, Worcestershire".*

3.9 The Report to Committee states that Chadwich Lane Quarry would be infilled by approximately 800,000 cubic metres (approximately 1.2 million tonnes) of inert waste. Whilst the permission has been implemented and Phase 1 and the majority of the Initial Phase have been worked out, it should be noted that the site has not yet accepted any inert waste and an Environmental Permit has not yet been issued by the EA.

3.10 Sandy Lane Quarry (MPA Ref: 21/000029/CM) has also been granted planning permission for:

> *"Proposed importation of inert restoration material and extraction of sand to enable engineering operations for stability purposes and completion of site restoration at (Western portion of the former) Sandy Lane Quarry, Wildmoor, Worcestershire".*

3.11 The Report to Committee states that Sandy Lane Quarry would be infilled by approximately 975,000 cubic metres (approximately 1 to 1.2 million tonnes) of inert materials, but this has not been implemented and the County Council are not aware of any EA Environmental Permit being granted at the site.

3.12 Bow Farm Quarry (MPA Ref: 19/000048/CM, Gloucestershire County Council Ref:

19/0081/TWMAJM, and Appeal Ref: APP/T1600/W/23/3324695) has also been granted planning permission for:

> *"Proposed extraction of sand and gravel with restoration using site derived and imported inert material to wetland, nature conservation and agriculture (cross-boundary application) on land at Bow Farm, Bow Lane, Ripple, Worcestershire".*

West Midlands Metropolitan Districts

3.13 In terms of the West Midlands Metropolitan Districts, Meriden Quarry (Area G) is the only EA permitted landfill accepting inert waste. The total inert waste received at Meriden Quarry in 2021 was 783,452 tonnes, 2022 was 727,882 tonnes, 2023 was 688,442 tonnes and for Q1 of 2024 a total of 202,848 tonnes. Meriden Quarry is operated by the Appellants, therefore if required, 60,000m3 per annum could be redirected from Meriden Quarry to Lea Castle Farm to enable restoration.

3.14 In addition to Meriden, the Appellant operates Saredon Quarry in Staffordshire, which for 2022 received 327,363 tonnes, in 2023 298,516 tonnes and in Q1 of 2024 received 118,706 tonnes of inert waste.

3.15 Meriden services numerous contracts to the south and west of Birmingham that involve hauling non-recyclable clay and soil to the site. Saredon Quarry also receives waste from the Birmingham conurbation. A new site at Lea Castle would be an environmentally better solution to managing inert fill from the south and west of Birmingham, rather than haul it further afield.

<u>The Waste Core Strategy for Worcestershire (2012) (WCS)/ Authority Monitoring Report (AMR)</u>

3.16 The latest Authority Monitoring Report (AMR) 2021 (January to December 2021) states that:

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

Target:

No capacity gap for disposal and landfill
2021 Performance:

No capacity gap for disposal and landfill

Trend:

2020: No capacity gap for disposal and landfill

2019: No capacity gap for disposal and landfill

3.17 ***Explanation:*** *The amount of inert waste landfilled in Worcestershire was 123,218 tonnes in 2021, leading to a cumulative 1,188,940 tonnes of inert waste landfilled in the county since 2009. This is 37% above the cumulative projection of 869,385 tonnes made in the Waste Core Strategy. As of 2021, there were 875,214 cubic metres of available void space across the county, whereas the WCS anticipated a void space of 2,079,615 cubic metres. This means that there is significantly less inert landfill capacity remaining at this stage in the Waste Core Strategy's plan period than was projected, combined with significantly higher volumes of inert waste being landfilled. Whilst there is not currently a capacity gap for disposal and landfill of inert waste, the combination of the higher than predicted landfill rate and lower than predicted void space means that inert landfill capacity should be kept under review and may need to be considered through review and revision of the Waste Core Strategy.*

3.18 ***Further information:*** *Landfill capacity is set out in the Environment Agency's waste management for England data tables, which provide information on landfill void space annually. In some cases, void space increases or decreases at a different rate than the amount of waste deposited. This is not uncommon and results from re-assessments of void space by the Environment Agency, the creation of new cells at existing sites, or by a void increasing as mineral workings which have planning permission to be restored by landfilling are excavated.*

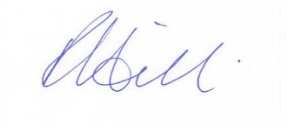
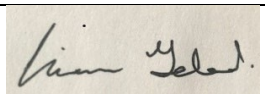
3.19 The above is predicated on 2021 data, however, it is noted that the 2022 EA WDI data shows an increased remaining void space of approximately 1,401,616m3 (732,940m3 (Summerway Landfill) plus 668,676m3 (Weights Farm Landfill)). As set out earlier it is understood that this discrepancy is because the void capacity has been re-evaluated at Summerway Landfill Site.

Notwithstanding the above, it is noted that this is still below the WCS anticipated void space of 2,079,615m3, and this would continue to decline without Chadwich Lane Quarry, Sandy Lane Quarry and Bow Farm Quarry being granted Environmental Permits, or other pending undetermined mineral planning applications with restoration with imported inert waste being granted permission.

4. Matters of Disagreement

4.1 The parties disagree on the following matters:

- Consideration of the Council's reduction of the annual apportionment from +50% to + 20%
- Dates from which the most up to date landbank calculation should be taken from
- The consideration of Sandy Lane Quarry within the landbank
- Operational position of the County's EA permitted landfill sites accepting inert waste
- The Council's published up to date inert waste landfill capacity position
- Consideration of the site's location in terms of supporting major project in respect of the provision of minerals and the importation of inert waste
- Whether Hill and Moor Landfill (Wychavon) and Hartlebury Landfill (Wychavon) contribute to the Councils inert waste capacity

Signed on behalf of Minerals Planning Authority		**Signed on behalf of Appellant**	
Organisation	Worcestershire County Council	Organisation	Liam Toland Planning
Signature		Signature	
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