

**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

October 2024

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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 eighteen 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 acted as an Expert Witness and prepared a Proof of Evidence for the original public inquiry held into the refusal.
- 1.1.5 In preparing this updated evidence for the re-determination of the appeal I have reviewed all the previous documentation, along with information relating to the proposed amended scheme.
- 1.1.6 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 Scheme

- 1.2.1 Full details of the proposed operations, including proposed phasing, are provided in the Environmental Statement (**CD1.03**) and the revised Statement of Common Ground (SoCG) agreed with the Council on 13.09.2024 (**rID2**).

1.2.2 A request has been made to consider the appeal on the basis of a revised scheme, relating to the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and / or duration of temporary soil storage / screening bunds and minimising the time when quarry operational land is required. Full details are set out in the ES Addendum (CD15.01) and the revised SoCG (rID2).

1.2.3 In view of this I have considered both schemes in my evidence.

1.3 Revised Scheme Publicity and Consultation

1.3.1 In terms of publicity and consultation for the revised scheme, the ES Addendum and revised plans were published on the Worcestershire County Council website for consultation from 5th August until 6th September 2024.

1.3.2 Additionally, two Public Consultation Events were held at Wolverley Memorial Hall on the 7th August and 21st August 2024 from 12:30 – 19:30. The public consultations allowed for members of the public and interested parties to view the updated plans and discuss queries with the Appellant directly.

1.3.3 A summary of the consultation responses is set out in a Statement of Community Engagement attached at **Appendix 1**.

1.4 The Appeal Site and Surroundings

1.4.1 This is described in section 4 of the revised SoCG (rID2).

1.5 Planning History Relevant to the Appeal

1.5.1 The planning history of the appeal site is described in section 7 of the revised SoCG (rID2).

1.6 Planning Policies relevant to the Appeal

1.6.1 The relevant development plan policies can be found within the revised SoCG (rID2) in Section 6.

1.7 Reasons for Refusal

1.7.1 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.”*

1.7.2 As set out in section 10 of the SoCG, the Council have confirmed that they will be only be defending / providing evidence on the following refusal reasons at the inquiry:

- 2. Unacceptable impact on openness of the Green Belt.

1.7.3 The full reasoning for discarding each of the other 8 reasons is set out in section 10 of the revised SoCG (rID2).

1.8 Declaration

1.8.1 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. Further details on policy are set out in the revised SoCG (**riD2**).

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 2**.

3 Previous Appeal and High Court Judgment

- 3.1.1 The Council's Statement of Case identified that only reason 2 (Unacceptable impact on openness of the Green Belt) and reason 3 (Unacceptable impact on residential amenity and local schools) would be defended in the appeal. Prior to the opening of the Inquiry, a SoCG was submitted and signed by both the Appellant and the Council on 24th January 2023 (CD13.25). A revision to the SoCG (CD13.27) was submitted and signed by both the Appellant and the Council on 15th February 2023 and superseded the January version. The revised SoCG identified that the Council had considered the additional technical evidence submitted by the Appellant under the Regulation 25 request of 13th January 2023 and that, as a consequence, the Council would not be defending reason for refusal 3 (Unacceptable impact on residential amenity and local schools) in the appeal. Consequently, the Council only defended reason 2 (Unacceptable impact on openness of the Green Belt) in the appeal.
- 3.1.2 Notwithstanding this, a local residents' association, 'Stop the Quarry' participated in the appeal with 'rule 6' status at the Inquiry and argued that all of the 15 'key issues' identified in the Officer's report (CD10.01) should have formed the basis of refusal. Stop the Quarry supported, with evidence, all nine of the Council's original reasons for refusal.
- 3.1.3 After a public inquiry lasting eight days, the Inspector set out his conclusions in his decision letter ("DL"). He concluded in favour of the development proposal in relation to amenity, living conditions and health (noise, dust, air quality), landscape and visual considerations, highways and public rights of way (DL 188 to 189).
- 3.1.4 He found that the Development would accord with, or not conflict with, all development plan policies save for MLP 27, WSC 13, DM.22, relating to Green Belt.
- 3.1.5 He gave full consideration to a number of issues that remained in dispute with the rule 6 party and he made the following key findings in his decision letter:
- no significant adverse effect on the amenity of the area or the living conditions and health of those living nearby or using recreational features, (DL119);
 - no significant adverse effect on the character or appearance of the site and surrounding landscape and no significant adverse effect on visual receptors (DL131);

-
- overall the landscape restoration scheme will deliver landscape benefits which should be afforded moderate weight in the planning balance (DL129 to 130);
 - no severe residual cumulative impact on the road network and nothing more than a negligible increased risk to highway safety (DL149 – 150, 189);
 - minor impact on the views from users of the public right of way network, to be afforded limited weight in the planning balance (DL136 & 189);
 - perception of harm to the local economy, to be afforded limited weight;
 - less than substantial harm to the setting of a heritage asset; but benefits found to outweigh that harm (DL164 – 166);
 - the proposal would make a notable contribution to the supply of needed minerals, a matter of substantial significance that should be given great weight (DL50 and DL191);
 - the economic benefits of the proposed development, including the provision of a minimum of 11 full time jobs would make a modest contribution to the local economy, such benefits to be afforded moderate weight (DL192);
 - biodiversity net gain of nearly 4 times that required by forthcoming legislation. As some of that ‘is required to meet national policy and future legislative requirements’ in order to mitigate the environmental impact of the development, such enhancements should be afforded only moderate weight (DL195);
 - the landscape benefits of the restoration scheme should be accorded moderate weight (DL129 – 130 & 194);
 - the proposed additions to the public rights of way network would offer a benefit of minor significance, which should be given slight weight in the planning balance (DL137 & 194);
 - the appeal site and its immediate environs will soon likely form the remaining area of Green Belt between settlements and so has spatial importance. The appeal site plays an extremely important Green Belt role (DL59 & 60);
 - the proposal constitutes mineral extraction and engineering operations under paragraph 150 of the NPPF. The plant, equipment, buildings and access and

activity associated with mineral extraction would, to some extent impair the openness of the area but this alone would not exceed the threshold or 'tipping point' of appropriate minerals development. However, the soil and overburden storage bunds would have a greater adverse impact on the openness of the Green Belt. Whilst the adverse effect of the bunds on openness would be fully reversible over time, their length, height and duration in such a contained open area, would, in combination with the extraction operations, result in the partitioning of the site and would have a substantial and visual adverse effect on the openness of the Green Belt. This means that the appeal scheme would not preserve the openness of the Green Belt and consequently the exception for mineral extraction in the Green Belt would not apply and the proposal would be inappropriate development which is by definition harmful; and

- not possible to conclude with any degree of certainty whether or not there is a realistic possibility of the required 60,000m³ of inert fill per annum being sustained to ensure the deliverability of the phased working and restoration within 11 years of the commencement of the development. Any shortfall in achieving the required annual level of inert fill to achieve the phased working and restoration could result in the need to extend the duration of operations beyond the current envisaged 11 years. It is therefore not unreasonable to conclude that there is a risk that the harm to the openness of the Green Belt could extend beyond the indicated time period (DL199).

3.1.6 The Inspector's decision to dismiss the appeal was based wholly on his consideration of whether or not there were very special circumstances to outweigh Green Belt harm and was 'very finely balanced' (DL200). Feeding into that very fine balance was the Inspector's decision to accord 'only moderate weight' to the benefit of nearly 40% biodiversity net gain ("BNG"), on the basis that some of it 'is required to meet national policy and future legislative requirements'. The High Court judgment quashed the Inspector's decision on the ground that his reason for reducing the weight to the BNG was wrong in law:

"...when assessing the weight to be attributed to the biodiversity net gain for the purposes of assessing whether there were very special circumstances outweighing the harm to the openness of the Green Belt the Inspector reduced that weight on the basis of a mistaken view as to the law. He did so believing incorrectly that some of the net

gain would be required in any event by reason of the forthcoming legislation. That was an error of law and meant that the Inspector exercised his planning judgement as to the weight to be given to that material consideration (namely the net gain) on a basis which was wrong in law.” (NRS Saredon Aggregates Ltd v. SSLUHC [2023] EWHC 2795 (Admin), at para 56).

4 Scope of my evidence

4.1.1 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.

4.1.2 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);
- The effects of the proposed development on Public Rights of Way and Access (Section 7);
- Comments on Issues Raised by Rule 6 Parties and Other Interested Parties (Section 8);
- Very Special Circumstances Considerations (Section 9) to include the following;
 - The need for the proposed development with particular regard to the landbank position for sand and gravel;
 - Environmental, sustainability and climate change benefits;
 - Development, Growth and Economic Considerations; and
 - Biodiversity and restoration benefits.
- Planning Balance and Conclusions (Section 10).

4.1.3 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;
- Mr Robert Sutton on cultural heritage; and
- Ms Rhia McBain on ecology.

5 Green Belt

5.1 Introduction

- 5.1.1 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 155 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.
- 5.1.2 It is however necessary to consider (because of the terms of paragraph 155 NPPF) whether the effects of the proposal on openness and Green Belt purposes are such as to make the whole development inappropriate development.
- 5.1.3 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 153 NPPF.

5.2 Planning Policy Context

- 5.2.1 The Appeal Site is located wholly within the West Midlands Green Belt. NPPF paragraph 142 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"*.
- 5.2.2 Paragraph 143 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"*.

5.2.3 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 155).

5.2.4 Further guidance is provided as to what factors can be considered when assessing the potential impact of development on the openness of the Green Belt which is documented in the National Planning Practice Guidance at Paragraph 001 Reference ID: 64-001-20190722. This paragraph notes that:

"Assessing the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the particular case. By way of example, the courts have identified several matters which may need to be considered in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation "*

5.2.5 In the case of the proposed development at Lea Castle, whilst there would be some minor temporary adverse effects on openness from the operational phase of the quarry, noting that Phases 1-3 would be extracted and restored within 4 years. Temporary increases in quarry traffic would not have a significant impact on local roads and vehicle movements within the site would be largely screened from view by the bunds. At all times public access would be maintained across the Site. The Site would

remain in the Green Belt and the residual landscape would be significantly enhanced to more closely reflect the historic landscape parkland of Lea Castle than the existing landscape, with significantly improved biodiversity.

5.2.6 Central Government advice set out in Planning Practice Guidance Note Paragraph 002 (Reference ID:65-002-20190722), which states:

"Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- *new or enhanced green infrastructure;*
- *woodland planting;*
- *landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- *improvements to biodiversity, habitat connectivity and natural capital;*
- *new or enhanced walking and cycle routes; and*
- *improved access to new, enhanced, or existing recreational and playing field provision".*

5.2.7 In the case of the proposed development at Lea Castle, all of the above long-term benefits would be achieved including for a 71.35% net gain habitats and 74.75% gain in hedgerows, and the land would remain in the Green Belt.

5.2.8 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.”

- 5.2.9 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.
- 5.2.10 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”*.
- 5.2.11 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)”*.
- 5.2.12 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...”*.
- 5.2.13 The need for the development is discussed section 6 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.
- 5.2.14 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 these are mitigated, are 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 155, and this proposal should benefit from those exemptions as it comes within the intended scope.

- 5.2.15 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.
- 5.2.16 The Appellant's case remains that the proposal does not constitute inappropriate development in the Green Belt (contrary to the opinion of the previous Inspector) (whether considered as originally submitted, or with the proposed revised plant and bunds submitted as part of the amended scheme). 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. NPPF paragraph 155 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.

5.3 Council's Reason for Refusal 2: Green Belt

- 5.3.1 With regards the Council's reason for refusal 2: Green Belt, the concern appeared to be in relation to *"an unacceptable impact on openness of the Green Belt"* as this was 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 143).
- 5.3.2 However, in its Statement of Case, the Council expresses the view that the Appeal development would be in conflict with the 5 purposes, in particular points a and c.
- 5.3.3 The Council considers that VSC do not exist to overcome this harm.
- 5.3.4 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**).

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

- 5.4.1 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 and c of NPPF paragraph 143.

Effect on Openness

- 5.4.2 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”.

- 5.4.3 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.
- 5.4.4 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. This applies to both the original scheme and the amended scheme.
- 5.4.5 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.
- 5.4.6 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.
- 5.4.7 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.

- 5.4.8 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). 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. The progressive restoration would result in long term improvements to landscape character, in terms of historical continuity i.e., reinstatement of avenue trees and the Broom Covert woodland, and the introduction of groups of parkland trees and acidic species rich grassland. Public access would be improved by the addition of new public rights of way illustrated on **CD5.11**.
- 5.4.9 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.
- 5.4.10 Furthermore, the plant site is located on lower ground within the Appeal Site and is set 7m below existing levels. The Plant Site for the original scheme would be surrounded by temporary screen bunds up to 5m high that would be grass seeded with 1:3 outer slopes (**CD1.22**). In terms of the amended scheme, the proposed reduction in processing plant height from 12m to 6.3m, a reduction in plant area footprint from 2,752m³ to 751m³, reduction in noise levels from the processing plant and the reduction in height of some of the temporary bunds would all represent operational phase improvements compared with the original scheme (**CD15.01**).
- 5.4.11 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. The nature of the infrastructure proposed as part of the Appeal Scheme is not excessive for a sand and gravel quarry.
- 5.4.12 Therefore, 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.

- 5.4.13 In terms of traffic and vehicle movements, as set out in the proofs of Neil Furber, it is acknowledged that views of dump trucks would be noticeable from a short section of Wolverley Road to the east of the access, however road users are not classified as the highest sensitivity receptors and properties adjoining the road on this section, namely Broom Cottage and Four Winds have limited views of the road corridor due to property orientation and the presence of evergreen screen planting. The Head of Planning and Transport Planning concluded at paragraph 457 of the Committee Report (CD10.1) that the transport assessment identifying the highest predicted increase in traffic from the operational phase would be 1.8% on this section of road, *“which falls well below the 5% threshold considered to represent a material increase in traffic”*. Vehicle movements would be at a level not unexpected for this type and scale of operation
- 5.4.14 The proposed development relies on the creation of a number of soil and overburden storage bunds, which would be grass seeded and would principally for the storage of soils along with mitigation for noise and dust and to screen views of the operational phases of mineral extraction. The height of bunding has been kept to a minimum wherever possible to reduce the sense of enclosure. For the original scheme, the majority of the temporary bunds on site will only be 3m in height. There will be one bund which is 6m, but this will be in situ for only 9 months.
- 5.4.15 I note that the previous Inspector considered that the plant, equipment, buildings and access and activity associated with mineral extraction would, to some extent impair the openness of the area but this alone would not exceed the threshold or ‘tipping point’ of appropriate minerals development. However, the Inspector went on to state that the soil and overburden storage bunds would have a greater adverse impact on the openness of the Green Belt. He stated that whilst the adverse effect of the bunds on openness would be fully reversible over time, their length, height and duration in such a contained open area, would, in combination with the extraction operations, result in the partitioning of the site and would have a substantial and visual adverse effect on the openness of the Green Belt. He noted that this meant that the appeal scheme would not preserve the openness of the Green Belt and consequently the exception for mineral extraction in the Green Belt would not apply and the proposal would be inappropriate development which is by definition harmful. It is also noted that the

Inspector made direct reference to bunds 1-5 i.e. the bunds around the plant site and stated that “...the bunding around the plant site area would have a greater impact on openness during the operations due to the bund height and duration of placement”.

5.4.16 I strongly disagree with the above. Earth bunds are not built development and do not constitute urban sprawl which is what the concept of openness is designed to guard against (see caselaw quoted above). I consider that bunds are an integral feature of any sand and gravel quarry and that the original scheme should benefit from the exceptions that are clearly provided for in the NPPF for mineral sites. In my professional experience of working on sand and gravel quarries for over 11 years, it is normal for temporary screen bunds to be employed as part of quarry schemes at the heights proposed at the Appeal Site. Furthermore, the progressive nature of the scheme goes a lot further than typical sand and gravel quarries with the Proposed Development, using carefully designed phasing, placement of bunds in terms of location and length of time they are in place, progressive restoration and additional mitigation measures has sought to minimise potential adverse visual effects during the operational phase. As set out in the evidence of Mr Neil Furber, he consequently concludes that the overall visual component of Green Belt openness would be preserved.

5.4.17 In terms of bunds 1-5, these would be in place for 11 years, which is relatively short term for minerals developments. These bunds surround the temporary plant site area, which is approximately 3.8 hectares in size and requires a short haul road of less than 100m in length between Wolverley Road and the ramp that connects to the plant site at a lower level. The temporary access road and plant site represents a relatively small component of the wider undeveloped landscape as illustrated on the plan at **CD5.04** and I therefore consider that it is wrong to say that bunds 1-5 cannot be considered to have a greater impact on openness during the operations due to the bund height and duration of placement.

5.4.18 I note from the Secretary of State’s (SoS) letter dated 4 April 2019 (**CD12.39**) in relation to an appeal by RJD Ltd and Gowling WLG Trust Corporation Limited for land at Ware Park, Wadesmill Road, Hertford (APP/M1900/W/17/3178839) that he agreed with the Inspector’s findings on Green Belt in relation to processing plant equipment, access and activity associated with the mineral extraction. In this context both the SoS and Inspector considered that these developments “would, to some extent, impair the openness of the area, but not enough to exceed the threshold or tipping point for the

purposes of applying paragraph 146 of the Framework". Further, whilst the Inspector considered that peripheral screen bunds would affect the openness of the Green Belt to an extent that they would be considered inappropriate development, the Secretary of State disagreed and indicated that they would not be inappropriate development. I note that the bunds proposed as part of the that scheme ranged in height, with some up to 7m in height.

- 5.4.19 In terms of the amended scheme, with the reduction in the number, height and / or duration of temporary soil storage / screening bunds associated with the smaller plant, I consider that there is even less of a basis for considering that the bunds might exceed the 'tipping point'. As set out in the evidence of Mr Neil Furber, the changes to the screen bunds would represent a medium term slight improvement to openness compared with the original scheme.
- 5.4.20 Furthermore in terms of the revised scheme, there would be some noticeable improvements resulting from the reduction in some of the screen bund heights from publicly accessible locations. Public views from bridleway 626 (B) that passes the plant site (see evidence of Mr Neil Furber - Viewpoint C at **Figures 51, 53, 55, 56, 57, 59, 61 & 62**) would experience views of temporary bund No. 3 at 3m high (rather than 4/6m in the original scheme). This reduction in bund volume would occur during the full length of the operational phase i.e. a medium term and noticeable improvement upon openness compared with the original scheme.
- 5.4.21 Public views would be experienced from Footpath 624 (B) to the east of the plant site. The revised scheme would be visible as a reduction in height from 4/6m to 3m of the temporary bund 3 surrounding the plant site following the restoration of Phases 1 and 2, there by representing a slight improvement to openness during the operational phase.
- 5.4.22 Public views of the proposals would be experienced by road users and public rights of way users to the west of the proposals and the residents of Castle Barns. The revised scheme would result of the omission of bund 18 and the reduction in height of bund 19 from 4m to 3m in height (see evidence of Mr Neil Furber - Viewpoints 1, 2, and 3 at **Figures 3, 4 & 5**, Viewpoints 5, 6, at **Figures 9 & 10** and Photomontages from Viewpoint 9 at **Figures 12, 14, & 16**).
- 5.4.23 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”*.

- 5.4.24 Therefore, I agree with 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

- 5.4.25 I consider 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. Thirdly, the proposed development is not in the nature of urban sprawl.
- 5.4.26 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”*. I would also add that a quarry cannot be described, in planning terms, as an urban land use.

- 5.4.27 Paragraph 143 (a) in the NPPF must be read in its entirety – the ‘of’ is important, as is the word ‘unrestricted’. The sprawl has to be ‘of’ a large built up area. This site is not connected to a large built up area, and therefore its development cannot be seen as leading to the sprawl of any such area.
- 5.4.28 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.
- 5.4.29 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.
- 5.4.30 The Inspector’s report for the last appeal agreed with the above with paragraph 85 setting out the following: *“Although during the operational period, parts of the site would have a temporary developed appearance which would impact on openness, I do not consider that this would not hinder the objective of preventing unrestricted urban sprawl, particularly taking into account the judgement in the Samuel Smith case”.*

To assist in safeguarding the countryside from encroachment

- 5.4.31 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 slight 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.
- 5.4.32 Minerals can only be mined where they are found; they are not realistically going to be mined anywhere other than in the countryside, and the use is temporary and therefore this purpose (safeguarding from encroachment) will continue to be served post-restoration.
- 5.4.33 Overall therefore, I consider that the Appeal Scheme proposals would not lead to any permanent encroachment of the countryside and so would not conflict with that purpose.

5.4.34 The Inspector's report for the last appeal agreed with the above with paragraph 85 setting out the following: *"... the proposed development would not be of a type and scale that would conflict with the Green Belt's purpose to assist in safeguarding the countryside from encroachment"*.

5.5 Conclusion

5.5.1 I invite the Inspector to take the following into consideration:

- a. The proposals including bunding and the offices/welfare facilities are all part and parcel of the proposed mineral extraction (and are entirely typical of mineral extraction development) for the purposes of applying Green Belt policy;
- b. Given the contained nature of the site the visual impacts do not undermine openness;
- c. There would be some minor temporary adverse effects on openness from the operational phase of the quarry, but these would be relative short in duration compared to other mineral extraction development, with the proposal only lasting 11 years in total and noting that Phases 1-3 would be extracted and restored within 4 years;
- d. A quarry is not urban sprawl but a barrier to urban sprawl;
- e. Temporary increases in quarry traffic would not have a significant impact on local roads and vehicle movements within the site would be largely screened from view by the bunds. Vehicle movements would be at a level not unexpected for this type and scale of operation;
- f. The Site would remain in the Green Belt and the residual landscape would be significantly enhanced to more closely reflect the historic landscape parkland of Lea Castle than the existing landscape, with significantly improved biodiversity.
- g. The restoration scheme would also further the aims of Green Belt policy by providing improvements in line with the PPG (referenced in para 5.2.6 above) which help compensate for the loss of nearby Green Belt to housing development.

5.5.2 Further to the above, in terms of the amended scheme, the proposed reduction in processing plant height from 12m to 6.3m, a reduction in plant area footprint from

2,752m³ to 751m³, reduction in noise levels from the processing plant and the reduction in height of some of the temporary bunds would all represent operational phase improvements compared with the original scheme and reduce further any potential impact on openness during the operations.

- 5.5.3 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”*.
- 5.5.4 It should be noted that this was the position taken by the Council for the recently permitted Pinches (4) Quarry as set out in paragraph 359 of the committee report (**CD12.40**). Pinches (4) Quarry operations would take approximately 14 years to complete with 2 main bunds as part of the scheme (3m and 4m) to be retained on site for the lifespan of the development. Pinches (4) Quarry was approved unanimously at Planning Committee on 24th September 2024 and this approach appears to show the Council acting inconsistently by accepting the officer’s report on appropriate development there and not at Lea Castle Farm.
- 5.5.5 The proposed development would, be a temporary activity of relatively short duration in minerals development terms 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 ..."

- 5.5.6 I therefore consider that the Proposed Development does not constitute inappropriate development in the Green Belt. Openness would be preserved and the development would not conflict with the purposes of including land within the designation.
- 5.5.7 In view of above, I consider that the exceptions for mineral extraction and engineering operations at paragraph 155 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.

6 The Need for Sand and Gravel

6.1 Introduction

6.1.1 NPPF paragraph 215, 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 217 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 217 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.

6.1.2 The NPPF at paragraph 219 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.

6.1.3 There are two important points that flow from paragraph 215:

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.

6.2 Landbank/Productive Capacity Position in Worcestershire

6.2.1 The NPPF at paragraph 219 requires Mineral Planning Authorities to maintain a landbank of at least 7 years for sand and gravel.

6.2.2 As stated within the revised Minerals and Waste Statement of Common Ground signed on 07.10.2024 (MWSocG – rID8), 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 (CD11.08).

6.2.3 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."*

6.2.4 As agreed within the revised MWSocG (rID8) at paragraph 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)."*

6.2.5 The increase in landbank has come about through an amended annual apportionment as opposed to permitting sufficient mineral resource. The LAA (2022 data) utilised an annual apportionment based off 10 year sales average + 20% uplift, which is lower than the approach taken through previous LAA's of 10 year average sales + 50% uplift, and lower still to that of the annual apportionment figure set within the 'National and regional guidelines for aggregate provision in England 2005 to 2020' (CD12.42). These figures are detailed below:

- 10 Year Average Sales + 20% uplift – 0.667 million tonnes per annum;
- 10 Year Average Sales + 50% uplift – 0.834mtpa; and
- Nationally derived annual apportionment figure – 0.871mtpa.

6.2.6 Should the previous approach of 10 year + 50% apportionment be used then there would be a landbank of 6.07 years at 31st December 2022.

6.2.7 Justification for the change in approach to annual apportionment is included at paragraph 1.6 and 1.7 of the LAA (CD11.08), which is included below:

"1.6 None of the demand indicators suggest that the production guideline should be lower than the 10-year average, and some (trends in annual sales figures, the historic sub-regional apportionment and predicted infrastructure requirements) suggest that the production guideline should be increased above the 10-year average. Supply indicators (including replenishment rates, site allocations, industry interest) suggest that an increase above the 10-year average could be accommodated."

1.7 Following consideration of these demand and supply factors, the production guideline in this LAA is derived from the 10-year sales average +20%. This scale of uplift

will support the continuation of recent supply levels and mitigate any potential impacts on the production guideline from the former County of Hereford and Worcester Minerals Local Plan (1997) being in place well beyond its expected implementation period (up to July 2022), which may have led to lower annual sales due to additional barriers to development rather than lower levels of demand. The 20% uplift will also support the anticipated scale of demand for housing and infrastructure development and allow some flexibility in relation to demand for HS2 and other development needs. This approach will be kept under review in future LAAs, particularly to monitor the impact of the Worcestershire Minerals Local Plan (2018-2036) which was adopted in July 2022 and to reflect greater certainty about demand for HS2 once the project moves into a period of peak demand (which is likely to be reflected in 2023 and 2024 sales figures)."

- 6.2.8 Within the LAA justification of the lower annual apportionment figure, it is stated that the 20% uplift will allow for *"some flexibility in relation to demand for HS2 and other development needs"*. We submit that this figure in fact does not allow for any flexibility in development demand, as is evidenced by the 3 year average sales figure which totals 0.674mtpa¹ – a figure higher than that of the 0.667mtpa annual apportionment set by the LAA, and is representative of the 10 years average annual sales + 22%.
- 6.2.9 Not only is the 3 year average sales figure greater than the annual apportionment and therefore demonstrating inadequacy in the 'flexibility' of the apportionment figure; it also demonstrates that there is a trend of increasing sales and demand from within Worcestershire for sand and gravel. Looking further back, there has been an increase in sales of sand and gravel annually between the years of 2016 and 2021 (excluding COVID affected 2020), a clear indication of continual increase in demand.
- 6.2.10 The sales figures in 2021 and 2022 are the largest within the recent most ten years, at 0.705mt and 0.668mt respectively. Both of these individual years therefore exceed the annual apportionment figure contained within the LAA and therefore demonstrate increasing trend of sand and gravel sales.
- 6.2.11 It can be expected that these figures will only continue to remain at a higher level or increase further as a result of the proposed revised Standard Methodology published

¹ This 3 year average sales figure is for the years 2019, 2021 and 2022. The sales data for 2020 was excluded due to delivery being impacted by COVID and therefore not representative of usual operations. The impact of COVID on delivery and sales is acknowledged multiple times within the LAA (Namely paragraph 4.9, 4.12, 9.10 and within Appendix 2: Demand and supply indicators agreed by the West Midlands Aggregate Working Party).

by Ministry of Housing, Communities and Local Government on the 30 July 2024 (**CD12.43**). Under the current method Wyre Forest District Council has an annual housing target of 211, whereas the revised method seeks to increase this to 617 dwellings per annum (dpa) (Figures taken from **CD12.43**). More widely within Worcestershire, there is an increase to each local planning authorities housing need:

- Bromsgrove – Increase from 386 to 704 dpa (Figures taken from **CD12.43**);
- Malvern Hills – Increase from 588² to 609 dpa;
- Redditch – Increase from 143 to 489 dpa (Figures taken from **CD12.43**);
- Worcester – Increase from 261³ to 584 dpa; and,
- Wychavon – Increase from 463⁴ to 959 dpa.

6.2.12 Overall, within the West Midlands, there is a total increase from 24,734 dpa in the current methodology, to 31,754 dpa in the revised methodology. Whilst this revised methodology is not yet in force and is subject to consultation, it is a material consideration of some weight, particularly as it is supported by the direction of travel set out in the Written Ministerial Statement (**CD12.35**) (which is not subject to consultation).

Productive Capacity

6.2.13 A further point to note is the difference between sales figures / annual apportionment with actual productive capacity. For both 2021 and 2022, the higher sales figures experienced in these years reflects the fact that there were four active sites during these years as opposed to three active sites in the five years prior (Table 2 of LAA). This demonstrates how sales figures are more representative of productive capacity.

6.2.14 Productive capacity is therefore reflective of the number of permitted quarries and their respective annual outputs. Paragraph 2.8 of the revised MWSocG (**rID8**) sets out the agreed quarries which form the permitted mineral reserve within Worcestershire. It is acknowledged in paragraph 2.7 of **rID8** that Wilden Lane Quarry was permitted since the data included within the LAA 2022, however the mineral extraction was confirmed by the applicant to have been completed and therefore the mineral at

² Calculated from Table 4b(ii) of the South Worcestershire Development Plan (**CD11.09**) and **CD12.43**

³ Calculated from Table 4b(ii) of **CD11.09** and **CD12.43**

⁴ Calculated from Table 4b(ii) of **CD11.09** and **CD12.43**

Wilden Lane was not factored into the permitted reserve figure. In addition to Wilden Lane, Pinches 4 Quarry was granted permission on 1st October 2024 (19/000056/CM).

6.2.15 The permitted quarries have the following permitted annual output levels:

- Chadwich Lane Quarry – ~100,000tpa (18/000036/CM);
- Wildmoor Quarry – ~150,000tpa (21/000043/SCO);
- Clifton Quarry – ~200,000tpa (15/000006/CM);
- Ryall North Quarry – ~300,000tpa (20/000009/CM);
- Bow Farm Quarry – ~250,000tpa (19/000048/CM);
- Sandy Lane Quarry - ~82,000tpa (21/000029/CM); and
- Pinches 4 Quarry - ~150,000tpa (19/000056/CM).

6.2.16 This provides a total potential productive capacity of ~1,232,000 tonnes per annum, were all quarries to operate to full capacity.

6.2.17 This is caveated however by the fact the quality of the fine sand permitted at Sandy Lane Quarry is found to not be suitable for either mortar or concrete manufacturing. As a result, the operator (Appellant) intends to operate the site solely for infilling without the extraction. As a result the 250,000t permitted, ~82,000tpa, should be removed from the permitted reserve figures. Resultingly, the total potential productive capacity equates to ~1,150,000 tonnes per annum.

6.2.18 Table 2 of the revised MWSocG (rID8) sets out the productive capacity of each permitted quarry within Worcestershire, along with their cessation dates. This is reproduced as Table 6.1 below, and it also accounts for the removal of Sandy Lane Quarry mineral:

Table 6.1 – 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	-	-	Removed from consideration as mineral not to be worked.
Wilden Lane Quarry	-	-	Not considered as although it was permitted in 2024 the mineral was already exhausted
Pinches 4 Quarry	150,000	~2034	Committee Report (CD12.40) states that extraction anticipated to commence in 2025 for a period of 9 years. Condition 3 requires all mineral and restoration by importation with inert materials to cease by 31 December 2038

6.2.19 Table 6.1 demonstrates the productive capacity of 1,150,000tpa, however it also identifies that by 2026 Ryall Quarry's 300,000tpa will be removed from the supply. Additionally, it has been demonstrated that Wildmoor Quarry has less than 2 years of extraction remaining at full capacity. Therefore, a combined productive capacity of 450,000 tonnes will be removed from the market by 2026, which equates to **39%** of total supply.

6.2.20 This demonstrates the volatility of the productive capacity and therefore the need to permit additional sand and gravel sites to ensure continuation of adequate mineral sales to meet demand. Lea Castle Farm presents the opportunity to contribute towards that lost capacity, by releasing ~300,000tpa for 10 years.

Updated Landbank Position

6.2.21 Whilst the LAA discussed within this Proof of Evidence is the most recent published position of Worcestershire County Council, it is based on data from over 21 months ago (i.e. the period up to 31/12/22 – **CD11.08**). As a result, the landbank figure is outdated. As stated in paragraph 2.7 of the revised MWSocG (**rID8**), Wilden Lane Quarry and Pinches 4 Quarry are the only sand and gravel permissions since the LAA data. It is accepted that due to the Wilden Lane already being worked there is no additional mineral to contribute to the permitted reserve / landbank. Pinches 4 Quarry is a recent permission, anticipated to release mineral from 2025. Also, as referenced in paragraph 6.2.17 above, Sandy Lane Quarry sand is not of sufficient quality to make mineral extraction viable and therefore we suggest that this be removed from landbank considerations.

6.2.22 The landbank position as of 31st December 2023 was agreed within the revised MWSocG (**rID8**) (Table 1) achieving a figure of 6.59 years. It is therefore agreed that Worcestershire County Council **cannot** demonstrate a 7-year landbank in accordance with NPPF requirements.

6.2.23 Further to this, I suggest that a more up-to-date figure for landbank could be presented by calculating the position up to 30th September 2024. Table 6.2 below calculates this figure (utilising the LAA annual apportionment of 0.667mtpa for consistency):

Table 6.2 – Calculation of Worcestershire Sand and Gravel Landbank as of 30th September 2024

Permitted mineral reserves as of 31 st December 2022 (as stated within the LAA)	5.06mt
Removal of Sandy Lane mineral from reserve	- 0.25mt
Extraction for 2023 – Utilising Annual Apportionment	- 0.667mt
Extraction for 2024 up to 30 th September – Pro rata of Annual Apportionment	- 0.500mt
Pinches 4 Quarry (Granted 1 st October 2024)	0.850mt
Total permitted mineral reserves as of 30th September 2024	4.493mt
Landbank as of 30th September 2024	6.73 years

6.2.24 As of the 30th September 2024, the calculated sand and gravel landbank for

Worcestershire is 6.73 years, even with the Council's updated lower annual apportionment, and the recently approved 850,000 tonnes at Pinches 4 Quarry.

- 6.2.25 It was agreed at paragraph 2.13 of the revised MWSoCG (**rID8**) that there are two currently undetermined planning applications, Ripple East Quarry and Uckinghall Quarry).
- 6.2.26 If the remaining planning applications are permitted, they would release ~1,230,000t of sand and gravel and increase the landbank by approximately 1.84 years. Combined with the landbank figure of 6.73 years (as of 30th September 2024), this would result in a landbank above that required of 7 years (~8.57 years). However, it should be noted that sales of sand and gravel would continue until the aforementioned applications are potentially permitted and become operational (which could be over 3-4 years away for Land at Uckinghall based on timescales for the determination of other active planning applications i.e. 3-4 years), so the landbank would likely be less than the required landbank of at least 7 years.
- 6.2.27 Whilst there is demonstrable potential for an additional 1.84 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. The recently permitted Pinches 4 Quarry took four years to be determined, and at this stage Ripple East has been undetermined for 2 years, therefore it is not possible to state with confidence when the site may progress.
- 6.2.28 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**).
- 6.2.29 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.
- 6.2.30 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.

6.2.31 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.

6.2.32 These factors combine to show a compelling case on need for the appeal site now.

6.3 Lea Castle Farm Mineral Qualities

6.3.1 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).

6.3.2 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.

6.3.3 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.

6.3.4 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.

6.3.5 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.

6.4 Conclusions

- 6.4.1 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"*.
- 6.4.2 It is agreed with the Council that 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. 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.
- 6.4.3 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)"*.
- 6.4.4 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..."*.
- 6.4.5 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.
- 6.4.6 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.

- 6.4.7 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.

7 The Need for Inert Waste Disposal

7.1 Introduction

- 7.1.1 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. The imported inert material would consist of clean excavated materials consisting of clays, overburden and soil making material.
- 7.1.2 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.

7.2 Policy Context

- 7.2.1 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"*.
- 7.2.2 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”*.

7.3 Restoration Scheme

- 7.3.1 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.
- 7.3.2 An Environmental Permit will need to be secured from the EA for the importation of inert waste and it is noted that the Inspector enquired about the Environmental permit situation at the Case Management Conference. In response to this and attached at **Appendix 3** is a letter submitted on behalf of the Appellants which provides reassurance from the Appellant that in the experience of the company, there is no reason why the necessary permits would not be able to be obtained for this site.
- 7.3.3 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.

7.4 Locational and Sustainability Benefits

- 7.4.1 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.

- 7.4.2 Furthermore, the site is ideally geographically located to support growth/development in north Worcestershire and the West Midlands. 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. Further review of major projects and future demand is included within Section 7.6 below.
- 7.4.3 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.
- 7.4.4 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, as agreed within the revised MWSocG (rID8) at paragraph 3.14, 60,000m³ per annum could be redirected from Meriden Quarry to Lea Castle Farm to enable restoration if required.
- 7.4.5 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.
- 7.4.6 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.

7.5 Current Inert Waste Capacity within Worcestershire

- 7.5.1 It is agreed within the revised MWSocG (rID8), at paragraph 3.3, that there are only two sites within Worcestershire accepting inert waste, as published by the 2023 Environment Agency (EA) Waste Data Interrogator (WDI). These sites' (Summerway Landfill and Weights Farm landfill) remaining capacity at the end of 2022 was also agreed at paragraph 3.5 of the revised MWSocG (rID8).
- 7.5.2 The WDI identifies that the inert waste capacity within Worcestershire as of 2023 is 786,000m³, a decrease from the 2022 figure of 1,414,000m³, and is more reflective of the 2021 figure of 875,000m³. It was confirmed by the Council that 2022 figure was due to a re-evaluation of the void at Summerway landfill site, however it is noted that the figures reported to the Environment Agency for 2023 have reduced this figure back in line with previously reported capacity.
- 7.5.3 In terms of Summerway, the EA WDI sets out that as of 2023 the site received 108,591 tonnes of inert waste, however, the landfill also exported 106,131 tonnes of inert waste. On review of the planning history of the site, it appears that the operations involve recycling of soils and the importation and stockpiling of hardcore and road planings for off-site distribution. It is confirmed by the operator as part of extant permission 19/000005/CM that ~34,000t of inert waste material (~23,000m³) has been landfilled since 2016 (period 3 years) and it is estimated to take ~15 years to complete the landfill operations. This site therefore provides little productive capacity for disposal of inert waste.
- 7.5.4 In terms of Weights Farm, this site operates as a Material Reclamation Facility and received 6,508 tonnes of inert waste and 3,826 tonnes of inert municipal waste in 2023 and therefore only has a minimal productive capacity contribution to the landfill capacity in Worcestershire.
- 7.5.5 Therefore, based on the above, it appears that the two remaining currently EA permitted sites have very limited capacity. It is acknowledged, as agreed within paragraphs 3.7 to 3.13 of the revised MWSocG (rID8), that Sandy Lane Quarry, Chadwich Lane Quarry, Bow Lane Quarry and Pinches 4 Quarry have received planning permission for restoration through the importation of inert waste, however, it is understood that EA permits have yet to be secured. Nevertheless, it is agreed at paragraph 3.21 of the revised MWSocG (rID8) that, with regard to permitted void space

in Worcestershire - *“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”.*

- 7.5.6 Furthermore, it is a ‘Matter of Disagreement’ whether Hill and Moor Landfill and Hartlebury Landfill sites contribute to the Worcestershire Inert Waste Capacity. In my opinion, they do not contribute to the inert waste capacity as they do not benefit from an EA Permit for waste code L05: Inert Landfill. Rather, Hill and Moor Landfill is permitted for L02: Non Hazardous (Stable Non-reactive hazardous waste) Landfill, and Hartlebury Landfill is permitted for L04: Non Hazardous Landfill. As such, they do not contribute to inert capacity.

7.6 Major Projects and Future Demand

- 7.6.1 As set out in the submitted Planning Statement (**CD1.02**) and section 7.4 above, the site is ideally suited to help support growth in respect of the provision of minerals and the importation of inert waste associated with Lea Castle village. Large quantities of soils and clays will arise from this large scale scheme and the potential transport to and use of this material in the Appeal restoration scheme, aligns with the ethos of achieving sustainable development.
- 7.6.2 As stated within paragraph 6.2.11 above, the revised Standard Methodology published by Ministry of Housing, Communities and Local Government on the 30 July 2024 (**CD12.43**) will result in an increased housing requirement across the Worcestershire authorities and the wider West Midlands conurbation. In turn, this will result in an increase in construction, demolition and excavation waste (inert) which will require productive capacity to deal with. Lea Castle Farm provides a sustainable destination for waste and is strategically located within Wyre Forest’s largest settlement (Kidderminster) which is likely to accommodate the largest amount of growth within the authority area
- 7.6.3 There are also a number of permitted major construction projects or developments within the West Midlands. These include the West Midlands Interchange, M54 & M6 Link Road and Willington C Gas Pipeline. Additionally, the M5 Junction 10 Improvement Scheme is currently at Examination.

- 7.6.4 These major projects, in addition to planned large scale development within Worcestershire and wider West Midlands Local Planning Authority Local Development Plans demonstrate potential for large quantities of inert waste to require managing.

7.7 Conclusions

- 7.7.1 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.
- 7.7.2 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. This will likely be increased further by the Government's recently published revised Standard Methodology (CD12.43) which sees an increase in the number of dwellings per annum required for delivery in each of the Worcestershire Local Planning Authority.
- 7.7.3 Whilst there is inert waste void space available within Worcestershire, it is demonstrated that this is at a lower quantity than was planned for within the WCS. Additionally, the productive capacity of the available inert landfill sites within Worcestershire is demonstrably small annual rate, for which could be increased through permitting the development at Lea Castle Farm.
- 7.7.4 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.
- 7.7.5 Furthermore, as set out above, in the unlikely event that market demand was slow, inert fill could be diverted from the Appellant's consented Meriden and Saredon sites.

8 The effects of the proposed development on Public Rights of Way and Access

- 8.1.1 The Appellant accepts that the current PRoW network that crosses the appeal site provide an important recreational facility for the local community as well as providing a direct route between Cookley and Wolverley.
- 8.1.2 The proposed development will not lead to a loss of accessibility as the public rights of way remain useable, albeit that there will be some minor diversions for relatively short periods of time. Even so, the scheme would render some of the local PRoW network less attractive whilst the site is being worked as a consequence of the proximity of some of the screening bunds which would cause the loss of some views along walking routes. However, the phased working means that only short sections of the PRoW network would be impacted at any given time.
- 8.1.3 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. The new sections of PROW will be multi use providing specific access for bridleway, cycleway and footpaths, helping to connect local residents to the wider PROW network.
- 8.1.4 The proposed additions to the PRoW network during the initial works and on restoration would be mostly permanent and beneficial in terms of providing some more routes for users.
- 8.1.5 The County Footpath Officer has no objections to the proposal, subject to the applicant adhering to their obligations to the public rights of way.
- 8.1.6 Furthermore, the British Horse Society raised no objections to the proposal, subject to all footpaths within the site being upgraded to public bridleways, the legal status and maintenance responsibility for the proposed additional routes is confirmed, and the surface and dimension standards on the upgraded and additional routes are as required for public bridleways. Their objection related to the removal of the originally proposed upgrade of footpath WC-623 to a public bridleway. They stated that they were not objecting to the proposed quarry development but considered that the originally

proposed upgrade to footpath WC-623 was a key element of their initial discussions with the applicant because it would deliver the benefit to riders of an access point on the western side of the site via Lea Lane. The proposed upgrade was revised following advice from the Council's public rights of way team.

8.1.7 Having been notified of the original appeal, BHS provided an additional consultation response which amended their position, including the following, *"the BHS does not support the proposals but seeks to make constructive comments in this case to mitigate the impact on equestrian access should the planning application be granted"*.

8.1.8 The BHS have subsequently commented in respect to the notification of this appeal redetermination (comments dated 20 May 2024). They state that they have revisited the site to understand objections from local equestrians. They then set out comment on the proposal. However, the BHS still do not raise any material objections to the proposed development.

8.1.9 In terms of the comments raised by the BHS, I set out below comments to each point raised:

- How will the design protect and enhance the existing public highways including PRoW and additional PRoW and ensure they remain accessible during the project lifetime?
 - In terms of ensuring they remain accessible during the project lifetime, details regarding the design, maintenance, management, surfacing, width etc will have to be submitted and approved by the Council under proposed condition 20 of the **Revised Schedule of Planning Conditions** for the original and amended appeal scheme (**rID9 & rID10**), which sets out the following provisions:

"Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a scheme and programme for the proposed and upgraded public rights of way intended to be adopted and proposed new bridleways intended to be permissive, as shown on drawing: L & R Figure 5A, Ref: KD.LCF.026A titled: 'Current & Proposed Public Rights of Way', dated July 2021, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme shall provide for the proposed and upgraded public rights of

way intended to be adopted and proposed new bridleways intended to be permissive, to be constructed to bridleway adoptable standards and shall include details of:

- i. the alignment and width of the proposed and upgraded public rights of way intended to be adopted and proposed new bridleways intended to be permissive;*
- ii. surfacing materials;*
- iii. drainage provision;*
- iv. details of any gates, fences or barriers;*
- v. maintenance arrangements;*
- vi. timetable for their implementation.*

Thereafter, the routes shall be provided and maintained in accordance with the approved details. All proposed new public rights of way intended to be adopted or proposed new bridleways intended to be permissive shall be provided as permissive routes and shall remain in situ and available for public use until such a time that a Certificate of Completion under Section 25 Agreement has been issued and the Definitive Map routes have been dedicated.”

- In terms of design and specifically the conveyor (and associated motor), this would be a constant non-fluctuating mechanical noise source and should not normally generate sudden / loud noises that might be expected to startle the horse or other animals on the PROW. Furthermore, the conveyor would be set on rubber anti-vibration brackets to prevent any vibration that could startle horses.
- The horse and rider would be exposed to the greatest noise from the conveyor when they were closest to it. The conveyor noise level would reduce rapidly as the distance between the conveyor and the rider/horse increases. The BHS advice for Access and Rights of Way document dated November 2022 gives some guidance on a horses response to noise, including the following:

“Considering how similar a noise may be to a natural predator is a useful guide to whether a horse will be troubled by it. A quiet rustling is likely to have greater impact than a high speed train because the former could easily be associated with a predatory animal moving into position to attack whereas a train is a continuous steady loud noise which is not clearly a predator; it can be heard from far away and the majority of horses these days have been exposed to and accepted commonly occurring mechanical noises from their birth. There are many situations of horses unperturbed by trains or motor traffic, even for the first time, in fields or on bridleways alongside a railway or motorway. Because a human hears a sound, it is often assumed that this is what is troubling a horse, but the horse may have heard that sound long before and already dismissed it as not a threat, but could be reacting to a sound or movement that a human has not seen, possibly even behind it.”

- It should be noted that the County Footpath Officer considered that the additional information submitted as part of the Regulation 25 Submission (October 2020) with regard to the conveyor crossing is reasonable.
- Will proposed community benefits mitigate the impact of the quarry?
 - There are no anticipated adverse impacts to the community’s use of the site during the operation of the proposed quarry. As stated previously, no PRoW will be closed as a result of the proposals, instead temporary diversions will be brought into place at appropriate times in accordance with site phasing. There will be community benefit from the Initial Works stage of the proposals with the introduction of the 2.3km of new PRoW (bridleway standard) to the perimeter of the site which will result in increased public access across the land. This will be increased further post restoration with the additional 0.4km of PRoW (bridleway standard) to be introduced as part of final restoration works.
 - In terms of maintenance and improvement of the PRoW network during the lifetime of the project, as set out above, details regarding the maintenance, management, surfacing, width etc will have to be

submitted and approved by the Council under proposed condition 20 of the Revised Schedule of Planning Conditions (**rID9 & rID10**).

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

9.1.1 I recognise that the original appeal and the revised scheme have 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 these 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.

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 reviews the concerns raised by the Rule 6 Party STQC in its Revised Statement of Case (**CD13.30**) 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.

The STQC Claims its current SoC relating to highways matters, to some extent reflect those previously raised for the Quashed Appeal, although they are now less extensive than were historically raised. I presume this is because the responses to the points now omitted addressed STQC's previous concerns.

For the avoidance of doubt, Appendix JPH-A contains the specific points raised by STQC in its earlier SoC and my responses to them, whilst Appendix JPH-B contains a letter in response to highway points made by Andrew Webber after I had appeared at the

previous Inquiry, which the Inspector requested be responded to in writing, rather than me being recalled to give further evidence in chief.

By cross-referencing the technical information considered at the planning application documents and Appendices, it is apparent that STQC's highway concerns can be addressed through normal planning conditions and obligations.

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 invite the Inspector to agree 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, I consider that it has been demonstrated that the proposed operations would not lead to an unacceptable impact on highways.

Impact on Ecology and Wildlife

9.1.11 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 Ecology Update (rID5) has been carried out by Ms Rhia McBain, 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.

9.1.14 As part of this Appeal, an updated quantitative assessment of biodiversity impacts was undertaken. The outputs of the updated Biodiversity Metric are set out in the agreed Biodiversity SoCG (rID5). The outputs of the updated Biodiversity Metric are summarised below:

HABITATS:

- Existing Baseline = 110.96 Biodiversity Units
- On-site Post-Intervention = 193.24 Biodiversity Units
- Total Net Unit Change (B-A) = +782.28 Gain of Biodiversity Units

HEDGEROWS:

- Existing Baseline = 1.72 Hedgerow units
- On-site Post-Intervention = 6.88 Hedgerow Units
- Total Net Unit Change (B-A) = +5.16 Gain of Hedgerow Units

- 9.1.15 The Biodiversity Metric demonstrates the proposed scheme will deliver a likely substantial net gain for biodiversity of +74.16% BU for habitats, and +300.93% HU for hedgerows. The significant net gains in biodiversity both with regard to hedgerows, habitats and the species they support greatly exceed the applicable policy requirement (which is merely that there should be positive net gains of no specified degree – para 180(d) , NPPF 2023). They also greatly exceed the legal minimum of 10% net gain that is now required for current planning applications by the Environment Act 2021, even though that requirement does not apply to this planning application.
- 9.1.16 This significant ‘likely’ net gain is due to areas of low distinctiveness arable land, modified grassland, scrub and tall forbs being replaced by high distinctiveness acid grassland, woodland, waterbodies and the planting of scattered trees.
- 9.1.17 The Statutory Metric has also been used to create separate BNG assessments for each phase of the works, whilst it is not a legal or policy requirement for each stage to have a net gain, this Phased BNG allows the net gains/losses to be evaluated throughout the works.
- 9.1.18 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.
- 9.1.19 The two veteran trees that form irreplaceable habitats have been retained and RPA protection will be implemented at all times during works including restoration and ecological enhancement works. The Appellant has also designed the scheme so that

some planting will occur 2 years in advance giving wider connectivity and habitats availability across the site.

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.) throughout each phase of works.

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, 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 that 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, in addition to the harm caused by inappropriateness, VSC would 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, Mr Robert Sutton and Ms Rhia Mc Bain, 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 and the category of 'any other harm' only attracts limited weight. As such I conclude that the Appeal Scheme does not give rise to 'any other harm' (NPPF, 153). It is acknowledged that heritage harm has to be accorded considerable importance and weight but given the degree of harm is low, it is outweighed by the public benefits of the proposal in its own right and is not of major significance in the planning balance.
- 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 constitute the benefits capable of amounting to VSC:

- The need for the proposed development with particular regard to the landbank position for sand and gravel;
- Environmental, Sustainability and Climate Change 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 6 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 as of the 31st December 2023, 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. 217 of the NPPF is unequivocal: ‘great weight should be given to the benefits of mineral extraction, including to the economy’.

10.3 Environmental, Sustainability and Climate Change 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 reduce the carbon emissions of transportation; 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, again reducing carbon emissions..

10.3.2 Further to the above, as part of the revised scheme, a Climate Change Assessment was carried out and forms chapter 8 of the ES Addendum (**CD15.01**). The results of the carbon assessment, defining the baseline and estimating future GHG emissions, found that the impact of future operations on GHG emissions at the site has a minor to moderate beneficial significant impact, compared to the mineral industry benchmark for sand and gravel extraction.

10.3.3 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. 85) 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. This commitment has been continued by the new Labour Government as outlined in the July 2024 Written Ministerial Statement (CD12.35) and the consultation draft NPPF, which are material considerations as set out in the revised SoCG (rID2).

10.4.5 In terms of the Written Ministerial Statement (CD12.35), this is organised into seven sections – Restoring and Raising Housing Targets, Building in the Right Places, Moving to Strategic Planning, Delivering More Affordable Housing, Building Infrastructure to Grow the Economy, Supportive Local Planning & First Step of a Bigger Plan. Relevant to the Appeal Proposals are:

- Central Government’s commitment to build 1.5 million homes over the next five years, including *“mandating that the standard methodology is used as the basis for determining local authorities housing requirements in all circumstances”*. This involves an updated standard methodology and *“raising the overall level of these targets – from around 300,000 to approximately 370,000”*. The *“approach means that there is no need for any artificial caps or uplifts”* as they are reflective of local needs and the way towns and cities actually work.

10.4.6 With regards the draft NPPF, this was accompanied by an updated ‘Standard Methodology’ for calculating housing need for Local Authorities. The existing Standard Methodology requires 305,223 dwellings per annum across Local Authorities, whereas the revised Standard Methodology requires an increased delivery to 371,541 dwellings per annum. A total increase of 66,318 dwellings per annum.

The Appellant and economic considerations

10.4.7 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.

10.4.8 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.

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

10.4.10 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.”

10.4.11 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.

10.4.12 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.

10.4.13 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.

10.4.14 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.

10.4.15 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.

10.4.16 In terms of economic benefits, the previous Inspector for the last appeal considered that economic benefits of the proposed development, including the provision of a minimum of 11 full time jobs, would make a modest contribution to the local economy and should be awarded moderate weight. However, this is contrary to the NPPF, which sets out at paragraph 217 sets out that ‘great weight’ should be attached to the benefits of mineral extraction, including the economy. 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 vision for the progressive restoration of the site is ‘to create a high-quality 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. It is hoped that the development will create and enhance benefits and create opportunities for health and wellbeing, biodiversity and social enjoyment in the long-term.

10.5.2 The specific objectives of the proposed restoration strategy and how they will be achieved are outlined below:

	Objectives	To be achieved by
1.	To increase public access	Provision of 2km of new public footpaths/bridleways and cycleways
2.	Creation of estate parkland setting	Planting of ~200 Avenue Trees to reflect the original Lea Castle parkland. Planting of ~8,500 native and parkland trees and shrubs to reflect the original Lea Castle Parkland

3.	Provision of educational resources	Creation of pocket parks notice boards in respect of the previous site history and new biodiversity initiatives. Raising awareness of sustainability link between natural assets
4.	To maximise the on-site soil resources	All areas of Best and Most Versatile soil(s) local characteristics to be restored
5.	To create new habitat and promote biodiversity	Planting of ~6,000 natural and parkland trees and shrubs including woodland fringe, woodland and strengthening and planting of ~1018 Linear metres new hedgerows. Sowing of ~5 hectares of Acidic Species Rich Meadow (a target biodiversity action plan species)
6.	To meet guidelines and outcomes of the Worcestershire Green Infrastructure Strategy	Delivering Green Infrastructure through mineral extraction and restoration
7.	Connectivity	Creating new links and integration between and for local communities and wildlife matrixes and corridors e.g. new public right of way link from Cookley to the proposed Lea Castle village (on the old Lea Castle Hospital Site) on east west routes to the Stour/ Worcestershire and Staffordshire Canal Corridor south to Kidderminster and to the north
8.	To ensure the restoration proposals are managed and maintained in perpetuity	Legally establish the permanent restoration scheme land uses and right of access along with a sustainable management plan

10.5.3 The restoration scheme has been designed in a sensitive manner, taking into account the social and heritage aspects of the area, the policy statements in Worcestershire Minerals Local Plan (adopted July 2022) but also focussing on creating good quality habitats for the local residents to enjoy and also to encourage the use of the site by a broad range of native species, it also allows for the removal of invasive, non-native species from the site.

10.5.4 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.

- 10.5.5 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.
- 10.5.6 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).
- 10.5.7 As discussed in section 9 of this Proof, as part of the preparation for the redetermination Inquiry, an updated quantitative assessment of biodiversity impacts was undertaken. The outputs of the updated Biodiversity Metric are set out in the agreed Biodiversity SoCG (**rID5**). The Biodiversity Metric demonstrates the proposed scheme will deliver a likely substantial net gain for biodiversity of **+74.16% BU** for habitats, and **+300.93% HU** for hedgerows.
- 10.5.8 The significant net gains in biodiversity both with regard to hedgerows, habitats and the species they support greatly exceed the applicable policy requirement (which is merely that there should be positive net gains of no specified degree – para 180(d) , NPPF 2023). They also greatly exceed the legal minimum of 10% net gain that is now required for current planning applications by the Environment Act 2021, even though that requirement does not apply to this planning application.
- 10.5.9 Furthermore, in terms of the restoration scheme, the previous Inspector did not go into any detail in respect of the high quality habitats that would be created and how the specification is informed by objectives in the Minerals Plan . This specifically relates to the restoration and management of Acidic Species Rich Grassland that is not only a County Target Habitat but also a National Target Habitat.
- 10.5.10 In light of this and asset out in the Agreed Biodiversity SoCG (**rID5**), the Appellant and LPA agree that the very significant biodiversity net gains that will be achieved by the

proposed development should attract significant positive weight in the planning balance.

10.5.11 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.

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

10.5.13 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.153)).

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 the case of the proposed development at Lea Castle, whilst there would be some minor temporary adverse effects on openness from the operational phase of the quarry, noting that Phases 1-3 would be extracted and restored within 4 years. Temporary increases in quarry traffic would not have a significant impact on local roads and vehicle movements within the site would be largely screened from view by the bunds. At all times public access would be maintained across the Site. The Site would remain in the Green Belt and the residual landscape would be significantly enhanced to more closely reflect the historic landscape parkland of Lea Castle than the existing landscape, with significantly improved biodiversity.

11.1.3 In view of the above, I consider that the Proposed Development (whether considered as originally submitted, or with the proposed revised plant and bunds submitted as part of the amended scheme) 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 at all on openness and no conflict with the purposes of including land within the designation. I consider that the proposal is in line with any typical mineral development in the Green Belt, and therefore that the site should benefit from the exceptions from inappropriateness 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 155, and this proposal should benefit from those exemptions as it comes within the intended scope.

11.1.4 Furthermore, the Appeal Scheme does not significantly affect the purposes of the Green Belt. It does not constitute urban sprawl. Minerals extraction typically takes place in the countryside and even if it were considered ‘encroachment’ (which I do not accept), in this case it is confined and relatively small scale. 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.

11.1.5 In terms of potential harms to residential amenity and local schools, based on the findings of the ES and Addendum 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 217). 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, soils and agricultural land and the water environment. This is corroborated by the findings of the ES.

11.1.7 In terms of heritage matters, I have had regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As set out in the Proof of Evidence of Mr Robert Sutton, *“The temporary and short-term impacts of the Appeal Scheme (extraction works) via changes to the wider former parkland setting will result in less than substantial harm to the Grade II Listed North Lodges and Gateway of Lea Castle. The scale of this harm is very much at the lowest end of the spectrum. Very limited harm would also be occasioned to other proximate non-designated heritage assets associated with the former parkland. However, this harm would be easily outweighed by the*

specific public (heritage) benefits of the Appeal Scheme that would come from the restoration of lost parkland features and enhanced historic landscape character”.

11.1.8 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.

11.1.9 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.

11.1.10 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.

11.1.11 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.

11.1.12 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.

11.1.13 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.

11.1.14 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.

11.1.15 Having regard to the employment of 11 direct employees along with the significant contribution to the local economy, I consider that 'great weight' should be attached in line with NPPF paragraph 217.

11.1.16 In line with the previous Inspector's conclusions at paragraph 194, I consider that the landscape benefits of the scheme should be afforded moderate weight in the planning balance. In terms of the permanent enhancements to the PRoW network, which are beneficial in terms of providing some more routes for users, I consider that should be afforded moderate weight.

11.1.17 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 site provides an opportunity to create a more diverse landscape feature.

11.1.18 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 proposal 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.

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

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

11.1.21 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, it can be therefore be considered to be appropriate development in line with paragraph 155 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. In terms of heritage matters, harm would be easily outweighed by the specific public (heritage) benefits of the Appeal Scheme that would come from the restoration of lost parkland features and enhanced historic landscape character;
 4. Great weight is to be given to the benefits of mineral development;
 5. There is an urgent need for the release of mineral reserves in Worcestershire which the Appeal Scheme would provide;
 6. The site is in a sustainable location to serve mineral and waste needs;
 7. 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.

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

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

Lea Castle Quarry

Site Address: Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire.

Appeal Reference: APP/E1855/W/22/3310099.

Statement of Community Engagement

August / September 2024

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1. Introduction

NRS Aggregates Ltd have Appealed against the refusal of Planning Application 19/000053/CM by Worcestershire County Council for Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement. The application which was submitted to the Council in January 2020 was refused by Worcestershire County Council on 27th May 2022 and an Appeal against the refusal was dismissed on 5th May 2023. This Appeal decision was subsequently quashed following the High Court Judgment issued on 16th November 2023.

Following the quashing of that Appeal decision, the Appeal is now being re-determined. As part of the re-determination, the Appellant is submitting information relating to the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and / or duration of temporary soil storage / screening bunds and minimising the time when quarry operational land is required.

This Statement of Community Engagement sets out the community consultation undertaken by NRS Aggregates Limited with relevant local stakeholders and the wider community, providing an opportunity for them to be actively involved in providing feedback on the proposal. This has been carried out in the spirit of thorough and meaningful consultation (Refer to Appendix 1).

2. Approach to Consultation

Alder Mill Enterprise Limited were appointed to facilitate an inclusive and transparent programme of engagement with stakeholders.

The principles adopted:

- Present the proposals clearly and openly using:
 - Face-to-face discussion;
 - Large-scale printed materials (writing, drawings and diagrams);
 - A slide deck of images and diagrams;
 - A website; and
 - Printed copies and CDs (upon request).
- Engage and involve as many stakeholders as possible using:
 - An accessible online consultation platform (mobile phone, tablet, PC formats);
 - Electronic consultation options (email, letter);
 - Face-to-face consultation events located within the community; and
 - Sign-posting to the Council planning portal.

2.1 Advertisement of Consultation

The face-to-face public consultations on 7th and 21st August 2024 were advertised twice in the Shuttle newspaper which has a circulation of 2,800. It was further advertised on the Wolverley and Cookley Facebook page. It was noted that it was rereferred to on various occasions on the Stop the Quarry Facebook page.

Members of the public were invited to inspect the electronic copies of the further Information online on Worcestershire County Council's Planning website: www.worcestershire.gov.uk/eplanning using application reference: 19/000053/CM, from 5th August 2024 until 6th September 2024. Documents were also able to be viewed at: www.worcestershire.gov.uk/leacastlequarry.

The online consultation website www.leacastlequarry.co.uk was launched on 15 August 2024, which provided the online consultation platform. This closed on the 13th of September 2024. This was advertised within the Shuttle newspaper, on Wolverley and Cookley Facebook and also on the Stop the Quarry Facebook page.

2.2 Face-to-Face Public Consultation Location

The face-to-face public consultation location was chosen to be Wolverley Memorial Hall, Wolverley Road. This is a modern building with good access and well located to the quarry site. Adjacent to the hall is a children's play area where throughout the day people were arriving with their families to carry out various activities. Adjacent to the site there was a licensed premises, and it was noted that during most of the day there were up to 20 cars at various times so there was a good cross-section of people able to access the consultation. Part of the hall is used as a community café, and this was felt to be an asset to people attending the consultation.

The hall was open on 7th August and 21st August 2024 from 1 o'clock until 7 o'clock on each day of the face-to-face public consultation. The hall was laid out with large-scale printed boards to illustrate the original scheme. These were followed on by large-scale print-outs with the proposed changes showing the new drawings and written descriptions. These were available for people to view and if required, to take them away. This information contained the changes proposed to the soil bunds and timing of their placement, and the changes to the height and the size of the operational plant.

The two photographs show the arrangement of the Wolverley Memorial Hall.



2.3 Website and Online Consultation Platform

An interactive consultation website www.leacastlequarry.co.uk was provided as a one-stop source of information on the previous and current proposal. The website was designed to be mobile, tablet and PC compatible, to allow those with any internet-access device to participate in the consultation at their convenience.

(Refer to Appendix 4)

The website provided:

- A broad introduction of the planning context, local plan allocation and outline planning consent, current proposal, notice of changes as well as an overview of the reserved matters proposal for the site (Refer to Appendix 5).
- An interactive masterplan of the site with information labels to illustrate various elements of the site layout.
- An opportunity for members of the public to comment on the emerging plans via a step-by-step online questionnaire; and
- An opportunity for members of the public to gain further details or raise questions via an email contact.

3. Key Stakeholder Responses

In response to the consultation, feedback was given by local residents from Wolverley, members of the public of the surrounding areas, the District and Town Councillor, the Development Management Team Manager, the Kidderminster Town Council Counsellor, the Clerk to Wolverley and Cookley Parish Council, and the Member of Stop the Quarry Rule 6 Group.

3.1 Response Geographic data

The following map shows the geographic spread of feedback responses in terms of completed feedback questionnaires, indicating that the majority of responses were from Wolverley and Cookley within the vicinity of the site.

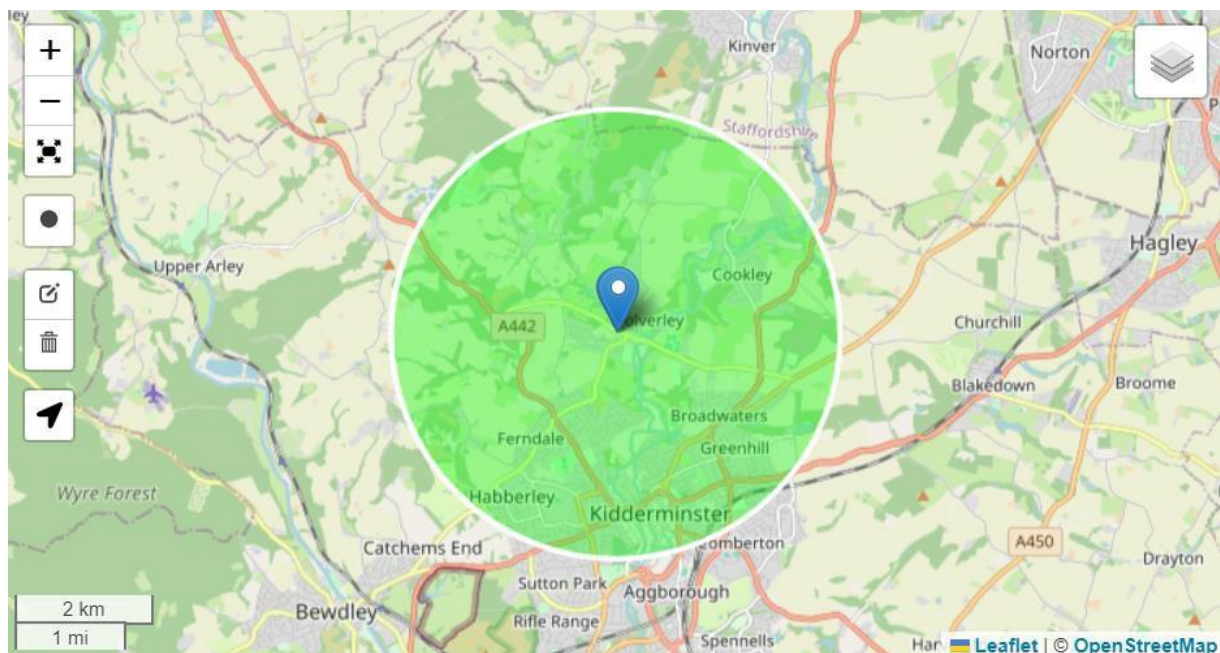


Figure 1 - Map with a 2 miles radius from the Wolverley Memorial Hall

3.2 Face-to-Face Responses

95% of the people attending the face-to-face public consultation had queries and comments and expressed their views. From the discussions with the people attending the first meeting on 7th August 2024, only one person expressed the view that they would give consideration to the changes. All the others were against the proposals.

At the second consultation on 21st August 2024, two people were supportive. One other person advised that it was his view it would not affect him. The remainder were against the proposals.

On the 7th of August 2024, 89 people attended the consultation and on 21st August 2024, 29 people attended. The total number of participants was 118. However, out of the 118 participants there were only 13 participants completed the forms.

The Stop the Quarry campaigners were outside the hall handing out leaflets to any attendees seeking their support.

3.3 Online Responses

Additionally, of the participants who accessed the social networks and online platform, only six (6) individuals submitted the consultation form online. Despite the website receiving over 100 visitors.

Consequently, when comparing the gathered data to the overall population, the response rate was significantly low.

(Refer to Appendix 6)

3.4 Email and Letter Responses

The following consultation responses were obtained via email and letter to Worcestershire County Council. A summary of consultation responses is provided in Appendix 2.

Email and Letter - Table of Responses

Name of the person	Official body	Position	Type of the correspondence	Date of the original
Mary Rayner	Official	District and Town councillor for Broadwaters	Email with an attachment (Letter)	05/ 09/ 2024
Steven Aldridge	Official	Development Management Team Manager Worcestershire County Council	Email with an attachment	09/ 09/ 2024
Town Clerk	Official	Counsellor Kidderminster Town Council	Email	06/09/2024
Bill Houle	Stop the Quarry Rule 6 Group	Group Member	Email	05/09/2024
Beverley J Drew	Official	Clerk to Wolverley & Cookley Parish Council	Email with an attachment (Letter)	06/09/2024
Karen Baldwin	Resident	-		06/09/2024
Joanna, Ian Phillips	Residents	-	Email	06/09/2024
Gillian Kane	Resident	-	Email	03/09/2024
M McDonald	Resident	-	Email	01/09/2024
Rebecca Hatch	Resident	-	Email	29/09/2024
Malcolm Hazlewood	Resident	-	Email	27/08/2024
John Priest	Resident	-	Email	23/08/2024
Sharron Arens	Resident	-	Email	14/08/2024
Robert Jinks	Resident	-	Email	27/08/2024
Phillip Bentley	Resident	-	Email	22/08/2024

(Refer to Appendix 3)

4. Conclusion

The total residential population of Wolverley and its surrounding areas is approximately 16,477. However, 0.78% (129) of individuals (residents) participated in the combined face-to-face, online, email/letter public consultation process reflecting a notably low response rate.

Five (5) responses were received by officials representing organisations of the area.

Town	Population (As census data 2021)
Wolverley	1210
Cookley	1971
Ferndale	4022
Broadwaters	9274

Population in the areas (citypopulation, 2023)

1 Appendix – Proposal for Consultation

LEA CASTLE FARM

WELCOME

TO THE LEA CASTLE FARM PUBLIC EXHIBITION

Thank you for attending this public exhibition today.

The event has been organised by NRS Aggregates Ltd to share our plans for a new quarry at Lea Castle Farm, Wolverley.

The purpose of the exhibition is to give local people more information on the draft proposals, providing an opportunity for any questions to be answered and to gather your feedback.

ABOUT NRS Aggregates Ltd

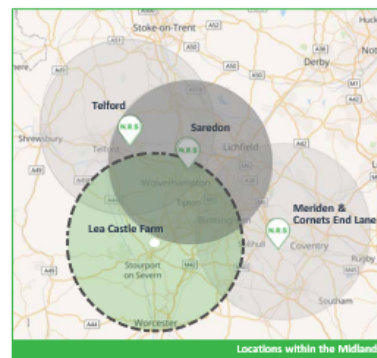
We are a family-run supplier of products and services for the building and construction industry.

The company has over 25 years of operational experience, having grown steadily, we now currently supply over 1 million tonnes of aggregate per annum to our customers.

As can be seen opposite, the Proposed Quarry at Lea Castle Farm would provide a balanced supply source of minerals for NRS, which would help to supply Worcestershire and local markets.

THIS EXHIBITION:

1. Welcome / Details of NRS Aggregates Ltd.
2. Serving the Need for Minerals within Worcestershire
3. Geology & The Block Mineral Extraction Areas
4. Plant Site, Access & Mineral Extraction
5. Initial Works Phase & Phases 1 & 2
6. Phases 3, 4 & 5
7. Concept Restoration



Existing NRS Quarries Proposed Lea Castle Farm



Location of Proposed Application / Lea Castle Farm

OVERVIEW

SERVING THE NEED FOR MINERALS WITHIN WORCESTERSHIRE

Worcestershire County Council (WCC) is the Mineral Planning Authority for making decisions on planning applications for mineral development in Worcestershire. It is also responsible for receiving and assessing potential new sites promoted for mineral extraction within its Development Plan Documents.

WORCESTERSHIRE MINERALS PLAN

The Plan opposite illustrates the location of active sand and gravel quarries, as well as solid sand quarries within the county, together with known promoted sites.

Worcestershire County Council are charged with ensuring a 7-year Land Bank of mineral supply. The current level is below this and it is envisaged that there could be a significant shortfall within the plan period.

Existing sources of sand and gravel are generally located within the south and west of the county.

Minerals have a wide variety of uses, including road building and repairs, infrastructure projects, house building, and leisure and sports purposes (pitches, golf courses). They are a fundamental element in the maintenance of existing and new development.

The closest county sand and gravel quarry to Kidderminster is Clifton Quarry, located circa. 24 miles away. Solid sand / sandstone sources are located and permitted at Wildmoor Quarry, located circa. 10 miles east of Kidderminster.



OVERVIEW

GEOLOGY & THE PROPOSED BLOCK MINERAL EXTRACTION AREAS

The Site has been extensively assessed as to its potential for a mineral resource.

Investigations comprise published geological maps and borehole drilling, combined with both historical drilling results and trial pitting.

The geology comprises both River Terrace Sand and Gravel of the River Severn and weathered Sherwood Sandstone (solid sand). The proposed working resource being ~ 3 million tonnes of Mineral.

The sand and gravel deposit is of brown to orange-brown quartzite sands with fine-to-coarse rounded gravel.

The weathered solid sand is comprised mainly of fine-to-medium grained quartz sand with occasional gravel units present.

It is estimated that within a total extraction area of 26 hectares, there are total potential saleable reserves of 1.57 million tonnes of sand and gravel present, with 1.43 million tonnes of solid sand.

Sand and gravel from this site would be used within mortar, concrete and general building sand, and as a land drainage medium.

Please note that sand and gravel extraction does not involve blasting and is a low-level operation.



On-Site Sand & Gravel



On-Site Solid Sand

THE PROPOSALS

Proposed Mineral Extraction Areas and Land Requirements during the Quarry Operational Period

BLOCK PHASING PLAN

This plan illustrates the proposed limit of mineral extraction and includes the approximate duration of the extraction period/phase:



Not all land is required for mineral extraction at the same time - see drawing opposite.

The quarry would operate between 7:00am and 19:00pm Monday to Friday, and between 8:00am and 13:30pm on Saturday. No Sunday or Bank Holiday working.

Eight full-time jobs will be created, with a further 20 work opportunities, in connection with transportation and employment of local trades.

QUARRY OPERATIONAL LAND REQUIREMENTS

This plan illustrates the actual areas of land that will be required for the quarry plant site and mineral extraction at any one time, during the end of each of the extraction phases.



We will restore the land after each phase of extraction to minimise the amount of land being disturbed at any one time.

HISTORICAL PLANT SITE & ACCESS

SUMMARY OF THE PROPOSALS



PLANT SITE LAYOUT & SECTION

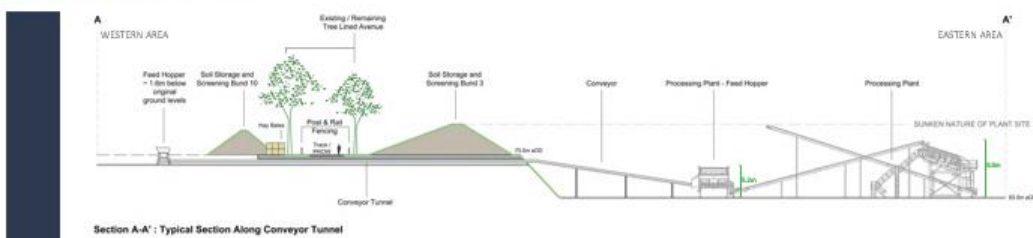
The plan opposite and sections below illustrate the Plant Site area, which will be constructed within the Initial Works Phase of the development. The Plant Site is set a minimum of 7m below existing ground levels. A small section of conveyor would be installed (conveying extracted mineral to the Plant Site from the Western Extraction Area) beneath the existing central access track and public right of way (PROW). Continued access will be maintained.

MINERAL EXTRACTION

Sand is usually extracted and transported by excavators, loading shovels and dump trucks. In some instances, sand can be extracted using a suction dredger, which involves sand being extracted below water level in a lake and pumped in an underground pipeline. However, our proposals for Lea Castle Farm would use the standard extraction method. Crucially, unlike rock quarries, no blasting would be required to extract the mineral.

Once the sand has been extracted, it is washed in the processing plant on-site to remove any clay (silt) and other materials. The sand is then allowed to dry and is stockpiled.

The final products are then loaded on to HGVs and transported to building projects and suppliers across the region.



A new site access will be created on to Wolverley Road. This location has been chosen to meet all highway requirements and health and safety aspects. It will also minimise potential disturbance, being located in close proximity to the plant site. A short section of existing wall will be temporarily removed to allow access and appropriate visibility splays. The wall will be reinstated upon the completion of the quarry.

To control and direct traffic movements from the site, the new access will be designed and maintained to prevent a right-hand turn. All HGVs leaving the site will have to turn left (east) and head towards the Wolverley Road, Wolverhampton Road junction. No HGV traffic would exit the quarry by turning right, towards Wolverley.



HISTORICAL PHASING OF LEA CASTLE FARM

INITIAL WORKS, PHASES 1 & 2 - WORKING & RESTORATION SCHEME

Initial Works

Operations to include:

- Re-establishment of tree avenue planting along Bridleway references FP 62 5(B) and FP 62 6(B)
- Hedgerow and woodland block planting to take place
- Temporary removal of a section of wall adjacent to Wolverley Road / the proposed site access - bricks to be stored for re-use in re-building the wall upon completion of the scheme.
- Soil stripping along the route of the proposed internal access track and the plant site area. Stripped soils to be temporarily stored within bunds to be later utilised for progressive restoration. Bunds seeded with floristic meadow mix and maintained.
- Exposed mineral within the southern area of the plant site is to be removed 'as dug' from the site. The temporary plant site will then be constructed a minimum of 7m below existing ground levels and further screened by a seeded soil bund. The proposed site internal access road will be graded down from the east to the lower plant site level.
- Initial silt and freshwater lagoons will also be created within the plant site.
- New section of Public Right of Way to be established from point A, off public right of way reference (PROW) 62 5(B) to B connecting with PROW ref: 62 2(B). Site-internal (off-road) new path with dedicated crossing over the Site access road.
- Sand and gravel will be extracted from the remainder of the Initial Works area, processed and sold off site.



Phase 1

Operations to include:

- A short section of conveyor tunnel will be installed beneath Footpath ref: FP 62 6(B) to transport 'as dug' mineral from the Western Area of the Site to the plant site.
- Footpath ref: FP62 4(B) will be temporarily diverted, running parallel and ~120m south of its current route. Public and private access will be maintained at all times.
- Soils will be stripped from Phase 1 and used to create soil storage / noise attenuation bunds, seeded and maintained. Straw bales to also be used to help screen a mineral holding area before it is placed in a field hopper and conveyed beneath the access track / Footpath ref: FP62 6(B) to the plant site.
- Mineral conveyed to the plant site will be processed and transported off-site to point of sale.
- During Phase 1, imported restoration material will be placed and utilised to help progressively restored extracted land. Initially in the northern area of Phase 1. Land restored to final formation levels will receive soils stripped directly from the southern area of Phase 1 and Phase 2.
- 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 five years under the monitoring of Worcestershire County Council and other statutory bodies and a proposed Quarry Liaison Group, made up of local residents / parish council representatives. Post five years, the land will be fully managed by the landowner under a long-term management agreement.



Phase 2

Operations to include:

- Placement of temporary Agricultural Straw Bails adjacent to the eastern boundary of Phase 2 to visually screen the extraction area.
- Footpath ref: FP 62 4(B) will be temporarily diverted ~30m north of its original alignment and along the outer side of a temporary soil storage bund to connect to Footpath ref: FP 62 6(B).
- Progressive soil stripping in Phase 2, with soils either being placed directly to restore previously extracted land within Phase 1 along with imported material to create restoration formation levels, or held temporarily in store until formation levels have been created to replace the full soil profile.
- Mineral will be extracted and placed into the western field hopper, where it will be conveyed to the plant site for processing and sale off-site.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.
- All restored land will be placed in aftercare and managed.



HISTORICAL PHASING OF LEA CASTLE FARM

PHASES 3, 4 & 5 - WORKING & RESTORATION SCHEME

Phase 3

Operations to include:

- Progressive soil stripping into Phase 3, with soils either being placed directly to restore previously extracted land within Phase 2 along with imported material used to create restoration formation levels, or held temporarily in store until formation levels have been created before being placed to create the full soil profile.
- Mineral will be extracted and transported to the field hopper and conveyed beneath Footpath ref: FP 62 6(B) to the plant site, where it will be processed and transported off-site to point of sale.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.
- Footpath ref: FP 62 4(B) to be returned to its original route alignment.
- All restored land will be placed in aftercare and managed.



Phase 4

Operations to include:

- Progressive soil stripping to take place within Phase 4, with soils being placed both directly into temporary storage around the periphery of the eastern area of the Site, as well as being placed directly for restoration along the southern boundary of Phase 4 as extraction progresses eastwards within this phase.
- Mineral will be extracted in an easterly direction and transported direct to the plant site area, where it will be processed and transported off-site to point of sale.
- During this phase, restoration will be completed within Phase 3 utilising both temporary stored soils and imported soils and overburden. The field conveyor beneath Footpath ref: FP 62 5(B) will be removed.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.



Phase 5

Operations to include:

- Progressive soil stripping from Phase 5, with soils either being placed directly to restore previously extracted land within Phase 4 along with imported material to create restoration formation levels, or held temporarily in store until formation levels have been created to replace the full soil profile.
- Hedgerow H4 to be planted.
- Mineral will be extracted and transported direct to the plant site area, where it will be processed and transported off-site to point of sale.
- Restored land will be seeded and/or planted in accordance with the Concept Restoration Scheme.



PLANNING NOTICE OF CHANGE

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Submission of Further Information in respect of the Environmental Statement

Appeal by NRS Aggregates Limited

Site Address: **Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire.** Appeal Reference: **APP/E1855/W/22/3310099.**

NRS Aggregates Ltd have Appealed against the refusal of Planning Application **19/000053/CM** by Worcestershire County Council for **Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement.** The application which was submitted to the Council in January 2020 was refused by Worcestershire County Council on 27th May 2022 and an Appeal against the refusal was dismissed on 5th May 2023. This Appeal decision was subsequently quashed following the High Court Judgment issued on 16th November 2023.

Following the quashing of that Appeal decision, the Appeal is now being re-determined. As part of the re-determination, the Appellant is submitting information relating to the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and / or duration of temporary soil storage / screening bunds and minimising the time when quarry operational land is required.

Members of the public may inspect electronic copies of the further Information online on Worcestershire County Council's Planning website: www.worcestershire.gov.uk/eplanning using application reference: 19/000053/CM, from 5th August 2024 until 6th September 2024 (when searching by application reference, please ensure that the full application reference number, including the suffix are entered into the search field). Documents are also able to be viewed at: www.worcestershire.gov.uk/leacastlequarry.

Should you wish to comment on the above planning application / further information, you can send them by email (Email: aldermill@aldermill.co.uk) or post (Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH). Please ensure comments are received before 6th September 2024.

Copies of the Further Information can be obtained from Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH; aldermill@aldermill.co.uk at a cost of £100.00 for a paper copy, or on USB flash drive at a cost of £20.00.

SUMMARY OF CHANGES

This proposes the Draft Updated Phased Working and Progressive Restoration associated with the revised soils placement scheme.

These drawings have been produced to both clarify opportunities for phased restoration minimising, the time when quarry operational land is required and allowing for the reduction in the number, height and / or duration of temporary soil storage / screening bunds.

The ability to make changes emanating from confirmation by NRS (the Applicant and Operator) to change the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme.

The use of the quieter operating plant of ~ 6.334m in height will be located a minimum of 7m below existing ground levels.

On a direct comparison between the originally submitted scheme and the revised scheme, the changes are:

- Reduction in Processing Plant height (from 12m to 6.334m),
- Reduction in Processing Plant footprint (reduced from 2,752m³ to 451m³)
- Reduction in noise levels from the Processing Plant

Quarry plant and infrastructure has evolved over the course of the 5-6 years since the proposed development was first conceived. Whilst this change does not affect the appeal proposal per se, it does enable a change to the mitigation, and particularly to the height and duration of the bunds.

The processing plant as originally proposed is to be located a minimum of 7m below adjacent ground levels and contained, therefore, this new plant would not require the same level of bund placement. Noise calculations indicate that these changes would allow the bunding to be reduced in height to 3 metres apart from in the vicinity of the McDonald's Bungalow, where the bund (Bund 7) will need to be 4 metres between the property and the works in Phase 1 (extraction and infilling).

There will be no change to the overall site Concept Restoration Scheme in respect of levels or landform. The only change in land use associated with the progressive restoration being the placement of a stretch of hedgerow / hedgerow trees adjacent to the eastern margin of Phase 4, which would now take place during the Initial Works Phase (Year 1) as opposed to as part of Final Works (Year 10). There would also be no changes in the length of mineral extraction, its cessation and the final restoration of the site.

SUMMARY OF CHANGES

Table 1 below details the changes made to the previous inquiry scheme.

Phase	Changes	Change Accommodated by:
Initial Works	Bund 3 is to be reduced in height from 6m to 3m in height.	The overburden material which will be no longer stored in Bund 3 will be placed on the internal 1in3 batter slopes within the plant site onto which topsoil will be placed. Land to be seeded and maintained.
	Bund 5, which was to be located within the northern area of the plant site for the full duration of the scheme (10 years) is now not required until Phase 4 / 5 and is only required for approximately 5 years.	This bund was proposed for overburden storage. This material will now be placed for long term temporary restoration around the internal batter slopes of the plant site. Topsoiled, seeded and maintained.
	Bund 6 is no longer required. This 'bund' related to the spreading of topsoil on to the Phase 4 area to then to be used to restore Phase 5 / Final Restoration is not required.	This placement area was required for topsoil. These soils are to be placed on the internal Plant Site batter slopes, seeded and maintained as long term temporary restoration.
Phase 1	Bund 7 which is to be located along the eastern boundary of Phase 1 is to be reduced in height from 6m to 3m.	The reduction in the volume of soils materials required to create this temporary bund will be achieved by the progressive stripping and restoration of Phase 1, leaving additional soils in place until direct placement of materials is proposed. Changes in the distribution of overburden and subsoils between Bund 7 and 8 has enabled this.
	Bund 11 is no longer required.	The reason for this is the revised scheme's proposal for progressive soil stripping to allow direct placement of this material for restoration.
Phase 2	No Changes to Bund Profiles	
Phase 3	Bund 13 to be reduced in height from 4m to 3m.	The reduction in the volume of soils materials required to create this temporary bund will be achieved by the progressive stripping and restoration of Phase 3, leaving additional soils in place until direct placement of materials is proposed.
	Bund 14 to be reduced in height from 4m to 3m.	
	Bund 16 to be reduced in height from 4m to 3m.	
Phase 4	Bund 17 - No Change to Bund Profile.	Now that this bund is no longer required, the former subsoil storage volumes can be stripped and directly placed for progressive restoration within Phase 4.
	Bund 18 will no longer be required.	
	Bund 19 is to be reduced in height from 4m to 3m.	Minor variations proposed to bund footprint to allow for storage of soils at 3m in height.
	Bund 20 - No Change to Bund Profile.	Note. This bund is proposed to be formed on to the base of extraction of Phase 4.
NO FURTHER BUNDS ARE REQUIRED FROM THIS STAGE – DIRECT PLACEMENT AND / OR THE RELEASE OF SOILS PREVIOUSLY HELD IN BUND TO BE UTILISED TO ACHIEVE FINAL RESTORATION		
Phase 5	No Change	

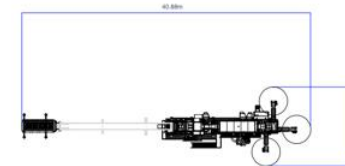


PROPOSED PLANT SITE

SUMMARY OF THE PROPOSALS



FOOTPRINT



ELEVATION - SIDE



Plant Site - Footprint & Elevations (1:500 @ A3)

LEGEND

- Application Boundary
- Plant Site Area (to be concreted / road tarmaced)
- Other Operational / Ancillary Land
- Soil Storage / Screening Bunds
- Temporarily Restored Batter Slopes
- Plant & Quarry Operational Structures
- Drainage Ditch
- Fencing

LIAM TOLAND PLANNING

PROJECT:
Lea Castle Farm

TITLE:
Plant Site

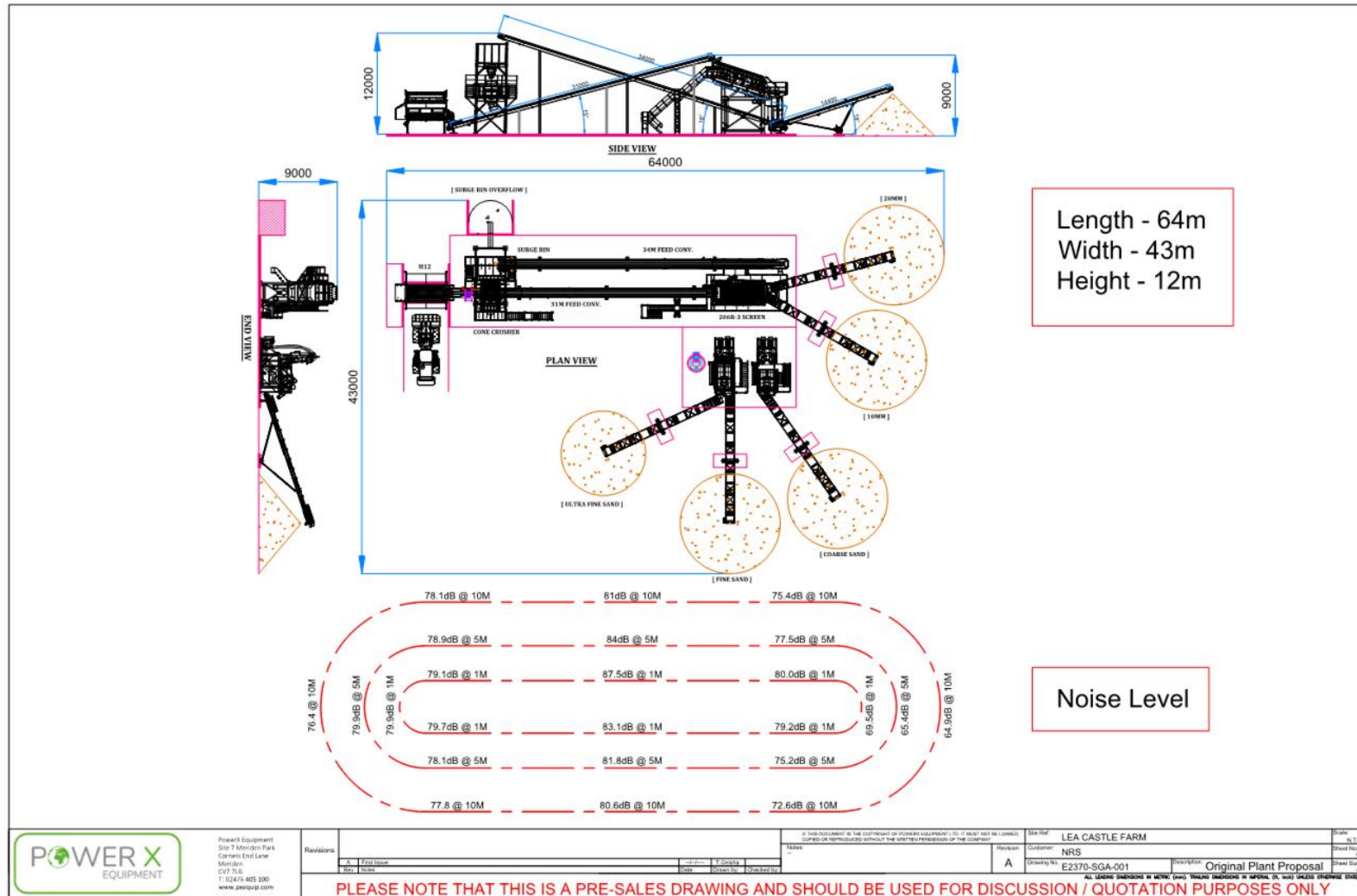
REF NO:
01-LEACF-INQ_012

DATE: July 2024 SCALE: 1:5,000 @ A3

STATUS:
FINAL

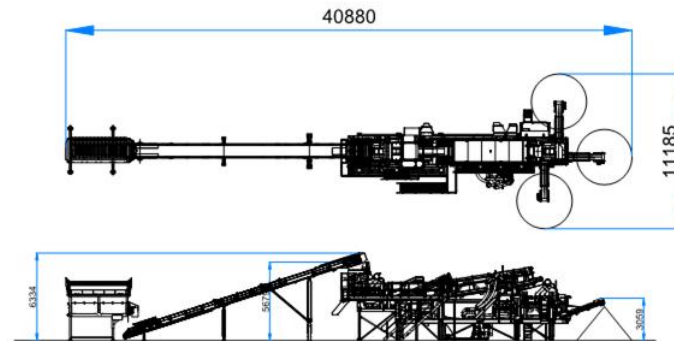
This drawing may not be used without the consent of Liam Toland Planning.
Contact: liamtolandplanning@outlook.com T: 07864 297587
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ORIGINAL PLANT LAYOUT

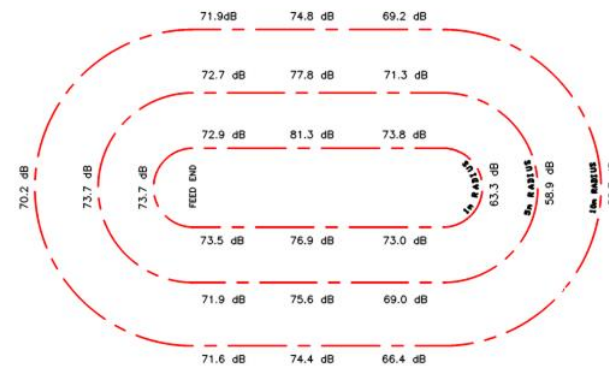


PROPOSED PLANT LAYOUT

Length - 41m
Width - 11m
Height - 6m



Noise Level



PowerX Equipment
Site: 7 Mendon Park,
Comets End Lane,
Mendham
CV7 7UD
T: 01476 405 338
www.powerx.com

Revisions
A. Final Design
B. Revise

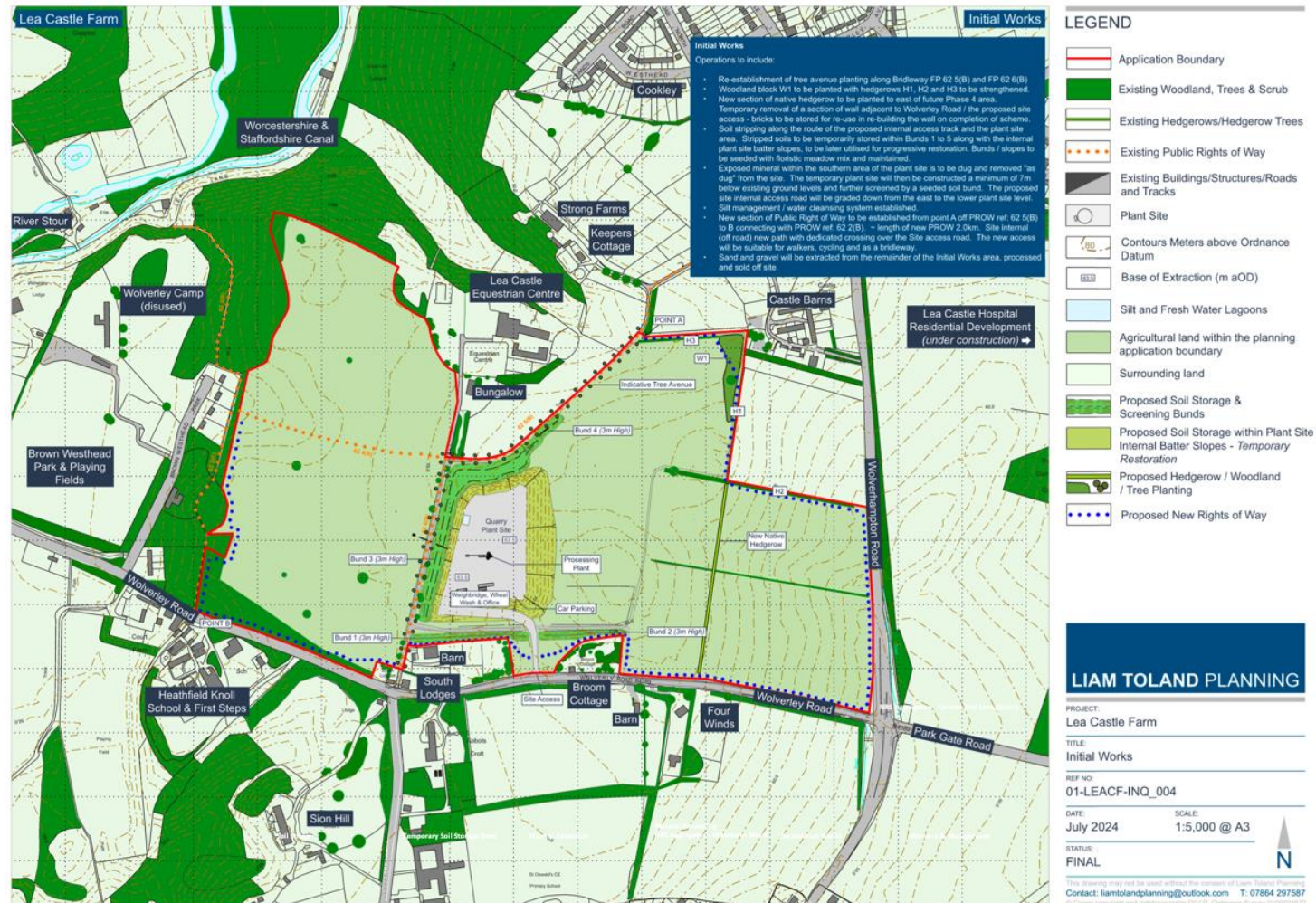
Rev	Description	Date	By	Check	Approved By
A	Final Design				
B	Revise				

PLEASE NOTE THAT THIS IS A PRE-SALES DRAWING AND SHOULD BE USED FOR DISCUSSION / QUOTATION PURPOSES ONLY

Site Ref: LEA CASTLE FARM
Customer: NRS
Drawing No: E2370-SGA-002
Description: Revised Plant Layout
Scale: N.T.S.
Sheet No: 1/1
Print Date: 8/1

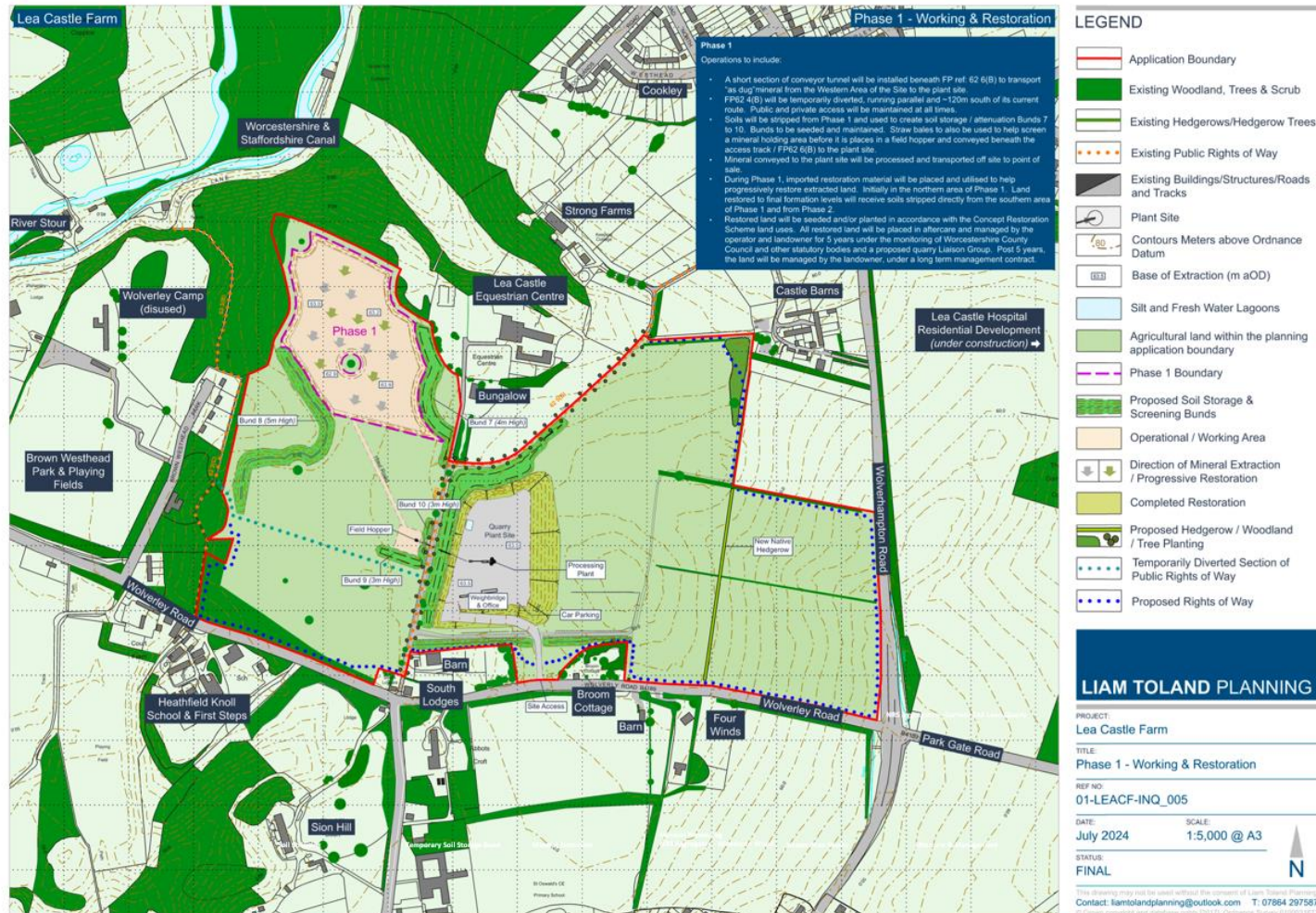
PROPOSED INITIAL WORKS

SUMMARY OF THE PROPOSALS



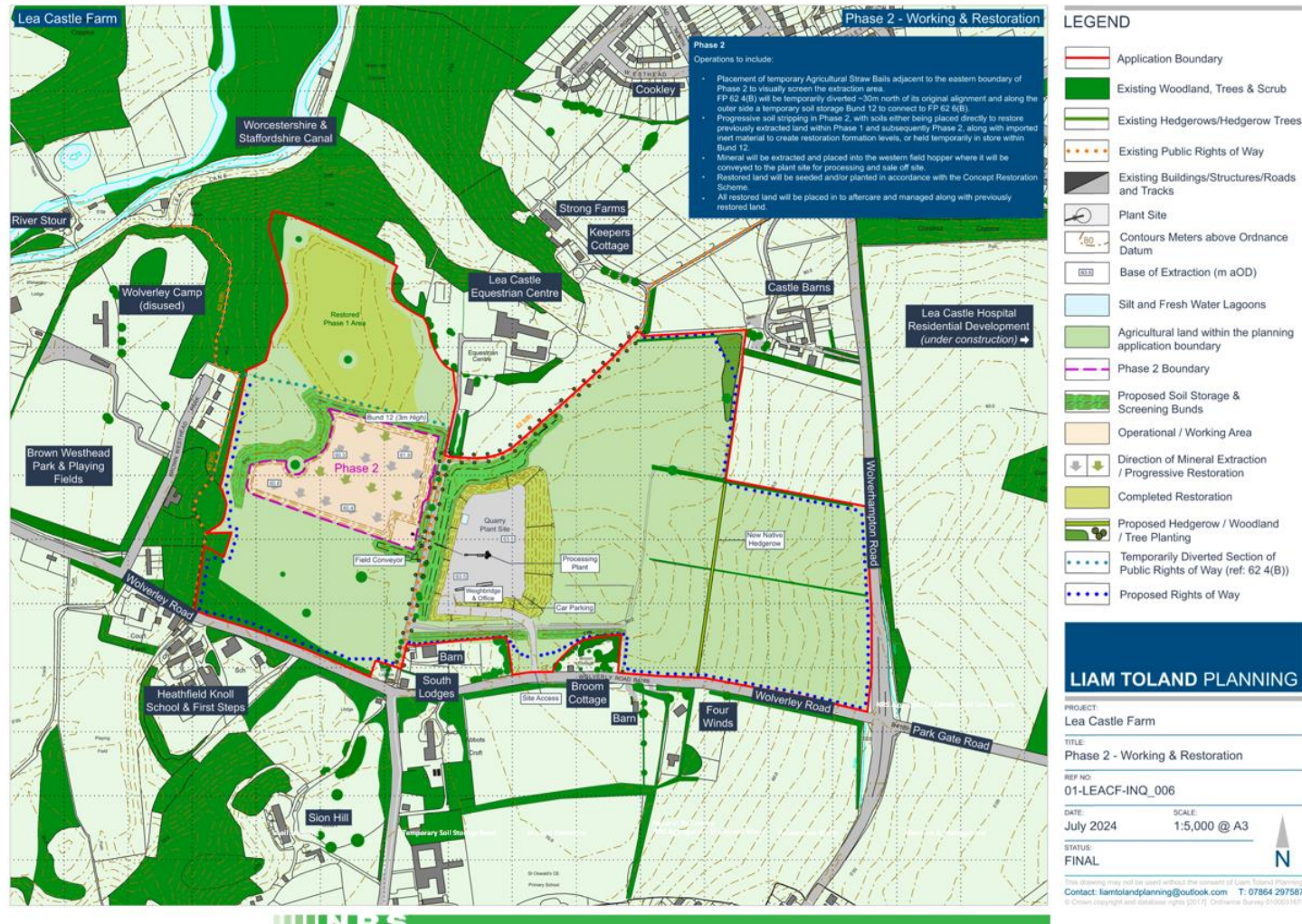
PROPOSED PHASE 1

SUMMARY OF THE PROPOSALS



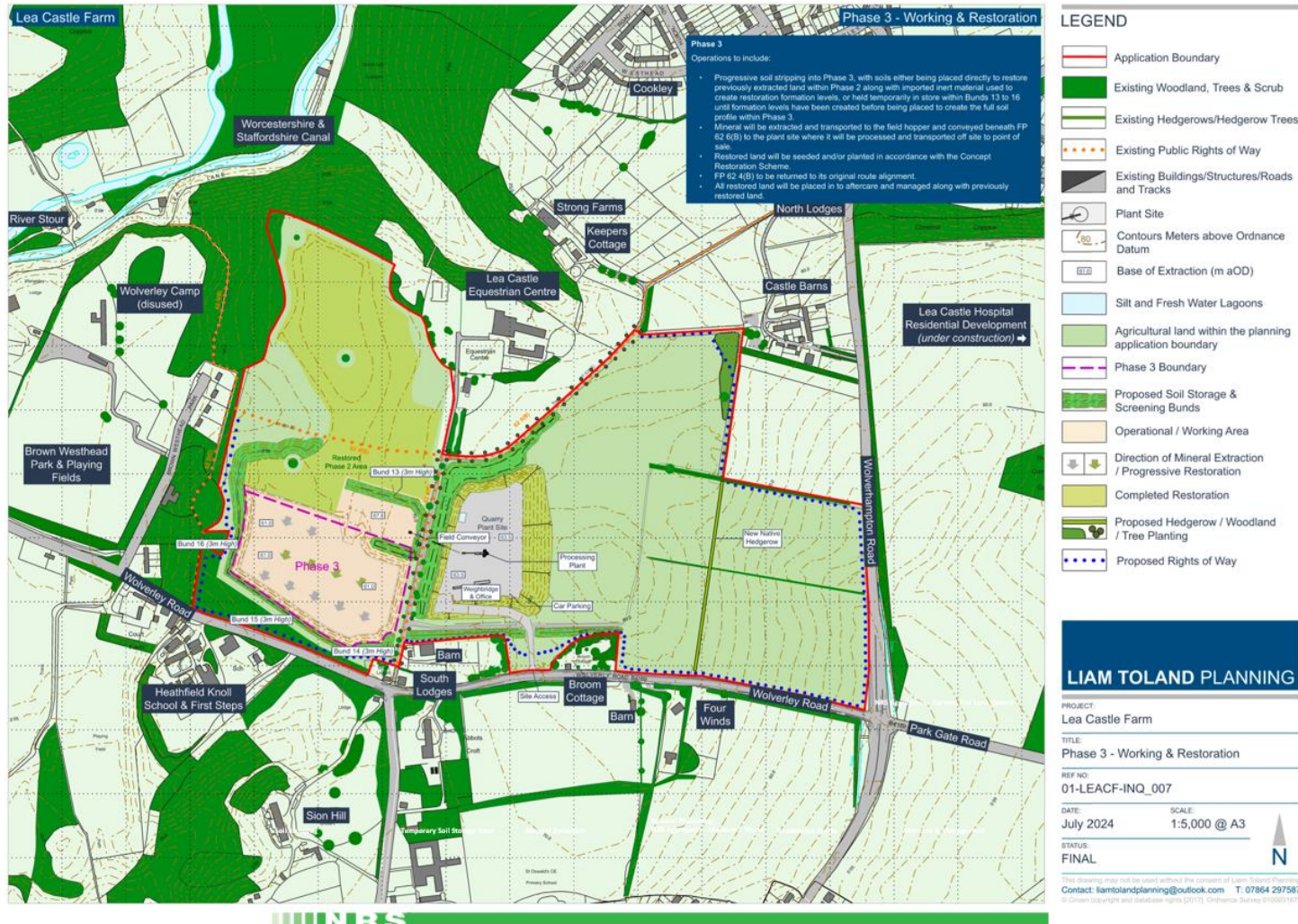
PROPOSED PHASE 2

SUMMARY OF THE PROPOSALS



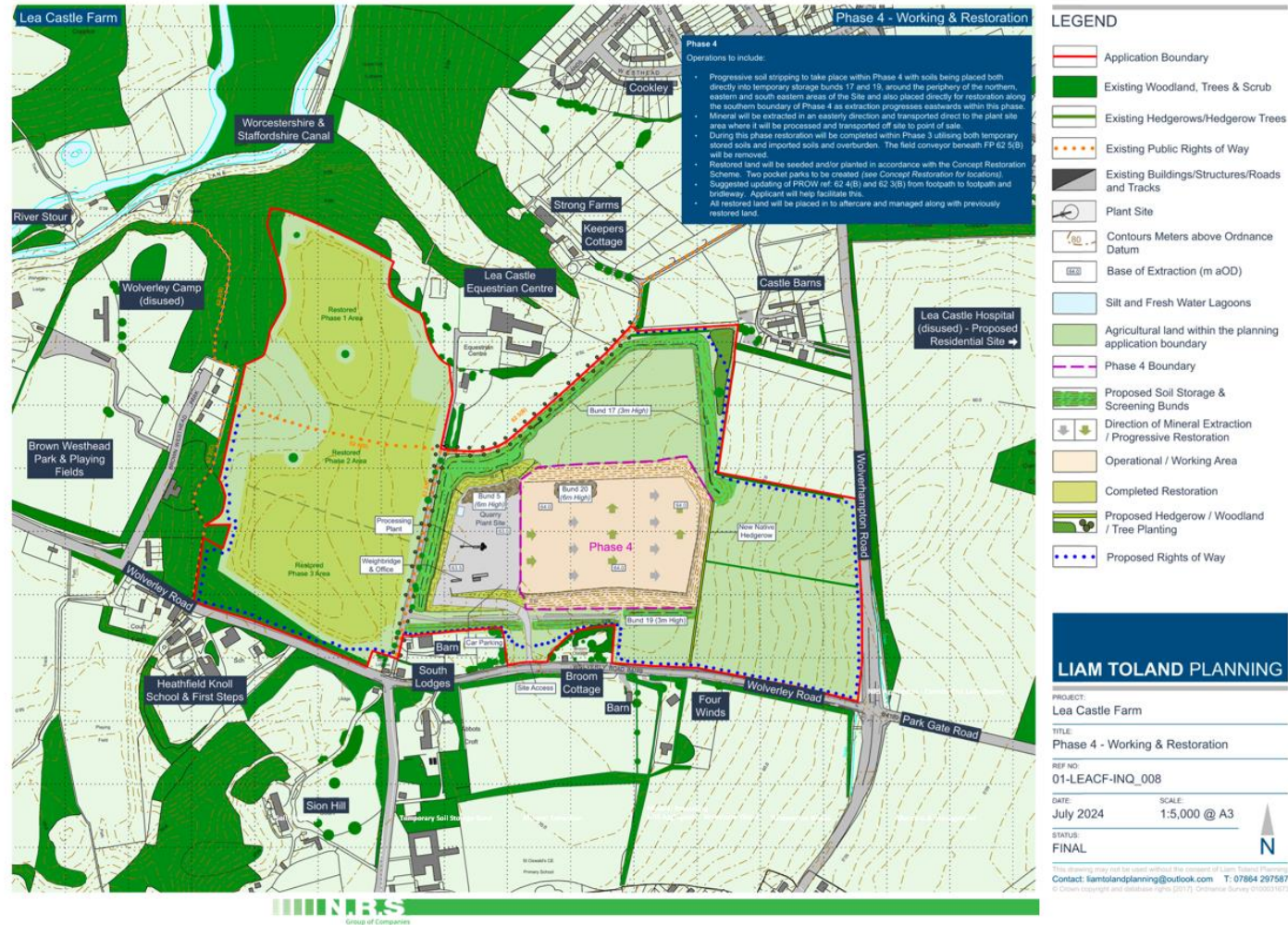
PROPOSED PHASE 3

SUMMARY OF THE PROPOSALS



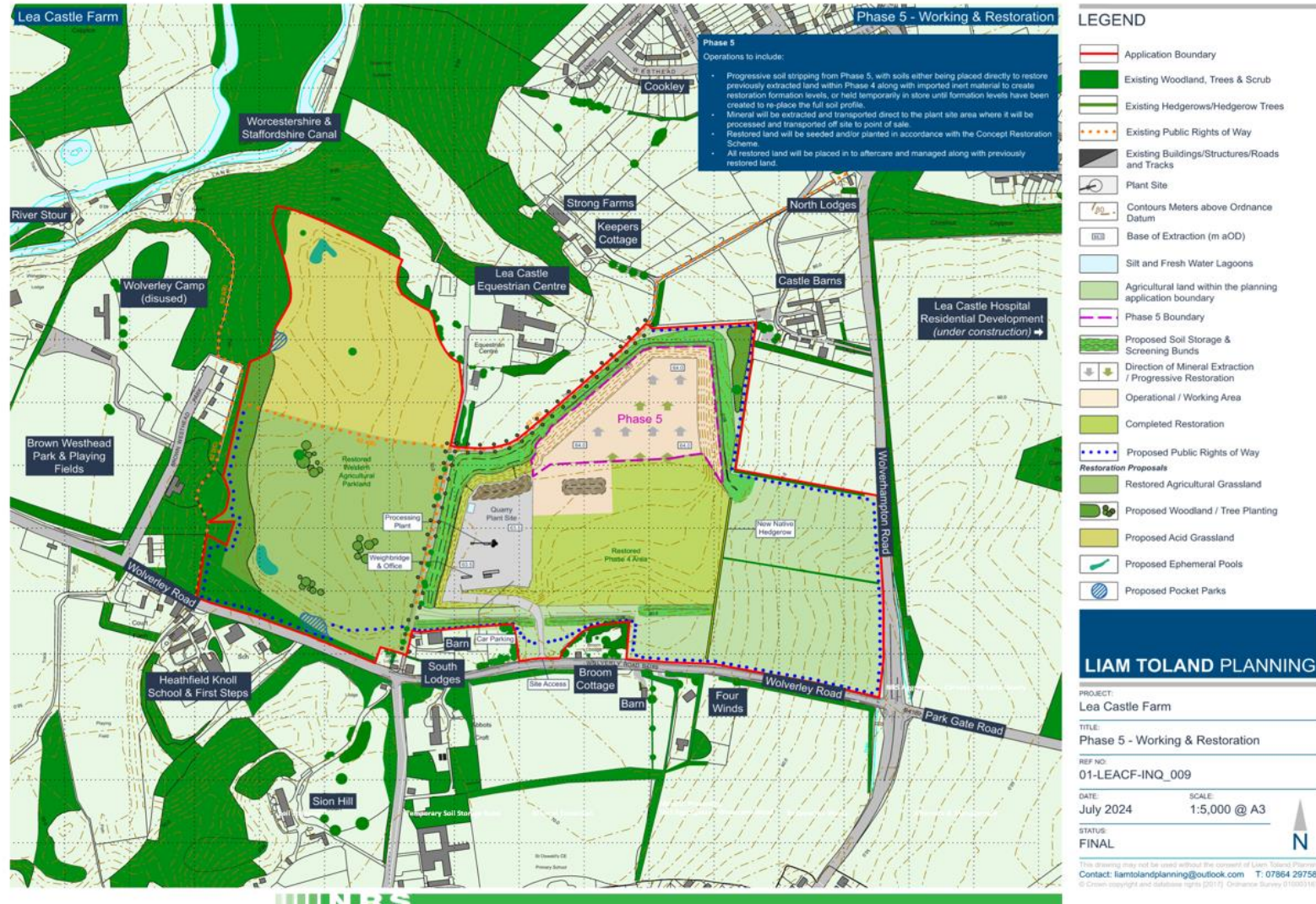
PROPOSED PHASE 4

SUMMARY OF THE PROPOSALS



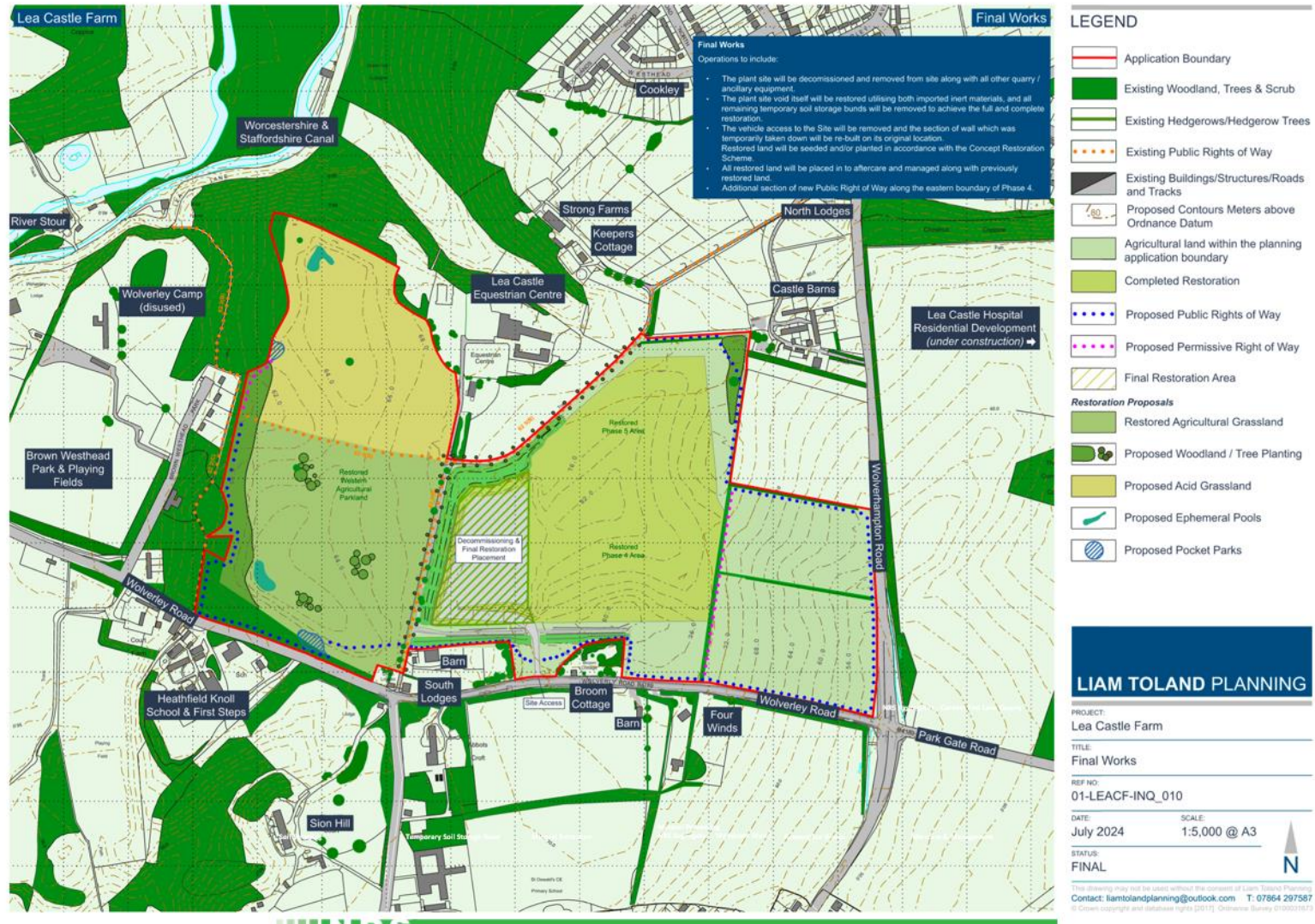
PROPOSED PHASE 5

SUMMARY OF THE PROPOSALS



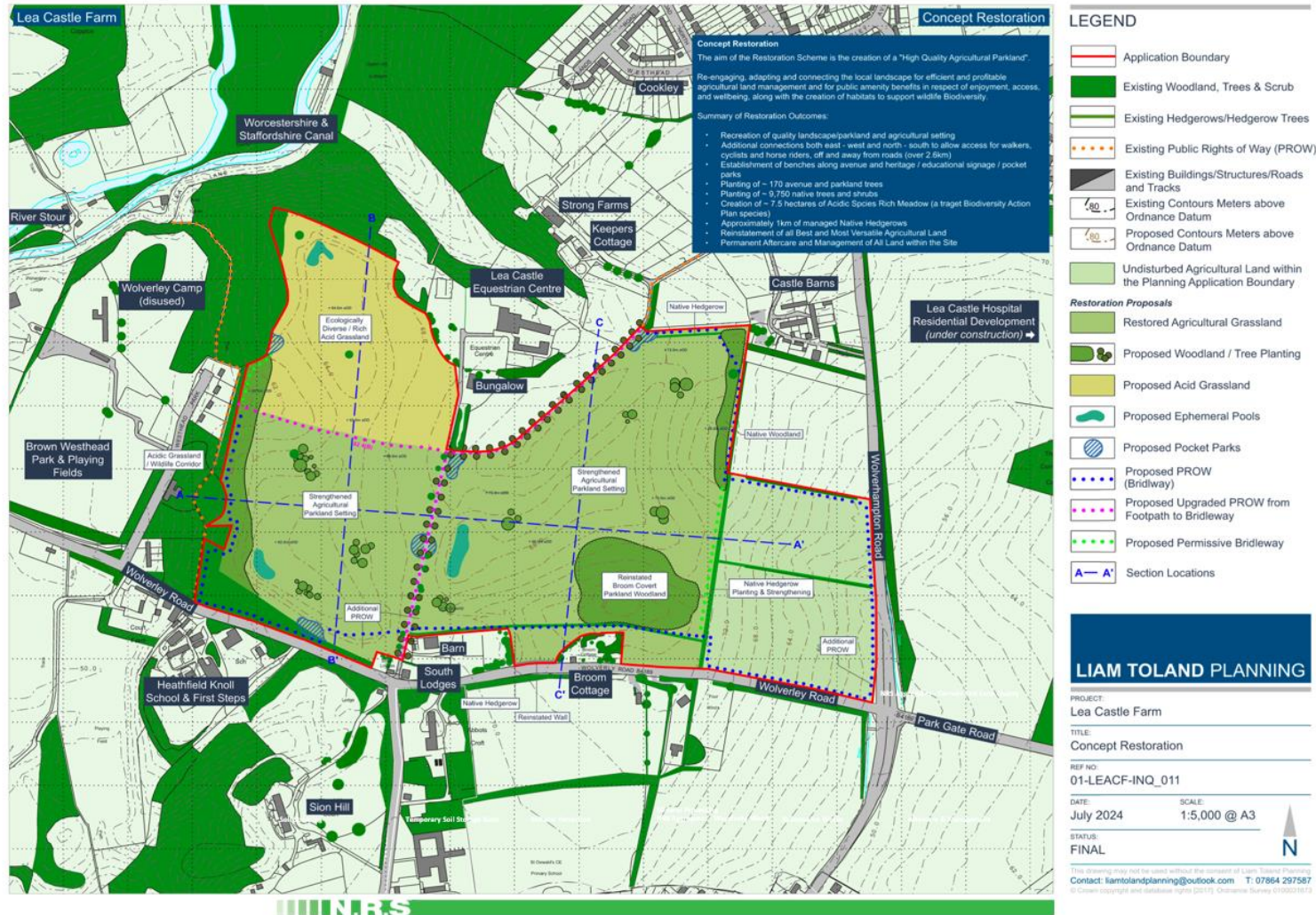
PROPOSED FINAL WORKS

SUMMARY OF THE PROPOSALS



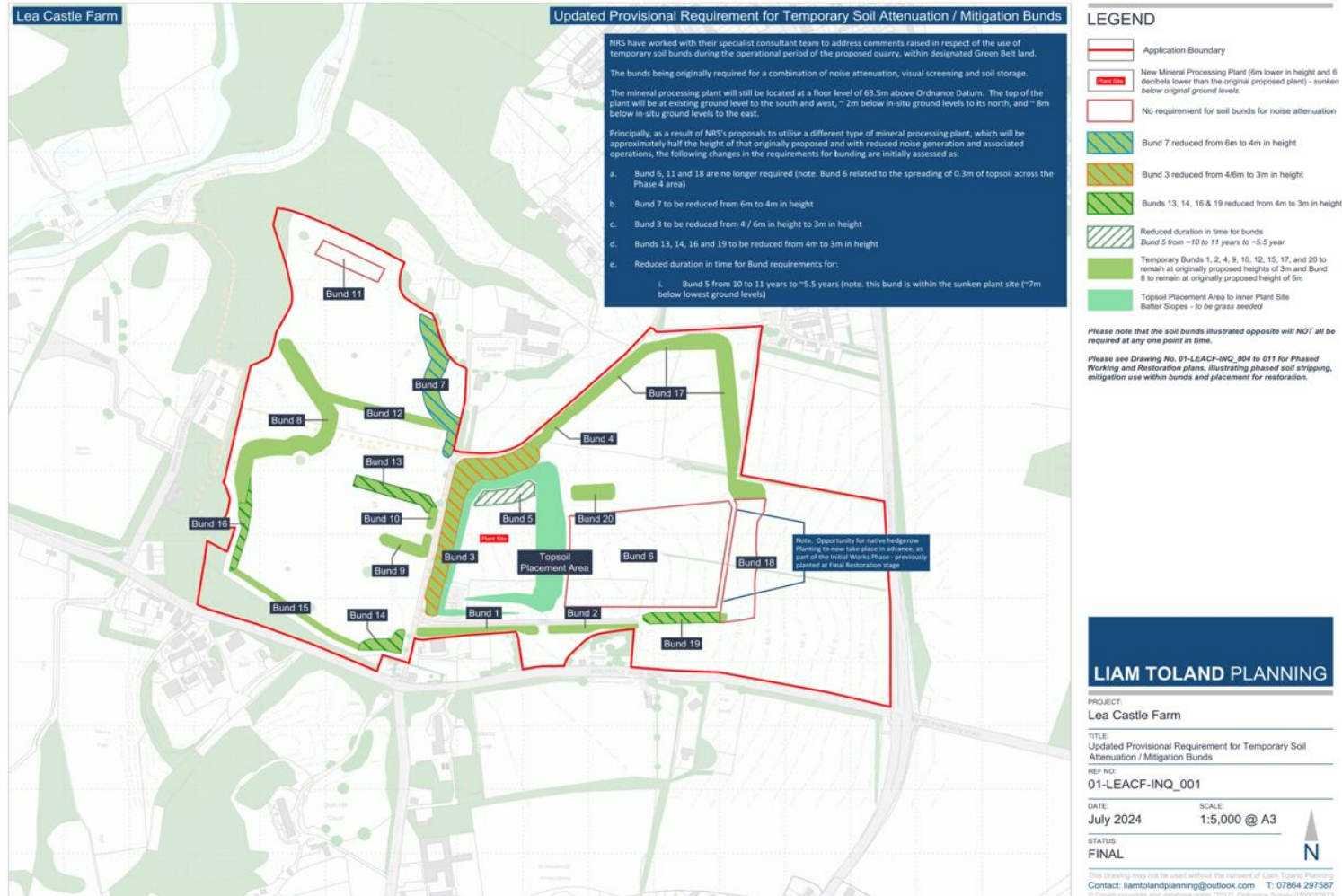
CONCEPT RESTORATION

SUMMARY OF THE PROPOSALS



PROPOSED BUNDING SCHEME

SUMMARY OF THE PROPOSALS



PROPOSED BUNDING SCHEDULE

SUMMARY OF THE PROPOSALS

Bund	Description	Establishment Year	Soils Removed From Bund	Number of Years Soils In Bund
Bund 1	(3m high) – 3,300m³ - formed using Topsoil from the Initial Works area. Bund 1 is located to the south of the proposed plant site and north of South Lodge. The bund would remain in place throughout the duration of the development (c.10 to 11 years) when the soils will be used to restore Phase 5 / Final Restoration.	Year 1	Year 10-11	10-11 Years
Bund 2	(3m high) – 1,900m³ - formed using Subsoil from the Initial Works area. Bund 2 is located to the south east of the plant site and north of Broom Cottage. This bund would remain in place throughout the duration of the development (c.10 years) when the soils would be used to restore Phase 5 / Final Restoration.	Year 1	Year 10-11	10-11 Years
Bund 3 (reduced from 6m in height to 3m in height)	(3m high) – 14,481m³ - formed using 12,222m³ of Subsoil, and 2,259m³ of Overburden from the Initial Works area. Bund 3 is located immediately to the west of the plant site. The bund would remain in place throughout the duration of the development (c.10 to 11 years) when the soils will be used to restore Phase 5 / Final Restoration.	Year 1	Year 10-11	10-11 Years
Bund 4	(3m high) – 2,300m³ - formed using Topsoil from the Initial Works area. Bund 4 is located to the north east of the plant site. The bund would remain in place throughout the duration of the development (c.10 to 11 years) when the soils will be used to restore Phase 5 / Final Restoration.	Year 1	Year 10-11	10-11 Years
Bund 5 (Phase 4 & 5 only – previously in place from Year 1 for the full duration of the proposed development)	(6m high – within sunken plant site (~7m below ground level)) – 8,200m³ - formed of Overburden from the Plant Site Batter Strip. The overburden will be used for Final Restoration	Year 4.5	Year 10	6.5 Years
Bund 6 Removed		Not Required		
Bund 7 (reduced from 6m in height to 3m in height)	(3m high) – 12,270m³ - formed of subsoil from Phase 1 soil strip. Bund 7 is located to the west of the Bungalow. The bund will only be on place during Phase 1 mineral	Year 1.5	Year 2.25	0.7 to 1 Year

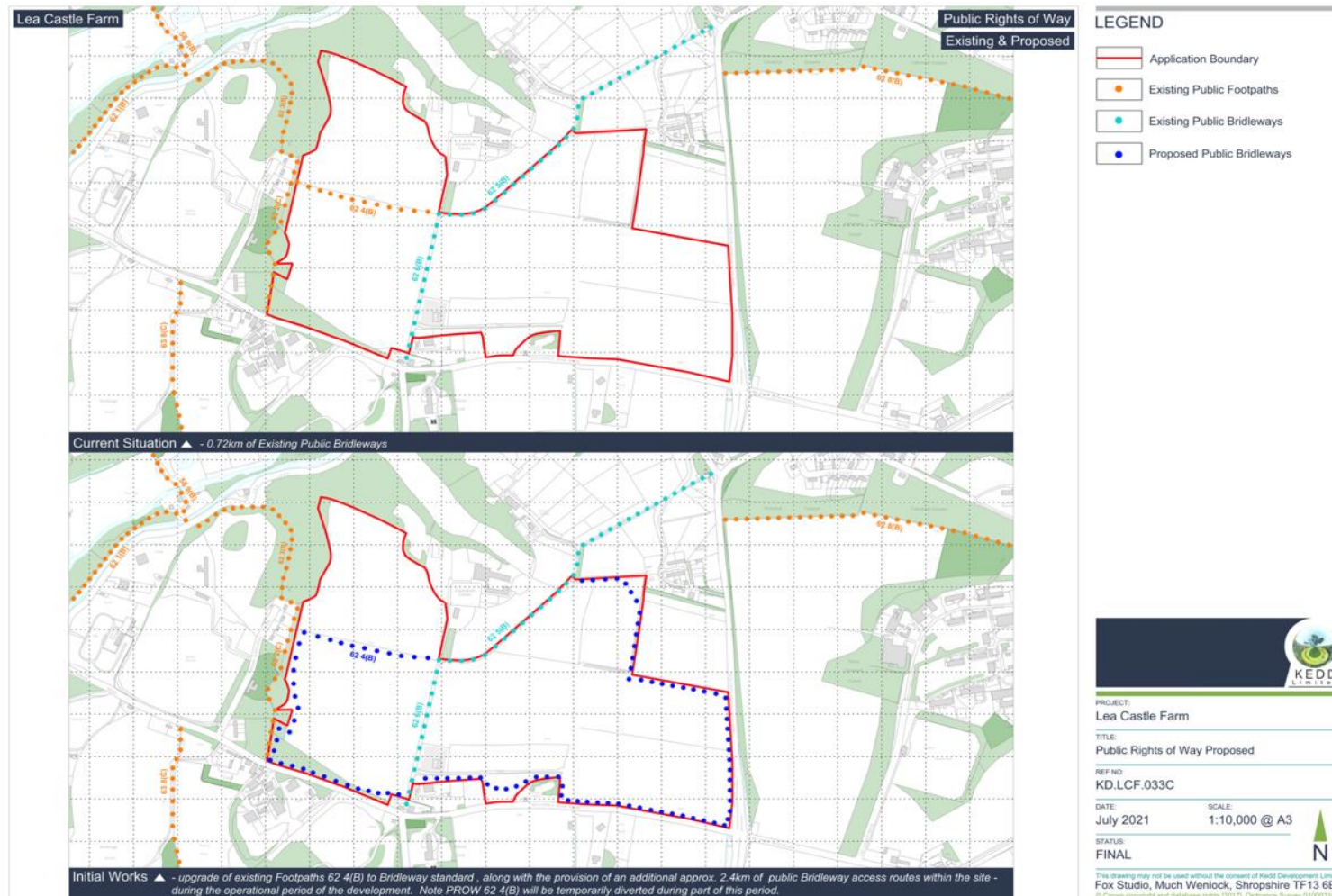
	extraction and restoration period (c.1.5 years) when 10,000m³ of soils will be used to restore the Phase 1 Area and 2,270m³ subsequently used to restore Phase 2.			
Bund 8	(5m high) – 23,900m³ - formed of 17,698m³ of Subsoil and 6,202m³ of Overburden from Phase 1 soil strip. Bund 8 is located along the central western boundary of the site. The bund will be in place in full for the duration of Phase 1 and part in place for phase 2 and 3 as the extraction area progresses southwards (c.1.5 to 3.5 years) when the soils would be used to restore land in Phases 1 and 3.	Year 1.5	Year 3-4	1.5 to 3.5 Years
Bund 9	(3m high) – 2,915m³ - formed of Topsoil from Phase 1 soil strip. Bund 9 is located to the south and east of the Western Area's as dug mineral stockpile/ field hopper. The bund will be in place during the mineral extraction period of Phases 1, 2 and 3 (3 years) when soils would be used to restore the Phase 3 Area.	Year 1.5	Year 4.5	3 Years
Bund 10	(3m high) – 600m³ - formed of Topsoil from Phase 1 soil strip. Bund 10 is located to the east of the Western Area's as dug mineral stockpile/ filed hopper. The bund will be in place during the mineral extraction period of Phases 1, 2 and 3 (3 years) when soils would be used to restore the Phase 3 Area	Year 1.5	Year 4.5	3 Years
Bund 11 Removed		Not Required		
Bund 12	(3m high) – 7,200m³ - formed of Topsoil from Phase 2 soils strip. Bund 12 is located along the northern boundary of Phase 2. The bund will be in place during the mineral extraction and restoration period of Phase 2 (c.1 to 2 years) when soils would be used to restore the Phase 2 Area.	Year 2.25	Year 3.25 to 4.25	1 to 2 Years
Bund 13 (reduced from 4m in height to 3m in height)	(3m high) – 5,020m³ - formed of subsoil from Phase 3 soils strip. Bund 13 is located north of the as dug mineral stockpile/field hopper. The bund will be in place during the mineral extraction and restoration period of Phase 3 (c.1.5 years) when soils would be used to restore the Phase 3 Area.	Year 3.25	Year 4.5	1.25 Years

Bund 14 (reduced from 4m in height to 3m in height)	(3m high) – 2,356m³ - formed of Subsoil from Phase 3 soils strip. Bund 14 is located north of the unoccupied South Lodge (west) property. The bund will be in place during the mineral extraction and restoration period of Phase 3 (c.1.5 years) when soils would be used to restore the Phase 3 Area.	Year 3.25	Year 4.5	1.25 Years
Bund 15	(3m high) – 3,410m³ - formed of Topsoil from Phase 3 soils strip. Bund 15 is located along the southern boundary of Phase 3. The bund will be in place during the mineral extraction and restoration period of Phase 3 (c.1.5 - 2 years) when soils would be used to restore the Phase 3 Area.	Year 3.25	Year 4.75 to 5.25	1.5 to 2 Years
Bund 16 (reduced from 4m in height to 3m in height)	(3m high) – 3,958m³ - formed of Subsoil from Phase 3. Bund 16 is located along the western boundary of Phase 3. The bund would remain in place during the mineral extraction and restoration period of Phase 3 (~ 1.5 – 2 years) when soils will be used to restore 3.	Year 3.25	Year 4.75 to 5.25	1.5 to 2 Years
Bund 17	(3m high) – 17,200m³ - formed of Topsoil from Phase 4. Bund 17 is located along the north and eastern boundaries of Phase 4. The bund would remain in place until the end of Phase 5 +/- Final Restoration (~ 6.5 years).	Year 4.5	Year 10	5.5 Years
Bund 18 Removed		Not Required		
Bund 19	(3m high) – 3,000m³ - formed of Topsoil from Plant Site Batter strip. Bund 19 is located along the south eastern boundary of Phase 4. The bund will be in place for approximately 6 years.	Year 4.5	Year 10	5.5 Years
Bund 20	(6m high) – 7,000m³ - formed of progressively stripped Overburden from Phase 4 soil strip. This bund is proposed to be formed on to the base of extraction of Phase 4. The bund will be in place for 3 to 6 years and will be used to restore Phase 5 / Final Restoration.	Year 4.5 to 6.25	Year 10	3.75 to 5.5 Years



RIGHT OF WAY PROPOSALS PLAN

SUMMARY OF THE PROPOSALS



**Thank you
for reviewing these proposals**

2 Appendix – Summary of Consultation Responses

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
Statutory Consultees			
1. Worcestershire Regulatory Services – Soils (Response included in this Appendix 2)	<p>No Objection put forward, but suggested condition wording for inclusion:</p> <p><i>“Full details of any soil or soil forming materials proposed for importation to the site for use in garden areas, soft landscaping, filling, and level raising must be submitted to the Local Planning Authority and approved in writing prior to import and implementation of the scheme. The material must be assessed for contamination and suitability for use on site.</i></p> <p><i>Full donor site details, proposals for contamination testing; including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment), must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.</i></p>	<p>There have been no changes regarding the proposed importation and placement of inert materials as part of the amended Appeal Scheme.</p> <p>As stated within the Original ES (CD1.03) at paragraph 4.64 there is to be 600,000m³ of inert material imported to facilitate the restoration of the Appeal Site.</p>	<p>Relevant Paragraphs of Committee Report (CD10.01)- 821</p> <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...</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
	<p><i>Following implementation of the approved scheme suitable validity evidence (including but not exclusive to laboratory certificates, photographs, consignment notes, and relevant risk assessment) should be submitted to and approved in writing by the Local Planning Authority.</i></p> <p><i>All works are to be carried out by competent persons and in accordance with the Environment Agencies 'Land Contamination Risk Management' guidance (LCRM)."</i></p>		
2.Canal & River Trust (Response included in this Appendix 2)	<p>An initial response was provided seeking clarity as to whether previous highway concerns (HGV's passing over the canal bridge west of the site) had been adequately addressed.</p> <p>It was confirmed to the Canal & River Trust that the access had been designed as to not allow left hand turns existing the site towards the bridge and this would be secured via Conditions 19 and 23.</p>	The proposed site access has been designed to ensure there are <u>no</u> HGV's exiting the site heading west towards Wolverley and over the canal bridge along B4189 (Wolverley Road).	<p>Relevant Paragraphs of Committee Report (CD10.01)- 498</p> <p>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>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
	The Canal & River Trust therefore confirmed No Objection subject to implementation of suggested Conditions 19 and 2.		
3.Historic England (Response included in this Appendix 2)	Stated no advice given on this appeal.	<p>A review of the Archaeology and Cultural Heritage Section of the Original ES (CD1.03) was undertaken within the ES Addendum (CD15.01) to account for the amended Appeal Scheme. The review is included within Section 7 of the ES Addendum.</p> <p>The Original ES anticipated and reported no significant effects on designated or non-designated cultural heritage assets. Cultural Heritage was not identified as a reason for refusal in the original application. The Appeal Decision confirmed that any perceptions of harm to heritage assets would be demonstrably outweighed by the public benefits of the scheme, ensuring compliance with all legislative duties and national / local policy that seeks to safeguarded cultural heritage significance.</p> <p>The proposed changes to Appeal Scheme will have no material effect on proximate heritage assets and would in no way alter the assessment or conclusions reported in the Original ES or in the Appeal Decision.</p>	<p>Relevant Paragraphs of Committee Report (CD10.01) – 651, 652, 655, 660, 663, 668 & 670</p> <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 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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>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 on the advice of the County Archaeologist, a condition is recommended to be imposed requiring a</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>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>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
4.Environment Agency (Response not included in this Appendix 2)	No further comments. Reiterate their previous consultation responses from 31 March 2020 (CD3.34) and December 2020 (CD4.17).	The Environment Agency provided a number of consultation responses in relation to the proposed development throughout the Planning Application process. These responses covered a number of technical considerations for which they were satisfied that the proposed development would not result in an unacceptable adverse impact. Consideration of topics relevant to the Environment Agency provided in both Health of Residents – Amenity related to Noise & Dust and Wildlife / Ecology Impact below.	
5.Worcestershire Regulatory Services – Air Quality & Noise (Response included in this Appendix 2)	An initial response was provided seeking clarity that the noise levels detailed within Section 5.3.24 of the ES Addendum had taken account of the reduced noise levels from the processing plant and proposed reduced bund heights. This point was clarified and the consultee provided no further comment.	Worcestershire Regulatory Services provided a number of consultation responses in relation to the proposed development throughout the Planning Application process. These responses covered both Air Quality and Noise considerations for which they were satisfied the proposed development would not result in unacceptable adverse impact to public health and amenity. Consideration of topics relevant to the Worcestershire Regulatory Services – Air Quality & Noise provided in Health of Residents – Amenity related to Noise & Dust below.	
Other Consultation Responses			
6.Health of Residents – Amenity related to Noise & Dust (Response not included in this Appendix 2, see original ES Addendum)	Concerns raised within objections from Local Residents, Town and District Councillor for Broadwaters and Kidderminster Town Council: <ul style="list-style-type: none"> Proximity of the proposed Quarry to Heathfield Knoll School, as well as four 	Chapters 5 and 6 of the ES Addendum submitted in support of the Planning Appeal contain assessment of the Noise and Air Quality / Dust Impacts of the amended scheme. It has been demonstrated through the original Inquiry and Consultation Responses from Statutory Consultees that the Original Appeal Scheme does not result in unacceptable amenity impact. The information below is taken from the ES	Relevant Paragraphs of Committee Report (CD10.01) – 540, 541, 562, 563, 565, 571, 573, 578, 579 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

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
	<p>other schools across Wolverley and Cookley;</p> <ul style="list-style-type: none"> • Health and Safety of children walking along the Public Rights of Way through the Quarry site; • The impact of dust particles on public, particular note for those with underlying health conditions – suggesting that location of quarry does not allow for an adequate buffer zone; • The impact of noise emissions on nearby properties; and, • Don't believe that the changes to the bunding will improve the scheme with regard to health of public. 	<p>Addendum (CD15.01), addressing the Noise and Dust impacts of the Revised Appeal Scheme.</p> <p><i>Noise</i> The original ES concluded that the proposal has been found to be acceptable in terms of noise, for both normal and temporary operations at sensitive receptors located off site. The assessment found that with appropriate measures the relevant site noise limits for normal operations, based on PPGM, are met. The proposed development also complied with noise limits for temporary operations.</p> <p>There are no changes to the proposed temporary operation so the findings are unchanged from the original assessment.</p> <p>This updated assessment presents the noise assessment for the proposed revised scheme. The changes to the processing plant, mobile plant, bund formation and operations in Phase 1 have been reviewed with regard to noise. It remains concluded that, with the implementation of mitigation measures set out in this assessment, the proposed development would not result in significant adverse impacts with regard to normal and temporary operations.</p>	<p>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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>Overall, it remains concluded that with the incorporation of appropriate mitigation the Proposed Development complies with the relevant national and local planning policies in relation to noise. It is considered the Site is suitable for the Proposed Development and there is no reason on the grounds of noise why the development proposals should not be granted planning permission.</p> <p><i>Dust / Air Quality</i> The changes to the processing plant and soils placement scheme have been reviewed along with changes in legislation, policy and baseline air quality conditions since the Original ES.</p> <p>It remains concluded that, with the implementation of standard dust mitigation and control measures, the proposed development would not result in significant adverse impacts and effects due to dust on local receptors, both with regards to dis-amenity dust and PM₁₀ / PM_{2.5}.</p> <p>Emissions associated with HGV and LGV movements to / from the site are also not predicted to result in significant adverse impacts on local air quality.</p>	<p>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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>Overall, it remains concluded that with the incorporation of appropriate mitigation the Proposed Development complies with the relevant national and local planning policies in relation to air quality and dust. It is considered the Site is suitable for the Proposed Development and there is no reason on air quality grounds why the development proposals should not be granted planning permission.</p>	<p>confirmed they have no objections to the Dust Management Plan to include dust monitoring.</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>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<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>
<p>7.Traffic / Road Safety (Response not included in this Appendix 2)</p>	<p>Concerns raised within objections from Local Residents, Town and District Councillor for Broadwaters, Churchill & Blakedown Parish Council and Kidderminster Town Council:</p> <ul style="list-style-type: none"> Regardless of the fact the access is designed to only allow for egress from the site eastwards, concerns 	<p>No amendments to the Appeal Scheme have impacted upon transport movements / proposed transport arrangements at Lea Caste Farm Quarry.</p> <p>As stated within the Originally submitted ES (CD1.03) at Section 12: It is proposed to create a new access approximately 220m east of the Sion Hill junction and 50m west of Broom Cottage. The proposed access is to take the form of a</p>	<p>Relevant Paragraphs of Committee Report (CD10.01) – 496, 497, 498, 499, 501, 509, 514, 515, 521, 522</p> <p>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 turning facilitates; provision and maintenance of visibility splays; surfacing of first 5 metres of</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
	<p>that drivers will divert back towards Wolverley or down Sion Hill;</p> <ul style="list-style-type: none"> Concern regarding the safety of children commuting to school in proximity to the additional HGV's on the road as a result of the proposed development; Clarification of how the proposed traffic movements / access arrangements will be enforced. 	<p>simple priority junction in accordance with the consultations / discussions with the Highway Authority. As requested by the Highway Authority a kerbed central island will be provided within the bellmouth to prevent HGVs from turning right onto the B4189 Wolverley Road when leaving the site. The bellmouth will also be configured to prevent HGVs from turning left into the access in order to enforce the routeing strategy, which directs all HGV traffic to/from the A449 to the east; thereby avoiding travelling through Wolverley and along Sion Hill. It is proposed to further reinforce the routeing restriction via CCTV at the access.</p> <p>Taking into account the ability to deliver a suitable access to serve the site and the insignificant impact of the proposed development in terms of traffic increases in the local context, beyond normal best-practice quarrying protocols, such as maintaining the access road and its visibility provision, maintaining cleanliness of the access and the public highway, sheeting of vehicles etc. the only mitigation measure proposed is as follows:</p> <ul style="list-style-type: none"> When leaving the site, a no right hand turn will be in operation. This will ensure HGVs head directly to the main highway network and do not travel through the 	<p>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>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>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>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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>village of Wolverley. All HGVs leaving the site will be monitored by CCTV at the quarry entrance and records of all HGVs leaving the site shall be maintained and shall be made available at the request of the MPA.</p>	<p>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>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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>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> <p>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...</p>
8.Landscape Impact (Response not included in this Appendix 2)	<p>Concerns raised within objections from Local Residents and Kidderminster Town Council:</p> <ul style="list-style-type: none"> Impact to the landscape during the operation of a quarry at the location; Concern that machinery will be visible from certain points due to topography. 	<p>As a result of the amended Appeal Scheme submitted, there has been an updated assessment of Landscape and Visual Impacts, utilising the original methodology for consistency.</p> <p>Updated Photomontages have been produced to account for the amendments to the scheme in relation to bunding. These are illustrated on within the figures at Core Document Index (CD15.02-CD15.10). These figures demonstrate the mitigation provided by the bunding proposed, to prevent views from public vantage</p>	<p>Relevant Paragraphs of Committee Report (CD10.01) – 620, 621, 624, 625, 628, 629</p> <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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>points / rights of way into the operational aspects of the site.</p> <p>The original ES (CD1.03) concluded that whilst the proposals would result in some short or medium term disturbance to landscape character and views experienced in the vicinity of the site, these localised adverse effects would be not significant. This conclusion reflects the important role of screening bunds in limiting visibility of the extraction and progressive restoration activity that is typical during the life of sand and gravel extraction.</p> <p>As stated within the ES Addendum (CD15.01), in the long-term, once the parkland landscape has matured, the proposed development would have a significant beneficial landscape character effect, relative to the existing baseline. There would also be improvements (not significant) to the visual amenity of public rights of way users passing through the Site.</p> <p>The revised proposals would result in some short and medium term improvements to the landscape character and views of some receptors, relative to the existing scheme. These changes would be most clearly perceived from bridleway 626 (B) that passes the plant site (Viewpoints B and C) and the rear of the</p>	<p>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> <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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>Bungalow (Viewpoint 17c), with more modest improvements as a result of the reduction in height of the screen bunds around the plant site experienced from Footpath 624 (B) (Viewpoint D). Improvements in visual impact compared with the original scheme would also be observed in views from the west as a result of the reduction in number and height of the temporary screen bunds (Viewpoints 1, 2, 3, 5, 6, and 9).</p> <p>The landscape and visual improvements from a reduction in height of selected temporary screen mounds, whilst an improvement in landscape and visual terms are assessed not to result in a reduction in a change to the overall magnitude of change and associated effects assessed for the original scheme. This conclusion is reached because the LVIA methodology, based on best practice guidance, contains broad assessment categories and judgements have to take into account the overall areas of disturbance and associated timescales, which do not materially change. Landscape and visual effects during the operational phase would continue to be not significant for the short to medium term with significant long term beneficial landscape effects.</p>	<p>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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			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.
9.Green Belt (Response not included in this Appendix 2)	<p>Concerns raised within objections from Local Residents, Wolverley and Cookley Parish Council, Churchill & Blakedown Parish Council and Kidderminster Town Council:</p> <ul style="list-style-type: none"> Impact to the openness of the Green Belt, even with the reduced size of bunding proposed within the amended scheme; Inappropriate within the Green Belt and not demonstrated acceptability 	<p>Potential impact to the Green Belt is not altered by the amended Appeal Scheme. Very Special Circumstances were demonstrated within the original submission and the focus of the Planning Proof's of Evidence (POE2.01).</p> <p>Specific to the amended Appeal Scheme, the updated Landscape and Visual Impact Assessment considered the reduction in height to a number of bunds, timing of bunds and removal of bunds, reduced plant height and footprint. The assessment did not find that there would be overall impact of the proposed scheme, but that there would be medium term slight improvements as a result of the proposed changes. This assessment, Section 4.5.5 of the ES Addendum (CD15.01) is included below:</p> <p>a) Public views from bridleway 626 (B) that passes the plant site (Annotated photoview from Viewpoint B at Figures</p>	<p>Relevant Paragraphs of Committee Report (CD10.01) – 446, 448, 453, 455, 458, 459, 461, 462</p> <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: “The concept of “openness” in paragraph 90 of the NPPF [2012 version] seems</p>

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		<p>4.48 to 4.49 and the photomontages from Viewpoint C at Figures 4.50-4.61) where the reduction in height from 6m to 3m of the temporary bund 3 surrounding the plant site would be noticeable during the full length of the operational phase i.e. a medium term noticeable improvement relative to the original scheme. The overall magnitude and visual effects during the operational phase would remain unchanged from the original scheme i.e. Moderate adverse and Not Significant.</p> <p>b) Private views from the rear of the Bungalow (see Photomontages from Viewpoint 17c at Figures 4.29-4.34) where the reduction in height from 6m to 3m of the temporary bund 3 surrounding the plant site would be perceptible during the full length of the operational phase i.e. a medium term noticeable improvement relative to the original scheme. The overall magnitude and visual effects during the operational phase would remain unchanged from</p>	<p>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”.</p> <p>The applicant is proposing a number of visual mitigation and enhancement measures, which</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>the original scheme i.e. up to Moderate adverse and Not Significant.</p> <p>c) Public views would be experienced from Footpath 624 (B) to the east of the plant site. The revised scheme would be visible as a reduction in height from 6m to 3m of the temporary bund 3 surrounding the plant site following the restoration of Phases 1 and 2 (see Viewpoint D at Figures 4.62-4.71). The changes would represent a medium term slight improvement relative to the original scheme. The overall magnitude and visual effects during the operational phase would remain unchanged from the original scheme i.e. Moderate adverse and Not Significant.</p> <p>d) Public views of the proposals would be experienced by road users and public rights of way users to the west of the proposals and the residents of Castle Barns. The revised scheme would result of the omission of bund 18 and the reduction in height of bund 19 from 4m to 3m in height (see Annotated Photoviews from Viewpoints 1, 2, and 3</p>	<p>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, 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>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>at Figures 4.2 to 4.4, Annotated Photoviews from Viewpoints 5, 6, at Figures 4.8 and 4.9 and Photomontages from Viewpoint 9 at Figures 4.12-4.16). The changes to the screen bunds and advance planting of the new hedgerow would represent a medium term slight improvement compared with the original scheme. The overall magnitude and visual effects during the operational phase would remain unchanged from the original scheme i.e. Minimal to Moderate adverse and Not Significant.</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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>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>
10.Wildlife / Ecology Impact (Response not included in this Appendix 2)	<p>Concerns raised within objections from Local Residents and Kidderminster Town Council :</p> <ul style="list-style-type: none"> • Displacement of wildlife; • Detrimental impact to biodiversity; • Impact to livestock / farmland from dust pollution; • Pollution of water 	<p>The amended Appeal Scheme submitted does not result in changes to Ecology / Wildlife Habitat Impact which required addressing through the ES Addendum (CD15.01).</p> <p>The conclusions of the Original ES (CD1.03) therefore remain relevant to the proposed development:</p> <p>The assessment of ecological impacts, and related impacts including atmospheric dust</p>	<p>Relevant Paragraphs of the Committee Report (CD10.01) – 693, 700, 724, 737, 738, 739, 740, 742, 761, 762, 763, 764</p> <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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>deposition and noise, have demonstrated that, providing that all mitigation and compensation measures detailed above are undertaken, impacts are anticipated to be that ecological habitats and species will benefit to a greater extent than currently. All habitats will be replaced as part of the restoration strategy to the same habitats or habitats of higher ecological importance. The habitats of the highest importance will be retained throughout the proposals (i.e. the external boundary woodland). All legally protected species recorded on the Site will be protected throughout the duration of the works and mitigation, compensation and enhancement measures will be undertaken wherever necessary.</p> <p>The restoration of the site is considered to provide an overall net biodiversity gain through the creation of enhanced habitats such as acid grassland, woodland and additional hedgerow.</p> <p>In terms of ecology and nature conservation, the proposed development will not have an unacceptable impact on flora or fauna in accordance with EIA regulations. The objectives of NPPF, the Development Plan and other material policy considerations are met.</p>	<p>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</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>strategy, Dust Mitigation Strategy, BEMMP, and long-term aftercare scheme.</p> <p>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.</p> <p>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.</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>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.</p> <p>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.</p> <p>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.</p> <p>...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.</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
			<p>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> <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>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
11.Effect of Property Values / Economy (Response not included in this Appendix 2, see original ES Addendum)	<p>Concerns raised within objections from Local Residents and Kidderminster Town Council:</p> <ul style="list-style-type: none"> Impact to the value of properties in vicinity of the quarry; Detrimental impact to local businesses, including local tourist accommodation / attractions. 	<p>The Appellants evidenced position with regard to the impact of the proposed development on the local economy has not changed as a result of the amended Appeal Scheme. As outlined within the Original ES (CD1.03), the proposed development would create 11 jobs for approximately 10 years. Furthermore, and not withstanding the identified need for sand and gravel (as set out in the accompanying Planning Statement), the proposed quarry would provide a significant contribution to the local economy. It is estimated that this contribution would equate to approximately £1,000,000 per annum (based on the Applicant's other operations) on external suppliers and on goods and services over the life time of the development, as well as contributing to the national and local tax base.</p> <p>The overall local employment significance of the proposed Lea Castle Farm Quarry is therefore estimated as 11 (jobs to be created at the quarry) plus 25 (indirect) plus 4 (induced) = 40 jobs. As explained above, were non-quarrying jobs at Lea Castle Farm, and other jobs more widely in Wyre Forest District, to be lost the effects of this would be much greater.</p>	<p>Relevant Paragraphs of Committee Report (CD10.01) – 840</p> <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 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.</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
12.Contrary to Development Plan (Response not included in this Appendix 2)	Concern raised by Local Residents that the proposed development is contrary to the Local Development Plan by means of contradicting the goal of enhancing and preserving green spaces and the environment	<p>As submitted within the Original Planning Statement (CD1.02) the proposed development is in accordance with the Local Development Plan, as well as local and national guidance.</p> <p>Consideration of planning policies specific to each technical consideration is provided within Section 10 of the Planning Statement. It was concluded within the statement that:</p> <p>In summary and having full regard to the Development Plan, it is considered that given the proposal provides clear benefits of contributing to the steady and adequate supply of sand and gravel required in NPPF to be maintained by Worcestershire County Council. Weight should also be attributed to the associated benefits to the local economy and the acceptable environmental impact of the proposal, as determined by appropriate environmental assessment.</p> <p>In overall conclusion, it is considered that the proposal is environmentally acceptable and supports the economic, social and environmental roles of sustainable development required in NPPF. Where adverse impacts do arise, they are not significant and appropriate methods of working and other mitigation</p>	<p>Relevant Paragraphs of Committee Report (CD10.01) - 1007</p> <p>In accordance with paragraph 11 d) of the NPPF, where the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance, taking into account the provisions of the Development Plan and in particular Policy 2 of the adopted County of Hereford and Worcester Minerals Local Plan, Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy, and Policies SP.1, SP.6, SP.7, SP.16, SP.20, SP.21, SP.22, SP.23, SP.24, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.34, SP.35, SP.37, DM.10, DM.22, DM.23, DM.24, DM.26, DM.28 and DM.32 of the adopted Wyre Forest District Local Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>measures can be promoted that are capable of further reducing the effects of any such impact.</p> <p>All mitigation can be formalised as appropriate through the imposition of planning conditions and other development control mechanisms. The potential environmental and local amenity impacts are therefore considered acceptable and the proposal accords with Development Plan policy.</p>	
13. Inert Material Availability (Response not included in this Appendix 2)	Concern raised by Local Residents that there would not be a sufficient level of inert material available to facilitate the proposed infilling and restoration of the site.	<p>The need for provision of inert waste capacity and the provision of available inert material for use within the restoration of Lea Castle Farm has formed topics within a number of submissions throughout the Lea Castle Farm Application and Appeal process, including the Original Planning Statement (CD1.02), Planning Proof of Evidence (POE2.01) and the Planning Proof of Evidence prepared for the Second Public Inquiry.</p> <p>It is summarised within paragraph 6.3.4 of the Planning Statement that: In addition to being the minimum necessary to achieve the restoration objectives, the volumes proposed for importation are considered to be available. They are based on discussions and interest shown from earthworks contractors operating within the surrounding area. Further, the proposed backhauling of material is a practical, economic</p>	<p>Relevant Paragraphs of Committee Report (CD10.01)- 821</p> <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...</p>

Topic	Summary of Consultation Responses	Reference within Submitted Documents	Planning Officer Committee Report Comment
		<p>and viable option. Customers regularly enquire whether inert materials can be accepted, and for this to be linked to aggregate sales.</p> <p>Also, it is the Appellant position that (as stated within the Planning Proof of Evidence) there is 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, and from the increase in housing delivery anticipated from the Revised Standard Methodology.</p> <p>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.</p>	

1. Worcestershire Regulatory Services – Soils Response

ENVIRONMENTAL HEALTH & LICENSING



Steven Aldridge
Worcestershire County Council
County Hall
Spetchley Road
Worcester
WR5 2NP

Please reply to: WRS Enquiries
Direct line: 01905 822799
e-mail: wrsenquiries@wrcsregservices.gov.uk
Our ref: 20/01248/PLAN

BY EMAIL

30th August 2024

Dear Steve

Application No: 19/000053/CM

Applicant: NRS Aggregates Ltd

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

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

Thank you for your recent consultation. Worcestershire Regulatory Services (WRS) have reviewed the application for potential contaminated land (PCL) concerns.

We understand that an Environmental Permit will be required for storage, treatment and disposal of inert extractive wastes. A further EA Permit is required for waste accepted and deposited on site for restoration purposes. If this remains the case, then we have no additional comments to add. Alternatively, we reiterate our standard condition for import of soil below for your reference.

Import of Soil and Soil Forming Materials

The application information indicates that soil or soil forming materials will be required to be imported onto the site. As a result, to ensure that the site is suitable for its proposed use, in accordance with the National Planning Policy Framework, conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use. The Framework also requires that adequate information be prepared by a competent person.

continued....

Worcestershire Regulatory Services
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
General Enquiries: 01905 822799 wrsenquiries@wrcsregservices.gov.uk www.wrcsregservices.gov.uk

Condition - Importation of Soil

Full details of any soil or soil forming materials proposed for importation to the site for use in garden areas, soft landscaping, filling, and level raising must be submitted to the Local Planning Authority and approved in writing prior to import and implementation of the scheme. The material must be assessed for contamination and suitability for use on site.

Full donor site details, proposals for contamination testing; including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment), must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

Following implementation of the approved scheme suitable validatory evidence (including but not exclusive to laboratory certificates, photographs, consignment notes, and relevant risk assessment) should be submitted to and approved in writing by the Local Planning Authority.

All works are to be carried out by competent persons and in accordance with the Environment Agencies 'Land Contamination Risk Management' guidance (LCRM).

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

If you have any further queries regarding this matter or information provided in support of the application requiring comment by the Land and Air Quality Team, please do not hesitate to contact us via enquiries@worcsregservices.gov.uk or 01905 822799 quoting the above reference number.

Yours sincerely

Phil Brookes
Technical Officer
Worcestershire Regulatory Services

2.Canal and River Trust Response

From: [Jane Hennell](#)
To: liamtolandplanning@outlook.com
Subject: RE: Planning Consultation 19/000053/CM - APP/E1855/W/22/3310099
Date: 14 August 2024 16:40:33
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)

Hi Liam, thanks, in that case I will respond referencing that and with no additional comments by the end of the week as I am out of the office tomorrow.

Kind regards

Jane Hennell MRTPI
Area Planner
M 07747 897793
Canal & River Trust

Gloucester Waterways Museum, Llanthony Warehouse, The Docks, Gloucester, GL1 2EH



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canalrivertrust.org.uk/newsletter

From: Liam Toland <liamtolandplanning@outlook.com>
Sent: Wednesday, August 14, 2024 3:49 PM
To: Jane Hennell <Jane.Hennell@canalrivertrust.org.uk>
Cc: Robert Williams <aldermill@aldermill.co.uk>
Subject: RE: Planning Consultation 19/000053/CM - APP/E1855/W/22/3310099

You don't often get email from liamtolandplanning@outlook.com. [Learn why this is important](#)

Dear Jane,

I'm just responding to your email below and your letter.

In terms of your queries regarding Bridge 20 of the Staffordshire & Worcestershire Canal, the proposed access at the site has been designed with a kerbed central island and tight kerb radii to prevent HGV movements from turning left into the site and right out of the access and thus directing all HGVs to the A449. This will be secured by conditions 19 and 23 – see attached CD13.26.

Lea Castle Quarry Consultation

I hope this clarifies matters.

Regards

Liam Toland



From: Robert Williams <aldermill@aldermill.co.uk>
Sent: Wednesday, August 14, 2024 3:06 PM
To: Liam Toland <liamtolandplanning@outlook.com>
Subject: FW: Planning Consultation 19/000053/CM - APP/E1855/W/22/3310099

From: Jane Hennell <Jane.Hennell@canalrivertrust.org.uk>
Sent: 14 August 2024 13:38
To: Robert Williams <aldermill@aldermill.co.uk>
Subject: Planning Consultation 19/000053/CM - APP/E1855/W/22/3310099

I would be grateful if you could provide a little further information as set out in the attached letter. Whilst I am aware that Highways issues is not a matter for consideration currently the Trust is not aware of the original list of agreed conditions and whether our concern was alleviated by those conditions.

Please can you provide a list of suggested conditions and further details in response to our concern regarding the bridge over the canal.

Kind regards

Jane Hennell MRTPI
Area Planner
M 07747 897793
Canal & River Trust

Gloucester Waterways Museum, Llanthony Warehouse, The Docks, Gloucester, GL1 2EH



canalrivertrust.org.uk

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Canal & River Trust is a charitable company limited by guarantee registered in England & Wales with company number 7807276 and charity number 1146792. Registered office address National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW.

Cadw mewn cysylltiad

Cofrestrwch i dderbyn e-gylchlythyr Glandŵr Cymru

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Cefnogwch ni ar <https://www.facebook.com/canalrivertrust>

Dilynwch ni ar <https://twitter.com/canalrivertrust> ac

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Mae Glandŵr Cymru yn gwmni cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr gyda rhif cwmni 7807276 a rhif elusen gofrestredig 1146792. Swyddfa gofrestredig: National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW.



Liam Tolland
Alder Mill enterprise Ltd
By email

Your Ref 19/000053/CM -
APP/E1855/W/22/3310099

Our Ref CRTR-PLAN-2024-42352

Thursday 15 August 2024

Dear Alder Mill Enterprise Ltd,

Proposal: Amended Proposal as Appeal is being re-determined - the Appellant is submitting information relating to the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and / or duration of temporary soil storage / screening bunds and minimising the time when quarry operational land is required

Location: Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster

Waterway: Staffordshire & Worcestershire Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the additional information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

During the course of the original planning application consultation, the Canal & River Trust commented that in order to prevent damage to canal bridge 20 over the Staffordshire & Worcestershire canal all vehicles should be routed towards the A449.

The proposed access at the site has been designed with a kerbed central island and tight kerb radii to prevent HGV movements from turning left into the site and right out of the access and thus directing all HGVs to the A449. It is suggested that this access detail can be secured by two pre-commencement conditions 19 and 23 as set out Worcestershire County Council Schedule of conditions. These conditions require a HGV management plan to be submitted and approved as well as the installation of signage to advise drivers not to turn right on leaving the site.

Subject to the imposition of these conditions the Trust has no further comments to make on the revisions proposed as part of the amended appeal.

Please do not hesitate to contact me with any queries you may have.

Canal & River Trust Planning Team

Canal & River Trust, National Waterways Museum, Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW
T: 0151 355 5017 E: nationalwaterwaysmuseum@canalrivertrust.org.uk W: canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW

Lea Castle Quarry Consultation

Yours sincerely,

Jane Hennell MRTPI
Area Planner

Jane.Hennell@canalrivertrust.org.uk
07747 897793

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

Canal & River Trust Planning Team

Canal & River Trust, National Waterways Museum, Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW
T: 0151 355 5017 E: nationalwaterwaysmuseum@canalrivertrust.org.uk W: canalrivertrust.org.uk

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3. Historic England Response



Historic England

Direct Dial: 0121 625 6893
Our ref: **W**: P01171482
7 August 2024

Dear Sir/Madam,

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND AT LEA CASTLE FARM, WOLVERLEY ROAD, BROADWATERS,
KIDDERMINSTER, WORCESTERSHIRE
Application No. 19/000053/CM**

Thank you for your letter of 6 February 2020 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We believe that you seek the views of the Local Planning Authority's specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>.

Yours sincerely

R. Worrall

Rosamund Worrall

Team Leader (Development Advice)

E-mail: Rosamund.Worrall@HistoricEngland.org.uk



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888
HistoricEngland.org.uk

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

5.Worcestershire Regulatory Services – Air Quality and Noise Response

From: [Todd Wilkes](#)
To: [Aldridge, Steven](#)
Subject: [WCC EXTERNAL]RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information - Air Quality
Date: 05 September 2024 11:59:58
Attachments: [image001.png](#)
[WRSFmailSignatureLogo_0d1f5296-bd24-489f-84e9-9791a713b120.jpg](#)
[Twitter_7a68bf01-4fad-4d95-a437-23b3983442a5.png](#)
[Facebook_6df45d9c-8a98-4e08-ac19-ec23d2f1b7ca.png](#)
[LinkedIn_af23f732-9343-4adc-9f9d-50292ff228dc.png](#)
[DontPrint_e9bd8d59-80cd-4c2b-a1e9-62be76b3fbee.png](#)

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Good Afternoon Steve,

Thank you for re-consulting on this appeal. I can confirm after review of associated documents and scope of changes, these will not change WRS previous comments for this application. WRS' previous comments will still apply.

Kind regards

Todd Wilkes

Technical Officer

Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF

E-mail: Todd.Wilkes@worcsregservices.gov.uk

Web: <https://www.worcsregservices.gov.uk/>



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From: Aldridge, Steven <SAldridge@worcestershires.gov.uk>

Sent: Monday, August 5, 2024 9:54 AM

Subject: RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information

Importance: High

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Dear Consultee,

Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Application Ref: 19/000053/CM
Appeal Ref: APP/E1855/W/22/3310099
Grid Reference: (E) 383959, (N) 278992
Applicant: NRS Aggregates Ltd
Proposal: Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement
Location: Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire

NRS Aggregates Ltd have Appealed against the refusal of Planning Application 19/000053/CM by Worcestershire County Council for Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement. The application which was submitted to the Council in January 2020 was refused by Worcestershire County Council on 27th May 2022 and an Appeal against the refusal was dismissed on 5th May 2023. This Appeal decision was subsequently quashed following the High Court Judgment issued on 16th November 2023.

Following the quashing of that Appeal decision, the Appeal is now being re-determined. As part of the re-determination, the Appellant is submitting information relating to the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and / or duration of temporary soil storage / screening bunds and minimising the time when quarry operational land is required.

The revised plans, Environmental Statement Addendum and Appendices and Non-Technical Summary are available to view online at:

www.worcestershire.gov.uk/eplanning using the application reference: 19/000053/CM (see documents tab – Documents CD15.01 to CD15.24).

Alternatively, the documents are available to view online at:

www.worcestershire.gov.uk/leacastlequarry (see [Inquiry Core Documents](#) CD.15 Revised Plans and Supporting Information – July 24).

Should you wish to comment on the amended proposal, please send your comments to the Appellant at Email: aldermill@aldermill.co.uk or Post: (Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH) by **6th September 2024**. If this is not possible then please let me know.

Please note that all correspondence regarding any planning application will be available for inspection by the Applicant / Appellant and any interested third parties.

Please do not hesitate to contact me if you have any queries.

Yours faithfully

Steve

Steven Aldridge
Development Management Team Manager
Worcestershire County Council
County Hall, Spetchley Road, Worcester, WR5 2NP
Tel: 01905 843510
Mob: 07985334367
Email: saldridge@worcestershire.gov.uk



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5.Worcestershire Regulatory Services – Air Quality and Noise Response

From: [Steve Williams](#)
To: ["Liam Toland"](#)
Subject: RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information
Date: 20 August 2024 15:42:01
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[WRSFEmailSignatureLogo_0d1f5296-bd24-489f-84e9-9791a713b120.jpg](#)
[Twitter_7a68bf01-4fad-4d95-a437-23b3983442a5.png](#)
[Facebook_6df45d9c-8a98-4e08-ac19-ec23d2f1b7ca.png](#)
[LinkedIn_af23f732-9343-4adc-9f9d-50292ff228dc.png](#)
[DontPrint_e9bd8d59-80cd-4c2b-a1e9-62be76b3fbee.png](#)

Thanks Liam.

Steve Williams

Senior Technical Officer (Technical Services)

Tel: 01562 738091

Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF

Mobile: 07776 145989

Fax: 01562 745516

E-mail: Steve.Williams@worcsregservices.gov.uk

Web: <http://www.worcsregservices.gov.uk/>



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From: Liam Toland <liamtolandplanning@outlook.com>

Sent: Tuesday, August 20, 2024 3:31 PM

To: Steve Williams <steve.williams@worcsregservices.gov.uk>

Cc: helen.skinner@planninginspectorate.gov.uk; Mike <mike@stiltz.co.uk>;

SAldridge@worcestershire.gov.uk

Subject: RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information

Dear Steve,

I'm just responding to your email from August 12th to Steve Aldridge.

The query was:

"Noise: For clarity, can the applicant confirm that the predicted noise levels detailed in Section 5.3.24 of the ES Addendum have taken account of the reduced noise levels from the processing plant and the proposed reduced bund heights"

WBM Response: Yes, the “worst case site noise normal operations” noise levels (dB LAeq,1h) presented in the table in paragraph 5.3.24 have taken accounts of the reduced noise levels from the processing plant and the proposed reduced bund heights. The site activity noise level from each phase has been calculated for each receptor and the highest value presented in the table, along with the phase(s) that cause the highest site noise value.

The changes to the scheme including the processing plant output and bund heights are summarised in Section 5.3, paragraphs 5.3.1 to 5.3.12.

The sound power level for the processing plant (and other plant / equipment) is confirmed in the table in paragraph 5.3.21.

I trust this clarifies matters but any queries, let me know

Regards

Liam Toland



From: Aldridge, Steven <SAldridge@worcestershire.gov.uk>
Sent: Monday, August 12, 2024 3:35 PM
To: Steve Williams <steve.williams@worsregservices.gov.uk>; Liam Toland <liamtolandplanning@outlook.com>
Cc: helen.skinner@planninginspectorate.gov.uk; Mike <mike@stiltz.co.uk>
Subject: RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information

Dear Steve,

Application Ref:	19/000053/CM
Appeal Ref:	APP/E1855/W/22/3310099
Grid Reference:	(E) 383959, (N) 278992
Applicant:	NRS Aggregates Ltd
Proposal:	Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement
Location:	Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire

Many thanks for your comments / queries below on the further information for the above appeal.

As this consultation is being carried out by the appellant at the appeal stage, comments need to be sent to the appellant at: email: aldermill@aldermill.co.uk.

Liam, please see the clarification sought by Worcestershire Regulatory Services (email below). Please can you confirm.

Kind regards

Steve

Steven Aldridge
Development Management Team Manager
Worcestershire County Council
County Hall, Spetchley Road, Worcester, WR5 2NP
Tel: 01905 843510
Mob: 07985334367
Email: saldrige@worcestershire.gov.uk



From: Steve Williams <steve.williams@worcsregservices.gov.uk>
Sent: Monday, August 12, 2024 3:28 PM
To: Aldridge, Steven <SAldridge@worcestershire.gov.uk>
Subject: [WCC EXTERNAL]RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information

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Hi Steve,

Noise: For clarity, can the applicant confirm that the predicted noise levels detailed in Section 5.3.24 of the ES Addendum have taken account of the reduced noise levels from the processing plant and the proposed reduced bund heights.

Regards,

Steve Williams

Senior Technical Officer (Technical Services)
Tel: 01562 738091
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
Mobile: 07776 145989
Fax: 01562 745516
E-mail: Steve.Williams@worcsregservices.gov.uk
Web: <http://www.worcsregservices.gov.uk/>



From: Aldridge, Steven <SAldridge@worcestershires.gov.uk>
Sent: Monday, August 5, 2024 9:54 AM
Subject: RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information
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The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

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Council on 27th May 2022 and an Appeal against the refusal was dismissed on 5th May 2023. This Appeal decision was subsequently quashed following the High Court Judgment issued on 16th November 2023.

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The revised plans, Environmental Statement Addendum and Appendices and Non-Technical Summary are available to view online at:

www.worcestershire.gov.uk/eplanning using the application reference:

19/000053/CM (see documents tab – Documents CD15.01 to CD15.24).

Alternatively, the documents are available to view online at:

www.worcestershire.gov.uk/leacastlequarry (see [Inquiry Core Documents](#) CD.15 Revised Plans and Supporting Information – July 24).

Should you wish to comment on the amended proposal, please send your comments to the Appellant at Email: aldermill@aldermill.co.uk or Post: (Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH) by **6th September 2024**. If this is not possible then please let me know.

Please note that all correspondence regarding any planning application will be available for inspection by the Applicant / Appellant and any interested third parties.

Please do not hesitate to contact me if you have any queries.

Yours faithfully

Steve

Steven Aldridge
Development Management Team Manager
Worcestershire County Council
County Hall, Spetchley Road, Worcester, WR5 2NP
Tel: 01905 843510
Mob: 07985334367
Email: saldridge@worcestershire.gov.uk



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6.Environment Agency Response

[WCC EXTERNAL]RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Furthe...



Bennion, Matthew <Matthew.Bennion@environment-agency.gov.uk>
To Aldridge, Steven

Reply

Reply All

Forward



Tue 06/08/2024 11:34

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Hi Steve,

Thank you for your re-consultation of the above planning application following the High Court Judgment. We note the changes to the planning application, however, we have no further comments at this time. We would please like to reiterate our previous comments and suggested condition in our response of 31 March 2020 and clarified in our response of December 2020.

If you are unable to access these previous responses, please let me know and I can forward them to you.

Kind regards

Matt

Matthew Bennion
Planning Specialist
Sustainable Places
West Midlands Area

Mobile: 07810 774218

Team Email: westmidsp Planning@environment-agency.gov.uk
Working Days: Monday to Friday



3 Appendix – Email and Letter Responses

Collated consultation responses – Emails and Letters - 17th September 2024.

The following consultation responses were obtained via email and letter to Worcestershire County Council.

Table of Responses recorded as per the emails

No	Name of the person	Official body	Position	Type of the email	Date of the original
1	Mary Rayner	Official	District and Town councillor for Broadwaters	Email with an attachment (Letter)	05/ 09/ 2024
2	Steven Aldridge	Official	Development Management Team Manager Worcestershire County Council	Email with an attachment	09/ 09/ 2024
3	Joanna, Ian Phillips	Residents	-	Email	06/09/2024
4	Town Clerk	Official	Counsellor Kidderminster Town Council	Email	06/09/2024
5	Karen Baldwin	Resident	-		06/09/2024
6	Bill Houle	Stop the Quarry Rule 6 Group	Group Member	Email	05/09/2024
7	Gillian Kane	Resident	-	Email	03/09/2024
8	M McDonald	Resident	-	Email	01/09/2024
9	Rebecca Hatch	Resident	-	Email	29/09/2024
10	Malcolm Hazlewood	Resident	-	Email	27/08/2024
11	John Priest	Resident	-	Email	23/08/2024
12	Sharron Arens	Resident	-	Email	14/08/2024
13	Beverley J Drew	Official	Clerk to Wolverley & Cookley Parish Council	Email with an attachment (Letter)	06/09/2024
14	Robert Jinks	Resident	-	Email	27/08/2024
15	Phillip Bentley	Resident	-	Email	22/08/2024

Response 1

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
1	10/09/2024	Mary Rayner	Official	District and Town councillor for Broadwaters	Email with an attachment (Letter)	05/ 09/ 2024

From: Mary Rayner <rayner.kidderminster@btinternet.com>

Sent: 05 September 2024 10:01

To: Robert Williams <aldermill@aldermill.co.uk>

Subject: Objection to Lea Castle Quarry Kidderminster

Importance: High

Dear Sir

I am attaching my concerns about the Quarry at Lea Castle Farm Kidderminster to be taken into account at this next stage of the proceedings.

Kind regards

Mary Rayner

23 Dunnington Avenue

Kidderminster

Worcestershire

DY10 2YS

4th September 2024

Dear Sir/ Madam

Re; Planning application ref 19/000053/CM

Appeal ref APP/E1855/w/22/3310099

Grid ref (E) 383959 (N) 278992

Location Land at Lea Castle Farm Wolverley Road Broadwaters
Kidderminster Worcestershire.

I am writing this in my capacity as a District and Town councillor for Broadwaters.

I previously wrote my concerns/Objections to you on 6th September 2021.

I am going to mention in this instance that I am also a retired Senior Lecturer In Nursing Research and Management. One of my specialist subjects was respiratory medicine and I was a member of the British Thoracic society.

I have read the reports concerning the above application. I would like to highlight the main categories to which I have concerns, that of Health and Safety issues.

Health

In my original letter I pointed out the effects on the local populations of dust and particulates caused by the quarrying. Dave Langton 2023 in his paper published on the Worcestershire County Council web site concerning the quarry has cited many research articles about the effects of quarries. The UK Government Health and Safety executive has many policies for quarries for the protection of employees and the process of damping down is just one of them. However, it has a minimal effect on the dust and particles that remain in the air/atmosphere near to the quarry. 38 degrees has discovered that dust from quarries affected populations in the surrounding areas of up to a 1000 meters radius of the quarry thus increasing the level of lung disease within the indigenous population. 38 degrees recommends that quarries should only be within a population area of 10 households within the 1000m radius to reduce the impact on the health of the local people.

In Broadwaters ward alone(this does not include Cookley or Wolverley ward) the part within the 1000m radius covers over 1004 households.(a possible extra 2000

people) This is 100 times over the recommended levels of populations. There is a local primary school in the ward and these children will also be affected and not all of them live in the ward, or their teachers. Many of these people will need the support of extra health care provision particularly within the area of respiratory medicine which is currently challenged. This will have a lifelong impact to their health several thousands of people. This is emphasised in the research published by Maysaa, N; Giacaman, R; Hussein, A. 2020. In fact, they discovered in their research that the local people's eyes, and throats were as well as the respiratory system effected by the quarry dust particles.

Safety. Traffic and Children

In my previous letter of objection to the quarry I mentioned that Sion Hill is the steepest in the Kidderminster area and is totally unsuitable for heavy vehicles. It was noted that heavy vehicles would not be using this road. It is also noted by the health and safety executive. (2013hse) has numerous papers on the management of quarries to be safe both inside their perimeters and outside the boundary of a quarry site. At the public exhibition I also raised this point and reassured that no heavy vehicles do now or every would use this road. I would like to make my observations known that over the last few weeks BREDON lorries(aggregate lorries) have been going up and down Sion Hill on a regular basis as I have witnessed them. A large lorry (non-aggregate) broke down on Sion Hill on the afternoon of 30th August 2024. It caused much traffic chaos. It is also a known fact that if large vehicles like buses use the hill regularly, they go on fire. Sion Hill is only a category C road and therefore does not get maintenance as a B or A road and is more likely to disintegrate. I have been reassured that large vehicles do not use the hill so how come this is not born out by the facts. Lorry drivers will always take the shortest route and therefore they will repetitively use the Hill. It will also put lives at risk as there is only a Zebra crossing at the top, where the school children cross to go to school. It is almost a blind spot. Another area of potential danger for pedestrians of all ages.

Another safety issue is prevention of children getting onto the quarry site. This I mentioned in my previous objection to the quarry. I feel this is not sufficiently addressed. Every year children lose their lives at quarries and quarry sites. With the quarry being near a school in my ward and 4 other schools in the adjacent wards there is a high risk of accidents involving children.

There are many other points that I would like to put forward, but I do not wish to present you with a thesis. However, the People and Children in Community in I live in Broadwaters are very precious and need to be given every advantage of enjoying good health and live in an environment that is healthy and safe.

Yours Faithfully

Mary A Rayner

Mary A. Rayner MBA BA cert ed. (my professional health qualifications stopped on retirement)

Town and District Councillor Broadwaters and resident.

References

[hse.gov.uk/quarries](https://www.hse.gov.uk/quarries)

Nemar,Maysaa; Giacaman.Rita:Husseini,Abdullatif; International Journal of Environment and Respiratory Public Health 2020 September 17(17): 6068

<https://you.38degrees.org.uk/tos>

Response 2

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
2	09/09/2024	Steven Aldridge	Official	Development Management Team Manager Worcestershire County Council	Email with an attachment	09/ 09/ 2024

From: Aldridge, Steven <SAldridge@worcestershire.gov.uk>

Sent: 09 September 2024 08:29

To: Robert Williams <aldermill@aldermill.co.uk>; Liam Toland <liam@keddltd.co.uk>

Cc: Mike <mike@stiltz.co.uk>; helen.skinner@planninginspectorate.gov.uk

Subject: RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - WRS Air Quality Comments

Dear Liam,

RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster

With regard to the above appeal and consultation on the further environmental information. Please find attached comments from Worcestershire Regulatory Services in respect to air quality for your attention.

Kind regards

Steve

Steven Aldridge

Development Management Team Manager

Worcestershire County Council

County Hall, Spetchley Road, Worcester, WR5 2NP

Tel: 01905 843510

Mob: 07985334367

Email: saldridge@worcestershire.gov.uk

Good Afternoon Steve,

Thank you for re-consulting on this appeal. I can confirm after review of associated documents and scope of changes, these will not change WRS previous comments for this application. WRS' previous comments will still apply.

Kind regards

Todd Wilkes

Technical Officer

Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF

E-mail: Todd.Wilkes@worcsregservices.gov.uk

Web: <https://www.worcsregservices.gov.uk/>

Response 3

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
3	06/09/2024	Joanna, Ian Phillips	Residents	-	Email	06/09/2024

FW: Re Lea Castle Farm public Inquiry APP/E1855/W/22/3310099



Robert Williams
To **Liam Toland**



06/09/2024

From: joanna phillips <joannaephillips@gmail.com>
Sent: 06 September 2024 15:40
To: Robert Williams <aldermill@aldermill.co.uk>
Subject: Re Lea Castle Farm public Inquiry APP/E1855/W/22/3310099

Worcs County council re 19/000053/CM

I am writing again to object to the proposed quarry ref above on the grounds that not only does it spoil the openness of the greenbelt around our village, but also there is no difference to the new proposal.

This quarry will adversely affect our lives as residents for many years to come with much increased traffic with large lorries on very congested narrow roads, but also increased dust and sand particles causing hazardous pollution, noise, and health and safety risks to the surrounding communities. The closeness of such a quarry to many schools is unthinkable.

We totally reject this abhorrent proposal and as a community have fought long and hard to prevent this happening on our doorstep and blighting our lives

Joanna and Ian Phillips, Very concerned residents of Cookley

Response 4

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
4	06/09/2024	Town Clerk	Official	Counsellor Kidderminster Town Council	Email	06/09/2024

From: Town Clerk <TownClerk@Kidderminstertowncouncil.gov.uk>

Sent: 06 September 2024 13:06

To: 'SAldridge@worcestershire.gov.uk' <SAldridge@worcestershire.gov.uk>; Robert Williams <aldermill@aldermill.co.uk>

Subject: RE: 3310099 - Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information

To whom it may concern,

Please see below comments from Kidderminster Town Council Planning Committee.

1. **Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - Further Information (Appendix 3)**

OBJECT

On grounds of:

- Negative impact on local population health (including dust, air quality, respiratory issues, water contamination, traffic related health impacts, noise impact and mental health impact on local residents)
- Negative environmental impact – habitat destruction, biodiversity loss, landscape and visual impact, soil erosion and degradation, water pollution and dust pollution, noise and vibration levels for wildlife.
- Proximity to residential living and schools
- Safety – ensuring robust fencing to surround site, pedestrian safety risks.
- Traffic – increased heavy vehicle traffic, road safety risks, and impact on local infrastructure.
- Impact on local business economy – local pubs, caravan sites, and 4 local schools impacted.
- Spoils the openness of the green belt.

The committee does not consider the changes in the application to be sufficient.

Kindest regards



Town Clerk

Vicar Street, Kidderminster, Worcestershire, DY10 1DA

Kidderminster Town Council - Providing Services to the People of Kidderminster



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

Response 5

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
5	05/09/2024	Karen Baldwin	Resident	-		06/09/2024

From: karen.baldwin2019 <karen.baldwin2019@btinternet.com>

Sent: 05 September 2024 08:00

To: Robert Williams <aldermill@aldermill.co.uk>

Subject: Lee Castle Quarry Application Appeal

I am saddened that once again I have to raise my objections to the above proposal.

The amendments made to the original plan do not make any change to the absurdity of this application.

The lives of the residents and schoolchildren will still be blighted for years to come. The physical and mental health of the population will still be reduced. Businesses will still be ruined. The air will still be contaminated by dust and vehicle pollution. The landscape and outdoor space that all can benefit from will still be lost.

There is nothing in the plan and subsequent amendment to benefit me but instead will be nothing but detrimental to everything that I have striven to do in my life. My health will certainly be affected and I will become a further burden on our already struggling NHS and social care system.

This is an application that must be rejected.

Karen Baldwin

Response 6

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
6	05/09/2024	Bill Houle	Stop the Quarry Rule 6 Group	Group Member	Email	05/09/2024

From: Bill Houle <billh@triprop.co.uk>
Sent: 05 September 2024 10:19
To: helen.skinner@planninginspectorate.gov.uk
Cc: SAldridge@worcestershires.gov.uk; Liam Toland <liamtolandplanning@outlook.com>; Mike Lord <mike@stiltz.co.uk>
Subject: APP/E1855/W/22/3310099 Lea Castle Farm re-inquiry NRS public consultation on changes

Dear Helen

My colleague, Mike Lord has already raised issue with the low profile public re-consultation on changes to the NRS application as above. The two public events have taken place. We have written to the NRS's consultants recording objections . However, we believe that some of the representation NRS made at the consultation was incomplete and incorrect warranting further consideration at the enquiry.

There are 3 main issues:

- 1 Opportunity to comment/object
- 2 NRS's identity
- 3 Practicality of enforcement

I attach below a photograph of the first presentation page at the public consultation.

- 1 At the public events there were no instructions as to how to object except for an un-headed typed Q&A sheet to fill in. There was no mention of the on line objection route. For those with no internet access there was no address to write to. We believe exposure of the events and opportunities to respond were limited.

2 The presentation was in the name of NRS Aggregates (see photo) – a company that changed its name 5 years ago to NRS Saredon Aggregates. Since the appellants have multiple companies this raises the issue of who would be culpable for any enforcement or future legal action.

NRS Aggregates describe themselves as a “family company” this is incorrect – the 3 or 4 directors are in a multi company business majority owned and controlled by a substantial (£500M) business. This is a holding company LAF Holdings Ltd no 06195309 owning 50.1% of Natural Resource Services Holding Company Ltd no 12084506. Companies House on line shows 20 NRS companies including NRS KIDDERMINSTER AGGREGATES LIMITED (11365289) and NRS KIDDERMINSTER HOLDINGS LIMITED (11358472). All the NRS companies are linked in directorship and persons with significant control to the above holding companies.

3 The existence of numerous companies makes enforcement of conditions challenging. If NRS doesn’t operate within the planning conditions or undertake reinstatement, ultimate responsibility falls to the landowner. The land owner is Strong Farms (LS) Ltd company no OE010471 based in St Helier, Jersey. This is an overseas landowner which once more makes enforcement difficult.

We believe the identity of the appellant and owner and uncertainty over enforceability of conditions is relevant to the inspectors decision.

We believe the identity of the appellant and owner and uncertainty over enforceability of conditions is relevant to the inspectors decision.

Regards



Bill Houle FRICS

billh@triprop.co.uk (mob) 07900 216525

Stop the Quarry Rule 6 Group

Lower Kingsford Farm, Wolverley

Response 7

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
7	03/09/2024	Gillian Kane	Resident	-	Email	03/09/2024

-----Original Message-----
 From: Gillian Kane <rkane@blueyonder.co.uk>
 Sent: 03 September 2024 16:02
 To: Robert Williams <aldermill@aldermill.co.uk>
 Subject: Lea Castle Farm Quarry proposal

As a relatively new resident in Cookley I wish to air my objections to the proposed Lea Castle Farm Quarry. Apart from the fact that there was no mention of plans in our searches, from what I learned at the recent open day at Wolverley Memorial Hall, the amended proposals do not alter the fact that the quarry will have a huge detrimental affect on residents, the green belt and wildlife in the area. The promise of heavy vehicles only turning left out of the entrance and 60% heading north will no doubt never be checked and the other 40% are likely to clog up the ring road. The most important factor, however, which has been raised by residents before, is the fact that silica dust will not be limited to the confines of the quarry. With five primary schools bordering on the proposed area, the health of our children and residents is seriously at risk. If planning permission was to be granted, which would be a travesty for the villages of Wolverley, Cookley and surrounding areas for many years to come, perhaps conditions should include the provision of appropriate additional medical resources!

Gillian Kane

Sent from my iPad

Response 8

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
8	02/09/2024	M McDonald	Resident	-	Email	01/09/2024

Re Lea Castle Farm Quarry . Cookley .



leacastlesaddlery@btinternet.com

To Robert Williams



01/09/2024



Follow up. Start by 02 September 2024. Due by 02 September 2024.
You forwarded this message on 02/09/2024 11:28.

Sent from my iPad To whom it concerns . Firstly the consultation was poorly advertised , the venue that was stated ,doesn't even exist . So a second one was done . Also when a lot were on holidays . Anything that has been changed ,is inconsequential to the fact that a quarry on this site ,affects too many residents and homes ,and much treasured landscape to the area . My simple answer is , it should not be allowed , this is not industrial land , it is farmland and greenspace , which is essential to our future well being . It is footpaths and bridleways ,and safe passage between neighbouring villages . It should stay this way .

Regards . Mrs M McDonald .

Response 9

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
9	29/08/2024	Rebecca Hatch	Resident	-	Email	29/09/2024

-----Original Message-----

From: rebecca hatch <bock17@yahoo.co.uk>

Sent: 29 August 2024 13:51

To: Robert Williams <aldermill@aldermill.co.uk>

Subject: Objection to the proposed quarry at Lea Castle Farm

Dear NRS,

I strongly object to the proposed sand and gravel quarry at Lea Castle Farm for several reasons:

Environmental Impact: The quarry would have a devastating effect on the local environment. The extraction process will destroy natural habitats, displace wildlife, and threaten the biodiversity of the area. The site is home to various species, and the disturbance caused by quarrying could lead to a significant loss of flora and fauna.

Health Risks: The dust and particulates generated from quarry operations pose serious health risks to the local community, particularly for vulnerable groups such as children, the elderly, and those with respiratory conditions. Long-term exposure to such pollutants can lead to respiratory issues, cardiovascular problems, and other health concerns.

Noise and Air Pollution: The constant noise from heavy machinery and transport vehicles, coupled with dust emissions, will degrade the air quality and peace of the surrounding areas. This noise and air pollution will affect not only human residents but also livestock and local wildlife.

Impact on Local Roads and Safety: Increased traffic from heavy lorries transporting sand and gravel will put tremendous pressure on local roads, leading to congestion, road damage, and a higher risk of accidents. This would impact the safety of pedestrians, cyclists, and other road users, including children walking to school.

Negative Effect on Property Values and Local Economy: The presence of a quarry will likely lead to a decline in property values in the vicinity, making it harder for residents to sell their homes. Moreover, the quarry could negatively impact local tourism, small businesses, and the overall quality of life for residents.

Contradiction to Local Development Plans: The quarry is in stark contrast to the vision for sustainable development in the area. The development plans emphasize enhancing local green spaces and preserving the environment, which a quarry directly contradicts.

For these reasons, I firmly oppose the development of a sand and gravel quarry at Lea Castle Farm and urge the decision-makers to reject this proposal to protect our community and environment.

Your new plans and consultation has done nothing to change my mind there is no difference in the new proposals, it still spoils the openness green belt and will affect our lives for years to come with traffic, noise, dust and health & safety risks.

Regards,
Rebecca Hatch

Response 10

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
10	25/08/2024	Malcolm Hazlewood	Resident	-	Email	27/08/2024

From: Malcolm Hazlewood <hazlewood5@msn.com>

Sent: 25 August 2024 16:45

To: Robert Williams <aldermill@aldermill.co.uk>

Subject: Quarry application, Lea Castle farm

I object to this planning application on the grounds that have already been established. The increase in heavy vehicles on an already busy B road.

The noise dust and health issues in a location containing five schools and four residential communities

The revised plan has insignificant changes to the original plan that was rejected by the inspectors.

This should not go any further, a total block should be imposed on any further plans.

Malcolm Hazlewood

Sent from [Outlook for Android](#)

Response 11

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
11	22/08/2024	John Priest	Resident	-	Email	23/08/2024

-----Original Message-----

From: John Priest <johnpriest1@sky.com>

Sent: 22 August 2024 19:02

To: Robert Williams <aldermill@aldermill.co.uk>

Subject: Lea castle farm quarry

Good afternoon

WCC reference 19/000053/cm

I want to add my objections to the quarry I object , there's no difference in the new proposals
It still spoils the openness green belt It will greatly affect our lives and health for years with
traffic, noise and dust pollution.

Will substantially increase health and safety risks Detrimental to wildlife

Regard's John Priest

Response 12

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
12	14/08/2024	Sharron Arens	Resident	-	Email	14/08/2024

From: Sharron Arens <sarens2504@gmail.com>

Sent: 14 August 2024 12:30

To: Robert Williams <aldermill@aldermill.co.uk>

Cc: devcontrolteam@worcestershire.gov.uk

Subject: Planning Inspectorate appeal reference: APP/E1855/W/22/3310099

Worcestershire County Council application reference: 19/000053/CM

Planning Inspectorate appeal reference: APP/E1855/W/22/3310099

Worcestershire County Council application reference: 19/000053/CM

Description of the development: Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement

Appellant's name: NRS Aggregates Ltd

Good Afternoon,

With reference to the appeal by NRS Aggregates Ltd regarding the declined proposal to use land at Lea Castle for a proposed sand and gravel site.

The site is in the middle of a residential area of Kidderminster, with a new housing development site right across the road being built. Around half of the houses are already built and occupied. The housing estate is going to be further developed with more residential homes, school and nursery, shops and GP Surgery.

In the close vicinity to the proposed quarry site, there is Cookley Sebright Primary School, Wolverley Sebright Primary School, St Oswalds Primary School and over the road from the site Heathfield Knoll School and Nursery. Also local to the proposed site is Wolverley High School.

Obviously, the local houses will be occupied with young children, elderly people and people with conditions such as asthma.

The sand and gravel quarry is going to produce dust, noise and traffic pollution. This is going to be detrimental to the local population and I have great concerns to the local community in concerns to the negative effects on people's health. I have asthma and know the dust pollution is going to have an adverse impact on me. There has been many accidents on the Wolverley Road , where the proposed quarry site access entrance is also proposed. This is going to create more traffic and traffic of heavy vehicles, which is going to increase the volume of traffic and risks of accidents. The noise and dust pollution is going to affect the local community massively.

They state they will build bigger bunds, but the site is on slope and so from the bottom of the site, the quarry and machinery will be very visible.

The local community do not want this site to be built. It will be detrimental to our health, there will be assertive noise and a dramatic increase in traffic. This will have an impact on every one in Kidderminster. The proposed site is too close to local schools and residential areas.

Also, it will have a negative effect on local businesses.

Surely there are better locations far enough away from residential areas. Use those sites instead.

The proposed quarry site has already been declined by Wyre Forest District Council, Worcestershire County Council and by the Inspector for the Secretary of State.

Please do not allow this quarry to go ahead.

Stop the quarry!

Kind regards

Sharron Arens

Response 13

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
13	06/09/2024	Beverley J Drew	Official	Clerk to Wolverley & Cookley Parish Council	Email with an attachment (Letter)	06/09/2024

From: beverleyjdrew@gmail.com <beverleyjdrew@gmail.com> **On Behalf Of** Beverley Drew

Sent: 06 September 2024 09:45

To: Robert Williams <aldermill@aldermill.co.uk>

Subject: Lea Castle Quarry Revised Plans / Further Information

Dear Sirs

Please find attached comments from Wolverley & Cookley Parish Council regarding the revised plans and further information.

Kind Regards Bev

Beverley J Drew

Clerk to Wolverley & Cookley Parish Council

clerk.wolverleyandcookleyipc@gmail.com

01562 850435 / 07702 521072

Response 14

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
14	27/08/2024	Robert Jinks	Resident		Email	27/08/2024

From: [Skinner, Helen](#)
To: [liamtolandplanning@outlook.com](#); [Aldridge, Steven](#); [Mike](#)
Subject: FW: The proposed Quarry Consultation
Date: 27 August 2024 14:08:51

For your information

Kind regards

Helen

Helen Skinner | Inquiries & Major Casework Team Leader
The Planning Inspectorate
Major Casework, Third Floor, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN
helen.skinner@planninginspectorate.gov.uk | 0303 444 5531
<https://www.gov.uk/government/organisations/planning-inspectorate> | @PINSgov

From: rjjinks@btinternet.com <rjjinks@btinternet.com>
Sent: Tuesday, August 27, 2024 1:57 PM
To: Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>
Subject: Fwd: The proposed Quarry Consultation

Good afternoon Helen

Please could you kindly forward this as this e mail address keeps bouncing back

thank you

Robert Jinks

----- Original Message -----

From: rjjinks@btinternet.com
To: aldermill@aldermill.co.uk
Sent: Tuesday, August 27th 2024, 13:50
Subject: The proposed Quarry Consultation

Dear Sir,

We are writing to once again continue to object the the above proposals to the Quarry as from our point of view there are no differences in this new proposal from last year's one which was thrown out by the then Inspector. He publicly declared to the assembled audience at the public meeting last year that his decision was final !! Clearly this was not the case !! Does his decision not count for anything ?

Lea Castle Quarry Consultation

The proposals will affect and spoil the openness to the Green belt which will affect our lives for many years to come with traffic volume and noise, dust and air pollution which will incur many health and safety risks.

There are also several local primary schools in the area whose young lungs will be affected by this dust let alone the vulnerable and elderly population whose lives will also be severely disrupted.

We are not against the quarry just the proposed siting of it.

Yours Faithfully,

Robert Jinks and family

Local Resident

[Please take a moment to review the Planning Inspectorate's Privacy Notice which can be accessed by clicking this link.](#)

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DPC:76616c646f72



Response 14

No	Email reference date (fwd to Liam)	Name of the person	Official body	Position	Type of the email	Date of the original
14	27/08/2024	Phillip Bentley	Resident		Email with an attachment letter	22/08/2024

Rec'd 27/8/24

1

Helen Skinner
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

64 Cardinal Drive
Kidderminster
Worcestershire
D10 4RY
22 August 2024

Dear Ms Skinner,

I am writing to object in the strongest terms to the proposed quarry at Lea Castle, Kidderminster. This is the third time to my knowledge that we have had the expense of defending this ridiculous application. Is it a case of they keep appealing until they get their way? Having met with NRS again at their recent open day at Habberley they admit that the only difference to this new application is lower bund walls and less of them due to what they claim are conveyors which operate at lower decibel noise levels. Let's face it that is hardly grounds for an appeal. There is hardly any difference between this and the last proposal which was kicked out.

This proposed site would be surrounded by schools, new build housing estates (three), the Village of Cookley, a riding centre. A football recreation area. A pub and a crazy golf area, not to mention a canal and caravan park. I could not imagine a more inappropriate place to site a quarry if I tried.

NRS are quick to remind us that Worcestershire falls short in its provision for Silica Sands, however I would totally disagree with the need for this site. This is purely based on revenue and greed and they will say anything to progress their cause. I have spent a lifetime in the waste industry and I know for a fact that a lot of their arguments are bogus:

There is an existing quarry at Wildmoor, junction 4 M5 which is currently extracting sand and has an application pending to extend its operation so why excavate a new quarry?

They state that this site at Lea Castle, would be the only site to accept inert soils when the truth is there are at least four in the immediate vicinity, which I know of.

Their original application was based on soils coming from the HS2 project which we all know is now shelved and most of the Birmingham link main civils are either completed or well on the way to completion. Just to add here, that it would be highly unlikely that a firm would run inert soils such a distance as economically it just wouldn't stack up. Inerts are the lowest revenue generators in the civils world.

They state that Worcester is going to be inundated with new build housing thus increasing the need for silica sand. \What I am sure they are unaware of is that the UK remain a net exporter of aggregates with £890,000 of silica sand exported last year to Belgium alone. If there was such a desperate need for sand in the UK then why are we exporting it?

I do not think that there would be the required amount of inert soils available to remediate the site in question, which begs the question how do they intend to reach their target? I suggested to them that they will be applying for a permit extension to accept non-hazardous soils which they also do at Saredon and Meriden, but they categorically denied this.

They also denied that they would be carrying out ancillary production of bagged cement, Tarmac and aggregates which they also do at Saredon and Meriden. After all, this company sprang from the loins of Tarmac many years ago. If they do break their word and go down the ancillary products route this will surely throw their vehicle movement figures into disrepute.

Equally the NRS representatives denied that any sand would leave the proposed site, which again is a bogus statement, as one only has to visit Wildmoor and Meriden to see the volume of sand which covers the verges, flora and fauna at any given time. They see dampening down the site and the provision of a road sweeper on occasions as a defence to this accusation. However, we all know that there will be airborne particles leaving the site at any given time, the risk being, that the locals and more pointedly the local children breathing this in which for us is a risk too far. My grandchildren will be breathing this in as they both attend schools in the area so this is even more unacceptable to my family. It is easy to throw away a comment that they will dampen down or use a road sweeper but how long has it taken to make the decision. It's too late already if the need is felt to employ such tactics.

The more alarming scenario is that Meriden (which probably started life as just a mere quarry) now not only produces ancillary products but also accepts hazardous soils containing high levels of metals and asbestos fibres. How long will it be before we see an application to extend the permit to mimic this process? That will then mean our community running the risk of inhaling both dust and ACM fibres.

At their initial open afternoon I pointed out that the main danger from their operation would be the danger of inhaling silica dust and that it appeared to me that NRS were not that bothered as they did not even show on any of their maps the prevailing wind direction. Again they mumbled something about monitoring having been done but this is totally inadequate. There should be continuous perimeter monitoring checked on more than one occasion each day. Again if high levels are found it is already too late.

There are many more down sides to this proposal. The operating hours will surely affect those living close by. What about people who work nights?

Will they use flood lighting during the winter months? Will they employ silent reversing alarms on their excavating equipment? Will the sand washing plant be sound proofed?

The effect on the local wild life will be devastating. I doubt it will ever recover.

It will take away a superb green space area used by many for their health, mental health and wellbeing.

Will they prevent Lorries from leaving and arriving together, like drivers like to do? Will they prevent Lorries from queuing to enter or exit the site? Will they prevent Lorries from heading towards Wolverley Village?

I suspect the answer you will get from NRS is positive, however, in reality this never ever happens.

So please, with the greatest respect, I ask that you refuse this application on the grounds that it is still most inappropriate but that the proposer has done nothing innovative since the last failed attempt to suggest this proposal has any merit whatsoever.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. Bentley', written over a horizontal line.

Philip Bentley (Retired Waste Consultant)

Re-determination of Appeal

PLANNING APPLICATION REFERENCE: 19/000053/CM

Proposed sand and gravel quarry at Land at Lea Castle Farm, Wolverley

RESPONSE FROM WOLVERLEY AND COOKLEY PARISH COUNCIL RECOMMEND REFUSAL

Wolverley and Cookley Parish Council, after waiting almost two years for the formal planning application following the scoping opinion document (18/000023/SCO), and after listening for two years to resident's objections at Public Question Time, considered the full planning application and non-technical summary at their meeting 3rd March 2020 and resolved unanimously NOT to support the quarry application.

While the Parish Council recognizes the need for quarries to extract minerals and indeed fully supports the County Council's need for a properly adopted waste and minerals plan, the proposed location of the quarry is completely inappropriate development within the green belt and there are no extraordinary circumstances to justify it and therefore it should not be supported.

Our submission of concerns have been submitted and are shown on the WCC planning portal, however. Representatives from the Parish Council attended the appeal hearing and expressed our concerns. We now wish to add further comments following the NRS addendum "317 CD15.01 Lea Castle Farm ES Addendum - July 2024"

W&CPC feels this late addendum clearly shows NRS concerns over the viability of the Sand and Gravel Quarry following all of the concerns raised and the outcome of the last Appeal hearing.

NRS addendum proposals (1.1.1) include a revised mineral processing plant, they state it will be smaller in size and have a reduced operational acoustic volume. However, they fail to offer information on the operational quantity of raw materials it can produce and that is a crucial question. Does this smaller machine now take longer to process raw materials?

NRS addendum proposals then state this new processing plant allows a reduction in the number, height, and/or duration of temporary soil storage/screening bunds. Two bunds are to be reduced from 6mtrs to 3mtrs and 4 further bunds from 4mtrs to 3mtrs with the remaining bunds staying the same height.

These minor changes do not in any way redress the significant impact this Quarry would make on the openness of the Green Belt or impact on the surrounding villages, schools, and businesses. W&CPC stands by its previous representations and continues to support our local communities in objecting to this application.

4 Appendix – Website and Online Consultation Platform

Website URL and online consultation platform

<https://www.leacastlequarry.co.uk/consultation-form/>

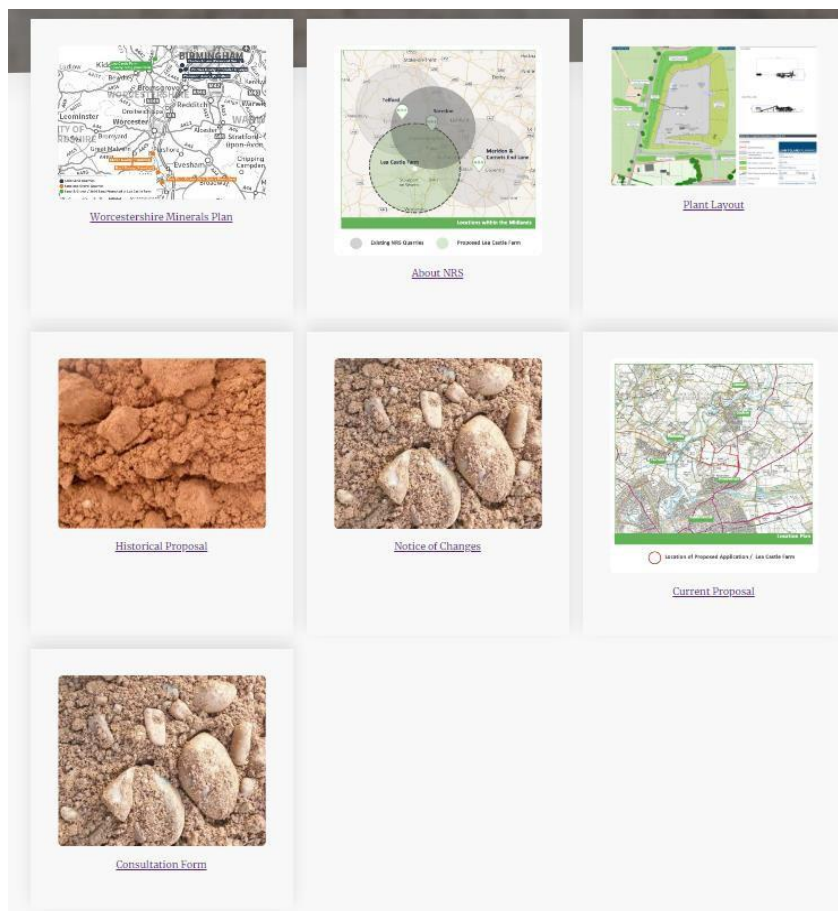
**Welcome to the Lea Castle Quarry
Public Consultation 2024**

The purpose of the consultation is to give local people more information on the proposals and to provide an opportunity to give feedback.

The consultation online closed on **13 September 2024**.

This information summarises the Updated Phased Working and Progressive Restoration associated with the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and / or duration of temporary soil storage / screening bunds and minimising the time when quarry operational land is required.

Members of the public may inspect electronic copies of the further Information online on Worcestershire County Council's Planning website: www.worcestershire.gov.uk/eplanning using application reference: 10/000053/CM, from 5th August 2024 until 6th September 2024 (when searching by application reference, please ensure that the full application reference number, including the suffix are entered into the search field). Documents are also able to be viewed at: www.worcestershire.gov.uk/leacastlequarry.



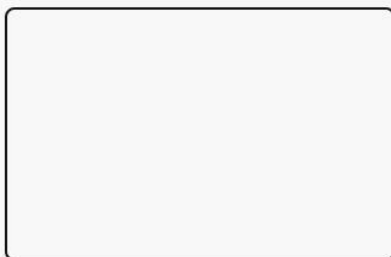
Consultation Form

Please complete this Consultation Form to submit your comments on the proposals.

If you have no comments on the section, please write 'no comment'. All sections should be completed before submission. Thank you.

This is the extraction of 3,000,000 tonnes of sand and gravel plus restoration by infilling with inert material and retained soils.

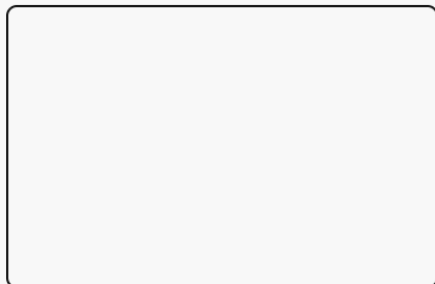
Question 1. Do you have any comments on the plant layout and access?*



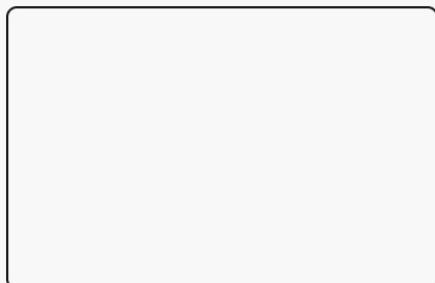
Email direct to:

E-mail: aldermill@aldermill.co.uk

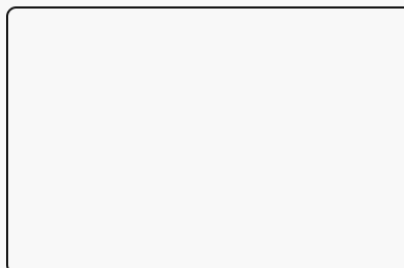
Question 2. Do you have any comments on the proposed phasing of the project?*



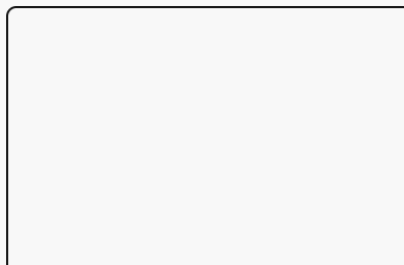
Question 3. The restoration plan shows improvement to the biodiversity of the site and enhances the natural habitat. Do you welcome this?*



HGVs will have restrictions moving in/out of the access to protect local villages (only turn right into the site and left out of it). Question 4. Would you welcome this?*



The site uses soil bunds and straw bales to help eliminate excessive noise levels. Question 5. Do you think this is a good or bad idea?*



The site will employ local services. WCC receives council tax currently c£450,000 per year for 10 years. Gov't Mineral Tax is c£600,000 per year. Question 6. Do you think this is good for the economy?*

We want to ensure that the development protects and enhances the natural environment whilst delivering much-needed minerals. Question 7. Is this important to you?*

Question 8. Do you have any further comments on the proposals?*

☐ I hereby agree that this data will be stored and processed for the purpose of collating responses to the Lea Castle Quarry proposals as per this online consultation ending on 13 September 2024. I am aware that I can revoke my comments and consent at any time.*

Please fill in all the required fields.

Submit

5 Appendix – Notice of Change

The Town and Country Planning (Environmental Impact Assessment)

Regulations 2017. Submission of Further Information in respect of the Environmental Statement

Appeal by NRS Aggregates Limited

Site Address: **Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire.**

Appeal Reference: **APP/EI/SSS/W/22/3310099.**

NRS Aggregates Ltd have Appealed against the refusal of Planning Application **19/000053/CM** by Worcestershire County Council for **Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement.** The application which was submitted to the Council in January 2020 was refused by Worcestershire County Council on 27th May 2022 and an Appeal against the refusal was dismissed on 5th May 2023. This Appeal decision was subsequently quashed following the High Court Judgment issued on 16th November 2023.

Following the quashing of that Appeal decision, the Appeal is now being re-determined. As part of the re-determination, the Appellant is submitting information relating to the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and/ or duration of temporary soil storage/ screening bunds and minimising the time when quarry operational land is required.

Members of the public may inspect electronic copies of the further Information online on Worcestershire County Council's Planning website: www.worcestershire.gov.uk/eplanning using application reference: 19/000053/CM, from 5th August 2024 until 6th September 2024 (when searching by application reference, please ensure that the full application reference number, including the suffix are entered into the search field). Documents are also able to be viewed at: www.worcestershire.gov.uk/leacastlequarry.

Should you wish to comment on the above planning application/ further information, you can send them by email (Email: aldermill@aldermill.co.uk) or post (Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH). Please ensure comments are received before 6th September 2024.

Copies of the Further Information can be obtained from Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH; aldermill@aldermill.co.uk at a cost of £100.00 for a paper copy, or on USB flash drive at a cost of £20.00.

6 Appendix – Face-to-Face and Online Responses

The collected answers from both methods of face-to-face public consultation and online consultation are provided below with their comments.

Question -1

This is the extraction of 3,000,000 tonnes of sand and gravel plus restoration by infilling with inert material and retained soils.

Do you have any comments on the plant layout and access?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to face consultation comments

- The road that the plant will be accessed from is a fast road and visibility is restricted. Large vehicles turning out of this entrance will pose risks to oncoming traffic.
- Bund reduction should be returned to original specification. Access roads cannot cope with current traffic (Habberley park contractors not allowed to use these roads)
- To close to school, housing development, dust, prevailing winds, health concern, sands covered roads, mental, health, vibrations from ground works.
- This remains too close to the local population. Those living closer to the proposal site will most likely experience vibration through the ground from machinery + HGVS.
- Access is terrible for the local network, impact on existing footpaths.
- Its's too close to communities, and destruction of nature and a crucial amenity ie public open space.

Online consultation comments

- We don't object to the quarry just its proposed siting which will affect the green belt, the lives and health of many ordinary school children, due to the number of schools in the area, and the health of many elderly and vulnerable adults
- The access is right behind where I live - my mother has suffered with CHRONIC COPD - this is going to endanger her life!!!!
- Very poor access on a very narrow road with school children using the road at least 5 days a week.
- The proposed plant layout is too close to homes and sensitive ecological areas, and the existing access roads are inadequate to handle the increased traffic and dirt from the quarry entrance. This will lead to habitat destruction, noise pollution, and safety hazards.
- Firstly, the proposed infilling with inert material and retained soil. I am led to believe that there is a shortfall of inert material country wide so this will affect the restoration. With regard to the access, the applicant's own assessment of HGV's in and out is in the area of 75 each way. an estimate of 150 vehicle movements onto a busy B class road. That equates to one every 3.5 minutes!!
- This location is not suitable for a large quarry like this. The area is already busy with poor access. Not to mention the decade long disruption it will cause. What are the inert materials you state will infill the quarry? I saw this on a proposal in Kingswinford and it was rubbish. Literally waste household landfill rubbish which then created a whole heap of new issues including smells, fires and toxic gasses from the natural decomposition process.

	No Of Participants	No Of People who answered the Q1	Yes	No	Unsure
In-person	13	10	10	0	0
Online	6	6	6	0	0

Table 1 – Q1 feedback

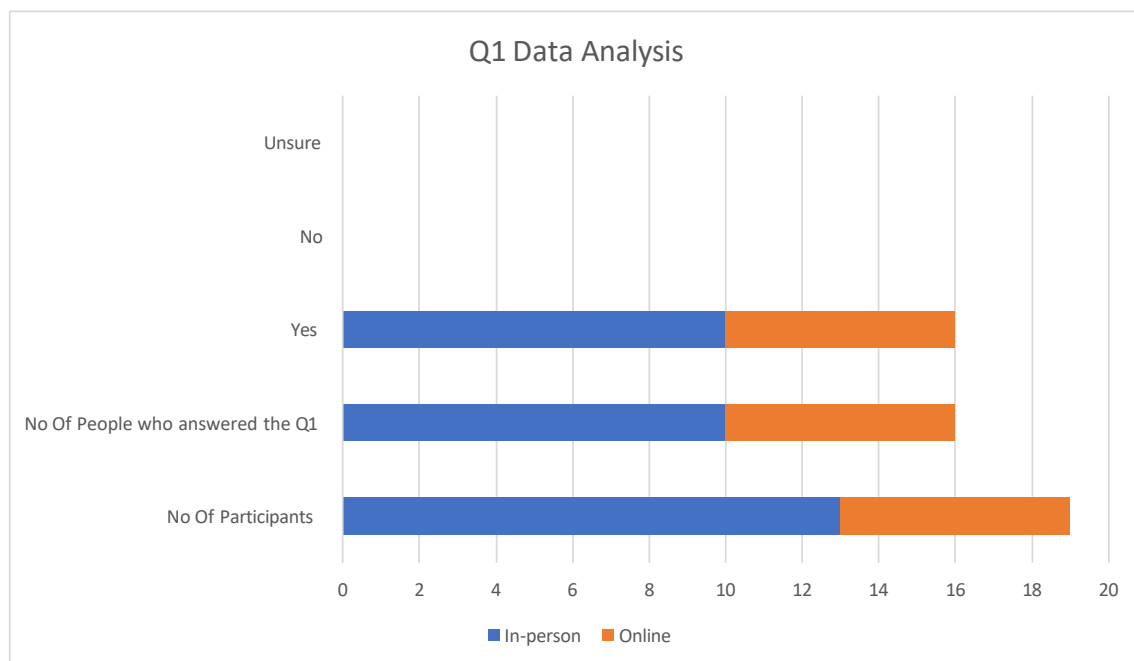


Figure 2 – Q1 feedback

Question -2

Do you have any comments on the proposed phasing of the project?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to face consultation comments

- Should not happen! What guarantees do we have that infill will be inert.
- Timeline not definite can be extended.
- There is no way the project phases could be completed to the timescales.
- It will seriously affect the quality of rest of my life. By the time it is "finished" and these things have a habit of being extended, I will be early 80s.
- Do not do!

Online consultation comments

- No, we don't want the quarry here!
- It shouldn't even be happening, there's plenty of land to go and source materials elsewhere - you're hardly going to get the full amount you need from this site - it's a small site!
- Not happy with the restoration of the land should you be successful.
- The proposed phasing is too slow, allowing for environmental damage to occur before restoration measures are implemented. This could lead to long-term negative impacts on the local ecosystem and community.
- Only that it should not happen!
- I don't think this quarry should be happening at all so disagree with the whole plan.

	No Of Participants	No Of People who answered the Q2	Yes	No	Unsure
In-person	13	9	5	2	2
Online	6	6	6	0	0

Table 2 – Q2 feedback

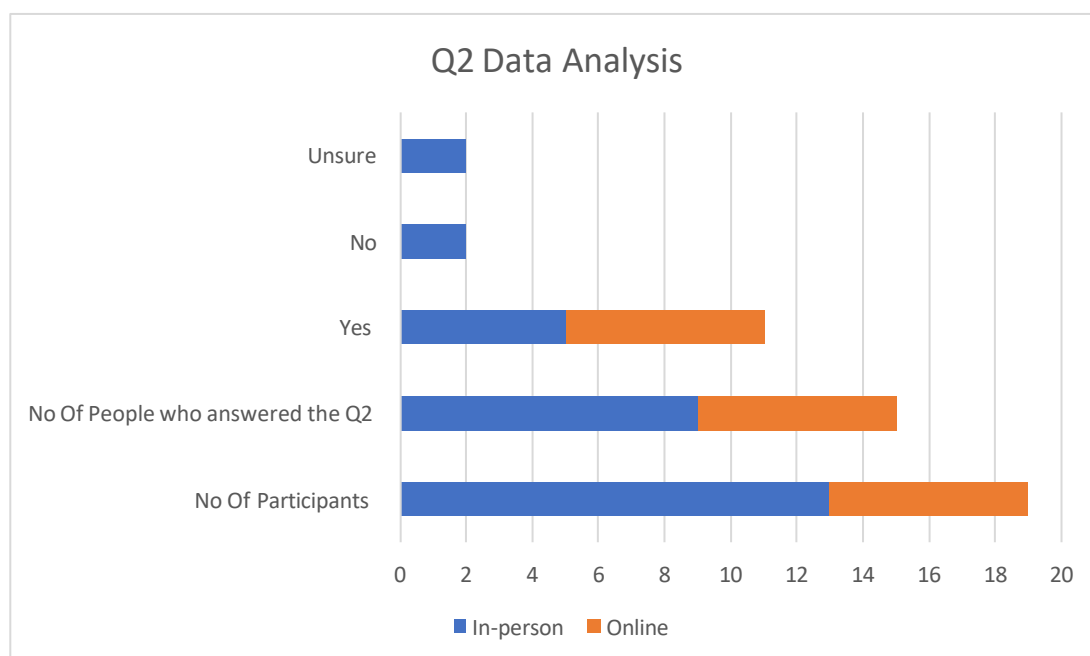


Figure 3 – Q2 feedback

Question -3

The restoration plan shows improvement to the biodiversity of the site and enhances the natural habitat. Do you welcome this?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to face consultation comments

- I do not believe it will improve the biodiversity as you will be removing the original natural habitat for wildlife which is ripe in the area.
- Very hard to predict this what recognise is it's not successful.
- The biodiversity can be improved much more simply and less expensively without spending the next 7-10 years killing it off.
- Too vague, uncostered and no commitment to protecting the funds do this.
- Biodiversity is a box ticking exercise. The park proposals won't happen, and the fields will be lost for ever.
- The biodiversity is fine as it is.

Online consultation comments

- Leave the natural habitat alone in the first place!!!
- "You haven't restored the land down the road that was used for materials - you're just going to ruin this land, it will be an eyesore"
- Not convinced that the restoration work will be done to a good standard.
- "While the plan may include some measures to improve biodiversity, it may not be enough to compensate for the destruction of natural habitats that will occur during the construction and operation of the quarry."
- "The biodiversity is perfectly satisfactory and will not benefit from this project it would be better left as is."
- "You can't just try and build biodiversity and expect it to work, it takes many years for nature to do it work. You can't introduce a wide range of plants and just walk away. Why destroy a beautiful piece of greenery in the first place."

	No Of Participants	No Of People who answered the Q2	Yes	No	Unsure
In-person	13	9	0	8	1
Online	6	6	0	6	0

Table 3 – Q3 feedback

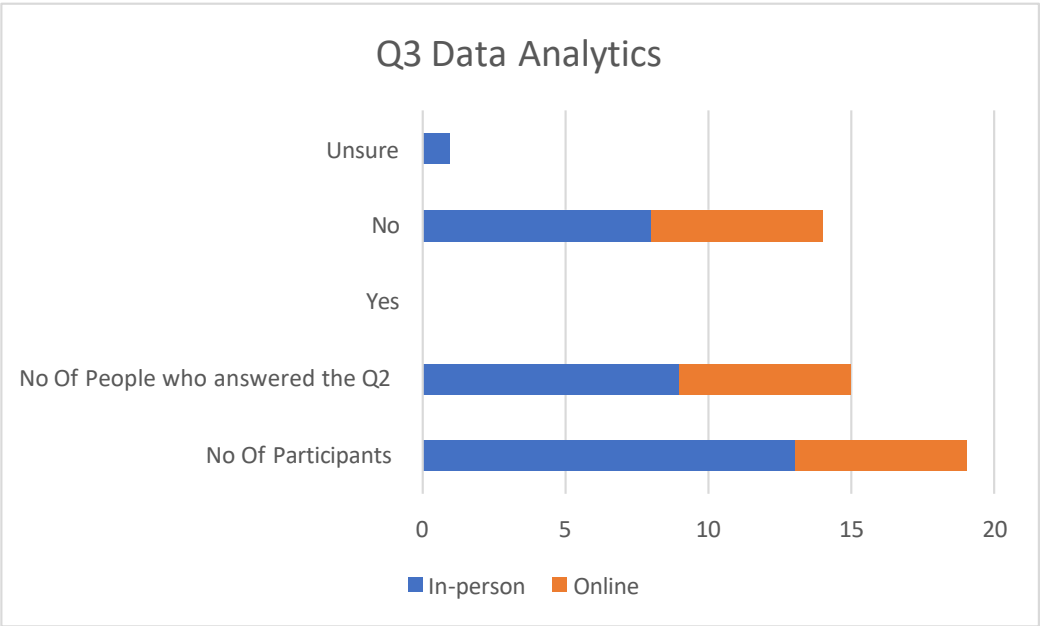


Figure 4 – Q3 feedback

Question - 4

Materials taken from the site and brought in for the restoration will be restricted in the access to local villages by the proposed access ensures that HGV's can only turn right into the site and left out of it. Would you welcome this?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to face consultation comments

- I do not welcome the increase in HGV'S on the local roads the current road infrastructure struggles to cope with the level of traffic as it is without adding to it.
- Road cannot cope now by the time you start Lea Castle estate will be 3 times its current size with 1,000 more vehicles in the area. It will be gridlock. Traffic police have opposed your plan saying its unsafe.
- Many accidents happen on this road. Extremely dangerous for crossing.
- Hard to enforce this. No of HGV movements and envisaged would significantly increase risks. Why no additional safe crossings. The site uses soil bunds and straw bales to help reduce excessive noise levels)
- The invested heavy vehicle traffic will not be welcome at all. No matter what direction brings town. The additional diesel fume. To local roads will be demurral to the health road quality for local people.
- 200 vehicles movements per hour is over capacity for existing road network and junctions.

Online consultation comments

- Increased number of HGV will cause problems and danger to road users and walkers alike
- I don't welcome 120 vehicles a week at the back of my house - it's disgusting
- No increase in traffic is a good idea on a busy road with schools in close proximity. Also not convinced all drivers would follow the guidance.

- Even with the restrictions, the increased HGV traffic will still lead to congestion and enormous amount of quarry dirt on local roads. HGVs generate significant noise and air pollution, even if they are restricted to specific routes. Increased HGV traffic will pose a safety risk to pedestrians and other road users.
- Who is going to police this and ensure that the restrictions are adhered to. The proposed exit route depending on the location of the drop off point is likely to add several miles to the journey. Cost and pollution issues?
- HGV are dangerous at the best of times, the proposal would see hundreds of loads a day leaving site down small already busy roads, increased vehicle activity will increase congestion, road damage, noise, pollution and increase risk) danger to other road users.

	No Of Participants	No Of People who answered the Q4	Yes	No	Unsure	
In-person	13	10	2	7	1	
Online	6	6	0	6	0	

Table 4 – Q4 feedback

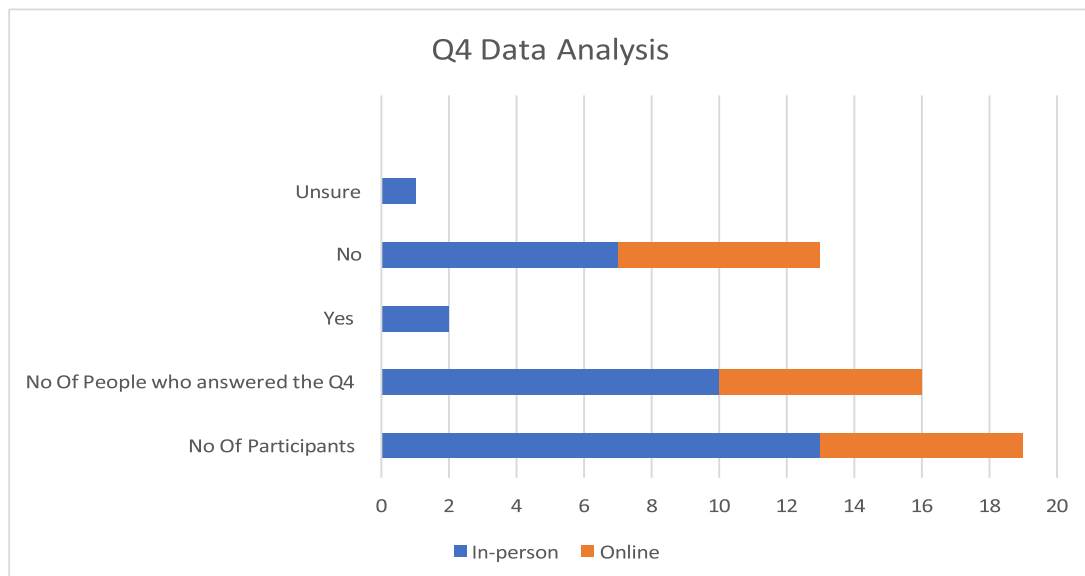


Figure 4 – Q4 feedback

Question -5

The site uses soil bunds and straw bales to help eliminate excessive noise levels. Do you think this is a good or bad idea?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to face consultation comments

- The bunds have been reduced in size to reduce impact visually but this therefore, will in effect cause more noise pollution to the surrounding area.
- Site should not happen!
- It doesn't work well. I have witnessed this elsewhere in the country (only this morning in Surrey).
- My concern is the dust created by the works doing on the HGV's coming and going, there could be hold up's on the Wolverley Road, what happen, when traffic builds up on an already busy road, you are created a entrance where HGV'S cannot turn right into Wolverley, but what happens when one HGV goes out and another wants to come in.
- Spoils the vibes of the grow boost.
- But it will not eliminate just reduced depending on height, material and location.

Online consultation comments

- Leave it alone as it is already
- The whole idea is a BAD IDEA!!!
- Not a suitable solution.
- While these measures can help to absorb some sound, they will not be able eliminate noise pollution, especially the quarry operations. Shown to be true in a number of case studies.
- This will not reduce the impact on the four / five local communities and even with this it is sure to have a detrimental effect on the attention required by the scholars. trying to concentrate.

- What are the calculated noise level reduction? Please, state course and evidence for your figures. Don't build the quarry then there is no need for it in the first place.

	No Of Participants	No Of People who answered the Q5	Yes	No	Unsure
In-person	13	8	2	5	1
Online	6	6	0	6	0

Table 5 – Q5 feedback

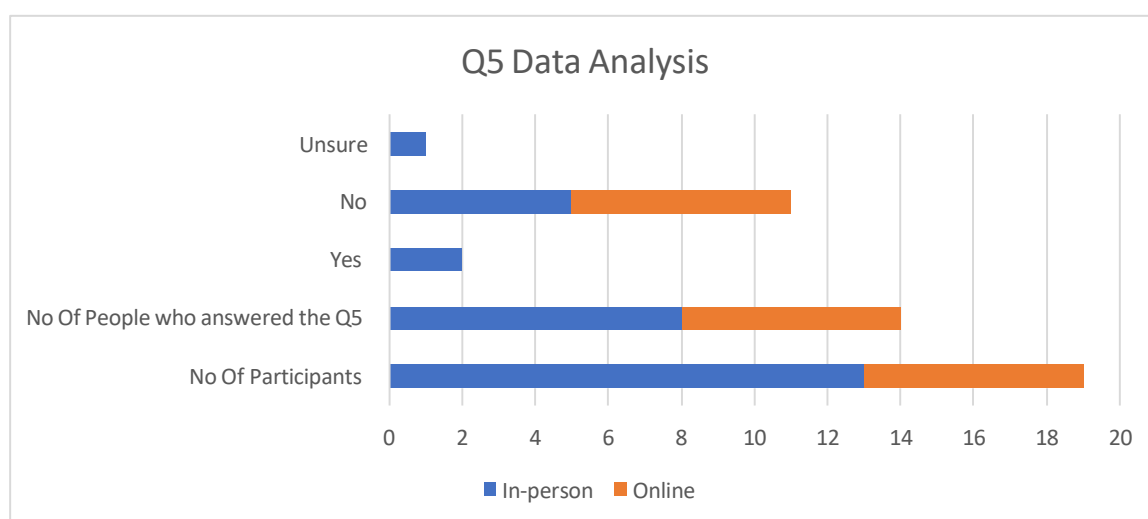


Figure 6 – Q5 feedback

Question -6

The site will contribute to the local economy by employing local people and using local services. Worcestershire County Council receives council tax currently estimated at £450,000 per year for 10 years. The government will receive £2 per tonne, charged as a mineral tax estimated to be £600,000 per year. Do you think this is good for the economy?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to face consultation comments

- The site will only be employing 8 full time staff, which are unlikely to be local given knowledge required for role.
- The number of people employed is small, there is no history of this type of work in the area so jobs will go out of area and their income spent elsewhere.
- This is a short-term selling point. Those are ways of regenerating the economy that don't involve damaging a local community.
- Local economy will suffer due to lack of visitors.
- More jobs will be lost than gained.
- Exactly how many? (employment of local people) Since none we experienced. Quarry folk, not work, 8 jobs.

Online consultation comments

- Environment is more important
- it's part time and a waste of time
- No! Local services will not be sufficient.
- The economic benefits of the quarry may be short-term, as the mineral resources will eventually be depleted. The quarry could deter tourists from visiting the area, negatively impacting local businesses. The quarry will have indirect costs on the local economy, such as increased traffic congestion, noise pollution, and environmental damage.

- maybe initially good for the economy but the long-term effects need to be considered. Local property value, effect on the health of the local communities. These would negate any financial gain for the county.
- No, there is more to the economy than just revenue for the council. House prices, visitors to the local area, local trade and commuters, house builders, school's pubs and farms generate far more for the local economy than the figures quoted above. All of which would be heavily adversely hit if the project is granted/approved.

	No Of Participants	No Of People who answered the Q6	Yes	No	Unsure
In-person	13	9	0	9	0
Online	6	6	0	6	0

Table 6 – Q6 feedback

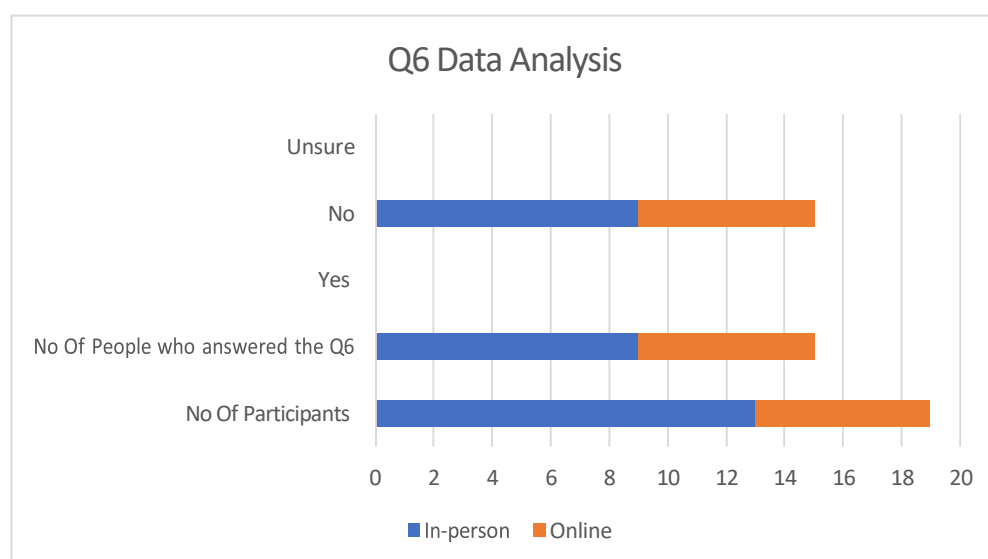


Figure 7– Q6 feedback

Question -7

We want to ensure that the development protects and enhances the natural environment whilst delivering much-needed minerals.

Is this important to you?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to Face consultation comments

- I want to protect the natural environment, and this means not disrupting it to deliver minerals. I do not feel the delivering of minerals outweighs the need to preserve the natural environment for the "Wolverley" area.
- The ultimate protection is not to carry out this proposal!
- This does not overcome the issues related to silica deposits amongst other minerals known to create harmful particles that can damage the health of local population and farmland animals.
- The "promise" to enhance is not costed and not fully committed, land fill for rubbish will be all bad for the natural environment. So, we don't want you to destroy the natural habitat will already have.
- Plenty of resources, allocated with less impact on health and quality of life.
- The natural environment is the paramount importance.

Online consultation comments

- The natural environment is vital to us as it is, we have already lost many areas due to housing please leave alone
- Extremely
- Not if it hurts children and existing home and business owners.
- The potential negative impacts of the quarry on our community far outweigh any short-term economic benefits. The quarry's noise pollution, traffic congestion, and environmental damage could severely diminish our quality of life, pose health risks, and negatively impact property values. These long-term

consequences for future generations are simply not worth the sacrifice of our environment and well-being.

- I do believe that the majority of the local communities are most happy with the natural environment, and I am sure that there are more suitable locations to extract the required sand / gravel that will have little or no impact on the local communities.
- It's needs protecting from you. Not enhancing by you. Minerals are needed, but not these minerals. You want these minerals because they are easily accessible and cheap to obtain. There are far more suitable sites out there away from residential areas, but you are putting profits over people.

	No Of Participants	No Of People who answered the Q7	Yes	No	Unsure
In-person	13	10	4	5	1
Online	6	6	1	5	0

Table 7 – Q7 feedback

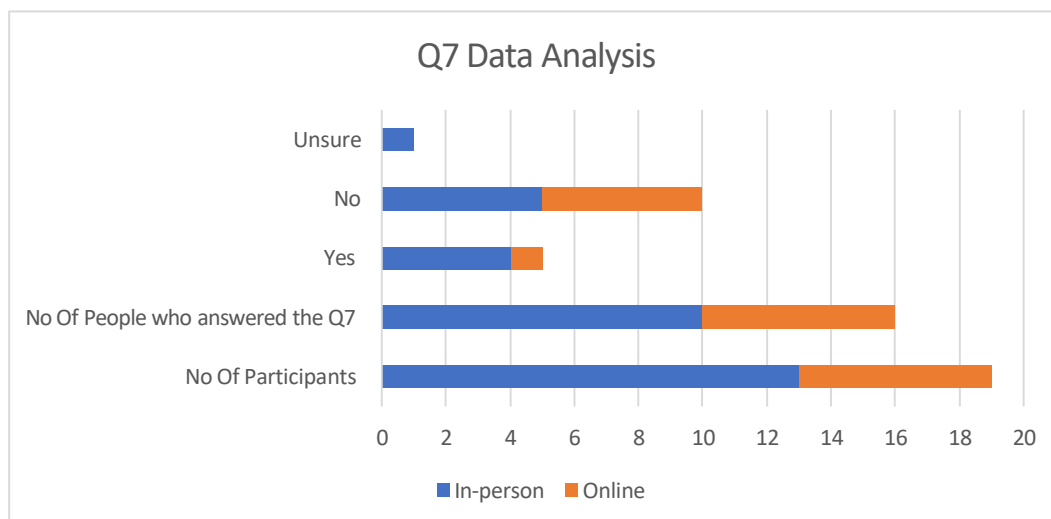


Figure 8 – Q7 feedback

Question -8

Do you have any further comments on our proposals?

Sample comments (verbatim – no amendments made to spelling or grammar)

Face to Face consultation comments

- There was no mention of how many vehicles that would be added to the already congested roads. 2. My concerns also encompass the local schools that are located opposite, the noise disruption dust and increased HGV traffic in the area will pose safety risks to our local children who are essentially too young to have a voice. 3. The proposals have not taken into consideration the surrounding homes and decrease in value they will experience from this development.
- 4 schools in close proximity. 2. Negative impact on air quality, area has higher than norm average age and above average ill health. Everything you are doing has a negative impact on this. 3. This consultation should be in Cookley or duplicated in Cookley. 4. Level of trust is low - can't even get the name of the building where this consultation in held right! The land owners does not even maintain his boundary wall will the promised restoration happen on time, or at all.
- There have been no substantial changes from the previously rejected application. Why is this?
- There are at least 4 schools within the particulate drop off for this proposed site. There will also be noise disturbance despite the bunds. This will be damaging to local people's mental health. Surely sand is readily available (geologically-speaking) in areas less densely populated within Worcestershire. I suspect that this proposed site is the most financially viable to extract. This should not be put above the importance of the long-term health of people.
- Nothing I've seen today makes any difference to the basic facts: -the inevitable levels of dust pollution within a mile of 4 schools is unacceptable. -The infrastructure to accommodate the lorry movements is inadequate. -The residential areas on the boundaries of the site make this totally unsuitable. I cannot believe this is still being put forward after so many refusals!

- The Wolverley road is really not meant for all these extra traffic, there has also been seen skylarks in this field, it is at the moment an area of natural beauty, it would be terrible to see all things go.

Online consultation comments

- Please site the quarry elsewhere.
- For people's mental health, wellbeing and for the sake of the countryside which is diminishing rapidly, this should not go ahead.
- How many times do you need to be refused planning before you stop, NO QUARRY!
- I strongly object to the proposed quarry development at Lea Castle Farm. The potential negative impacts on our community, including noise pollution, traffic congestion, and environmental damage, far outweigh any short-term economic benefits. The quarry's development would have long-term consequences for our health, well-being, and property values.
I urge the planning committee to reject this application and prioritize the protection of our environment and the quality of life for future generations. There are more sustainable and environmentally friendly ways to meet the demand for minerals without sacrificing our natural heritage.
- It has been turned down once, the new proposal has negligible reason to consider it should be accepted. So definitely it should be refused.
- This quarry proposal needs shutting down.

	No Of Participants	No Of People who answered the Q5	Yes	No	Unsure
In-person	13	12	12		
Online	6	6	6		

Table 8 – Q8 feedback

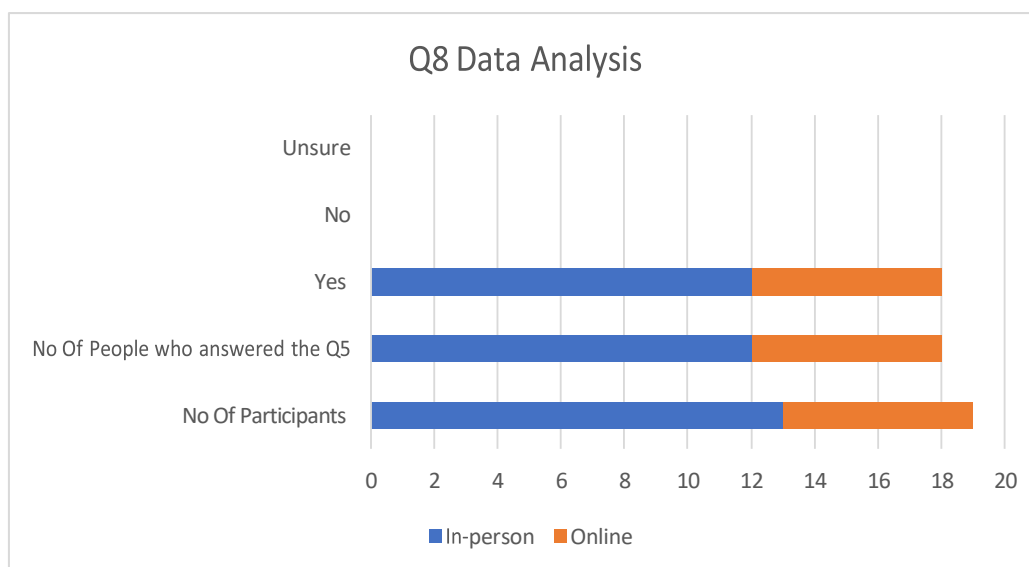


Figure 9 – Q8 feedback

Key Identified Issues

The below table contains the identified major categories when considering the of all above.

<ul style="list-style-type: none"> • Traffic congestion • Too close to the local amenities • Health concerns • Concerns about inert materials • Concerns about the timeline • No trust in the biodiversity improvements • Cost and funding concerns • Safety risk • Noise pollution • Less employment opportunities • Creating community issues 	<ul style="list-style-type: none"> • Residential impact • Proximity to local schools • Trust of project execution • Dust pollution • Infrastructure issues • Loss of natural beauty • Dust pollution • Air pollution • Direct public objection
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Table 9: Key Identified Issues

Online Participation Data

The graph below shows the number of visitors to the website during the consultation period.

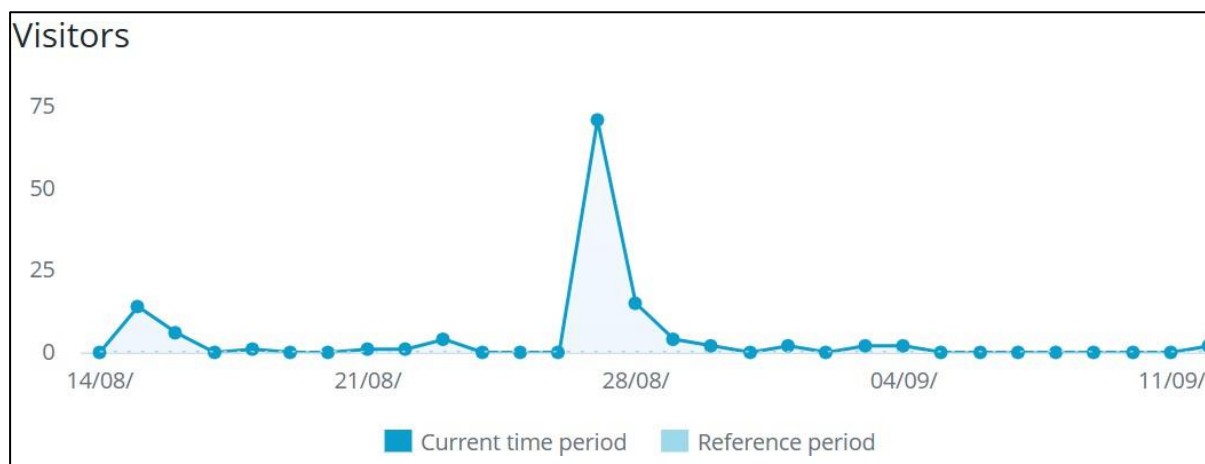


Figure 10 – visitors during the consultation period (website analysis)

The graph below shows the electronic means by which the website was accessed during the consultation period.

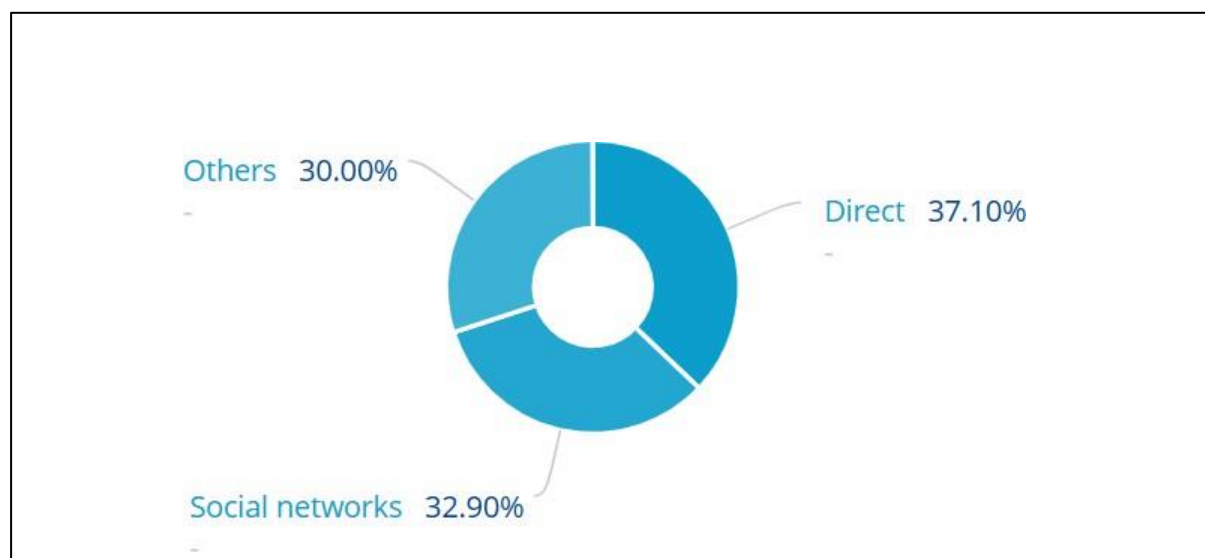


Figure 11 – access methods of participation (website data)

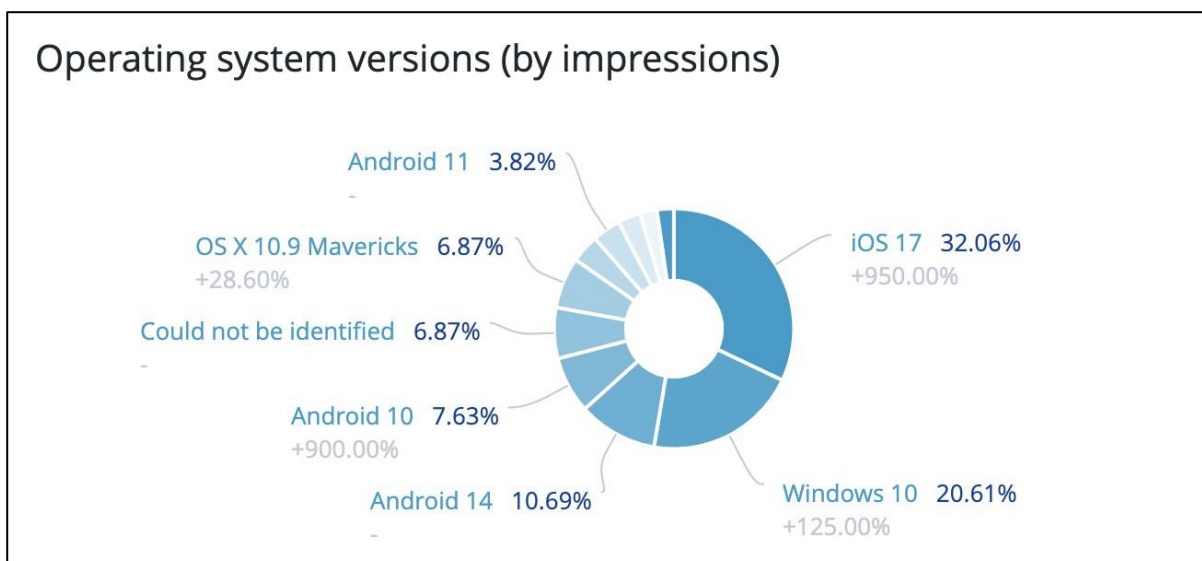


Figure 12 – operating systems used by the participation (website data)

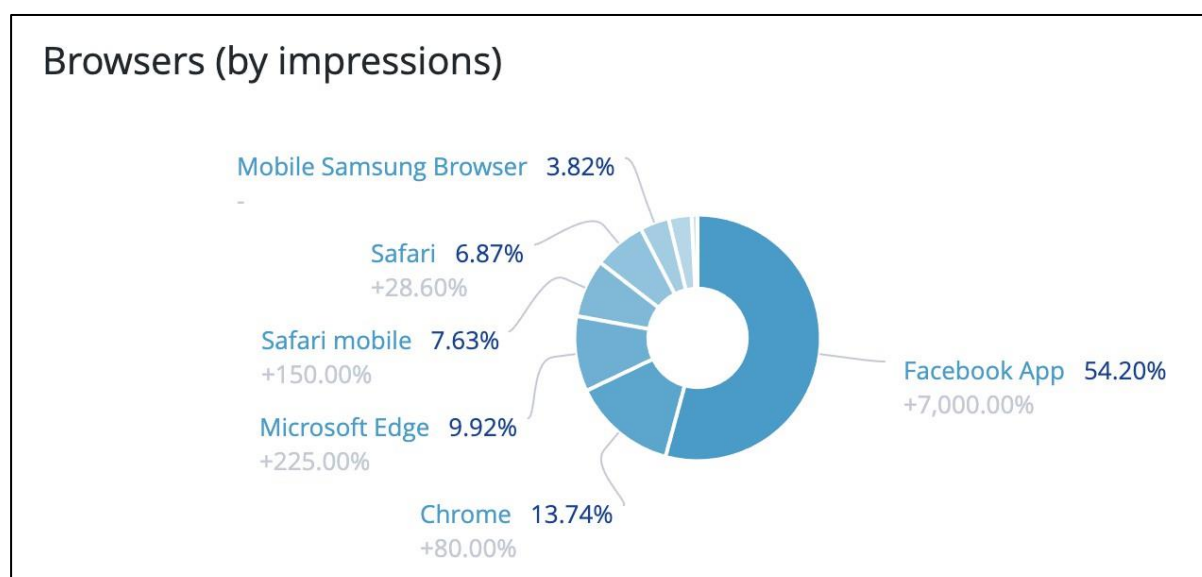


Figure 13 – types of web browsers used by the participation (website data)

7 Appendix – Additional Comments

- Road is not suitable for vehicles of the size and nature required.
- Should not be extracting sand by schools and homes.
- What exactly is the inert materials? Public footpath 63.4B (concerns of footpath layout).
- Allow existence site to become diverse.
- How? Wildlife and flora will be declined.
- The highways proposals don't work.
- I am glad that the quarry would be closed if the access road is closed ie Wolverley road. This is not mentioned in your display.
- Of course but mud, noise, where enter on our already burden A449.
- This is the basic minimum.
- No, it will not be adequate.
- Not verses the harm.
- We can't be bought fit not relevant to the planning issues.
- Yes, but this could be better done by not digging the site up.
- Better locations to choose from.
- Really? (not enhancing natural environment) After it has all been destroyed?
- This is all technical stuff which is of no relevance to the objections. The positioning of the site is totally inappropriate, given the proximity of local schools, local villages, and access leading to a steep hill down to the A449. Huge lorries descending this hill, fully laden are a disaster waiting to happen.
- No consideration to local provisions. You will change things to suit you and your profit-sharing and others expense.
- You haven't asked about dust particles and run off and contamination what's going to happen to our air quality? Never mind the EA - they're not the solution.
- The room is full of people objecting to the proposals. Please with draw from the Re-Inquiry.
- I acknowledge that currently sand and gravel is important for building. However, the site is unsuitable, and your application has already been refused but you found a technicality on which to appeal. This in my view is dishonest, as is your attention that you are a family is concern.
- Don't do it!

Appendix 2 - 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 219 f) of the NPPF as it would contribute towards the MPA's landbank for sand and gravel.</p>	<p>370</p> <p>371</p> <p>372</p> <p>373</p> <p>374</p> <p>380</p>

Topic	Comment	Para Ref.
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>389 390 391 392 403 404 405</p>

Topic	Comment	Para Ref.
	Based on this advice, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions 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.	
Alternatives	<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</p>	<p>432</p> <p>433</p> <p>434</p> <p>435</p> <p>436</p> <p>437</p> <p>438</p> <p>439</p>

Topic	Comment	Para Ref.
	<p>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>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 155 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</p>	<p>446 448 453 455 458 459 461 462</p>

Topic	Comment	Para Ref.
	<p>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, 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 155, and this proposal should benefit from those exemptions as it comes within the intended scope.</p>	

Topic	Comment	Para Ref.
	In view of above, the Head of Planning and Transport Planning considers that the exceptions for mineral extraction and engineering operations at paragraph 155 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.	
Traffic, highway safety and impact upon public rights of way	<p>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 turning facilities; 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>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>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>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>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</p>	<p>496</p> <p>497</p> <p>498</p> <p>499</p> <p>501</p> <p>509</p> <p>514</p> <p>515</p> <p>521</p> <p>522</p>

Topic	Comment	Para Ref.
	<p>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> <p>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).</p> <p>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.</p> <p>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).</p> <p>...The Head of Planning and Transport Planning acknowledges the request of the British Horse Society to upgrade footpath WC-623 but</p>	

Topic	Comment	Para Ref.
	<p>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.</p> <p>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...</p>	
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</p>	<p>540 541 562 563 565 571 573 578 579</p>

Topic	Comment	Para Ref.
	<p>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>...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>	

Topic	Comment	Para Ref.
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> <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>620 621 624 625 628 629</p>

Topic	Comment	Para Ref.
	<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 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 208 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</p>	651 652 655 660 663 668 670

Topic	Comment	Para Ref.
	<p>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 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>693 700 724 737 738 739 740 742</p>

Topic	Comment	Para Ref.
	<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> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>761 762 763 764</p>

Topic	Comment	Para Ref.
	<p>such they consider their original concerns regarding the protection of tree T22 have been addressed.</p> <p>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.</p> <p>...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.</p> <p>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> <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,</p>	<p>798 799 800 801 802 803</p>

Topic	Comment	Para Ref.
	<p>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, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.</p>	
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</p>	821 822 821

Topic	Comment	Para Ref.
	<p>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>	
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 215 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 217 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 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.</p>	840
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</p>	844 849 855

Topic	Comment	Para Ref.
	<p>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>	
Cumulative effects	<p>...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, 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>	868 869 872
Prematurity	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.	873 874 876 880 881

Topic	Comment	Para Ref.
	<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 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>	<p>882 883</p>

Appendix 3 – Letter from Appellant Regarding EA Permits



Alder Mill Enterprise Ltd
Unit 6a, Alder Mill Business Park
Sheepy Road, Atherstone, CV9 3AH

tel: 01827 716666
email: aldermil@aldermill.co.uk

27 September 2024

Mr Liam Toland
Liam Toland Planning

Dear Liam

Lea Castle Farm, Wolverley Road, Broadwater, Kidderminster

We have been asked to comment on the probability of obtaining an environmental permit for the operation of the proposed plant and an inert landfill permit for the whole of the site.

Attached is a list of significant permits obtained on behalf of NRS. This list is taken from the Environment Agency waste permit register.

The site will require a permit for the management of inert or extraction of waste at a mine. There are examples of such permits obtained for NRS.

An inert landfill permit will be required. The attached list includes permits for inert landfill sites of over 9,000,000 tonnes at two different sites operated by NRS.

There are no indications from the geology information provided that would prevent an EA permit from being issued.

Yours faithfully

Robert Williams

Robert Williams
Director
Alder Mill Enterprise Ltd

ATTACHMENT TO LETTER DATED 27 SEPTEMBER 2024 to LiamToland

List of permits obtained taken from the Environment Agency Register

Inert recovery permit landfill number CBE 3805HC modified 2023 NRS waste management.

NRS Waste Care Ltd deposits of waste for recovery permit number LB 3931AF.

NRS waste care management of inert or extractive waste at a mine. permit number HV 3102GD.

NRS Waste Management Ltd inert landfill permit number CV3805HC.

NRS Saredon Aggregates Ltd inert landfill permit number FB 3009GX.

NRS Waste Management Ltd Saredon Quarry mine waste operation permit number HV30 7HU.

NRS Waste Management Ltd Saredon treatment of material to produce soil. permit number FB 3009HG.

On checking the register there are no enforcement notices outstanding or indeed any written comments relating to the above permits.

Please note: Another quantity of permits could be added if necessary.