Town and Country Planning Act 1990

Section 78 Appeal

Ref: APP / E1885 / W / 22 / 3310099

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

Appeal by NRS Aggregates Limited against the refusal of planning permission by Worcestershire County Council

Proof of Evidence of Rachel Canham with regard to Noise

Rebuttal to Rule 6 (Stop the Quarry Campaign) Proof

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Revision	Rebuttal
WBM Ref	5342

Contents

Policy SP.16 - Health and Wellbeing

Development should help minimise negative health impacts and maximise opportunities to ensure that people in Wyre Forest District lead healthy, active lifestyles and experience a high quality of life.

3.43 The development does not help minimise negative health impacts and maximise opportunities to ensure that people in Wyre Forest District lead healthy, active lifestyles and experience a high quality of life. Inspector Normington only found development would not likely result in any significant adverse noise impacts for those residing or visiting the site area.

3.44 Inspector Normington also found in the absence of any compelling technical evidence to the contrary, the appeal proposals would not result in unacceptable levels of dust on the amenity of nearby existing or proposed sensitive land uses.

3.45 Inspector Normington found dust suppression measures would serve to minimise the risk of any RCS emissions from the site. He found no compelling evidence that clearly demonstrates that the proposed development would pose a potential significant risk to the local population due to RCS.

3.46 Inspector Normington found concluded that the proposal would be unlikely to have a significant adverse effect on public health with reference to air quality.

3.47 Overall, Inspector Normington was satisfied that, subject to appropriate planning conditions setting out mitigation and compliance measures, the proposed development would not, by reason of noise, dust or poor air quality, have a significant adverse effect on the amenity of the area or the living conditions and health of those living nearby or using recreational features.

3.48 With respect, absence of significant adverse harm is not the policy test nor is it any comfort to local people. The policy test is to minimise negative health impacts and maximise opportunities for healthy, active lifestyles and experience a high quality of life.

2.2

2.3 As noted in the NPSE, where the impact lies somewhere between the lowest observed adverse effect level and the significant observed adverse effect level, the second aim of the NPSE requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life. However, as stated in paragraph 2.24 of the Explanatory Note to the NPSE "*This does not mean that such adverse effects cannot occur*".

2.4 The Planning Practice Guidance for Minerals provides guidelines for the determination of noise limits for mineral sites. Adherence to these noise limits is considered to be appropriate to avoid significant adverse impact.

2.5 The site noise calculations relating to operations from the proposed quarry are all at or below the suggested site noise limits presented by WBM in the noise assessment. Note that the limits are 'suggested' (based on the advice within Planning Practice Minerals) as it would be for the relevant planning authority to set actual noise limits.

2.6 Note also that the calculations are 'worst case' as they assume simultaneous operation of all plant items at the nearest point to the receptors. This is considered a 'worst case' in order to determine compliance with the suggested site noise limits in those circumstances, but such a scenario is unlikely to occur in practice.

3 STQC Chapter 2 (Concept Restoration)

Paragraph 4.10

3.1 Paragraph 4.10 of Chapter 2 of the STQC proof refers to the use of proposed scheme, and states:

> *4.10 NRS promote the operation as a phased restoration implying that the local communities will still be able to access the land whilst the quarrying is in operation. In reality, who will use the site when you have a massive quarrying operation in progress, the noise, dust, vehicle movements, conveyors and processing plant. Surrounded by mountainous bunds of spoil.*

3.2 Various Public Rights of Way (PROW) are across the site whilst the site is worked as a quarry, some of the PROWs are temporarily diverted away from active areas of extraction or infilling operations.

3.3 There are no planning guidance limits for Public Rights of Way (PROW). With regard to the noise levels affecting the various PROW in the locality of the proposed quarry, noise along PROW is not covered by the noise guidance set out in the PPGM. There is little guidance on threshold or relative noise levels that are appropriate for these types of receptors. The users of PROWs are considered to be transitory.

3.4 As the quarry site is worked over the different phases, the majority of PROW are either located behind bunds (and therefore acoustically screened from site operations) or located at a reasonable distance from active workings.

3.5 The highest site noise levels experienced by users of the PROWs would be experienced only for a short period of time when the person is at the closest possible approach to the site operations. As the person travels along the PROW, the site noise level should reduce as the distance from the site operations increases. 432TJ338( )-]TJETQ 0CID 0/Lang (en-GB)>BDC q0.00

Paragraphs 5.4-5.5

3.6 Paragraphs 5.4-5.5 Chapter 2 of the STQC proof refer the issues of noise from other uses of another former quarr.96 Tf1 0 0 1 538.3 51.624 Tm0 g0 G[ )]TJETQq0.000008866 0 cBT91.04 Tf1 0

14.

2.10

5.6 The highest site noise levels experienced by users of the PROWs would be experienced only for a short period of time when the person is at the closest possible approach to the site operations. As the person travels along the PROW, the site noise level should reduce as the distance from the site operations increases.

5.7 Once the site has been restored, the original PROWs are to be re-instated and, in some places, upgraded.

5.8 Comments on the responses to horses to noise are addressed in subsequent paragraphs.

Paragraphs 4.3, 4.10

5.9 Paragraphs 4.3, 4.10 of Chapter 4 of the STQC proof refer to the response of horses to noise and state:

> *4.3 The BHS stated in their objected in May 2024 Sudden movement, noise and continuous levels of noise can be a hazard for equestrians as horses are flight animals, therefore these hazards should be located away from the highway to avoid a psychological obstruction.*
>
> *4.10 Horses are prey animals and their usual response to danger is flight. A horse may also spin to identify the direction of the threat. A horse prevented from running by its rider or driver may plunge or spin around in a small area while trying to see the threat. There is a danger to a handler, rider or carriage-driver (equestrian) who may be knocked over or thrown during the spin or bolt, and even if staying with the horse, may not be able to stop before losing contact or encountering another hazard. While in flight mode, a horse is difficult to control and could run into a dangerous situation which it would normally avoid (such as traffic)*
>
> *(Source ttps://www.bhs.org.uk/media/qb4dgvrf/noise-1218.pdf)*

5.10 With regard to the impact of sound on horses, the British Horse Society (BHS) gives some guidance on a horse's response to noise in the document "*Advice on Noise affecting routes used with horses*" (Nov 22). This document is reproduced in Appendix A and includes the following text:

"*Considering how similar a noise may be to a natural predator is a useful guide to whether a horse will be troubled by it. A quiet rustling is likely to have greater impact than a high speed train because the former could easily be associated with a predatory animal moving into position to attack whereas a train is a continuous steady loud noise which is not clearly a predator; it can be heard from far away and the majority of horses these days have been exposed to and accepted commonly occurring mechanical noises from their birth. There are many situations of horses unperturbed by trains or motor traffic, even for the first time, in fields or on bridleways alongside a railway or motorway. Because a human hears a sound, it is often assumed that this is what is troubling a horse, but the horse may have heard that sound long before and already dismissed it as not a threat, but could be reacting to a sound or movement that a human has not seen, possibly even behind it*."

5.11 Note that noise from the quarry will be mechanical in nature.

Paragraph 4.8

5.12 Paragraph 4.8 of Chapter 4 of the STQC proof refers to regarding footpaths and states:

4.8 The proposal to move the footpath makes it less accessible to all to enjoy. The current footpath is long and flat with no inclines so can be utilised by all. It is quiet, peaceful and the surrounding

5.14 There are no planning guidance noise

5.22 The noise from the conveyor would only be experienced at that the crossing point and the conveyor noise level will reduce rapidly as the distance between the conveyor and the rider/horse increases. Within a couple of minutes, it would be expected that the horse and rider would be at least 200 metres from the calculation point and therefore it would be expected that the conveyor noise levels would have reduced by at least 20 dB(A).

5.23 With regard to the impact of sound on horses, the British Horse Society (BHS) gives some guidance on a horse's response to noise in the document "*Advice on Noise affecting routes used with horses*" (Nov 22), including the following:

"*Considering how similar a noise may be to a natural predator is a useful guide to whether a horse will be troubled by it. A quiet rustling is likely to have greater impact than a high speed train because the former could easily be associated with a predatory animal moving into position to attack whereas a train is a continuous steady loud noise which is not clearly a predator; it can be heard from far away and the majority of horses these days have been*

4.2 Impact of Perception in Economic Decision Making

Perception plays a significant role in shaping economic decisions. For example, even if data suggests a development might boost employment, negative perceptions such as fears about environmental harm, noise, or pollution can deter investment, reduce property values, or drive away tourists. In cases of quarrying, the perception of harm to the landscape or quality of life can have an outsized impact on tourism and local businesses, even if actual impacts are less severe than expected.

4.4 Likelihood of Reductions in Tourism and Leisure

Quarries often involve large-scale land disturbance, which can degrade the scenic value of rural areas. Tourists seeking outdoor recreation, eco-tourism, or countryside experiences may be discouraged by the visual impact, noise, and dust from quarry operations. Over time, the presence of a quarry can lead to a reduction in visitors, impacting hospitality businesses, tour operators, and local attractions, all of which rely on maintaining a pristine environment.

9.4

d noise gives rise

to significant negative human factor impact on the local economy. This will have impact not just in perception but in reality as people will use these negative feeling to decide on where they spend their money be it on leisure and tourism or on education of their children. Risk to the existing local economy is in my view high whilst benefit of quarrying is low.

6.2 With regard to noise impacts, the general aim for national planning guidance is to avoid significant adverse impact, and mitigate and minimise adverse impacts (see the NPSE, NPPF and Planning Practice Guidance for Noise). Local planning guidance for minerals (Worcestershire Minerals Local Plan July 2022) also requires sites to not give rise to unacceptable adverse impacts.

6.3 Mitigation measures have been included in the form of bunds to provide acoustic screening from different parts of the site as the scheme progresses.

6.4 The worst case site noise calculations from operations from the proposed quarry are all at or below the suggested site noise limits, in order to avoid significant adverse impact.

Paragraph 4.5

6.5 Paragraph 4.5 of Chapter 5 of the STQC proof raises concerns about the noise impact on the school and state:

> *4.5 Why Parents May Not Want to Send Children to Schools Near Quarries*
>
> *Parents may be hesitant to send their children to schools located near quarries due to concerns about pollution, noise, and safety. Dust and air pollution from quarries can aggravate respiratory conditions, and the noise from blasting can be disruptive to the learning environment. Moreover, the perception of environmental degradation around a school can lead to fears about long-term health effects, making schools near quarries less*
>
> *-being*

6.6 The material is extracted from site using excavators. There will not be any blasting used at this site.

6.76.7 The previous baseline noise surveys at the location used to represent Heathfield Knoll gave the following results:

Date	**Baseline Noise Survey Results dB**	
	Ambient dB $L_{Aeq,T}$	**Background dB $L_{A90,T}$**
June / July 2018	55 (average)	48 (average)
February 2023	57, 60	53, 55
August 2024	56, 57	45, 46

6.8 Based on the background noise levels, the site noise limit foreW**/F5 9.96 Tf1 0 0 1 7noio9.1 18.6 reDT

Appendix A