

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 aggregate. 5.1 (i) 0.7 (n) 0.7 (i) 6.2 (j) 6.1 (e(s)) 4.4 (r) 13.7 (d) 0.7 (wa) 2.9 (t) 6.2 (ip) 0.7

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.
2. The Appeal is in respect to the refusal by Worcestershire County Council to grant planning permission for a proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement at Lea Castle Farm. A total of 3 million saleable tonnes (comprising c.1.57 million tonnes of sand and gravel and c.1.43 million tonnes of solid sand) will be extracted over the course of approximately 10 years. To aid the restoration process c. 60,000 m³ of inert material is to be imported onto site per annum, c.600,000 m³ in total, to help create restoration formation levels onto which the original site soil profile will be placed.
3. 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. In view of this I have considered both schemes in my evidence.
4. In my evidence, I have covered planning policy relating to minerals, whether or not the development constitutes appropriate development in the Green Belt, mineral and waste need, the effects of the proposed development on public rights of way and access, consideration of issues raised by Rule 6 Party and other interested parties, the very special circumstances (VSC) relating to the Green Belt and the planning balance.
5. The analysis of planning policy has been set out in several documents, notably the Planning Statement, the Environment Statement (e)5.1 (p)1 (l)2 (a)2 (n(l)O2 (o) (e)5 (r)-4g003 Tw 0.2)5

would be impacts, however, 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 a result of the proposal as it is now.

8. 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 Planning Practice Guidance Note Paragraph 002 Reference ID:65-002-20190722) which help compensate for the loss of nearby Green Belt to housing development.
9. 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.

10. 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 on openness and no conflict with the purposes of including land within the designation.
11. Furthermore, the Appeal Scheme does not significantly affect the purposes of the Green Belt. 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.
12. A number of environmental matters have been raised by members of the planning committee in the reasons for refusal, in the Council's Statement of Case and by the Rule 6 party. These have been fully addressed in the ES and the Officer's report. The specialist evidence provided in this appeal also makes clear that there are no adverse effects in terms of noise, dust, landscape and visual and highways which would not be appropriately controlled and mitigated.
13. In terms of heritage matters within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.
14. Overall therefore, whilst the proposals would result in some harm, I consider the harm to be minor and so

proposals that accord with an up-to-date development plan should be approved without delay.

16. Whilst I have concluded that the Appeal Scheme is appropriate development in the Green Belt, if the Inspector comes to any different conclusion on this point, it is clear to me that there are a number of substantial benefits that the scheme offers that can be considered to be VSC. These very same benefits also weigh in favour of the Appeal Scheme when considering the planning balance.
17. 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.
18. 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.
19. 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 Waste Core Strategy. 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. 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.
20. I have 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. The Biodiversity Metric, which has been agreed with the Council, is

