

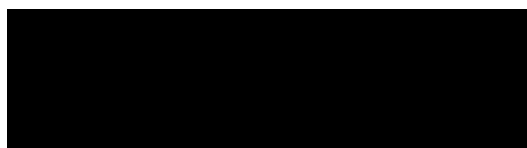


PLANNING APPEAL REF: APP/E1855/W/22/3310099

**LEA CASTLE FARM, WOLVERLEY ROAD, BROADWATERS, KIDDERMINSTER,
WORCESTERSHIRE**

**RESPONSE TO THE REQUEST FOR ADDITIONAL INFORMATION MADE UNDER
REGULATION 25 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS TO PROVIDE FURTHER INFORMATION**

FEBRUARY 2023



1 Background and Purpose of the Report

- 1.1.1 On 31st October 2022, Heatons submitted a Planning Appeal (Ref: APP/E1855/W/22/3310099) on behalf of NRS Aggregates Ltd (the Appellant) relating to the refusal of Worcestershire County Council (WCC) of Planning Application reference 19/000053/CM 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, on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire. The Appeal commenced on 07th November 2022.
- 1.1.2 On 13th January 2023, the Environmental Services Department of the Planning Inspectorate requested further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. According to the request, the appellant is required to supply the following further information:
- A statement providing commentary on the biodiversity future baseline scenario and confirming that the current baseline data remains representative based on walkover survey data **Reason:** The latest bio

2 Ecology

2.1 Additional Information Request

A statement providing commentary on the biodiversity future baseline scenario and

unrepresentative of the current baseline and the assessment also lacks consideration of the future baseline position

3.2 Response

- 3.2.1 In terms of Noise, WBM have a Technical Note in response to the Regulation 25 request and is attached at **Appendix B**.
- 3.2.2 The Technical Note provides commentary on the likely future baseline scenario for noise and confirms that the 2018 background noise levels should indicate a reasonable worst case for the assessment of the quarry development.
- 3.2.3 Information is also provided on the validity of the 2018 measured data with regard to road traffic noise and indicates negligible change.
- 3.2.4 Updated noise survey data is also provided, the results of which confirm that the measured background noise levels in 2023 are similar to or higher than the 2018 results at all locations. The suggested noise limits set out in the noise assessment for Lea Castle

4.1.4 Cumulative Impact was not set out by members of the Planning and Regulatory Committee as a reason for refusal.

4.1.5 The approach to assessing cumulative impact has followed the advice of Mr Justice Burton (in the Long Moor case - *The Queen (on the application of Leicestershire County Council) v. the Secretary of State for Communities and Local Government and UK Coal Mining Ltd (2007)* EWHC A6.5 ()8 Tw 1.241 (t a)-7jE5.1 (l Td1) Is (d)-5.8T109 bytnetf0de.1 -3.4 ()Tff

cumulative reason to object to the proposal. In reaching this view particular regard has been given to the temporary nature of the development and the short, medium and long term benefits that would arise.

5 Non-Technical Summary

5.1.1 A revised Non-Technical Summary is attached at **Appendix D**.

6 Publication of Updated Information

6.1.1 The Further Information contained in this statement and all Appendices will be provided electronically to the Planning Inspectorate, Worcestershire County Council (WCC) and Rule 6 Party.

6.1.2 It has been discussed with WCC, that the information will be made available on the Council's website. Members of the public may inspect electronic copies of the Further Information online on WCC's Planning website: www.worcestershire.gov.uk/eplanning using application reference: 19/000053/CM (when searching by application reference, please ensure that the full application reference number, including the suffix are entered into the search field).

6.1.3 A Press Notice has also been placed in the local newspaper, the Kidderminster Shuttle on 2nd February 2023 notifyTs ad2()TjEMC /H3 -6 (l)-e.9 (p)-0.6 .5 (a)-2 5 (e)0.8 (6.) (t)1.7 (ic)(o)-4 (t)016 0 Td[