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- a. My name is Bill Houle  
I am a Fellow of the Royal Institution of Chartered Surveyors
  
  - b. I have practiced in the West Midlands throughout my working life both as a property consultant and property developer. I work closely with my planning teams and have given evidence to planning enquiries. I have a full understanding of the various consultants' roles and the nature of the evidence they provide

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- a. This document and appendices sets out further representations (including any statement of case and copies of any documents) covering any material change in circumstances since the first appeal.
  - b. We are undertaking this re-inquiry due to a technical legal challenge by the appellant in respect of biodiversity. The appellants application suggested 40% improvement in biodiversity following a 10 year extraction, back filling and restoration. Its difficult for a lay person to understand what 40% improvement in diversity on open fields and hedgerows in an area bordered by woodland might comprise but this proof of evidence establishes that the period of hiatus which would result from extraction is very much longer than the appellants consultants state. The appellants must be fully aware of this but have provided reports that are incomplete and inaccurate disguising the true position.

### 3.0

1. Inert fill and first enquiry inspectors conclusion - estimated true length of time to complete quarry 20 years+
2. Update on impact of cancellation of HS2 link - lower demand for sand and reduced need for inert fill capacity
3. Update on build at Lea Castle Village - less local need for sand greater impact on vehicle movements. Update on planning progress
4. Update on direction of travel of HGV's as evidenced at Inquiry1 and subsequent statement by NRS on supply of landfill 60% vehicle movement North does not equate to import of inert fill from the South
5. Update on Worcestershire CC (lack of) progress on mineral site allocation
6. Update on Lea Lane closure - lack of progress with landowner

### 4.0

The inspector's decision included statement in para 199 " ..it is not possible for me to conclude with any degree of certainty whether or not there is a realistic possibility of the required 60,000m<sup>3</sup> of inert fill per annum being sustained to ensure the deliverability of the phased working and restoration within 11 years of the commencement of the development. "

This followed submission by the appellant in ID43 on inert fill capacity that was subsequently "debunked" by WCC in their response ID50. The Rule 6 Group further pointed out that one of the then recent planning consents for further inert fill capacity was granted to NRS. This fact omitted from the "agreed facts" prior to inquiry has significant impact on the deliverability of the development and on the appellants transport report. NRS Bromsgrove Aggregates Ltd has applied for a permit to tip inert fill at Sandy Lane Quarry, Wildmoor nr Junction 4 M5 in

Worcestershire. The capacity is 975,000 cu m and the planning period of the consent is 6 years. NRS has implemented the planning consent by commencing works and more recently putting in 3 boreholes for water testing in advance of infilling. This implementation and licence progression shows demonstrable insincerity in its statement that it proposes to transfer inert fill from its Meriden site in doc ID43

WCC produces a regular Worcestershire Authority Monitoring Report (attached). The most recent (2021) confirms there is no inert fill capacity gap.

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*Indicator W23b. Maintain equivalent self-sufficiency in disposal and landfill capacity for inert waste*

*Target:*

*No capacity gap for disposal and landfill*

*2021 Performance:*

*No capacity gap for disposal and landfill*

*Trend:*

*2020: No capacity gap for disposal and landfill*

*2019: No capacity gap for disposal and landfill*

*Explanation:*

*The amount of inert waste landfilled in Worcestershire was 123,218 tonnes in 2021, leading to a cumulative 1,188,940 tonnes of inert waste landfilled in the county since 2009. This is 37% above the cumulative projection of 869,385 tonnes made in the Waste Core Strategy. As of 2021, there were 875,214 cubic metres of available void space across the county, whereas the WCS anticipated a void space of 2,079,615 cubic metres. This means that there is significantly less inert landfill capacity remaining at this stage in the Waste Core Strategy's plan period than was projected, combined with significantly higher volumes of inert waste being landfilled. Whilst there is not currently a capacity gap for disposal and landfill of inert waste, the combination of the higher than predicted landfill rate and lower than predicted void space means that inert landfill capacity should be kept under review and may need to be considered through review and revision of the Waste Core Strategy.*

*Further information:*

The new Minerals plan policy MLP 26 anticipates material shortages:

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*6.14 Physical and policy constraints on importing fill materials for restoration purposes, and a potential lack of suitable materials are likely to be significant factors in how sites are designed and worked in Worcestershire. The availability of fill materials may also differ across the county, depending on the scale and type of development taking place nearby. This is likely to mean that many sites will need to be worked in a different way than in the past to minimise the need to bring in materials for backfilling, particularly in relation to working solid sand and brick clay, which has historically resulted in deep, steep-sided pits which were then restored by landfilling.*

There are numerous requirements in para 6.18 and beyond which the appellant has failed to address or has provided incomplete responses

5.1 Subsequent to the planning Inquiry HMG announced the cancellation of HS2 extension from Birmingham to Manchester. Major works on the London to Birmingham route are now substantially advanced. The appellants evidence on demand includes comment on the needs for materials for HS2 and the Capacity guidance from EA also mentions HS2 in setting enhanced requirement for supply of materials.

6.1 Latest comment from Wyre Forest DC on progress of current planning application is attached. The first phase of 600 homes is well advanced. The area that needs to be cleared has already been – they are now just building on green field with the next phase developing down a gentle slope to the Wolverhampton Road just a few metres from the proposed quarry. The next phase of 800 homes (22/0404/OUT) is due before planning committee this Winter (2024). On speed of delivery and strong local housing need it is unlikely that material from the Lea Castle Farm would become available to contribute to this local scheme

7.1 . The Hurlestone transport report for the appellant clause 5.18  
) The applicant states 60% of the traffic from the site will travel North once it reaches the A449 Wolverhampton Road. This was confirmed in evidence at the Inquiry in advance of the appellants submission on inert fill ID43. ID 43 states that all 60,000 cu m per annum inert fill will be sourced from Meriden located East of Kidderminster close to Coventry. The route from Meriden to the subject site would lead past Sandy Lane Quarry at J4 M5 accessing from the South. Since the traffic movement calculations assume 154 HGV movements per day over 10 years relate to the same vehicles that distribute sand returning to the site carrying inert fill, the assertion by NRS of inert fill vehicle movements disproves and makes worthless ALL the traffic calculations included in its Transport report

8.1 The Rule 6 Group has sought updated information from WCC in respect of the ongoing delays on site allocation. We believe that site allocation is a matter for the County Council through democratic process. We've seen changes in the adopted Minerals Plan. Under the old plan, the application should have failed on a "primary constraint" ie the grounds of location close to homes and schools. Under the new plan, the parameters of site allocation are yet to be fixed. However, the Council has commissioned and published a Sustainability Assessment that sets out parameters for site selection. This includes negative inferences in relation to housing and schools and demonstrates the unsuitability of the re-inquiry site for development as a Quarry. The document is included within inquiry items

9.1 A recent statement by WCC to Cookley & Caunsall Parish Council is attached. The note from Councillor Ian Hardiman states:

***Lea Lane landslip***

*I, together with Cllr Marcus Hart met with the County Council's Director for Highways and two Solicitors of the Council to press for definitive action on this issue where the roadway has been closed for almost 5 years.*

*I am now able to confirm that the County Council are committed to restoring Lea Lane to full vehicular access and an order to achieve this will pursue positively the gaining of access to the strip of land between the highway and the canal and if necessary will use Compulsory Purchase Powers to achieve this.*

The above statement has been updated in the copy appendix below. The closure of Lea Lane has caused serious highways issues in removing a direct road link from Cookley to Wolverley avoiding congestion on Wolverley Lane and Wolverhampton Road. The uncooperative landowners who are refusing access onto unused land adjoining the road are the Strong family. Strong Farm (LS) Ltd are the absentee offshore Lea Castle Farm landowners (based in the Channel Islands) who have ultimate responsibility for reinstatement of the application site should the appellants undertake the develop and not to reinstate. Since the appellants have set up multiple SPV's related to the Kidderminster area and have so far refused to consider entering into a section 106 agreement on reinstatement, it is generally assumed that reinstatement will be difficult to enforce. Meanwhile, the ongoing closure affects vehicle counts on surrounding roads

There is no doubt that in respect of the issue of inert fill overcapacity alone, the estimated true length of time to complete quarry 20 years+

There is a significant impact of cancellation of HS2 linked to lower demand for sand and reduced need for inert fill capacity

Progress at Lea Castle Village continues leading to less local need for sand greater impact on vehicle movements.

This report has reconsidered the direction of travel of HGV's as evidenced at Inquiry 1 and the subsequent statement by NRS on supply of landfill from their facility at Meriden.

60% vehicle movement North does not equate to import of inert fill from the South. This throws doubt on the transport report including impact on the Kidderminster AQMA and

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9 List of referred documents

Worcestershire Authority Minerals and Waste Monitoring Report 2021 (inert fill capacity pg 65)

Lea Lane Closure update Sept24

