

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 Limited

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.

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

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

February2023

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

- x NRS Aggregates Limited (“the Appellant”); and
- x Worcestershire County Council (“the Council”).

1.2 This SoCG has been jointly prepared by the Appellant and Council, and sets out the factual background to the Appeal and those matters on which the parties agree. It also sets out the residual matters upon which the parties are not agreed.

1.3 This SoCG has been updated since the original signed submission of 24th January 2023; accounting for the additional submissions raised by the Appellant with regard to ecology, noise and cumulative impact as requested by the Environmental Services Department of the Planning Inspectorate under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

- x 2 cylinders for a silt management/water cleansing system; and
- x Staff and visitor car parking.

2.7 The footprint of the operational processing plant site area would measure approximately 3.8 hectares and would be located about 7 metres below existing ground levels (plant site

- o Phase 2 Working & Restoration KD.LCF.005;
- o Phase 3 Working & Restoration KD.LCF.006;
- o Phase 4 Working & Restoration KD.LCF.007;
- o Phase 5 Working & Restoration KD.LCF.008;
- o Concept Restoration KD.LCF.010; and,
- o Restoration Sections KD.LCF.028.

x Non - Technical Summary. (CD1.33)

2.13 A Regulation 25 Request was made in June 2020 and additional information and clarification was provided on the following elements of the scheme (CD3.02 ~~3.2~~ 3):

- x Water Environment;
- x Biodiversity: Designated Sites;
- x Biodiversity: Ancient Woodland, and Ancient and Veteran Trees;
- x Biodiversity: Protected Species;
- x Biodiversity: Restoration Scheme;
- x Landscape;
- x Best and Most Versatile Land and Soils;
- x Aftercare;
- x Materials for Restoration;
- x Historic Environment;
- x Highways;
- x Public Rights of Way;
- x Site Security; and,

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.

- 2.19 2,030 letters of representation were received during the application period, some of which are from the same respondents, and includes comments from a local residents' action group (Stop The Quarry Action Group), Wyre Forest Friends of the Earth, Kidderminster Civic Society and Civic Voice, Hagley Parish Council, Hurcott Village Management Ltd, Nightingales Residential

4. ~~Re~~ ~~s~~ ~~6~~

- 4.1 With regard to the Appeal Proposal, the decision notice issued by Worcestershire County Council on 27th May 2022 (CD10.02

- o Policy WCS 14: Amenity; and
 - o Policy WCS 15: Social and economic benefits.
- x Wyre Forest District Local Plan 2016 – 2036 (Adopted April 2022):
- o Policy SP.2 - Locating New Development;
 - o Policy SP.6 - Role of the existing villages and rural areas;
 - o Policy SP.7 - Strategic Green Belt Review;
 - o Policy SP.16 -

- o Policy DM.26 - Landscaping and Boundary Treatment;
- o Policy DM.28 - Wyre Forest Waterways; and
- o Policy DM.32 - Agricultural Land Quality.

Other Material Considerations

- 5.7 Worcestershire Local Aggregates Assessment Data covering the period up to 31/12/2021 (January 2023) (CD11.06)
- 5.8 National Planning Policy Framework (NPPF)
- x The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, and is a material consideration in the determination of this Appeal. Of particular relevance to this Appeal are the following Sections of the NPPF:
 - o Achieving sustainable development;
 - o Building a strong, competitive economy;
 - o Promoting sustainable transport;
 - o Protecting Green Belt land;
 - o Conserving and Enhancing the Natural Environment; and
 - o Facilitating the sustainable use of minerals.
- 5.9 National Planning Policy for Waste (NPPW) (2014).
- 5.10 National Planning Practice Guidance (PPG).
- 5.11 Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Minerals Dust. Impacts for Planning' (2016).
- 5.12 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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7. ~~Map~~ ~~Map~~

7.1 The following matters are agreed between the parties:

Need and Landbank

7.2 It is agreed that Worcestershire currently does not hold a sufficient landbank of minimum seven years as required by paragraph 213 of the NPPF (CD 11.01). At the time of preparation of the Committee Report, the planning officer consulted the LAA published in June 2020, covering up to the period of 31st December 2017. The Planning Officer then used annual sales figures to estimate what the landbank would be at the end of December 2020, achieving a figure of 3.06 years.

7.3 The Local Aggregate Assessment (LAA) (published January 2023) covers the period up to 31 December 2021. The annual production guideline for sand gravel identified by the LAA (January 2023) is calculated as 0.827 million tonnes. Based on this production guideline and the stock of permitted reserves of approximately 3.42 million tonnes of sand and gravel, Worcestershire had a landbank of approximately 4.14 years on 31 December 2021.

7.4 Since 31 December 2021, the MPA granted planning permission the following sites:

- x Western portion of the former) Sandy Lane Quarry, Wildmoor -

landbank of permitted reserves on 31 December 2022 would be approximately 4.75 million tonnes of sand and gravel, equating to about 5.74 years.

- 7.6 It is agreed that the Appeal site would contribute to a "balanced geographical spread of mineral reserves and provide an (t)-5.9 (i)-3.Paginati(e)7.8 (io)-9.6 (f)60.7 (ean)2.3 (in)232 (e) Al s

regard to noise impacts, were satisfied that the Noise report confirms conditions to be within national guidance relating to noise and that the measured noise levels calculated were robust in isolation. Worcestershire Regulatory Services are satisfied that there are no adverse noise impacts associated with the proposed workings in isolation.

Landscape and Visual

- 7.13 It is agreed that a Landscape and Visual Impact Assessment (**CD1.04**) was submitted as part of the planning application. The County Landscape Officer has no objections to the proposal, subject to appropriate conditions requiring the implementation of a CEMP and LEMP, with a long-term aftercare period to cover a period of at least 10 years. Hereford & Worcester Gardens Trust also hold no objection to the proposed development; and the Head of Planning and Transport Planning concurred, on balance, with the findings of the LVIA.

Soils and Agricultural Land

- 7.14 It is agreed that an Agricultural Land Classification and Soil Resource Report (**CD1.10**) was submitted in support of the planning application, Natural England were consulted and raised no objection to the proposal in this regard. Furthermore, the Head of Planning and Transport Planning considers that subject to appropriate conditions being imposed relating to soil handling and placement, and 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.

- 7.15 As such, save for conditions, the parties agree that this is not a matter in dispute betw0.9 89 (o)-9.6 (n22.

Water Environment

7.18 Natural England have no objection to the proposal subject to the imposition of conditions regarding groundwater monitoring scheme and maintenance of the proposed soakaways in perpetuity. The North Worcestershire Water Management also raise no objection to the proposal subject to the imposition of conditions requiring a detailed surface water drainage scheme and associated maintenance scheme. The Environment Agency recommend the imposition of a condition requiring groundwater, surface water and quality monitoring scheme. Severn Trent Water Limited have no objection subject to condition requiring groundwater monitoring as requested by the Environment Agency.

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mineral extraction within 'Strategic Corridors'; and Policy MLP 3 concerning the strategic location of development within 'Areas of Search', for both of which Lea Castle Farm is sited.

Cumulative Impacts

7.23 It is agreed that Cumulative Impacts have been considered as part of the planning application
2) within the Environmental State (ta2d(l)2.7P53 (u)2.2)(la(f)-1E(u)1.9 (d). (f)2f)11.1 90.007 Tc 0.007(S) 1120

8. ~~Matters in dispute~~ ~~and by~~

8.1 With reference to reason for refusal 2: Green Belt, the parties disagree on the following matters:

- o The spatial and visual impact of the development on the openness of the Green Belt.
- o The cumulative impact of the development in conjunction with adjacent development at Le-7.7 (r18si8 (e)4ua2 (r)23e)-3 (-7.F08d2f (e)-6 (lag.6 (er)F08d2f (e)4ua2 (r)23e s1.4 (o))F08d29.7 mr18si8li boTr16 (erV16 ()11J-0.001 Tc 0.001 3w 2.265 0 Td[s]-9.6 (c)n.13 (r)}2.9 (Lh02 (p)e.9 (e))5.2

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- o Having regard to the additional technical evidence prepared by the Appellant under the Regulation 25 request of January 2023, the Council conclude that the Appellant has provided sufficient information to determine that the proposal, in combination with other development, would not provide cause harm with regard to noise or dust impacts to residential dwellings or Heathfield Knoll School and First Steps Nursery, subject to the implementation of proposed mitigation measures. The Council will therefore now not be defending reason for refusal 3 (**“Unacceptable impact on residential amenity and local schools”**) within the appeal.

10. ~~Part~~

- 10.1 The parties agree that should the appeal be allowed, and planning permission be granted the conditions referenced in the Committee Report (**CD10.01**) should be imposed subject to minor amendments and an amendment to the restoration scheme condition (referenced as condition 62 in the Committee Report), and an additional condition seeking to protect the TPO trees T9 and T10 in the western area of the site (see separate Schedule of Conditions):

Signature	Signature
Organisation	

