

**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**

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1.0 Introduction

1.1 This Statement of Case is prepared on behalf of the local community by the Stop The Quarry Campaign (STQC) against the appeal of the planning application refused by Worcestershire County Council (WCC):

- Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement (Planning Application Reference: 19/000053/CM).

1.2 NRS appealed against the decision to refuse planning permission, Inspector Harrington dismissed the appeal for reasons set out below. NRS sought judicial review of the appeal decision which was upheld, and the appeal decision struck down. The purpose of this statement and supporting documents is to set out the Rule 6 Party's case that the proposal remains unacceptable in both planning terms and by the local communi Td()Teb (N(T4h- (e)9pl)5.1 (a).1 .9 (r)- ca)-3001 Tc 0.001 rst-6.1 (i)289 4 (t)2.6jo N3/6/e 6 P Td()-0.9 (e)3 (w)3.2 (

2.0 **Stop The Quarry Campaign (STQC)**

2.1 STQC was formed with the following aims;

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3.0 Planning History

3.1 Historically, the site formed a part of the 1980s freecastlehidecas dhiit 8-4.1 (r)-1.4 (o)-4.2u6h

4.0 Appeal Site and Surrounding Context

- 4.1 STQC will describe the appeal site and surroundings in respect of its local context and importance, sitting in historic grounds, lying between the two settlements and housing estate that makes up the parish, adjacent to a conservation area and other heritage assets and tourist attraction and providing valuable open space and recreation value. The site contains a number of trees benefiting from Tree Protection Orders due to their value.
- 4.2 The site is opposite Lea Castle Village Strategic Allocation where the vision is to create a new sustainable village of around 1,400 new dwellings to generate a new village centre with its own local shop, primary school and perhaps a GP surgery in order for the development to provide for the needs of the new community and minimise impact on nearby social infrastructure. Housing will be provided to cater for all sections of the community with a mix of dwelling types, sizes and tenures. It is envisaged that Lea Castle Village will also provide land for employment uses as well as new and upgraded sports pitches. All of this will be provided in an extensive woodland/landscape setting.

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7.0 First Appeal Decision

7.1 Inspector Normington dismissed the original appeal on the grounds that,

“the appeal site plays an extremely important Green Belt role. In this inappropriate development scenario, I consider that the other considerations comprising the benefits of the proposed sand and gravel extraction, and the other material planning benefits that I have identified above, would not outweigh the harm to the openness of the Green Belt that I have found in this case.”

7.2 The decision was overturned as it was found Inspector Normington had erred in considering there was a legal duty to provide Biodiversity Net Gain (BNG) and reduced the weight he applied to the benefits of BNG provided by the proposed restoration. He then

8 STQC Case Against Proposal

Plan-led Process

8.1 The planning system in England is “plan-led”. This means what can be built and where is set out in plans including;

- Local plans are prepared by LPAs. They set out their vision and framework for the future development of and land use in their area. A local plan identifies what development is needed, where it should go, and what land is protected.

8.2 STQC will set out the current policy position in respect of

- The Worcestershire Minerals Local Plan 2018 – 2036 (MLP) (adopted July 2022)¹¹;

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- The erection, maintenance and dismantling of the bunds has an impact on openness, in addition to their ongoing presence in the landform, for shorter or longer periods.
- The restoration of each phase will likely take some time to achieve a restored visual appearance

- 8.9 The appeal site is entirely open countryside with an extremely high biodiversity quotient. Any BNG to which weight is attached to in a decision must be secured by legal agreement to provide the levels of benefit claimed. STQC are sceptical that the current site can provide the levels of claimed BNG claimed.
- 8.10 If Inspector Normington's decision is to be reversed in that significantly greater weight is to be given to the proposed BNG provision to outweigh harm to the Green Belt and other harm then these benefits must be secured through a Section 106 Agreement.

Other Harm

- 8.11 In undertaking the balancing exercise for inappropriate development in the Green Belt other harm must be taken into consideration. STQC identified a number of matters where it considered harm to arise. At

there are no substantive and compelling grounds for me to conclude that the proposal would be demonstrably detrimental to the interests of horse riders of an extent that would contribute to a sustainable reason to dismiss the appeal.

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.

I consider that for the duration of the operation the proposed development would have an adverse effect on the PRow network but this would be of minor significance and would not constitute a reason to dismiss this appeal on those grounds.

STQC argued that there was significant harm to PRow on these grounds. STQC also argued that the Appellant had misunderstood, misquoted or sought to rely on expert witnesses incorrectly. There was significant debate on this point and STQC has engaged further with some of this witnesses, particularly with regard to Bridleways. STQC will demonstrate significant harm to public access to the sC 6.1 (u)-6.1 24 (o)-473.4 (o)-4

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being replaced with only circa 1M tonnes can only mean that the landscape is changed, to the detriment of the area, permanently, with a resulting basin rather than rolling hillside. STQC believes that there is limited chance of full restoration being achieved and that the overall landscape if it were, is unacceptable to the local area. This make the development clearly harmful.

Local Economy

- 8.22 The inquiry heard evidence from local business people and the headmaster of Heathfield Knoll private school on the effects of the quarry on local business. In respect of the school, Inspector Normington recognises the relevance of perception of harm however, dismisses the idea that the proposal as a detractor would result in the loss of income to the school with the risk to

8.30 STQC do not consider it to be appropriate to compare the visual impact of the bunds to terraced house in this Green Belt, open countryside location.

8.31 While paragraph 217 (e) of NPPF requires res beaph .6 (he).1 (o)1.9 (n.)4(r)hfrerern1.6 (ua)2.-1.6 (r)4.6(r)hbtun

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."*.

8.37 STQC agrees with the reasons for refusal and sets out the arguments for this below. For the Inquiry we will deliver proofs of these points and in some cases expert witnesses to these proofs. STQC nor local residents have been given any justification for the Council's withdrawal of reasons for refusal.

8.38 STQC believe that the expert reports and technical work carried out for this planning application were generally flawed, a light touch and biased. Further, STQC believe there was a lack of diligence and short sightedness on behalf of the some of the statutory consultees. STQC believes that 0.005gr2-(t)14.7Tc 0 Twgr.2 u005rme T