

RULE 6 PARTY – STOP THE QUARRY CAMPAIGN
SUBMISSIONS ON THE 2024 SCHEME AMENDMENTS

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

Application reference: 19/000053/CM

Appellant's name: NRS Aggregates Ltd

Appeal reference: APP/E1855/W/22/331009

Introduction

1. The Rule 6 (R6) Main Party objects to the appeal being considered on the basis of a significantly and fundamentally changed scheme. The objection is based firstly on the inadequate consultation carried out with the public, including those who objected to the original application and to the subsequent appeal, and secondly on the proposed amendments, which involve a substantial difference and a fundamental change to the application.

The legal test

2. The Wedgwood Principle, established in *Wedgwood v. Epsom & Ewell Urban District Council*, states that a permissible change to a planning application is one that does not make the application "substantially different" from the original application. For all appeals, in the interests of fairness and ensuring that decisions are made locally where possible, it is important that what is considered by the Secretary of State is essentially what was considered by the local planning authority. The appeal process should not be a means to progress alternatives to a scheme that has been refused or a chance to amend a scheme so as to overcome the reasons for refusal. In the first instance materially changed schemes should be resubmitted to local planning authority.

5. WCC's SCI requires that any material changes to the submitted application may result in a re-notification or re-advertisement of the application. This will include notifying all those members of the public who sent in representations on the original proposals.

The Rule 6 Party's Position

6. We do not consider that the planning application subject to this appeal should be Wheatcroft / Holborn Studios amended. Wheatcroft / Holborn Studios' line of authority does not give an opportunity to progress a different scheme to that which was before the LPA for determination - there are some changes to this scheme, including relating to plant and machinery, which change how the Site should be worked. The appeal system should not be an opportunity to evolve a scheme - still less is it an opportunity to evolve a scheme from the application stage to seek to make changes to respond to a previous Inspector's decision, which found the scheme proposed to be unacceptable.
7. The R6 party now understand that the proposed changes relate to the plant that will be used and, therefore, the bunding and the pattern of working the site. There is no justification for how or why that plant is now proposed when it could have been proposed as part of the earlier scheme.
8. To the extent that the Rule 6 Party have been able to grapple with the changes, its position is that the proposed changes do not change the overall unacceptable effects, including those related to noise, dust, landscaping, impacts on PROW users, etc. Those were issues that concerned local people last time around and upon which detailed evidence was called at the inquiry. Moreover, no justification has been put forward to explain how or why

