

REF: APP/E1885/W/22/3310099

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

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

CASE MANAGEMENT CONFERENCE (CMC) SUMMARY NOTE

1. The Parties were represented at the conference held on 19 January 2023 by the following persons:

Appellant:

Satnam Choongh – Spokesperson
Ian Pearson
Liam Toland
Spencer Warren
Katrina Hawkins

Council :

Sarah Clover - Spokesperson
Steve Aldridge
Penny James
Chris Whitehouse

Rule 6 Party (Stop the Quarry Campaign) :

Tim Partridge - Spokesperson
Mike Lord

The Inquiry

2. The Inquiry is scheduled to open at 10.00 hours on Tuesday 28 February 2023, resuming at 09.30 hours on subsequent sitting days unless otherwise agreed during the event.

days) with the afternoon of Monday 6 March 2023 being dedicated to an accompanied site visit.

5. In the unlikely event that Government Guidance and PINS Operating Model suggest that a virtual only event may be required then at that time the views of the Appellant, Council and the Rule 6 Party will be canvassed in writing. However, the default position at this stage is that the Inquiry will proceed as a blended event.

Advocates during the Inquiry

6. Confirmed as follows:

Appellant: Satnam Choogh of Counsel

Worcester County Council : Sarah Clover of Counsel

Rule 6 Party: Tim Partridge/Mike Lord

Main Issues

7. Based on the material currently submitted the main issues in this appeal were agreed as likely to be:

The 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.

The effect of the proposed development on living conditions of the occupants of existing and future nearby dwellings and the amenity of pupils and staff at Heathfield Knoll School and First Steps Day Nursery with particular regard to outlook, noise and dust.

The effect on the openness of the Green Belt and whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

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How the issues will be dealt with

11. It was agreed that the main issues identified would be more appropriately dealt with through the formal presentation of evidence in chief by relevant witnesses for each of the parties, which would be subject to cross-examination.
12. The Appellant suggested that expert witnesses would provide evidence in relation to noise and air quality and dust. Matters relating to the need for the proposed development, including any planning benefits, green belt considerations, planning policy and the overall planning balance, will be collectively dealt with by an appropriate planning witness. The Appellant also indicated that evidence would be submitted in respect of Landscape impact and Highways matters. It was agreed that the majority of this evidence would likely be taken as read. However, witnesses would present appropriate parts of this in evidence in chief to enable the Rule 6 Party to cross-examine the relevant witnesses.
13. The Council indicated that Mr Whitehouse would provide evidence in respect of all matters relating to amenity, need, green belt, planning policy and the planning balance.
14. There will be a discussion in a Round Table Session (RTS) regarding planning conditions and any potential planning obligation.

Statement of Common Ground (SoCG)

14. Whilst the Inspector is in receipt of a draft of the SoCG, the main parties indicated that an agreed version was nearing completion. This should be submitted in an agreed form to PINS by 25 January 2023. A copy should also be provided to the Rule 6 Party.

Planning Obligation

15. The Appellant indicated in the CMC that it was unlikely that a planning obligation would be necessary. In the unlikely event that an obligation be considered necessary then a draft should be submitted by 31 January 2023 and should be accompanied by a CIL Compliance Statement.
16. The CIL Compliance Statement should be prepared by the Council. The statement must contain a fully detailed justification for each obligation sought, including monitoring, setting out how it complies with the CIL Regulations, in particular the test of necessity in terms of how it would mitigate a particular harm arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and precisely on what it would be spent.
17. If possible, the planning obligation should be completed before the close of the Inquiry but as this will be subject to discussion in the Inquiry itself this may not be possible. Therefore, if necessary, a short period of time will be facilitated after the close of the oral aspects of the Inquiry to enable the completed obligation to be submitted to PINS. Thereafter, the Inquiry will be closed in writing.

Conditions

18. An agreed schedule of suggested planning conditions and the reasons for them must also be submitted at the same time as the proofs (31 January 2023). The Council is to submit an agreed/disagreed schedule and the reasons for the conditions, including references to any policy support.
19. Careful attention will need to be paid to the wording of the suggested conditions and they will need to be properly justified having regard to

be handed up to the Inquiry with the Inspector's permission. If accepted, in addition to any hard copies, the case should be forward to the PINS case officer for forwarding to the Inspector. The Council will provide administrative support to ensure that such documents are speedily placed on the Inquiry webpages from where they will be available to all parties.

Environmental Statement (ES)

27. The submitted ES has been considered by the PINS Environmental Services Team whose role is to undertake an adequacy check of the ES against the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A Regulation 25 request has been made by PINS for further information.
28. The Regulation 25 request requires the submission of a statement providing commentary on the biodiversity future baseline scenario and confirming that the current baseline data remains representative based on walkover survey data. In addition, a statement providing commentary on the likely future baseline scenario for noise has been requested confirming why the current baseline data remains representative or the provision of updated survey data. A revised non-technical summary is also requested.
29. Although not mentioned in the letter from the PINS Environmental Services Team, the Appellant indicated that a review of the submitted ES will be undertaken to give consideration of the impact of the proposed development on allocated development within the Wyre Forest District Local Plan.
30. The Appellant indicated that notification was shortly to be given to PINS (probably 10 February 2023) of the intended submission date of the Regulation 25 and other information. Public notification of the submission of this information was proposed and it was anticipated that this would be undertaken well in advance of the Inquiry opening.

Inquiry Running Order

31. In general, the Inquiry is expected to finish each day no later than around 17.00 hours and, with the exception of the first day, will resume on subsequent days at 09.30 hours.
32. Following the Inspector's opening comments on the first day of the Inquiry, he will invite opening statements from the parties - the Appellant first, followed by the Council and the Rule 6 Party. This will help everyone to understand the main arguments of respective cases and set the scene.

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in the opening announcements, the Inspector will ask for the names of interested parties who wish to speak and who have not pre -

41. Should the accompanied site visit involve visiting viewpoints that are some distance away from the appeal site, the Council were requested to give consideration to the provision of a mini bus or suitable form of transport so that all parties can travel together.

49. Inquiry notifications should normally be issued a minimum of 2 weeks in advance of opening. However, as much notice as possible should be given to allow interested parties time to consider whether they wish to participate.
 - e. The Council must send a copy of

